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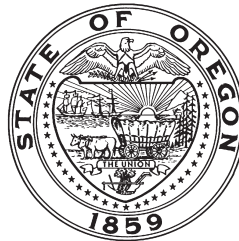
OREGON BULLETIN

Supplements the 2008 *Oregon Administrative Rules Compilation*

Volume 47, No. 10
October 1, 2008

For August 18, 2008–September 15, 2008

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INFORMATION AND PUBLICATION SCHEDULE

General Information

The Administrative Rules Unit, Archives Division, Secretary of State publishes the *Oregon Administrative Rules Compilation* and the *Oregon Bulletin*. The *Oregon Administrative Rules Compilation* is an annual publication containing the complete text of the Oregon Administrative Rules at the time of publication. The *Oregon Bulletin* is a monthly publication which updates rule text found in the annual compilation and provides notice of intended rule action, Executive Orders of the Governor, Opinions of the Attorney General, and orders issued by the Director of the Department of Revenue.

Background on Oregon Administrative Rules

ORS 183.310(9) defines “rule” as “any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency.” Agencies may adopt, amend, repeal or renumber rules, permanently or temporarily (up to 180 days), using the procedures outlined in the *Oregon Attorney General’s Administrative Law Manual*. The Administrative Rules Unit assists agencies with the notification, filing and publication requirements of the administrative rulemaking process. Every administrative rule uses the same numbering sequence of a 3 digit agency chapter number followed by a 3 digit division number and ending with a 4 digit rule number. (000-000-0000)

How to Cite

Citation of the Oregon Administrative Rules is made by chapter and rule number. Example: Oregon Administrative Rules, chapter 164, rule 164-001-0005 (short form: OAR 164-001-0005).

Understanding an Administrative Rule’s “History”

State agencies operate in a dynamic environment of ever-changing laws, public concerns and legislative mandates which necessitate ongoing rulemaking. To track changes to individual rules and organize the rule filing forms for permanent retention, the Administrative Rules Unit has developed for each rule a “history” which is located at the end of the rule text. An administrative rule “history” outlines the statutory authority, statutes implemented and dates of each authorized modification to the rule text. Changes are listed in chronological order and identify in abbreviated form the agency, filing number, year, filing date and effective date. For example: “OSA 4-1993, f. & cert. ef. 11-10-93” documents a rule change made by the Oregon State Archives (OSA). The history notes this was the 4th filing from the Archives in 1993, it was filed on November 10, 1993 and the rule changes became effective on the same date. The most recent change to each rule is listed at the end of the “history.”

Locating the Most Recent Version of an Administrative Rule

The online OAR Compilation is updated on the first of each month to include all rule actions filed with the Secretary of State’s office by the 15th of the previous month, or by the previous workday if the 15th is on a weekend or holiday. The annual printed *Oregon Administrative Rules Compilation* contains the full text of all permanent rules filed through November 15 of the previous year. Subsequent changes to individual rules are listed in the OAR Revision Cumulative Index which is published monthly in the *Oregon Bulletin*. Changes to individual administrative rules are listed in the OAR Revision Cumulative Index by OAR number and include the effective date, the specific rulemaking action and the issue of the *Oregon Bulletin* which contains the full text of the amended rule. The *Oregon Bulletin* publishes the full text of permanent and temporary administrative rules submitted for publication.

Locating Administrative Rules Unit Publications

The *Oregon Administrative Rules Compilation* and the *Oregon Bulletin* are available in electronic and printed formats. Electronic versions are available through the Oregon State Archives Web site at <http://arcweb.sos.state.or.us>. Printed copies of these publications are deposited in Oregon’s Public Documents Depository Libraries listed in OAR 543-070-0000 and may be ordered by contacting: Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, OR 97310, (503) 373-0701, Julie.A.Yamaka@state.or.us

2007–2008 Oregon Bulletin Publication Schedule

The Administrative Rules Unit accepts rulemaking notices and filings Monday through Friday 8:00 a.m. to 5:00 p.m. at the Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310. To expedite the rulemaking process agencies are encouraged file a Notice of Proposed Rulemaking Hearing specifying hearing date, time and location, and submit their filings early in the submission period to meet the following publication deadlines.

Submission Deadline — Publishing Date

December 14, 2007	January 1, 2008
January 15, 2008	February 1, 2008
February 15, 2008	March 1, 2008
March 14, 2008	April 1, 2008
April 15, 2008	May 1, 2008
May 15, 2008	June 1, 2008
June 13, 2008	July 1, 2008
July 15, 2008	August 1, 2008
August 15, 2008	September 1, 2008
September 15, 2008	October 1, 2008
October 15, 2008	November 1, 2008
November 14, 2008	December 1, 2008

Reminder for Agency Rules Coordinators

Each agency that engages in rulemaking must appoint a rules coordinator and file an “Appointment of Agency Rules Coordinator” form, ARC 910-2003, with the Administrative Rules Unit, Archives Division, Secretary of State. Agencies which delegate rulemaking authority to an officer or employee within the agency must also file a “Delegation of Rulemaking Authority” form, ARC 915-2005. It is the agency’s responsibility to monitor the rulemaking authority of selected employees and to keep the appropriate forms updated. The Administrative Rules Unit does not verify agency signatures as part of the rulemaking process. Forms are available from the Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, Oregon 97301, (503) 373-0701, or are downloadable at <http://arcweb.sos.state.or.us/banners/rules.htm>

Publication Authority

The *Oregon Bulletin* is published pursuant to ORS 183.360(3). Copies of the original Administrative Orders may be obtained from the Archives Division, 800 Summer Street, Salem, Oregon, 97310; (503) 373-0701. The Archives Division charges for such copies.

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EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 08-19

INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR SCAPPOOSE RURAL FIRE PROTECTION DISTRICT IN COLUMBIA COUNTY

Pursuant to my authority as Governor of the State of Oregon, I find that:

A firefighter recently died in the line of duty in the Scappoose Rural Fire Protection District (RFPD) in Columbia County.

Due to this death in the line of duty, the resources necessary for protection of life and property in the Scappoose RFPD are beyond local capabilities. The Columbia County Fire Defense Chief requests assistance with life, safety and structural fire protection while the Scappoose RFPD grieves, prepares for and holds the funeral for the fallen firefighter. The State Fire Marshal concurs with this request.

In accordance with ORS 476.520–476.610, I have determined that a threat to life, safety and property exists due to a significant reduction in available fire-fighting resources in the Scappoose RFPD. Accordingly, I have invoked the Emergency Conflagration Act.

These findings were made at approximately noon on August 20, 2008 and I now confirm them with this Executive Order.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to provide for fire service coverage in the Scappoose Rural Fire Protection District.
2. This emergency is declared only for the Scappoose Rural Fire Protection District in Columbia County.
3. This order was made by verbal proclamation at approximately noon on the 20th day of August, 2008.

Done at Salem, Oregon this 20th day of August, 2008.

/s/ Theodore R. Kulongoski

Theodore R. Kulongoski

GOVERNOR

ATTEST

/s/ Jean Straight for

Bill Bradbury

SECRETARY OF STATE

EXECUTIVE ORDER NO. 08-20

GOVERNOR'S EMERGENCY RECOVERY FRAMEWORK

Events of the past decade have proven that successful emergency response and recovery actions are the result of a proactive state posture. While the federal government is an invaluable partner in resolving crises, the State of Oregon bears initial responsibility for saving lives and salvaging property.

Accordingly, this Executive Order establishes a Recovery Framework as the foundation of Oregon recovery actions and provides a flexible instrument for execution of prudent policy. This Recovery Framework outlines a proactive approach that serves people before process.

Existing law, Oregon Revised Statutes Chapter 401, grants the Governor broad authority to protect the public through a declaration of emergency. These powers enable the Governor to respond to all emergencies, including accidental, natural and terrorist incidents. Pursuant to the Recovery Framework outlined in this Executive Order, after each emergency declaration, the Governor may choose to activate recovery functions including the launch of a Recovery Planning Cell and the Governor's Recovery Cabinet. Upon a declaration of emergency, the Governor may designate Economic Recovery Zones and associated Economic Recovery Councils, to focus recovery efforts in areas requiring extraordinary assistance.

The Recovery Framework is a necessary tool to respond to the exigencies of recovery. Reactive strategies are no longer sufficient. Under current protocols, the Federal Emergency Management Agency (FEMA) may not reimburse state and local governments for expenditures for legitimate, tailored recovery actions. The Recovery Framework will enable state agencies to make key investments in our recovery system, execute sound emergency recovery policy and ensure an effective and efficient response and recovery program during every significant emergency.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Governor's Recovery Planning Cell (RPC) is hereby established as an advisory group to direct emergency recovery in Oregon during times of significant crisis. The RPC shall be comprised of emergency recovery advisors, state agency leadership, and others as the situation requires and shall provide overall leadership in coordinating private and governmental sector emergency recovery efforts. The RPC is charged with development and initial execution of a "day after" plan associated with recovery efforts.
2. After a formal declaration of emergency, the Governor will determine whether to activate the RPC based on the nature of the declared emergency. On the Governor's order, the RPC shall be activated.
3. The RPC shall be staffed by and funded through the Office of the Governor and other state agencies to the extent such funds are identified. The RPC shall be directed by the Governor's Emergency Preparedness Advisor (EPA), appointed by the Governor from among the Governor's staff.
4. Once activated, the RPC is recognized by FEMA as a state agency for the duration of the initial phases of the crisis, for purposes of requesting federal reimbursement.
5. The Governor's Recovery Cabinet (GRC) is hereby established to coordinate the next phase of ongoing recovery efforts, after the initial response phase is complete. The GRC shall be comprised of statewide leadership, legislative leadership, federal leadership, local leadership, agency leaders and others, as required by specific circumstances. Shortly following an emergency declaration and the activation of the RPC, the Governor will activate the GRC. The GRC shall exist until the Governor is satisfied the crisis has passed. The Governor's Chief of Staff shall direct the GRC; the EPA shall serve as the deputy director and project manager for GRC actions.
6. The EPA shall develop and revise standard operating procedures for the Governor's Recovery Framework, the Recovery Planning Cell and the Recovery Cabinet on an annual basis. These standard

EXECUTIVE ORDERS

operating procedures will outline the membership of the RPC and the GRC. The EPA will make these standard operating procedures available to senior agency staff, local elected officials and Legislative leadership.

7. Upon a finding that circumstances require extraordinary levels of assistance for emergency recovery, the Governor may establish Economic Recovery Zones within specified, high-impact recovery areas. The Governor will establish a separate Economic Recovery Council for each Economic Recovery Zone, comprised of local government representatives. The Council will develop a tailored, localized recovery plan for its affiliated Economic Recovery Zone.

8. The RPC and GRC shall work closely with the Oregon Military Department, Oregon Emergency Management, Department of Administrative Services (DAS) and all other state agencies to coordinate and facilitate efficient and effective communication with FEMA.

9. Agencies designated by the standard operating procedures as participants in the RPC shall gather periodically at the Governor's request to conduct pre-event emergency planning. Prior to the declaration of an emergency, recovery agencies are encouraged to work with DAS to establish effective measures to limit loss to life and property in the event of an emergency. Proactive emergency recovery planning and pre-planning for response and recovery efforts are legitimate agency expenses and essential agency functions.

10. Approximately six months after an activation of the Governor's Recovery Cabinet, the EPA shall organize and lead a Recovery Conference. At the Recovery Conference, agency directors shall present information about their coordinated emergency recovery efforts to the Governor's Office and the public at large.

11. This Executive Order shall remain in effect until it is otherwise modified, amended or terminated.

Done at Salem, Oregon this 26th day of August, 2008.

/s/ Theodore R. Kulongoski

Theodore R. Kulongoski

GOVERNOR

ATTEST

/s/ Jean Straight for

Bill Bradbury

SECRETARY OF STATE

EXECUTIVE ORDER NO. 08-21

INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE ROYCE BUTTE FIRE IN KLAMATH COUNTY

Pursuant to my authority as Governor of the State of Oregon, I find that: A fire known as the "Royce Butte" fire is burning in Klamath County.

The resources necessary for protection of life and property from the Royce Butte Fire are beyond local capabilities. The Klamath County Fire Defense Chief has requested assistance with life, safety, and structural fire protection. The State Fire Marshal concurs with that request.

In accordance with ORS 476.510-476-610, I have determined that a threat to life, safety, and property exists due to fire known as the Royce Butte Fire in Klamath County and the threat exceeds the fire-fighting capabilities of local firefighting personnel and equipment. Accordingly, I have invoked the Emergency Conflagration Act.

These findings were made at 7:30 a.m. on September 17, 2008 and I now confirm them with this Executive Order.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire.

2. This emergency is declared only for the Royce Butte Fire in Klamath County.

3. This order was made by verbal proclamation at 7:30 a.m. the 17th day of September, 2008 and signed this 17th day of September, 2008, in Salem, Oregon.

/s/ Theodore R. Kulongoski

Theodore R. Kulongoski

GOVERNOR

ATTEST

/s/ Jean Straight for

Bill Bradbury

SECRETARY OF STATE

OTHER NOTICES

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DECISION FOR KLAMATH KLEANERS (FORMER) KLAMATH FALLS, OREGON

COMMENTS DUE: October 31, 2008 by 5:00 p.m.

PROJECT LOCATION: 3540 S 6th Street, Klamath Falls

PROPOSAL: Pursuant to Oregon Revised Statute (ORS) 465.315, the Oregon Department of Environmental Quality (DEQ) is proposing to issue a no further action (NFA) determination for former Klamath Kleaners site located at 3540 S 6th Street in Klamath Falls, Oregon.

HIGHLIGHTS: The Voluntary Cleanup Program has reviewed site assessment activities performed at the site. Concentrations of petroleum products and dry cleaner solvents detected in the soil and/or groundwater are below applicable risk based pathways for the site.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Eastern Regional Office at 700 SE Emigrant, Suite #330, Pendleton, OR 97801. Summary information and a copy of "No Further Action Decision Document" memo are available in DEQ's Environmental Cleanup Site Information (ECSI) database <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 2917.

To schedule an appointment to review the file or to ask questions, please contact Katie Robertson at (541) 278-4620. Written comments should be received by October 31, 2008 and sent to Katie Robertson, Project Manager, at the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments received before making a final decision regarding the "No Further Action" determination.

REQUEST FOR COMMENT PROPOSED APPROVAL OF CLEANUP AT ODOT — FORMER HIGH COUNTRY DISPOSAL SITE REDMOND, OREGON

COMMENTS DUE: October 31, 2008

PROJECT LOCATION: 124 NE Hemlock Avenue, Redmond, Oregon

PROPOSAL: The Department of Environmental Quality is proposing to issue a No Further Action (NFA) determination based on results of site investigation and remedial activities performed at the former High Country Disposal site, at 124 NE Hemlock Avenue, in Redmond, Oregon. DEQ has determined that no further action is required because the site no longer poses a risk that exceeds the acceptable risk level defined in ORS 465.315.

HIGHLIGHTS: The former High Country Disposal site was purchased by the Oregon Department of Transportation (ODOT) as part of the acquisition of right-of-way for the construction of the US97 Redmond reroute project. The site was a waste collection and post-consumer recycling facility. It was used for vehicle storage and maintenance, and storage of recyclables at the site. It was also used as a transfer station for used motor oil. The site occupies 2.48 acres.

Based on soil sampling, ODOT removed about 125 cubic yards of petroleum-contaminated soil. Sampling following removal of this material indicated that residual contamination was below acceptable risk levels. Groundwater at this site is approximately 250 feet below ground surface, and it is assumed not to have been impacted by this surface soil contamination.

DEQ will consider all public comments received by the close of the comment period before issuing the NFA determination.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Columbia Gorge Office at 400 E Scenic Drive, Suite 307, The Dalles, Oregon 97058. To schedule an appointment to review the file or to ask questions, please contact Bob Schwarz at 541-298-7255, extension 30, or at Schwarz.bob@deq.state.or.us. Summary information is available in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet. Go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 5060 in the Site ID box and click "Submit" at the bottom of the page. Next,

click the link labeled 5060 in the Site ID/Info column. To be considered, written comments must be received by 4:30 PM on October 31, 2008 and sent to Bob Schwarz, Project Manager, at the mailing or email address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above, before making a final decision regarding the No Further Action determination.

A CHANCE TO COMMENT ON A PROPOSED SETTLEMENT AGREEMENT BETWEEN THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY AND FOUR RIVERS HEALTH CARE RELATED TO A PROPERTY LOCATED AT 640 SW 4TH STREET IN ONTARIO, OREGON

COMMENTS DUE: October 31, 2008

PROJECT LOCATION: 640 SW 4th Street, Ontario, OR

PROPOSAL: The Department of Environmental Quality is proposing to enter into a Settlement through a Consent Judgment with Four Rivers Health Care for any environmental liabilities Four Rivers Health Care may have now or in the future with respect to the property located at 640 SW 4th Street in Ontario, Oregon (Property). By entering into the Settlement, Four Rivers Health care does not admit that it has or will have any environmental liabilities with respect to the Property.

HIGHLIGHTS: The Property consists of two tax lots, 700 and 801. Tax lot 700 is currently a parking lot and was historically the location of the Coin-O-Matic Laundromat. Tax lot 801 has the former Ontario Orthopedic Association building and was used historically as a plumbing store. Two underground storage tanks (USTs) were located on the Property. During historic operations at the site, hazardous substances may have been released at and from the Property.

Petroleum releases from two other sites have also impacted the Property. Assessment activities at the former Chevron service station (ECSI ID No. 526, LUST 23-89-0006) located at 767 SW 4th Street and directly west of the Property have documented extensive petroleum contamination extending onto the Property as well as north under SW 4th Avenue and on several properties located on the north side of SW 4th Avenue.

The Farmer's Supply Co-op service station (LUST No. 23-98-0057) is an active petroleum station located at 514 SW 4th Avenue, east of the Property across SW 6th Street. Assessment activities at the Farmer's Supply Co-op have documented extensive petroleum contamination that extends under SW 6th Street onto the eastern portion of the Property. The plume also extends north under SW 4th Avenue, SW 6th Street, and on several properties located on the north side of SW 4th Avenue.

Four Rivers Health Center is acquiring the Property to continue to provide free health care to those in need. The Consent Judgment will require Four Rivers Health Center to coordinate future development plans with DEQ, to provide access to the Property for any additional investigation and removal or remedial actions that may be required, and to implement any institutional or engineering controls that may be necessary.

The proposed Consent Judgment will provide Four Rivers Health Center with a release from liability for claims by the State of Oregon under ORS §465.255 relating to any historical releases of hazardous substances at or from the Property. The proposed Consent Judgment will also provide Four Rivers Health Center with protection from potential contribution actions by third parties for recovery of remedial action costs associated with any historical releases at or from the Property. DEQ retains all existing rights it may have as to all other parties potentially liable for any releases. Additional information on the site is available in DEQ's Environmental Cleanup Site Information (ECSI) database www.deq.state.or.us/lq/ecsi/ecsi.htm under Site ID 3197 (see Site ID 0526 for information on the Chevron release) and in DEQ's Leaking UST database www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp under LUST No. 23-87-0001

OTHER NOTICES

(see LUST No. 23-98-0057 for information on the Farmers release).

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Eastern Regional Office at 700 SE Emigrant, Suite #330, Pendleton, OR 97801. To schedule an appointment to review the file or to ask questions, please contact Katie Robertson at (541) 278-4620 or via e-mail at robertson.katie@deq.state.or.us. Written comments should be sent by October 31, 2008 to Katie Robertson, Project Manager, at the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments. A final decision concerning the proposed Consent Judgment will be made after consideration of public comments.

A CHANCE TO COMMENT ON NO FURTHER ACTION DETERMINATION FOR ARCLIN (FORMER DYNEA) OVERLAYS, INC. UPLAND SITE

COMMENTS DUE: October 31, 2008

PROJECT LOCATION: 2301 North Columbia Boulevard, Portland, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, the Department of Environmental Quality (DEQ) issues this notice of a public comment period regarding a proposed No Further Action Determination (NFA) for upland soil and groundwater contamination at the former Arclin (former Dynea) Overlays, Inc. Site ("Site"). The DEQ will consider public comments in finalizing its NFA determination. Send written comments on the proposed NFA to Anna Coates, Oregon DEQ, Northwest Region, 2020 SW 4th Ave., Suite 400, Portland, Oregon 97201, or e-mail to coates.anna@deq.state.or.us. by 5 p.m. on Friday October 31, 2008.

HIGHLIGHTS: The approximate 13-acre industrial site is bordered to the north by the Columbia Slough and to the south by an active Union Pacific Railroad track and Columbia Boulevard. The facility is an operating producer of phenolic resins and saturated papers that are used in the structural panel and laminating industries. The property has been in industrial use since the early 1900s. It operated as a wood mill from the early 1900s to 1956. It began operations as an overlays producer in 1956 and the manufacturing operations have changed little since then.

Various spills have occurred during the history of manufacturing operations that involved wastewaters and other liquids containing formaldehyde, phenol, sodium hydroxide, triethylamine, and alcohols. In June 2003, Dynea entered an agreement with DEQ to conduct an environmental investigation of hazardous substances on the property under the review and oversight of DEQ's Cleanup Program. Hazardous substances evaluated through soil, groundwater and stormwater testing included phenols, formaldehyde, alcohols, manganese, PCBs, pesticides, total petroleum hydrocarbons (TPH) and hazardous constituents found in petroleum products including polycyclic aromatic hydrocarbons (PAHs), benzene, toluene, ethylbenzene, and xylene (BTEX).

No hazardous substances were detected in soil or groundwater samples at levels that pose an unacceptable risk to human health or the environment as defined in ORS 465.315. Site stormwater discharge to the Slough from two outfalls is regulated by DEQ's Water Quality Program under an NPDES 1200-COLS permit. The proposed NFA is conditional based on maintaining the NPDES permit and associated best management practices specified in the Stormwater Pollution Control Plan (SWPCP) under the permit.

HOW TO COMMENT: Written comments can be sent to DEQ Northwest Region at 2020 SW Fourth Ave., Suite 400, Portland, Oregon 97201-4987. To view the project files please call Dawn Weinberger, File Review Specialist, at (503) 229-6729 to schedule an appointment. If you have any questions, please call the DEQ project manager, Anna Coates, at 503 229-5213 or by email at coates.anna@deq.state.or.us.

THE NEXT STEP: Once the public comment period has closed DEQ will consider all comments before making a decision.

PROPOSED NO FURTHER ACTION DETERMINATION FORMER BIETZ PROPERTY, 4246 SE BELMONT STREET, PORTLAND, OREGON

COMMENTS DUE: October 30, 2008

PROJECT LOCATION: 4246 SE Belmont Street, Portland, Multnomah County

PROPOSAL: The Department of Environmental Quality (DEQ, Department) is proposing to issue a No Further Action (NFA) determination following underground storage tank (UST) decommissioning, cleanup, and site investigation activities for the release of petroleum from an UST system at the former Bietz Property. This determination is based on approval of investigation and remedial measures conducted to date. Public notification is required by ORS 465.320.

HIGHLIGHTS: Petroleum contaminated soil and groundwater were discovered during a site characterization which was conducted in June, 2007. The petroleum release is believed to have occurred in excess of 25 years ago. No residual liquids were found in the UST, which was subsequently decommissioned in-place. Remedial action measures taken at the site included the excavation and disposal of approximately 58 cubic yards of petroleum contaminated soil (PCS). Contaminated soil and groundwater remain on-site; however, it has been shown by utilizing site specific data and risk-based criteria that the concentrations of residual contaminants are protective of human health and the environment. The Department has therefore determined that no further action is required at this site.

HOW TO COMMENT: Comments and questions may be submitted by phone, fax, mail, or email and should be directed to: Joe Klemz, Project Manager; phone: (541)388-6146, ext. 237; fax: (541)388-8283; address: 300 SE Reed Market Road, Bend OR 97702; email: klemz.joe@deq.state.or.us

Comments must be received by 5 pm October 30, 2008.

To obtain a copy of the file or to schedule an appointment to review the file, please contact Mr. Klemz in DEQ's Bend office.

THE NEXT STEP: DEQ will consider all comments received. A final decision concerning the proposed remedial action will be made after consideration of public comments.

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DETERMINATION, FORMER ALBANY METALS SITE

COMMENTS DUE: 5 pm, November 13th, 2008

PROJECT LOCATION: 2250 National Way SW, Albany, OR 97321

PROPOSAL: The Oregon Department of Environmental Quality (DEQ) requests public comment on its recommendation that no further action is required for investigation or cleanup of polychlorinated biphenyls (PCBs) contamination at the former Albany Metals site in Albany, Oregon.

HIGHLIGHTS: The Site is a 3.5 acre property located in an industrial area of Albany. The Property is in a mostly industrial area of Albany and bounded by the YMCA with vacant land to the west and grass playing field to the south. The property was donated to the Mid Willamette Family YMCA on August 21st, 2003. In December 2006, vandals compromised seals on four electrical transformers containing insulating oil, which resulted in the release of an unknown amount of PCBs to a concrete floor.

The building slab where the materials were released was cleaned using a double wash/rinse technique. The containerized capacitors, x-ray transformer, decontamination water, rinse fluid, PPE and other assorted cleanup waste materials were shipped to Columbia Ridge Landfill for disposal. In the two buildings on the site, about 326 tons of concrete slab flooring and underlying soil was removed and dis-

OTHER NOTICES

posed of as remediation waste at Hillsboro Landfill. The building that contained the PCB spill had additional contaminated concrete removed from structural footings. The soil within the demarcated plume was excavated to the soil clay layer, between 48 and 60 inches below ground surface. The storm water conveyance system was cleaned, removed and decommissioned.

In the building where the release occurred, PCBs were not detected in any verification samples from any areas except for a 90-square-foot area containing 237 micrograms per kilogram ($\mu\text{g}/\text{kg}$) of the PCB Aroclor 1242. That level is below the DEQ's cleanup levels. Six soil samples collected below the highest levels in the slab came back Non-Detect for PCB. All remaining soil contamination is below DEQ's cleanup levels.

Based on the apparent limited potential for human health and environmental impacts, DEQ recommends no further action be required for the PCB releases at the former Albany Metals/YMCA property unless new information indicates additional investigation or cleanup are warranted. This determination applies only to the PCB releases that occurred at this site.

HOW TO COMMENT: A DEQ Staff Report presenting details about the site and cleanup activities is available for review, electronically, by contacting the DEQ project manager, Ian Balcom at 541-687-7347 or at balcom.ian@deq.state.or.us, or the report can be viewed in person at the DEQ Eugene office by appointment. The Eugene office address and contact information is presented to the right.

Comments on the proposed determination need to be received by the Eugene Office, attn: Ian Balcom, by 5 p.m. on November 13th, 2008. Fax or email comments are acceptable. The Fax number is 541-686-7551.

THE NEXT STEP: Upon completion of the comment period, the comments will be addressed. Once the comments have been adequately addressed, the DEQ may approve, modify, or deny the no-further-action determination for assessment and/or cleanup of the former Albany Metals site.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us

People with hearing impairments may call DEQ's TTY number, 541-687-5603.

CHANCE TO COMMENT ON... PROPOSED CONDITIONAL NO FURTHER ACTION DECISION FOR RESORT AT THE MOUNTAIN SITE, WELCHES, OREGON

COMMENTS DUE: October 31, 2008

PROJECT LOCATION: 6810 East Fairway Avenue, Welches, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rule, OAR 340-122-0100, the Department of Environmental Quality (DEQ) invites public comment on its proposal for a conditional "No Further Action" (NFA) determination proposed for the Resort at the Mountain site in Welches, Oregon. This proposed NFA determination is based on approval of the investigation and remedial measures conducted to date.

HIGHLIGHTS: The subject site is currently being used as a golf course and includes a shop, a restaurant, and a resort. Environmental investigations of the property have shown petroleum contamination in soil associated from a previously unknown underground storage tank (UST). The leaking UST was located in the kitchen's dishwashing area. The former UST and a significant amount of impacted soil have been removed from the property. Residual soil impacts remain beneath the kitchen, however, DEQ has concluded that residual contamination at the site does not exceed applicable Risk Based Concentrations (RBCs) or does not present a significant threat to human health or the environment for current and future land use of the facility.

HOW TO COMMENT: You may review the administrative record for the proposed NFA at DEQ's Northwest Region Gresham Office located at 1550 NW Eastman Parkway, Suite 290, Gresham, Oregon, 97030. For an appointment to review these files call 503-667-8414 x55012; toll free at (800)452-4011; or TTY at 503-229-5471. Please send written comments to Janelle Waggy, Project Manager, at the address listed above or via email at WAGGY.Janelle@deq.state.or.us. DEQ must receive written comments by 5 p.m. on October 31, 2008. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ's Office of Communications and Outreach at 503-229-5696, or toll free in Oregon at (800)452-4011. People with hearing impairments may call DEQ's TTY number 503-229-5471.

THE NEXT STEP: DEQ will consider all public comments received by the October 31, 2008 deadline. In the absence of comments, DEQ will issue the No Further Action determination.

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

The following agencies provide Notice of Proposed Rulemaking to offer interested parties reasonable opportunity to submit data or views on proposed rulemaking activity. To expedite the rulemaking process, many agencies have set the time and place for a hearing in the notice. Copies of rulemaking materials may be obtained from the Rules Coordinator at the address and telephone number indicated.

Public comment may be submitted in writing directly to an agency or presented orally or in writing at the rulemaking hearing. Written comment must be submitted to an agency by 5:00 p.m. on the Last Day for Comment listed, unless a different time of day is specified. Written and oral comments may be submitted at the appropriate time during a rulemaking hearing as outlined in OAR 137-001-0030.

Agencies providing notice request public comment on whether other options should be considered for achieving a proposed administrative rule's substantive goals while reducing negative economic impact of the rule on business.

In Notices of Proposed Rulemaking where no hearing has been set, a hearing may be requested by 10 or more people or by an association with 10 or more members. Agencies must receive requests for a public rulemaking hearing in writing within 21 days following notice publication 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 by an agency, notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

**Auxiliary aids for persons with disabilities are available upon advance request. Contact the agency Rules Coordinator listed in the notice information.*

Board of Examiners for Engineering and Land Surveying Chapter 820

Rule Caption: Clarify rules related to registration and applying for registration.

Date:	Time:	Location:
11-12-08	1:30 p.m.	670 Hawthorne Ave. SE, Suite 220 Salem, OR 97301

Hearing Officer: Sue Laszlo

Stat. Auth.: ORS 672.255

Other Auth.: ORS 670.310

Stats. Implemented: ORS 672.002–672.325

Proposed Adoptions: 820-010-0209, 820-010-0212, 820-010-0213, 820-010-0214, 820-010-0442, 820-010-0443, 820-010-0444, 820-010-0505

Proposed Amendments: 820-010-0010, 820-010-0200, 820-010-0204, 820-010-0205, 820-010-0206, 820-010-0207, 820-010-0208, 820-010-0215, 820-010-0227, 820-010-0228, 820-010-0235, 820-010-0255, 820-010-0440, 820-010-0455, 820-010-0470, 820-010-0600, 820-020-0040

Last Date for Comment: 11-12-08, Close of Hearing

Summary: OAR 820-010-0209 — Proposed language outlines the application requirements for certification as a certified water right examiner.

OAR 820-010-0212 — Proposed language outlines the information and documentation required from applicants for registration as professional engineers based on examination.

OAR 820-010-0213 — Proposed language outlines the information and documentation required from applicants for registration as professional land surveyors based on examination.

OAR 820-010-0214 — Proposed language outlines the information and documentation required from applicants for registration as professional photogrammetrists based on examination.

OAR 820-010-0442 — Proposed language outlines the deadlines to submit applications for registration and the process to withdraw and forward an application.

OAR 820-010-0443 — Proposed language informs applicants of the process to request reasonable accommodations due to documented disabilities within the meaning of the American Disabilities Act (ADA) of 1990 or due to religious convictions that prohibit testing on scheduled dates.

OAR 820-010-0444 — Proposed language informs applicants that Oregon Specific examinations administered by the Board will be held only at the time and place prescribed by the Board within the State of Oregon.

OAR 820-010-0505 — Proposed language clarifies the biennial renewal fees, delinquent fees, and required continuing professional development hours for registration renewal.

OAR 820-010-0010 — Housekeeping revisions related to the proposed amendments of OAR 820-010-0227 and OAR 820-010-0228.

OAR 820-010-0200 — Proposed amendments clarify the requirements for applications for registration as professional engineers based on current licensure by another jurisdiction.

OAR 820-010-0204 — Proposed amendments clarify the requirements for applications for registration as professional engineers based on examination by another jurisdiction or by NCEES.

OAR 820-010-0205 — Proposed amendments clarify the requirements for applications for registration as professional land surveyors based on current licensure by another jurisdiction.

OAR 820-010-0206 — Proposed amendments clarify the requirements for applications for registration as professional land surveyors based on examination by another jurisdiction or by NCEES.

OAR 820-010-0207 — Proposed amendments clarify the requirements for applications for registration as professional photogrammetrists based on current licensure by another jurisdiction.

OAR 820-010-0208 — Proposed amendments clarify the requirements for applications for registration as professional photogrammetrists based on examination by another jurisdiction or by NCEES.

OAR 820-010-0215 — Proposed amendments clarify the application process and required documentation.

OAR 820-010-0227 — Proposed amendments clarify the information and documentation required for application to take the Fundamentals of

Engineering (FE) examination based on educational and experience qualifications.

OAR 820-010-0228 — Proposed amendments clarify the information and documentation required for application to take the Fundamentals of Land Surveying (FLS) examination based on educational and experience qualifications.

OAR 820-010-0235 — Proposed amendments clarify the requirements for applications for certification as a certified water right examiner.

OAR 820-010-0255 — Proposed amendments clarify the qualifications of providing a reference for an applicant.

OAR 820-010-0440 — Proposed amendments clarify the schedule of examinations and the examinations offered for registration.

OAR 820-010-0455 — Housekeeping.

OAR 820-010-0470 — Proposed amendments clarify the review of the Washington Structural III examination.

OAR 820-010-0600 — Proposed amendments clarify the retention of Board records to include the records for certified water right examiners.

OAR 820-020-0040 — Proposed amendments clarify the consequences for an examinee that refuses to sign the compliance statement prior to an examination.

Rules Coordinator: Mari Lopez

Address: Board of Examiners for Engineering and Land Surveying, 670 Hawthorne Ave. NE, Suite 220, Salem, OR 97301

Telephone: (503) 362-2666, ext. 26

NOTICES OF PROPOSED RULEMAKING

Board of Nursing Chapter 851

Rule Caption: Renewal of Nurse Practitioner Prescriptive Authority Clarified.

Date:	Time:	Location:
11-13-08	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR

Hearing Officer: James McDonald, Board President

Stat. Auth.: ORS 678.380 & 678.390

Stats. Implemented: 678.410

Proposed Amendments: 851-050-0138, 851-056-0006, 851-056-0022

Last Date for Comment: 11-11-08, 5 p.m.

Summary: These rules cover the authority of the nurse practitioner to prescribe and dispense drugs, and clarify that nurse practitioners with current prescriptive authority are required to maintain it for renewal of their nurse practitioner certificate.

Rules Coordinator: KC Cotton

Address: Board of Nursing, 17938 SW Upper Boones Ferry Rd., Portland, OR 97224

Telephone: (971) 673-0638

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Rule Caption: Elimination of Barrier to Meet CNA Staffing Requirements in Licensed Nursing Facilities.

Date:	Time:	Location:
11-13-08	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR

Hearing Officer: James McDonald, Board President

Stat. Auth.: ORS 678.150

Stats. Implemented: ORS 678.150, 678.440 & 678.442

Proposed Amendments: 851-062-0020

Last Date for Comment: 11-11-08, 5 p.m.

Summary: These rules establish the standards for certification of nursing assistants and medication aides. This change in rule language will allow individuals who are employed to perform CNA 1 authorized duties in licensed nursing facilities up to four-months from their date of hire to become certified in Oregon.

Rules Coordinator: KC Cotton

Address: Board of Nursing, 17938 SW Upper Boones Ferry Rd., Portland, OR 97224

Telephone: (971) 673-0638

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Construction Contractors Board Chapter 812

Rule Caption: Housekeeping amendments.

Date:	Time:	Location:
10-28-08	11 a.m.	West Salem Roth's IGA 1130 Wallace Rd. Salem OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 279C.460, 701, 701.063, 701.098, 701.102, 701.131 & 701.225

Proposed Amendments: 812-002-0060, 812-002-0420, 812-005-0280

Proposed Repeals: 812-003-0450

Last Date for Comment: 10-28-08, 11 a.m.

Summary: OAR 812-002-0060 is amended to correct the ORS cite reference from 701.055(1) to 701.026(1) to match current statute.

OAR 812-002-0420 is amended to add reference to the new rule in chapter 812, division 13 that uses the term "lapse in license".

OAR 812-003-0450 is repealed; the language was amended and moved to 812-005-0280(1).

OAR 812-005-0280 is amended to amend and incorporate the language contained in 812-003-0450, to renumber, and to correct cite references. The two rules regarding fitness, unfit or not fit were incor-

porated into one rule to make it easier to locate the rules and to cause less confusion.

Rules Coordinator: Catherine Dixon

Address: Construction Contractors Board, 700 Summer St. NE, Suite 300, Salem, OR 97310

Telephone: (503) 378-4621, ext. 4077

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Rule Caption: Conflict of Interest — Training Providers/Instructors Who Are Responsible Managing Individuals (RMIs).

Date:	Time:	Location:
10-28-08	11 a.m.	West Salem Roth's IGA 1130 Wallace Rd. Salem OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.005, 701.091 & 701.122

Proposed Amendments: 812-006-0100, 812-006-0200

Last Date for Comment: 10-28-08, 11 a.m.

Summary: 812-006-0100 is amended to state that an active responsible managing individual (RMI) may not be: (1) an approved training provider; (2) the principal of an approved training provider; or (3) a trainer.

812-006-0200 is amended to provide that not training provider may offer or provide training if the training provider is an active RMI; and provides that no trainer may offer or provide training if the trainer is an active RMI.

Rules Coordinator: Catherine Dixon

Address: Construction Contractors Board, 700 Summer St. NE, Suite 300, Salem, OR 97310

Telephone: (503) 378-4621, ext. 4077

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Rule Caption: Adoption of Continuing Education Rules for Construction Contractors with Commercial Endorsements.

Date:	Time:	Location:
10-28-08	11 a.m.	West Salem Roth's IGA 1130 Wallace Rd. Salem OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 670.310, 701.124 & 701.235

Other Auth.: 2007 OL Ch. 836 (HB 3242)

Stats. Implemented: ORS 701.063 & 701.124

Proposed Adoptions: Rules in 812-013

Last Date for Comment: 10-28-08, 11 a.m.

Summary: Adopt administrative rules in chapter 812, division 13. Adoption of proposed rules is necessary to establish and administer the continuing education program under ORS 701.124, which only apply to commercial contractors. In 2007, the Oregon Legislature enacted ORS 701.124 (HB 3242) that requires all commercial contractors to complete continuing education by certifying completion on their first renewal application on or after July 1, 2010. Proposed rules needed include, but are not limited to:

- Define terms in the rules adopted to administer ORS 701.124.
- Establish the date on which the rules take effect and the date on which the rules will first be applied to renewing commercial contractors.
- Outline to the requirements for commercial contractors to comply with ORS 701.124(1) to (4); address plumbing contractors, electrical contractors, boiler and pressure vessel contractors that are not subject to the statutory requirements; explains ORS 701.124(4); defines measurement of hours; and establishes that no credit will be given for repeating the same course.
- Set detailed hours and reporting requirements for different levels of commercial contractors and for commercial contractors with limited numbers of key employees.
- Outline requirements for licensees to maintain records of CE participation.
- Establish that continuing education cannot be carried over from one license period to the next.

NOTICES OF PROPOSED RULEMAKING

- Implement ORS 701.063(5) that becomes operative July 1, 2010 regarding inactive license status and continuing education requirements.

- Establish the number of hours required when the licensee has changes from a residential endorsement to a commercial endorsement.

- Establish rules for continuing education requirements when there has been a lapse in the license.

- Establish rules setting out the requirements when a licensee loses its key employee(s) at the time of renewal. When key employee leaves and goes to work for another licensee, who counts the continuing education taken prior to the key employee leaving.

- Establish rules for key employee or owner of more than one license.

- Establish rules regarding the number of continuing education credits required, number of key employees at the time of renewal.

Rules Coordinator: Catherine Dixon

Address: Construction Contractors Board, 700 Summer St. NE, Suite 300, Salem, OR 97310

Telephone: (503) 378-4621, ext. 4077

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Rule Caption: Amend Civil Penalty Regarding Unlicensed Contractor Causing Homeowner Damages.

Date:	Time:	Location:
10-28-08	11 a.m.	West Salem Roth's IGA 1130 Wallace Rd. Salem OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 183.310–183.500, 670.310, 701.235 & 701.992
Stats. Implemented: ORS 87.093, 279C.590, 701.005, 701.026, 701.042, 701.046, 701.091, 701.098, 701.106, 701.227, 701.305, 701.315, 701.330, 701.345 & 701.992

Proposed Amendments: 812-005-0800

Last Date for Comment: 10-28-08, 11 a.m.

Summary: OAR 812-005-0800 is amended to clarify the triggers that authorize a \$5,000 civil penalty from a Dispute Resolution Services (DRS) complaint to include a letter mailed to CCB from an owner indicating the consumer has been damaged by the contractor.

Rules Coordinator: Catherine Dixon

Address: Construction Contractors Board, 700 Summer St. NE, Suite 300, Salem, OR 97310

Telephone: (503) 378-4621, ext. 4077

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Department of Administrative Services, Human Resource Services Division Chapter 105

Rule Caption: Amending rule provide 365 days to file a complaint, updating and correcting language.

Date:	Time:	Location:
10-17-08	9 a.m.	155 Cottage St. NE Conference Rm. A Salem, OR

Hearing Officer: Mark Rasmussen

Stat. Auth.: ORS 183.340, 240.145 & 240.250
Stats. Implemented: ORS 240.306, 243.305, 659A.012 & 659A.015

Proposed Amendments: 105-040-0001

Last Date for Comment: 10-17-08, Close of Hearing

Summary: 105-040-0001(1)(a)(B) Affirmative Action Plan was changed to Affirmative Action Guidelines. This section was revised with a minor grammatical change.

105-040-0001(1)(a)(B)(i) The word “goal” was substituted for “objectives” as the latter term is more consistent with ORS 659A.012. “Persons with disabilities” was deleted to avoid targeting a single group. Disability is one of the eight statutorily recognized population groups.

105-040-0001(1)(a)(B)(ii) The section about assessing the diversity of the applicant pool was deleted as it is not feasible in every circumstance.

105-040-0001(1)(b)(A) The word “goal” was substituted for “objectives.” “Persons with disabilities” was deleted to avoid targeting a single group.

105-040-0001(1)(b)(B) The word “goals” was substituted for “objectives.”

105-040-0001(c) “Designated office” was substituted for “affirmative action representative” to give more clarification to employees. Thirty days was changed to 365 days to allow agencies additional time to address a concern from an individual prior to a complaint being brought to an enforcement agency.

105-040-0001(3) The last section is deleted to broaden the types of outreach strategies.

105-040-0001(4) The section was deleted because it was repetitive.

105-040-0001(5) Language was changed to make the section read smoother.

Rules Coordinator: Yvonne Hanna

Address: 155 Cottage St. NE U-90, Salem, OR 97301

Telephone: (503) 378-2349, ext. 325

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Department of Consumer and Business Services, Building Codes Division Chapter 918

Rule Caption: Allows boiler program to use alternate method process and revises boiler data report rule.

Date:	Time:	Location:
10-21-08	11 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Celina Patterson

Stat. Auth.: ORS 455.060, 455.100, 455.110, 455.144, 455.148, 455.150, 455.740 & 480.545

Stats. Implemented: ORS 455.060, 455.100, 455.110, 455.148, 455.150, 455.740 & 480.545

Proposed Amendments: Rules in 918-008, 918-225

Last Date for Comment: 10-24-08, 5 p.m.

Summary: These proposed rules will allow the division to issue alternate method rulings for the boiler and pressure vessel program, allowing contractors to use new technologies. These proposed rules also require that any boiler or pressure vessel not built to ASME or Canadian Standards Association standards have manufacturer’s construction data, and written in English, on file with the division prior to installation.

Rules Coordinator: Shauna Parker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309

Telephone: (503) 373-7438

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Rule Caption: Adopts the 2008 Oregon Boiler and Pressure Vessel Specialty Code.

Date:	Time:	Location:
10-21-08	10 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Mike Graham

Stat. Auth.: ORS 455.020, 480.545, & 480.550

Stats. Implemented: ORS 480.545 & 480.550

Proposed Amendments: Rules in 918-225

Last Date for Comment: 10-24-08, 5 p.m.

Summary: The proposed rules adopt minimum safety standards for the safe installation and operation of boilers and pressure vessels in Oregon by adopting provisions of national boiler and pressure vessel model codes and standards. The proposed rules adopt the model codes and standards with additional Oregon amendments that will be referred to as the 2008 Oregon Boiler and Pressure Vessel Specialty Code.

Rules Coordinator: Shauna Parker

NOTICES OF PROPOSED RULEMAKING

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309
Telephone: (503) 373-7438

Rule Caption: Allows boilers and pressure vessels constructed to certain international standards to be installed in Oregon.

Date:	Time:	Location:
10-21-08	11:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Celina Patterson
Stat. Auth.: ORS 480.545 & 480.560
Stats. Implemented: ORS 480.545 & 480.560
Proposed Adoptions: 918-225-0445
Last Date for Comment: 10-24-08, 5 p.m.

Summary: The proposed rules allow for Oregon installation of boilers and pressure vessels constructed to the standards of the following international organizations: British Standards Institute; Canadian Standards Association; European Committee for Standardization; or Syndicat National de la Chaudronnerie de la Tuyauterie & de la Maintenance Industrielle (SNCT).

Rules Coordinator: Shauna Parker
Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309
Telephone: (503) 373-7438

Rule Caption: Changes the inspection frequency of certain pressure vessels.

Date:	Time:	Location:
10-21-08	10:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Celina Patterson
Stat. Auth.: ORS 480.545, 480.550 & 480.560
Stats. Implemented: ORS 480.545, 480.550 & 480.560
Proposed Amendments: 918-225-0570
Last Date for Comment: 10-24-08, 5 p.m.

Summary: The proposed rule specifies the frequency of pressure vessel inspections. Inspection frequency was adjusted to improve efficiency by tailoring inspection cycles to match the safety risks posed by particular classes of pressure vessels. The proposed rule also allows boiler and pressure vessel owners to choose to have some boilers and pressure vessels inspected more frequently (off-cycle) in order to get all boilers and pressure vessels at one facility inspected at the same time.

Rules Coordinator: Shauna Parker
Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309
Telephone: (503) 373-7438

Rule Caption: Adopts minimum safety standards for recreational vehicles and recreational park trailers.

Date:	Time:	Location:
10-21-07	9:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Albert G. Endres
Stat. Auth.: ORS 183.325–183.410, 446.003–446.285, 455.210 & 455.220
Stats. Implemented: ORS 183.335, 446.003, 446.155, 446.160, 446.170, 446.176, 446.185, 446.240, 446.260, 445.210 & 455.220
Proposed Adoptions: 918-525-0042
Proposed Amendments: Rules in 918-525, 918-530
Proposed Repeals: 918-525-0110, 918-530-0330
Last Date for Comment: 10-24-08, 5 p.m.

Summary: These proposed rules adopt the most current editions of nationally recognized standards for the construction, conversion, alteration and repair of recreational vehicles and recreational park trailers with Oregon amendments. The rules also contain minor housekeeping changes to provide clarity and modernize the rules in order to keep them in line with current practices.

Rules Coordinator: Shauna Parker
Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309
Telephone: (503) 373-7438

Department of Consumer and Business Services, Division of Finance and Corporate Securities Chapter 441

Rule Caption: Clarify and implement compliance requirements and fee restrictions in the pawnbroker industry.

Date:	Time:	Location:
10-15-08	9 a.m.	Rm. 260, L & I Bldg. 350 Winter St. NE Salem, OR

Hearing Officer: Richard Y. Blackwell
Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.010, 726.040, 726.130, 726.190, 726.280, 726.380, 726.390, 726.395 & 726.400
Proposed Adoptions: 441-740-0015, 441-740-0016, 441-740-0025, 441-740-0035, 441-740-0040, 441-740-0045, 441-740-0050, 441-740-0055
Proposed Amendments: 441-740-0000, 441-740-0020
Proposed Repeals: 441-740-0030
Last Date for Comment: 10-22-08, 5 p.m.

Summary: These proposed rules clarify fees that may be charged and how interest must be calculated, add requirements about the minimum details to be recorded for pawned items, delete the requirement for the alternate year self-examination by pawnbrokers with several of the deleted items included as part of the existing annual report, prohibit noting a pledgor's race or sex in conformity with federal law, require use of the Oregon license number in paid advertising, clarify the process for the notice of forfeiture provisions for loans of \$500 or more, and describe information to be included when surrendering a pawnbroker license.

Rules Coordinator: Shelley Greiner
Address: Department of Consumer and Business Services, Finance and Corporate Securities, 350 Winter St. NE, Rm. 410, Salem, OR 97301
Telephone: (503) 947-7484

Department of Consumer and Business Services, Oregon Medical Insurance Pool Board Chapter 443

Rule Caption: Updates portability in accordance to federal law, updates definitions, allows OMIP to charge fees for untimely assessment payments.

Stat. Auth.: ORS 735.600, 735.605, 735.610, 735.612, 735.614, 735.616 & 735.625
Other Auth.: OMIP Board & 42 USC sec. 300gg-41
Stats. Implemented: ORS 735.605, 735.614 & 735.616
Proposed Amendments: 443-002-0010, 443-002-0030, 443-002-0060

Last Date for Comment: 10-24-08
Summary: 443-002-0010: Updates and amends definitions of "creditable coverage" and creates definitions for "resident" and "substantially equivalent benefits."

443-002-0030: Amends current rule in order to allow OMIP to charge interest, fees, and other penalties as approved by the OMIP Board on untimely assessment payments.

443-002-0060: This rulemaking amends the rules for OMIP portability to accommodate portability eligibility requirements contained in federal HIPAA law (42 USC sec. 300gg-41).

Rules Coordinator: Linnea Saris
Address: Department of Consumer and Business Services, Oregon Medical Insurance Pool, 250 Church St. SE, Suite 250, Salem, OR 97301
Telephone: (503) 378-5672

NOTICES OF PROPOSED RULEMAKING

Department of Consumer and Business Services, Oregon Occupational Safety and Health Division Chapter 437

Rule Caption: Proposed changes to Division 1, General Administrative Rules.

Date:	Time:	Location:
10-27-08	9:30 a.m.	Labor & Industries Bldg. Basement — Confr. Rm. F 350 Winter St. NE Salem, OR

Hearing Officer: Sue Joye

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001-654.295

Proposed Amendments: 437-001-0015, 437-001-0160, 437-001-0205, 437-001-0760, 437-001-1015, 437-001-1020

Last Date for Comment: 10-31-08

Summary: Oregon OSHA adds language to clarify when corporate officers are covered.

The language that specifies when Oregon OSHA issues citations for repeat violations is changing to indicate that such citations will be for repeats of substantially similar hazardous conditions instead of identical rule numbers, and makes Oregon OSHA consistent with statutes, case law, and federal OSHA practices.

The rule on method of delivery of citations to employers is changing to allow Oregon OSHA to use any method acceptable to employers.

Language detailing responsibilities of supervisors is moving from the paragraph about investigations to the paragraph about employer responsibility. This is for clarity.

Two rules on guaranty contracts will change to comply with Senate Bill 559 which changed the term from "guaranty contract" to "insurance policies."

Please visit our website www.orosha.org

Click 'Rules/Compliance' in the left vertical column and view our proposed, adopted, and final rules.

Rules Coordinator: Sue C. Joye

Address: Department of Consumer and Business Services, Oregon Occupational Safety and Health Division, 350 Winter St. NE, Salem, OR 97301-3882

Telephone: (503) 947-7449

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Department of Corrections Chapter 291

Rule Caption: Prison Term Modification of Sentences of Inmates.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-421.122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-421.122, 423.020, 423.030 & 423.075

Proposed Amendments: 291-097-0005 – 291-097-0130

Last Date for Comment: 12-15-08

Summary: The Department has adopted a counselor caseload initiative that gives counselors additional time to perform new jobs duties in support of the Department's mission and the Oregon Accountability Model. These amendments are necessary to reflect changes from the counselor caseload initiative that impact the procedures for calculating, applying, retracting and restoring earned time credits. Certain functions performed by institution counselors have been transferred to the Offender Information and Sentence Computation Unit and Inmate Central Services. Counselors will still be involved with determining an inmate's compliance with his/her Oregon Corrections Plan. These revisions correctly identify which Department staff has responsibility for processing earned time, clarifies how earned time credit is granted, and outlines what an inmate must do to obtain an administrative review.

Rules Coordinator: Janet R. Worley

Address: Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667

Telephone: (503) 945-0933

Department of Fish and Wildlife Chapter 635

Rule Caption: Amend Rules Related to Commercial Sales of Out-Of-State Steelhead and Walleye.

Date:	Time:	Location:
11-14-08	8 a.m.	Commission Rm. 3406 Cherry Ave. NE Salem, OR

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 506.119, 508.530 & 509.031

Stats. Implemented: ORS 498.022, 506.129, 508.535 & 508.550

Proposed Adoptions: Rules in 635-006

Proposed Amendments: Rules in 635-006

Proposed Repeals: Rules in 635-006

Last Date for Comment: 11-14-08

Summary: Amended rules allow Oregon wholesale fish dealers to legally sell out-of-state steelhead trout or walleye to Oregon retailers.

Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

Telephone: (503) 947-6033

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Rule Caption: Amend Rules Related to Commercial Fisheries, Licenses, and Gear.

Date:	Time:	Location:
11-14-08	8 a.m.	Commission Rm. 3406 Cherry Ave. NE Salem, OR

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 183, 496.118, 496.138, 496.146, 496.162, 506.109, 506.119, 506.129, 508.035, 508.235, 508.260, 508.406, 508.485, 508.490, 508.530, 508.535, 509.031, 513.020

Stats. Implemented: ORS 496.162, 498.022, 506.129, 506.450-506.465, 507.030, 508.025, 508.035, 508.040, 508.260, 508.530, 508.535, 508.550, 508.921, 508.941

Proposed Adoptions: Rules in 635-004, 635-005, 635-006, 635-041, 635-042

Proposed Amendments: Rules in 635-004, 635-005, 635-006, 635-041, 635-042

Proposed Repeals: Rules in 635-004, 635-005, 635-006, 635-041, 635-042

Last Date for Comment: 11-14-08

Summary: Amended rules perform housekeeping and technical correction to ensure consistency in the rules for commercial fisheries, licenses and gear.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

Telephone: (503) 947-6033

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Rule Caption: Adopt rules relating to Wildlife Management Plan for Black-tail deer.

Date:	Time:	Location:
11-14-08	8 a.m.	3406 Cherry Ave NE Salem, OR

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Proposed Adoptions: Rules in 635-195

Last Date for Comment: 11-14-08

Summary: Adopt rules relating to Wildlife Management Plan for Black-tail deer.

Rules Coordinator: Therese Kucera

NOTICES OF PROPOSED RULEMAKING

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE,
Salem, OR 97303
Telephone: (503) 947-6033

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**Department of Human Services,
Addictions and Mental Health Division:
Addiction Services
Chapter 415**

Rule Caption: Revision of terminology and references in OAR 415.

Stat. Auth.: ORS 409.410; ORS 409.420 & ORS 431.853

Stats. Implemented: ORS 430.010–430.041, 430.240–430.450,
430.560–430.590, 430.630–430.700, 430.850, 431.853, 443.400,
813.010–813.616

Proposed Amendments: Rules in 415-012, 415-020, 415-050, 415-051, 415-054, 415-055, 415-056, 415-060

Last Date for Comment: 10-24-08, Close of Business

Summary: The Addictions and Mental Health (AMH) Division is revising rules in OAR 415 to update references, including Division names and statutory and rule references. No substantive changes are being made at this time.

Rules Coordinator: Richard Luthe

Address: 500 Summer Street NE E86, Salem, OR 97301

Telephone: (503) 947-1186

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**Department of Human Services,
Children, Adults and Families Division:
Child Welfare Programs
Chapter 413**

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
10-22-08	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 181.534, 181.537 & 418.005

Stats. Implemented: ORS 181.534, 181.537 & 418.005

Proposed Amendments: 413-050-0000, 413-050-0005, 413-050-0010, 413-050-0020, 413-050-0030, 413-050-0040, 413-050-0050

Last Date for Comment: 10-24-08, 5 p.m.

Summary: These rules (the Department's Child Welfare Policy I-C.1, Housekeeper Services, OAR 413-050-0000 to 413-050-0050) are being changed to implement a standardized criminal history and child protective services background check for a provider of housekeeping services to the home of a child receiving Child Protective Services, Substitute Care or Family Support Services for families receiving TANF, SSL, or within the 0-79 percent of the state median income; and certain foster children (both Title IV-E and GA-FC). A housekeeper's duties include child care when a parent is incapacitated or temporarily absent from the home.

OAR 413-050-0000 is about the purpose and scope of these rules (OAR 413-050-0000 to 413-050-0050). OAR 413-050-0000 is being amended to restate the purpose and scope of this rule division. The current rule contains a mission statement in addition to the purpose and scope statement. OAR 413-050-0000 as amended removes the mission statement and states that the purpose and scope statement applies to OAR 413-050-0000 to 413-050-0050.

OAR 413-050-0005 is about the definitions that apply to these rules (OAR 413-050-0000 to 413-050-0050). OAR 413-050-0005 is being amended to remove terms no longer used and add terms currently used by the Department. The term Children, Adults and Families (CAF) is not otherwise used in these rules (OAR 413-050-0000 to 413-050-0050). The Department has replaced the term Service Delivery Area (SDA) with the term "district" and defined the new term in OAR 413-050-0005. The term "housekeeping provider" was not previously defined and is being defined for consistent application of the term.

OAR 413-050-0010 describes what is meant by housekeeping services under these rules (OAR 413-050-0000 to 413-050-0050). OAR 413-050-0010 is being amended to restate which housekeeping services are regular services, which are emergency services, and when the services may be provided.

OAR 413-050-0020 is about the requirements for receiving and providing housekeeping services, payment for providing these services, and a provider's hearing rights if denied eligibility under these rules (OAR 413-050-0000 to 413-050-0050). OAR 413-050-0020 is being amended to clarify which families may receive housekeeping services, when the Department will authorize and pay for housekeeping services, and who may provide housekeeping services and receive compensation for doing so. This rule (OAR 413-050-0020) also explains the criteria for becoming a housekeeping provider including the documents which must be provided to the Department, the criminal history and background checks that are performed on a subject individual, the grounds for not being allowed to provide housekeeping services, the reporting requirements for a housekeeping provider, and the meaning and consequences of a determination of failed or denied. OAR 413-050-0020 also outlines the hearing rights for a housekeeping provider denied payment. OAR 413-050-0020 as amended allows the Department to conduct criminal history and Child Protective Services background checks on providers of in-home housekeeping for child welfare clients, requires providers to report information pertinent to the safety and well being of the child, and informs providers about determinations and appeal rights for negative determinations.

OAR 413-050-0030 instructs how Department caseworkers will coordinate with workers from other programs to avoid duplication of housekeeping services under different programs serving the same child. OAR 413-050-0030 is being amended to inform caseworkers of who is responsible for inter-program coordination of services. The current rule divides responsibility for coordination among various workers depending on which programs are providing services to the child and the child's family.

OAR 413-050-0040 is about how the Department authorizes the housekeeping services covered under these rules (OAR 413-050-0000 to 413-050-0050). OAR 413-050-0040 is being amended to clearly state that housekeeping services must be pre-authorized before being provided, as well as the length of time for which each type of service may be authorized. The current rule does not distinguish between and clearly state that both regular and 24-hour emergency housekeeping services must be preauthorized by the Department. The current rule also indicates that authorizations may be for up to 90 days for either type of service. OAR 413-050-0040 as amended states that the Department must preauthorize both regular and emergency housekeeping services before either may be provided, relates the period of time for which each type of service may be authorized, and the circumstances under which services may be extended for an additional period of time.

OAR 413-050-0050 is about the Department payment rates, calculation of hours paid, conditions for exceptions to the payment rates and responsibility for payment of Social Security taxes for provided housekeeping services covered under these rules (OAR 413-050-0000 to 413-050-0050). OAR 413-050-0050 is being amended to restate which hour and wage guidelines the Department utilizes, the limit on the number of hours paid daily for 24-hour emergency housekeeping services, who may make exceptions to the payment rates, how those exceptions are communicated, and who has responsibility for paying the employer's share of the provider's Social Security taxes.

In addition, the above rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

Telephone: (503) 945-6067

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Changing OARs affecting Child Welfare programs.
Date: 10-22-08 **Time:** 9:30 a.m. **Location:** 500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 109.309 & 418.005

Stats. Implemented: ORS 109.309, 418.280 & 418.285

Proposed Amendments: 413-120-0190, 413-120-0195, 413-120-0200, 413-120-0210, 413-120-0220, 413-120-0230, 413-120-0240

Last Date for Comment: 10-24-08, 5 p.m.

Summary: These rules (the Department's Child Welfare Policy I-G.1.3, Adoption Applications, OAR 413-120-0190 to 413-120-0240) are being changed to make applicants involved with non-contracted adoption agencies and seeking to adopt a child in the Department's care eligible to do so. These rules set policy regarding adoptive applicants and the requirements to adopt a child in the custody of the Department. These rules clarify what constitutes a completed adoption home study packet, and outline the application and approval processes.

OAR 413-120-0190 is about the purpose of these rules (OAR 413-120-0190 to 413-120-0240). OAR 413-120-0190 is being amended to restate more clearly the purpose of these rules. OAR 413-120-0190 as amended clarifies what these rules cover — completed adoption home studies, the application and approval processes — and states that the purpose statement applies to OAR 413-120-0190 to 413-120-0240.

OAR 413-120-0195 is about the definitions that apply to these rules (OAR 413-120-0190 to 413-120-0240). OAR 413-120-0195 is being amended to remove terms no longer used and add terms currently used by the Department. The terms "employee" and "partner agency" were redefined. The Department changed the term contracted licensed private agency to contracted private agency and defined it so that licensing is included in the definition. The term "current caretaker" was renamed "current caregiver" and the definition expanded to include relatives and foster parents caring for a child longer than six months. The terms "district", "foundations training", and "special need" were not defined previously and need to be defined for consistent application of the terms. The Department has replaced the term Service Delivery Area (SDA) with the term "district" and defined the new term in OAR 413-120-0195.

OAR 413-120-0200 is about the Department's policy on adoption applications. This rule is being amended to clarify who can apply to be an adoptive parent, the requirements for applying to be an adoptive parent including what documents must be completed and provided to the Department in the Adoption Home Study packet, the criminal history and background checks that are performed on an applicant and all members of the applicant's household. This rule as amended allows the Department to conduct criminal offender information record checks and family histories on applicants and all members of their households, explains the requirements for applying to become an adoptive placement, the process for review of the application, and the criteria for approval of the application.

OAR 413-120-0210 is about how the Department evaluates adoptive applicants who previously have obtained adoption certification with a non-contracted public or private adoption agency. This rule is being amended to instruct that an applicant must meet the home certification requirements of OAR 413-120-0200 and sign releases for the Department to obtain information and documents from the other agency, when the Department may discontinue the application or home study processes, under what circumstances the application may be put on hold, the support the Department will provide to identified potential adoptive placement applicants, and the responsibility of applicants for any fees charged by a contracted public or private agency. The current rule only discusses when the Department may not conduct home studies for any person who previously has applied to another public or private adoption agency

OAR 413-120-0220 is about how the Department prioritizes the home studies it conducts on adoptive applicants. This rule is being

amended to restate and clarify that the Department ranks applications according to the type of homes most needed and gives priority to applicants who are relatives of a specific child, current caregivers of a specific child, or interested in adopting a special needs child.

OAR 413-120-0230 is about the Department's adoption application evaluation process. This rule is being amended to more clearly state the Department's process regarding evaluation of adoption applications, direct that the Department must reach a conclusion on the application, list exceptions to a non-positive recommendation regarding an applicant, state when the Department may terminate the application process, and remove internal procedural instructions from this rule. The current rule states that a branch manager may request an exception to a non-positive recommendation, specifies when the evaluation process may be terminated by the Department, and indicates the location to which an applicant is to return the application and that the branch must forward forms to the Department.

OAR 413-120-0240 is about the written notice the Department provides to adoptive applicants when: a home study has not been initiated and the application is no longer under consideration, a home study has been completed and the decision to approve or disapprove has been made, or an approved home study is removed from the pool of available homes considered for placement. This rule is being amended to more clearly state when notice will be sent and that the notice will contain the reason why an application was approved or disapproved.

In addition, the above rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

Telephone: (503) 945-6067

Department of Human Services, Public Health Division Chapter 333

Rule Caption: WIC Participant Administration.

Date: 10-23-08 **Time:** 1:30 p.m. **Location:** 800 NE Oregon St., Rm. 1D
Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 409.600

Other Auth.: 7 CFR 246, Public Law 108-265

Stats. Implemented: ORS 409.600

Proposed Adoptions: 333-053-0030, 333-053-0040, 333-053-0050, 333-053-0060, 333-053-0070, 333-053-0080, 333-053-0090, 333-053-0100, 333-053-0110

Last Date for Comment: 10-27-08, 5 p.m.

Summary: The Department of Human Services, Public Health Division is proposing to adopt rules in order to administer the federal requirements for authorization and oversight of those participating in and receiving benefits from the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

Rules Coordinator: Brittany Sande

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-1291

Rule Caption: Indoor Clean Air Act.

Date: 10-24-08 **Time:** 1 p.m. **Location:** Portland State Office Bldg.
800 NE Oregon St., Suite 918
Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835-433.870

Proposed Amendments: 333-015-0030, 333-015-0040

Last Date for Comment: 10-28-08, 5 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: The Oregon Department of Human Services, Public Health Division is proposing to amend rules related to the implementation of the Indoor Clean Air Act based on changes to the Act made by the 74th legislative assembly (Senate Bill 571; 2007 Oregon Laws, Chapter 602, effective January 1, 2009). Amendments are necessary to correct errors in the original filing that was made on August 15, 2008.

Rules Coordinator: Brittany Sande

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-1291

Rule Caption: Increase of the Application Fees Charged by the Certificate of Need Program.

Date:	Time:	Location:
10-22-08	1:30 p.m.	800 NE Oregon St., Suite 918 Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 431.120(6) & 442.315

Stats. Implemented: ORS 431.120(6) & 442.315

Proposed Amendments: 333-565-0000

Last Date for Comment: 10-24-08, 5 p.m.

Summary: The Department of Human Services, Public Health Division is proposing to amend Oregon Administrative Rule 333-565-0000 to increase application fees for all projects undergoing a certificate of need review, except for projects undergoing abbreviated review. The fee for projects undergoing abbreviated review will remain unchanged.

Rules Coordinator: Brittany Sande

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-1291

Rule Caption: Increase of the Construction Project Review Fees Charged by the Facilities Planning and Safety Program.

Date:	Time:	Location:
10-22-08	3:30 p.m.	800 NE Oregon St., Suite 918 Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 410.070, 441.060 & 443.450

Stats. Implemented: ORS 441.060

Proposed Amendments: 333-675-0050

Last Date for Comment: 10-24-08, 5 p.m.

Summary: The Department of Human Services, Public Health Division is proposing to permanently amend OAR 333-675-0050 and Table 1 to increase construction project review fees for health care projects reviewed by the Facilities Planning & Safety Program. In addition, an amendment of the rule text updates an obsolete reference to a building cost guideline chart.

Rules Coordinator: Brittany Sande

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-1291

Department of Revenue Chapter 150

Rule Caption: Central Assessment of Cable Companies and Internet Service Providers for Property Tax Purposes.

Date:	Time:	Location:
10-22-08	10 a.m.	Fishbowl Conference Rm. 955 Center St. NE Salem OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100 & 308.655

Stats. Implemented: ORS 308.515

Proposed Adoptions: 150-308.515(1)(h)

Last Date for Comment: 10-22-08, 5 pm

Summary: 150-308.515(1)(h) is adopted to provide that cable and internet service providers are companies in the communication business or companies that provide communication services and thus are subject to central assessment for property tax purposes.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

Department of Transportation, Driver and Motor Vehicle Services Division Chapter 735

Rule Caption: Acceptable Proofs of Full Legal Name, Legal Presence, Identity and Date of Birth.

Date:	Time:	Location:
10-15-08	11 a.m.	Portland City Hall, Lovejoy Rm. 1221 SW Fourth Ave. Portland, OR 97204
10-16-08	3 p.m.	PUC Main Hearing Rm. 550 Capitol St. NE Salem, OR 97301

Hearing Officer: Liz Woods

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.050, 807.150, 807.400 & 2008 OL Ch. 1

Stats. Implemented: ORS 807.050, 807.062, 807.150, 807.160, 807.220, 807.230, 807.280 & 2008 OL Ch. 1

Proposed Adoptions: 735-062-0014

Proposed Amendments: 735-010-0130, 735-062-0005, 735-062-0015, 735-062-0020

Last Date for Comment: 10-21-08

Summary: DMV implemented the changes required by Oregon Laws 2008, Chapter 1 (SB 1080) on July 1, 2008. Those changes include that all applicants for a driver license, driver permit or identification card must show proof of legal presence in the United States, proof of Social Security number (that must be verified) or proof of not being eligible for a Social Security number, and proof of full legal name.

In implementing the requirements of SB 1080, the department adopted OAR 735-062-0015 and amended OAR 735-062-0020 to require documentation of a legal name change if the applicant's current legal name does not match the name on the document submitted as proof of legal presence or proof of identity. Documentary proof of a legal name change includes a government issued marriage document or certificate of domestic partnership, a judgment of dissolution or annulment, an adoption decree or a court judgment for change of name. DMV has determined that requiring documentary proof of a legal name change unnecessarily limits the proof an applicant may provide as proof of his or her current legal name and is overly burdensome for some applicants.

DMV therefore proposes to adopt a new rule, OAR 735-062-0014, which authorizes DMV to accept an identity document listed in OAR 735-062-0020 as proof of the applicant's current legal name. There must be sufficient connection between the proof of the applicant's legal name and the name on the document submitted as proof of legal presence for DMV to determine the applicant is the person named in the legal presence document. If the applicant's current legal name is not on an identity document, the applicant must provide proof of a legal name change as described above. This proposed rule also clarifies that a document used to provide proof of a legal name change through marriage must be a government-issued marriage document. DMV does not accept a ceremonial marriage certificate that is presented to the couple at the wedding as that document is not the document filed with the state to certify the marriage. The official document recording the marriage is the document filed with the county or state, and it is this document that DMV accepts as proof of a name change. Proposed OAR 735-062-0014 has been in place as an emergency rule since September 15, 2008.

Oregon Laws 2008, Chapter 1, Section 7 allows DMV to verify with the issuing agency the validity and completeness of each iden-

NOTICES OF PROPOSED RULEMAKING

tity source document presented by an applicant for a driver license, driver permit or identification card. DMV will soon begin verifying with the issuing agency those documents presented by permanent legal residents in the United States and persons legally in the United States on a temporary basis. DMV and the United States Department of Homeland Security – U.S. Citizenship and Immigration Services (DHS – USCIS) have an agreement that DMV may verify documents through the Systematic Alien Verification for Entitlements (SAVE) system. DMV plans to begin verifying documents through SAVE in January 2009. DMV proposes to amend OAR 735-062-0015 to specify that DMV will only accept documents verified through SAVE as proof of permanent or temporary legal status in the United States.

Also in January 2009, DMV will place on a person's DMV record an indicator of whether the person's SSN has been verified and whether documentation has been presented providing proof of U.S. citizenship, permanent legal residence or that the person is otherwise legally present in the United States. If the person's DMV record shows that the person's SSN has previously been verified and shows the person is a U.S. citizen or is a permanent legal resident of the United States, the person will not need to provide proof of an SSN and proof of legal presence when renewing, replacing or being issued a driver license, driver permit or identification card. Only a person whose documentation shows they are otherwise legally present in the United States (not a citizen or permanent legal resident) will continue to be required to show documentation at each and every visit to DMV. DMV proposes to amend OAR 735-062-0005 and 735-062-0015 to specify an applicant need not provide proof of an SSN and proof of legal presence when the person's DMV record indicates that DMV has already verified the person's SSN and viewed the person's proof of U.S. citizenship or permanent legal presence in the United States.

DMV proposes to amend OAR 735-062-0015 and 735-062-0020 to remove the section on name change as that information is contained in proposed OAR 735-062-0014.

DMV also proposes to amend OAR 735-062-0020 to include as acceptable proof of identity and date of birth, the person's DMV record, including the digital photo on file with DMV. This amendment will allow a person who provides proof of U.S. citizenship or permanent legal residence in the U.S. on or after January 1, 2009 to renew or replace a driver license, driver permit or identification card without providing any further proof to DMV (as long as the person has not changed names or moved). DMV can verify through the person's DMV record that the person is eligible to renew or replace a driver license, driver permit or identification card.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301
Telephone: (503) 986-3171

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Rule Caption: ODOT intends to adopt, amend, and repeal administrative rules regarding Oregon Fuels Tax.

Stat. Auth.: ORS 184.616, 184.619, 319.010–319.430, 319.990, 319.520–319.880 & 2008 OL Ch. 44

Stats. Implemented: ORS 319

Proposed Adoptions: 735-170-0105, 735-170-0115, 735-174-0035, 735-174-0045, 735-176-0017, 735-176-0019, 735-176-0021, 735-176-0022, 735-176-0045

Proposed Amendments: 735-170-0000, 735-170-0010, 735-170-0020, 735-170-0040, 735-170-0045, 735-170-0050, 735-170-0090, 735-170-0100, 735-170-0110, 735-170-0120, 735-170-0130, 735-170-0140, 735-174-0000, 735-174-0010, 735-174-0020, 735-174-0030, 735-174-0040, 735-176-0000, 735-176-0010

Proposed Repeals: 735-170-0030, 735-170-0060, 735-170-0070, 735-170-0080, 735-176-0015, 735-176-0018

Last Date for Comment: 10-21-08

Summary: This rulemaking is needed to implement legislation enacted by the 2008 Legislative Assembly. Chapter 44, Oregon Laws 2008 amended ORS 319.520 and 319.665 to ensure uniform documentation requirements for retail and non-retail use fuel sales in the state of Oregon. ODOT is proposing these amendments to rules to implement the requirements of Chapter 44, Oregon Laws 2008. Other changes are proposed to ensure uniform reporting requirements for all fuel transactions in the state of Oregon, and to correct and clarify current rule language for divisions 170, 174, and 176. Fuel tax reports and remittance are due to the Department in the following month (except for quarterly and annual filers) in which the tax is charged and collected from customers. For Use Fuel Sellers and Users the due date is the 20th and for Motor Vehicle Fuel Dealers the due date is the 25th. There has been a longstanding precedent to accept tax reports postmarked by the tax report due date. Licensees with postage meters are able to alter the postmark date, making postmark dates unreliable. The Department intends to further clarify in rule that fuel taxes and accompanying reports are to be received in the Department or its agent by applicable due dates.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301
Telephone: (503) 986-3171

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Landscape Architect Board Chapter 804

Rule Caption: Update Model Rule reference; expand examination site opportunities; clarify continuing education requirement.

Stat. Auth.: ORS 183, 671 & 671.415

Stats. Implemented: ORS 671.335 & 671.395

Proposed Adoptions: 804-025-0015

Proposed Amendments: 804-001-0005, 804-020-0001, 804-025-0010

Last Date for Comment: 10-31-08, 5 p.m.

Summary: The Board is updating the version of the Model Rules that they are now using.

The Board will honor test results for Section C and E of the LARE from CLARB's regional test centers.

There is no exemption from continuing education for initial registrants, as the registration is issued for one calendar year and during that one calendar year, the registrant must acquire the necessary PDH for renewal.

The continuing education requirements are listed for an Inactive registrant when seeking to reinstate the registration to an active status.

Rules Coordinator: Susanna Knight

Address: 1193 Royvonne Ave. SE, #19, Salem, Oregon 97302
Telephone: (503) 589-0093

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Landscape Contractors Board Chapter 808

Rule Caption: Housekeeping; corrects references; adjusts amount of landscaping work a general contractor may perform based upon CPI Index.

Date:	Time:	Location:
10-14-08	9 a.m.	LCB Office 211 Front St., Suite 2-101 Salem, OR 97301

Hearing Officer: Michael A. Snyder

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.530, 671.540, 671.560, 671.563, 671.656, 671.570, 671.595, 671.650, 671.660, 671.676 & 671.700

Proposed Amendments: 808-002-0210, 808-002-0340, 808-002-0420, 808-002-0820, 808-002-0840, 808-003-0015, 808-003-0018, 808-003-0040, 808-003-0045, 808-003-0125, 808-003-0130, 808-

NOTICES OF PROPOSED RULEMAKING

003-0200, 808-003-0210, 808-003-0220, 808-003-0450, 808-005-0020, 808-030-0050, 808-030-0060, 808-040-0010

Last Date for Comment: 10-21-08, 5 p.m.

Summary: 808-002-0210— Corrects statutory reference.

808-002-0340— Corrects statutory reference.

808-002-0420— Updates definition to show type of college accreditation.

808-002-0820— Corrects statutory reference.

808-002-0840— Corrects statutory reference.

808-003-0015— Updates titles and requirements to apply for licenses.

808-003-0018— Corrects statutory language.

808-003-0040— Corrects statutory language.

808-003-0045— Corrects statutory language and updates name of Laws & Rules section of examination.

808-003-0125— Clarifies who is to notify the LCB of an address change.

808-003-0130— Corrects statutory language; deletes fees for examination due to examination being contracted out to administrator to a third party. These fees are no longer paid to the LCB, but to the third party.

808-003-0200— Corrects statutory language.

808-003-0210— Increases amount of landscaping work a general contractor may perform from \$3,000 to \$3,400.

808-003-0220— Corrects statutory language.

808-003-0450— Corrects statutory language.

808-005-0020— Corrects statutory references.

808-030-0050— Corrects statutory references and updates requirements for owner/managing employee testing.

808-030-0060— Updates requirements for owner/managing employee testing.

808-040-0010— Corrects statutory references and language.

Rules Coordinator: Kim Gladwill-Rowley

Address: Landscape Contractors Board, 2111 Front Street NE, Suite 2-101, Salem, OR 97301

Telephone: (503) 378-5909, ext. 223

Office of Private Health Partnerships Chapter 442

Rule Caption: Enables agency to limit enrollment when program costs exceed funding.

Stat. Auth.: ORS 735.728

Stats. Implemented: ORS 735.720–735.740

Proposed Amendments: 442-005-0250, 442-005-0270

Last Date for Comment: 10-31-08

Summary: OAR 442-005-0250 gives the Family Health Insurance Assistance Program the ability to limit or prohibit members' ability to add dependents during the 12-month eligibility period when program costs would exceed funding available to cover subsidy payments.

OAR 442-005-0270 gives the Family Health Insurance Assistance Program the authority to terminate members from the program when program costs exceed available funding.

Rules Coordinator: Cindy Bowman

Address: Office of Private Health Partnerships, 250 Church St. SE, Suite 200, Salem, OR 97301

Telephone: (503) 378-4674

Oregon Health Licensing Agency Chapter 331

Rule Caption: Establish specific waivers for certification requirements during grandfathering period.

Stat. Auth.: ORS 675.360–675.410

Other Auth.: ORS 676.607, 676.612 & 676.615

Stats. Implemented: ORS 675.360–675.410

Proposed Adoptions: 331-810-0038

Last Date for Comment: 10-27-08, 5 p.m.

Summary: Passage of HB 3233 (Oregon Laws, Chapter 841) by the 2007 Legislature created the Sex Offender Treatment Board within the Oregon Health Licensing Agency, and established a Title Act for certifying clinical and associate sex offender therapists. The law became effective July 27, 2007.

The agency, in consultation with the Board, adopted permanent operating rules effective on June 1, 2008. The rules address definitions of terms used in the rules, the program fee structure, requirements for application and certification of clinical and associate level therapists, qualification criteria/certification requirements under a one-year time limitation (grandfather provision) for individuals who are currently providing sex offender therapy, and reciprocal qualification criteria. Rules clarifying waivers of specific qualifications criteria during the grandfathering period are authorized under ORS 675.410(2)(b). Waivers pertain to specific criteria requiring verification of training or direct supervision that pre-dated implementation of the certification program.

Rules Coordinator: Patricia C. Allbritton

Address: Oregon Health Licensing Agency, 700 Summer St. NE, Suite 320, Salem, OR 97301-1287

Telephone: (503) 373-2088

Oregon Health Licensing Agency, Board of Licensed Direct Entry Midwifery Chapter 332

Rule Caption: Amend continuing education requirements to align with 2 year renewal cycle effective October 1, 2008.

Stat. Auth.: ORS 676.615, 687.485 & 687.425

Other Auth.: ORS 676.605 & 676.607

Stats. Implemented: ORS 687.485 & 687.425

Proposed Amendments: 332-015-0070, 332-020-0010, 332-020-0015

Last Date for Comment: 10-27-08

Summary: Amend continuing education requirements to align with 2 year renewal cycle is being implemented for all Oregon Health Licensing Agency programs for efficiency and streamlining agency business practices.

Rules Coordinator: Patricia C. Allbritton

Address: Oregon Health Licensing Agency, Board of Direct Entry Midwifery, 700 Summer St. NE, Ste. 320, Salem, OR 97301-1287

Telephone: (503) 373-2088

Oregon Liquor Control Commission Chapter 845

Rule Caption: Amendments so large dealers/redemption centers can't refuse empty containers based on brand or size.

Date:	Time:	Location:
10-23-08	10 a.m.–12 p.m.	9079 McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Jennifer Huntsman

Stat. Auth.: ORS 459A, 459.992, 471.030 & 471.730

Stats. Implemented: ORS 459A.715 & 459A.735

Proposed Amendments: 845-020-0025, 845-020-0035

Last Date for Comment: 11-6-08

Summary: These two rules need amendment in order to comply with changes regarding container acceptance for large dealers and redemption centers. The amendments will remove references to the brand and size of containers that large dealers and redemption centers must accept, leaving only a reference to the kind of beverage that is sold and thus which empty containers must be accepted. The references to kind, size, and brand only remain for small dealers under 5,000 square feet. The changes need to be made to comply with the sections of the 2007 legislature's SB 707 which take effect January 1, 2009.

Rules Coordinator: Jennifer Huntsman

Address: Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222

Telephone: (503) 872-5004

NOTICES OF PROPOSED RULEMAKING

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Modifies effective date used for establishment of retirement benefits for the OPSRP pension program.

Date:	Time:	Location:
10-21-08	2 p.m.	PERS Boardroom 11410 SW 68th Pkwy Tigard, OR

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.125 & 238A.180

Proposed Adoptions: 459-075-0175

Last Date for Comment: 10-29-08

Summary: Currently a member's effective date if retirement may be the first day of the calendar month in which the member's retirement application is received. If the member submits a retirement application late in the month, PERS faces a shorter timeframe in which to calculate a retirement benefit and issue a benefit payment. This may result in the issuance of an estimated benefit payment rather than an actual benefit payment. The proposed rule modifications will require a member to submit their retirement application prior to their selected retirement date. This will provide staff an additional month of time to produce the member's benefit and will reduce the frequency of estimated benefit payments.

The effective date of this rule is July 1, 2009.

Copies of the proposed rules are available to any person upon request. The rules are also available at http://www.oregon.gov/PERS/about_us.shtml

Public comment may be mailed to the above address or sent via email to Daniel.Rivas@state.or.us

Rules Coordinator: Daniel Rivas

Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281

Telephone: (503) 603-7713

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**Oregon University System
Chapter 580**

Rule Caption: Implements guidelines permitting fingerprint-based criminal records checks for prospective OUS employees, contractors, and volunteers.

Date:	Time:	Location:
10-14-08	1:30 p.m.	1431 Johnson Ln. SCH Rm. 250 University of Oregon campus Eugene, OR

Hearing Officer: Marcia Stuart

Stat. Auth.: ORS 181.534 & 352.012

Stats. Implemented:

Proposed Adoptions: 580-023-0205, 580-023-0210, 580-023-0215, 580-023-0220, 580-023-0225, 580-023-0230, 580-023-0235, 580-023-0240, 580-023-0245, 580-023-0250

Proposed Repeals: 580-023-0005, 580-023-0010, 580-023-0015, 580-023-0020, 580-023-0025, 580-023-0030, 580-023-0035, 580-023-0040, 580-023-0045, 580-023-0050, 580-023-0055, 580-023-0060, 580-023-0065

Last Date for Comment: 10-24-08

Summary: Authorizes the Chancellor's Office and OUS institutions to conduct criminal records checks on subject individuals who seek to provide services as an employee, contractor, vendor or volunteer that will be working or providing services in a capacity that is designed as a critical or security-sensitive position.

Rules Coordinator: Marcia M. Stuart

Address: Oregon University System, PO Box 3175, Eugene, OR 97403-0175

Telephone: (541) 346-5749

Oregon Wine Board Chapter 619

Rule Caption: Rules Governing the Oregon Certified Sustainable Wine Program.

Date:	Time:	Location:
10-24-08	3:30 p.m.	OWB Conf. Rm. 1200 NW Natio Pkwy. Portland, OR

Hearing Officer: Tara Anderson

Stat. Auth.: ORS 576.766(1)

Stats. Implemented: ORS 756.756, 756.759 & 182.466

Proposed Adoptions: 619-005-0010, 619-005-0020, 619-005-0030, 619-005-0040, 619-005-0050, 619-005-0060

Last Date for Comment: 10-24-08, Close of Hearing

Summary: The Oregon Wine Board is creating a certification program to promote the widespread certified sustainability practices in Oregon's wine industry. The rules govern the implementation of Oregon Certified Sustainable Wine certification program.

Rules Coordinator: Tara Anderson

Address: Oregon Wine Board, 1200 NW Naito Parkway, Suite 400, Portland, OR 97209

Telephone: (503) 228-8336, ext. 21

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**Parks and Recreation Department
Chapter 736**

Rule Caption: Ocean Shores ATV Operating Permit for Disability Access.

Date:	Time:	Location:
10-20-08	7-9 p.m.	North Bend Public Library 1800 Sherman Ave. North Bend, OR 97459
10-21-08	7-9 p.m.	OPRD Hdqtrs 725 Summer St. NE, Suite C Salem, OR 97301
10-22-08	7-9 p.m.	Newport Recreation Ctr. 225 NE Avery Newport, OR 97365

Hearing Officer: Calum Stevenson, Jeff Farm, Tony Stein

Stat. Auth.: ORS 390.180, 390.585 & 390.660

Stats. Implemented: ORS 390.729

Proposed Amendments: 736-004-0062

Last Date for Comment: 10-31-08, 5 p.m.

Summary: Amend the existing rule to allow Class I all-terrain vehicle (ATV) access with a permit for transportation needs of individuals with disabilities including those sections normally closed to motorized vehicles.

Rules Coordinator: Joyce Merritt

Address: Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301

Telephone: (503) 986-0756

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**Physical Therapist Licensing Board
Chapter 848**

Rule Caption: Definitions: Therapy Interventions, Screenings, Foreign Credentialing; Rule Clarifications: Reassessments, Pain CE Requirements, Compliance, Aides Role.

Date:	Time:	Location:
11-14-08	8:30 a.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1-C Portland, OR

Hearing Officer: James D. Heider

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(c), 688.132(1)(b) & 409.520(1)(a)(Q)

Proposed Adoptions: 848-010-0022, 848-035-0035, 848-040-0175

Proposed Amendments: 848-010-0015, 848-010-0020, 848-010-0026, 848-010-0044, 848-015-0030, 848-020-0030, 848-020-0060,

NOTICES OF PROPOSED RULEMAKING

848-035-0020, 848-035-0030, 848-035-0040, 848-040-0100, 848-040-0117, 848-040-0145, 848-040-0160, 848-045-0020

Last Date for Comment: 11-14-08, 10 a.m.

Summary: Adopt rules that will define: CE Pain Management requirements for PTs; the endorsement process of Foreign Educated PTs working in the US; and PT Screenings. Amend rules to define or further clarify: the term physical therapy interventions; documentation requirements of a PT reassessment; requirement for PT to refer a direct access patient; qualifications of examination application candidates; historical exam passing score criterion used by the Board when considering endorsement licensure; grounds for refusal of a license applicant; supervision and use of Aides, prohibited acts for Aides; prohibited acts for PTAs; use of CE credits taken by PT/PTA students while still in PT programs, records retention for CE documentation; adding "Failure to comply with an Advisory Letter from the Board" to Grounds for Discipline.

Rules Coordinator: James Heider

Address: Physical Therapist Licensing Board, 800 NE Oregon St, Suite 407, Portland, OR 97232

Telephone: (971) 673-0203

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**Public Utility Commission
Chapter 860**

Rule Caption: In the Matter of Amendments to OARs 860-021-0305, 860-021-0405, 860-021-0505, 860-034-0180, and 860-034-0260.

Date:	Time:	Location:
10-28-08	9:30 a.m.	550 Capitol St. NE Main Hearing Rm. Salem, Oregon

Hearing Officer: Lisa D. Hardie

Stat. Auth.: ORS 183, 756, 757, 759 & Ch. 290 OL 1987

Stats. Implemented: ORS 756.040, 757.035, 757.225, 757.750, 757.755, 757.760, 759.045 & Ch. 290 OL 1987

Proposed Amendments: 860-021-0305, 860-021-0405, 860-021-0505, 860-034-0180, 860-034-0260

Last Date for Comment: 11-4-08, 5 p.m.

Summary: For energy and large telecommunications utilities, OAR 860-021-0305 (1)(b) states that service may be disconnected for "failure to establish credit" by "providing false ID or verification of identity". The problem with this language is that the provision allowing credit to be established by providing ID was eliminated in Commission Order No. 03-550. Because credit cannot be established by providing ID, credit cannot be invalidated if false ID was used to establish service. The rule as currently written cannot be used as grounds for disconnection. The proposed amendment of OAR 860-021-0305 reconstructs the rule to state clearly that the utility has the right to disconnect service if false ID was used to establish service, continue service or validate identity. For small telecommunications utilities, OAR 860-034-0180 contains the same language and will be similarly reconstructed. Other changes to these rules reorganize information in these rules to make them easier to use but do not further change the substance of the rules.

Proposed changes to 860-021-0505 (Commercial energy and large telecommunications utilities) are similarly designed to reorganize the existing rule to be easier to use, with one exception. That exception is that the notice of disconnection must be provided to the customer five "business" days prior to disconnect rather than the non-descriptive five "days" as this rule now states. This change is consistent with 860-021-0405 (Residential energy) that specifies five business days notice. The same change is also proposed for 860-034-0260 for the small telecommunications utilities.

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 529 on comments and file them by email to the Commission's Filing Center at PUC.FilingCenter/apps.puc.state.or.us/edockets/center.htm

Participants wishing to monitor the hearing by telephone (listen only) must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business October 23, 2008, to request a dial-in number. To present oral comment at the hearing, participants must attend in person.

Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, 550 Capitol St. NE, Suite 215, Salem, OR 97301

Telephone: (503) 378-4372

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Rule Caption: In the Matter of Amending OAR 860-024-0010 Regarding the Arc Flash Protection Rule in 2007 NESC.

Date:	Time:	Location:
11-6-08	9:30 a.m.	550 Capitol St. NE Main Hearing Rm. - 1st Flr. Salem, OR

Hearing Officer: Traci Kirkpatrick

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.035

Proposed Amendments: 860-024-0010

Last Date for Comment: 11-13-08, 5 p.m.

Summary: In its docket AR 513, the Commission adopted the 2007 edition of the National Electric Safety Code (NESC) as the minimum construction, operation, and maintenance standard for Oregon electric supply and communication operators. In its Order No. 08-179 adopting the 2007 edition of the NESC, the Commission also directed its Staff to investigate the new arc hazard rules found in Part 4 of the NESC. The Arc Flash Protection Rule is the only requirement within the 2007 edition of the NESC that has a delayed effective date, becoming effective January 1, 2009. The Arc Flash Protection Rule requires that utilities or employers perform facility assessments and give instruction to their employees as to the level of arc flash protection necessary; the Arc Flash Protection Rule does not mandate whether or not the employer or the employee must supply the personal protective equipment. The proposed rule amendment proposes to delay the implementation of the Arc Flash Protection Rule for 12 months, making its effective date January 1, 2010. Commission Staff noted at the August 26, 2008, Public Meeting before the Commission, that it did not fully appreciate the potential impacts of the Arc Flash Protection Rule when the 2007 NESC was first adopted by the Commission into rule in its Order No. 08-179.

Commission Staff conducted an investigation that included an industry workshop and meetings with affected entities. The majority of the participants in the investigation propose delaying the implementation of the Arc Flash Protection Rule. Proponents of delaying implementation put forth that the delay would allow for development of industry consensus policies and training, and would allow companies more time to complete facility assessments, obtain better guidance from federal and state OSHA agencies, and arrange for funding of the protective clothing and training. Costs of compliance with the NESC Arc Flash Protection rule are significant; for example, Portland General Electric Company estimated that its costs of compliance would be about \$2 million over the next three years. Opponents of delaying implementation state that electrical workers deserve the protection mandated by the Arc Flash Protection Rule, including the arc flash protection training.

Commission Staff contact for technical information is Jerry Murray (jerry.murray@state.or.us).

The Commission encourages participants to file comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 528 on your comments and file them by email to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed hard copy to the Filing Center at PO Box 2148, Salem, Oregon, 97301. For more information about the Commission's Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm> or contact Diane Davis at diane.davis@state.or.us

NOTICES OF PROPOSED RULEMAKING

Participants wishing to monitor the hearing by telephone (listen only) must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business November 4, 2008 to request a dial-in number. To present oral comment at the hearing, participants must attend in person.

Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, 550 Capitol St. NE, Suite 215, Salem, OR 973011

Telephone: (503) 378-4372

Real Estate Agency
Chapter 863

Rule Caption: Create a new division and update existing licensing rules for real estate brokers.

Date:	Time:	Location:
10-23-08	10 a.m.	Real Estate Agency 1177 Center St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 696.026, 696.265, 696.385 & 696.425

Stats. Implemented: ORS 696.020, 696.022, 696.026, 696.174, 696.200, 696.205, 696.255, 696.265, 696.301 & 696.425

Proposed Adoptions: 863-014-0000, 863-014-0038, 863-014-0003, 863-014-0042

Proposed Ren. & Amends: 863-015-0005 to 863-014-0005, 863-015-0010 to 863-014-0010, 863-015-0015 to 863-014-0015, 863-015-0020 to 863-014-0020, 863-015-0030 to 863-014-0030, 863-015-0035 to 863-014-0035, 863-015-0040 to 863-014-0040, 863-015-0050 to 863-014-0050, 863-015-0055 to 863-014-0055, 863-015-0060 to 863-014-0060, 863-015-0061 to 863-014-0061, 863-015-0062 to 863-014-0062, 863-015-0063 to 863-014-0063, 863-015-0065 to 863-014-0065, 863-015-0070 to 863-014-0070, 863-015-0075 to 863-014-0075, 863-015-0076 to 863-014-0076, 863-015-0080 to 863-014-0080, 863-015-0085 to 863-014-0085, 863-015-0095 to 863-014-0095, 863-015-0100 to 863-014-0100, 863-015-0160 to 863-014-0160

Last Date for Comment: 10-23-08, 5 p.m.

Summary: The proposed rules under this notice are posted on the Real Estate Agency website at www.rea.state.or.us. At the website, click on "Statutes and Rules" and scroll down to "Notices of Rulemaking September 2008."

Real estate broker licensing rules were moved ("renumbered") from Division 15 to this new division to help applicants, licensees and the Agency more easily find and use licensing rules. These rules only cover licensing requirements for real estate brokers, principal real estate brokers and sole practitioners. Renumbered rules were amended to provide clarity. New rules were added for application and purpose of the division and for definitions. A rule for sole practitioner real estate broker was added for clarity. A rule addressing the waiver of experience requirements and procedure was added.

Rules Coordinator: Laurie Skillman

Address: Real Estate Agency, 1177 Center St. NE, Salem, OR 97301

Telephone: (503) 378-4630

Rule Caption: Amend regulations for real estate brokers.

Date:	Time:	Location:
10-23-08	10 a.m.	Real Estate Agency 1177 Center St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.010, 696.015, 696.022, 696.200, 696.241, 696.280, 696.290, 696.301, 696.310, 696.582, 696.800, 696.805, 696.810 & 696.815

Proposed Adoptions: 863-015-0000, 863-015-0188

Proposed Amendments: 863-015-0130, 863-015-0135, 863-015-0140, 863-015-0145, 863-015-0150, 863-015-0155, 863-015-0175, 863-015-0186, 863-015-0190, 863-015-0200, 863-015-0205, 863-

015-0210, 863-015-0215, 863-015-0250, 863-015-0255, 863-015-0260, 863-015-0265, 863-015-0275

Proposed Repeals: 863-015-0025, 863-015-0165, 863-015-0180, 863-015-0185, 863-015-0195, 863-015-0220

Proposed Ren. & Amends: 863-015-0120 to 863-015-0003

Last Date for Comment: 10-23-08, 5 p.m.

Summary: The proposed rules and a document showing all amendments to the existing rules are posted on the Real Estate Agency website at www.rea.state.or.us. At the website, click on "Statutes and Rules" and scroll down to "Notices of Rulemaking September 2008."

The rules include significant amendments for clarity, to align rules with statutes, and to repeal rules that are a restatement of statute. Licensing rules in this division were moved to new divisions: real estate broker licensing rules were moved to new division 14 and property manager licensing rules were moved to new division 24. Investigations and discipline were moved to a new division 27.

Rules Coordinator: Laurie Skillman

Address: Real Estate Agency, 1177 Center St. NE, Salem, OR 97301

Telephone: (503) 378-4630

Rule Caption: Create a new division and update existing licensing rules for property managers.

Date:	Time:	Location:
10-23-08	10 a.m.	Real Estate Agency 1177 Center St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.010, 696.020, 696.022, 696.026, 696.174, 696.200, 696.270, 696.280, 696.301 & 696.425

Proposed Adoptions: 863-024-0000, 863-024-0003, 863-024-0005, 863-024-0010, 863-024-0015, 863-024-0020, 863-024-0030, 863-024-0050, 863-024-0055, 863-024-0060, 863-024-0061, 863-024-0062, 863-024-0063, 863-024-0065, 863-024-0070, 863-024-0075, 863-024-0076, 863-024-0085, 863-024-0095, 863-024-0100

Proposed Ren. & Amends: 863-015-0045 to 863-024-0045

Last Date for Comment: 10-23-08, 5 p.m.

Summary: This division and the rules under this notice are all new rules except for one renumbered rule. The proposed rules are posted on the Real Estate Agency website at www.rea.state.or.us. At the website, click on "Statutes and Rules" and scroll down to "Notices of Rulemaking September 2008."

Real estate property manager licensing rules were moved ("renumbered") from Division 15 to this new division to help applicants, licensees and the Agency more easily find and use licensing rules. These rules only cover licensing requirements for real estate property managers. Renumbered rules were amended to provide clarity. New rules were added for application and purpose of the division and for definitions.

Rules Coordinator: Laurie Skillman

Address: Real Estate Agency, 1177 Center St. NE, Salem, OR 97301

Telephone: (503) 378-4630

Rule Caption: Amend regulations for property managers.

Date:	Time:	Location:
10-23-08	10 a.m.	Real Estate Agency 1177 Center St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.241, 696.280 & 696.361

Proposed Amendments: 863-025-0005, 863-025-0010, 863-025-0015, 863-025-0020, 863-025-0025, 863-025-0030, 863-025-0035, 863-025-0040, 863-025-0045, 863-025-0050, 863-025-0055, 863-025-0060, 863-025-0065, 863-025-0070, 863-025-0080

Last Date for Comment: 10-23-08, 5 p.m.

Summary: The proposed rules and a document showing all amendments to the existing rules are posted on the Real Estate Agency web-

NOTICES OF PROPOSED RULEMAKING

site at www.rea.state.or.us. At the website, click on "Statutes and Rules" and scroll down to "Notices of Rulemaking September 2008."

The rules amend existing rules for the regulation of property managers, including amendments for clarity and to align rules with statutes. Reconciliations of clients' trust account were streamlined and clarified. New rules on maintaining records outside the state are proposed. Production of records by licensees and cash receipts for collection from vending machines rules are clarified. Significant changes to termination of property management agreement and transfers, and to compliance review and mail-in audit rules are proposed.

Rules Coordinator: Laurie Skillman

Address: Real Estate Agency, 1177 Center St. NE, Salem, OR 97301

Telephone: (503) 378-4630

Rule Caption: New division for existing rules on investigations and progressive discipline for real estate licensees.

Date:	Time:	Location:
10-23-08	10 a.m.	Real Estate Agency 1177 Center St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.010, 696.241 & 696.396

Proposed Adoptions: 863-027-0000, 863-027-0005

Proposed Ren. & Amends: 863-015-0225 to 863-027-0010, 863-015-0230 to 863-027-0020

Last Date for Comment: 10-23-08, 5 p.m.

Summary: This division is new and includes renumbered rules and two new rules. The proposed rules and a document showing all amendments to the existing rules are posted on the Real Estate Agency website at www.rea.state.or.us. At the website, click on "Statutes and Rules" and scroll down to "Notices of Rulemaking September 2008."

Rules on investigations and progressive discipline of real estate licensees were moved ("renumbered") from Division 15 to this new division. The amendments for renumbered rules for investigations and progressive discipline were housekeeping amendments. Two new rules were added: one on application and purpose and the other for definitions.

Rules Coordinator: Laurie Skillman

Address: Real Estate Agency, 1177 Center St. NE, Salem, OR 97301

Telephone: (503) 378-4630

Rule Caption: Amend and update regulations for escrow and escrow agents.

Date:	Time:	Location:
10-23-08	10 a.m.	Real Estate Agency 1177 Center St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 696.385, 696.541 & 696.581

Stats. Implemented: ORS 696.243, 696.505, 696.511, 696.527, 696.534, 696.535, 696.541, 696.578, 696.581, 696.582, 696.590 & 696.790

Proposed Adoptions: 863-050-0052

Proposed Amendments: 863-050-0000, 863-050-0015, 863-050-0020, 863-050-0025, 863-050-0030, 863-050-0033, 863-050-0035, 863-050-0050, 863-050-0055, 863-050-0060, 863-050-0065, 863-050-0066, 863-050-0100, 863-050-0105, 863-050-0115, 863-050-0150, 863-050-0240

Proposed Repeals: 863-050-0040, 863-050-0151, 863-050-0205, 863-050-0210, 863-050-0215, 863-050-0220, 863-050-0225, 863-050-0230, 863-050-0235

Last Date for Comment: 10-23-08, 5 p.m.

Summary: The proposed rules and a document showing all amendments to the existing rules are posted on the Real Estate Agency website at www.rea.state.or.us. At the website, click on "Statutes and Rules" and scroll down to "Notices of Rulemaking September 2008."

The rules include significant amendments for clarity, to align rules with statutes, and to repeal rules that are a restatement of statute. All rules relating to processing of claims were deleted because provisions are found in statutes.

Rules Coordinator: Laurie Skillman

Address: Real Estate Agency, 1177 Center St. NE, Salem, OR 97301

Telephone: (503) 378-4630

Secretary of State,

Archives Division

Chapter 166

Rule Caption: Rule change updates the general records retention schedule for cities.

Date:	Time:	Location:
10-17-08	10:30 a.m.	State Archives Bldg. 800 Summer St. NE Salem, OR 97310

Hearing Officer: Staff

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Proposed Amendments: Rules in 166-200

Last Date for Comment: 12-1-08

Summary: Rule change updates general records retention schedule for cities.

Rules Coordinator: Julie Yamaka

Address: Secretary of State, Archives Division, 800 Summer St. NE, Salem, OR 97310

Telephone: (503) 378-5199

ADMINISTRATIVE RULES

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: Amends Exhibit Q-V, which is a notice of rights and decision about rights form.

Adm. Order No.: PAR 3-2008

Filed with Sec. of State: 9-12-2008

Certified to be Effective: 9-12-08

Notice Publication Date: 5-1-2008

Rules Amended: 255-060-0011, 255-060-0016

Subject: OAR 255-060-0011 and 255-060-0016 outline the procedures for designating an offender a predatory sex offender. Both rules reference Exhibit Q-V, which is a notice of rights and decisions about rights form that is provided to the inmate or offender. Exhibit Q-V is being amended to clarify the section of the form that applies only to out-of-custody hearings and clarifies the rights after a hearing. Exhibit Q-V is being amended to make formatting changes, correct a typographical error, and streamline the form.

Rules Coordinator: Susan Deschler—(503) 945-0914

255-060-0011

Procedures for Predatory Sex Offender Designation

(1) For purposes of this rule, a predatory sex offender is defined as a person who exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree, or has been convicted of attempting to commit one or has been found guilty except for insanity of one of these crimes. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use the STATIC-99 (Exhibit Q-I) and definitions (Exhibit Q-II), which have been approved by the Department of Corrections as required by ORS 181.585(2). The Board may also consider any other evidence that the inmate or the offender exhibits characteristics showing a tendency to victimize or injure others.

(2) Predatory sex offender designations made by the board for inmates or offenders released from a Department of Corrections institution before February 10, 2005, are not included in this rule. Those designations are governed by the rules in effect when the designation was made.

(3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate or offender is a candidate for predatory sex offender designation, if the inmate or offender scores six or more points on the STATIC-99.

(4) Subject to the procedures set forth below, inmates or offenders who score six or more points on the STATIC-99, and have been identified as a candidate for predatory designation, have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.

(a) Written objections must be received by a Department of Corrections' institution or release counselor, a supervising officer or the Board within three days of the date the offender or inmate signed the Notice of Rights (Exhibit Q-III).

(b) The Board must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate or offender refused to sign the Notice of Rights before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding.

(c) The Board must consider any written objections to the score on the STATIC-99 timely submitted by the inmate or offender before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding. The Board may find an inmate or offender is a candidate for predatory sex offender designation if there is evidence to support a score on the STATIC-99 of six or more points.

(d) Inmates or offenders may elect to waive their right to submit written objections. Any such waiver must be in writing. When an inmate or offender waives their right to submit written objections, the Board may find an inmate or offender is a candidate for predatory sex offender designation if the inmate's or offender's score on the STATIC-99 is six or more.

(4) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. The finding may only be made after the inmate or offender has participated in an evidentiary hearing or waived participation in such a hearing to determine whether the offender is exhibiting characteristics showing a tendency to victimize or injure others. A find-

ing that an offender is a predatory sex offender will be contained in the inmate's or offender's original order of supervision or an amended order of supervision.

(5) The sole purpose of the evidentiary hearing will be to determine whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. The Board may receive a written report from a supervising officer or a release counselor of any Department of Corrections institution indicating that an inmate or offender who has been determined to be a candidate for designation as a predatory sex offender under paragraphs (3) and (4) exhibits characteristics showing a tendency to victimize or injure others.

(a) Upon receipt of a written report from a supervising officer or a release counselor, the Board will review it to determine whether it contains sufficient information to conduct an evidentiary hearing for purposes of determining whether the inmate or offender should be designated as a predatory sex offender. If the Board determines there is sufficient information in the report, it will forward the report to its Hearing Officer, who will schedule an evidentiary hearing.

(b) The Board's Hearing Officer will provide the inmate or offender with a copy of the Notice of Rights (Exhibit Q-V) prior to the evidentiary hearing. Upon receipt of the Notice of Rights (Exhibit Q-V), the inmate or offender may proceed with the evidentiary hearing or waive their right to the hearing. At the evidentiary hearing, the Hearing Officer will consider the written report submitted by the supervising officer or release counselor and the results of the STATIC-99 risk assessment scale, and may accept additional evidence supporting the STATIC-99 score or otherwise indicating that the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. The inmate or offender may present evidence rebutting claims made in the written report submitted by a supervising officer or release counselor, challenging the score on the STATIC-99, or rebutting other evidence that the inmate or offender exhibits characteristics showing a tendency to victimize or injure others. At the conclusion of the evidentiary hearing, the Hearing Officer will submit his report to the Board with a recommendation as to whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others.

(c) Upon receipt of the report and recommendation from the Board's Hearing Officer, the Board will review the report and recommendation and determine whether the inmate or offender exhibits characteristics showing a tendency to victimize or injure others and is, therefore, a predatory sex offender.

(7) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 144.050, 144.140, 181.585 & 181.586

Stats. Implemented:

Hist.: PAR 4-2000, f. & cert. ef. 2-15-00; PAR 1-2002(Temp), f. & cert. ef. 1-15-02 thru 7-13-02; PAR 4-2002, f. & cert. ef. 3-12-02; PAR 5-2003, f. & cert. ef. 10-10-03; PAR 2-2004(Temp), f. & cert. ef. 1-41-04 thru 7-11-04; PAR 7-2004, f. & cert. ef. 6-14-04; PAR 1-2006(Temp), f. & cert. ef. 3-20-06 thru 9-15-06; PAR 5-2006, f. & cert. ef. 6-14-06; PAR 6-2006(Temp), f. & cert. ef. 6-15-06 thru 12-11-06; PAR 9-2006, f. & cert. ef. 10-9-06; PAR 1-2008, f. & cert. ef. 1-11-08; PAR 3-2008, f. & cert. ef. 9-12-08

255-060-0016

Procedures for Predatory Sex Offender Designation for Inmates

(1) For purposes of this rule, a predatory sex offender is defined as a person who exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree, or has been convicted of attempting to commit one or has been found guilty except for insanity of one of these crimes. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use the STATIC-99 (Exhibit Q-I) and definitions (Exhibit Q-II), which have been approved by the Department of Corrections as required by ORS 181.585(2). The Board may also consider evidence that the inmate is behaving in a manner that is consistent with exhibiting characteristics showing a tendency to victimize or injure others submitted in written reports prepared by an approved evaluator and a release counselor of any Department of Corrections institution.

(2) Predatory sex offender designations made by the board for inmates released from a Department of Corrections institution before August 7, 2006, are not included in this rule. Those designations are governed by the rules in effect when the designation was made or when the inmate was released from custody.

ADMINISTRATIVE RULES

(3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate is eligible for predatory sex offender designation, if the inmate scores six or more points on the STATIC-99.

(4) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. The finding may only be made after the inmate has participated in a sex offender evaluation or refused participation in such an evaluation, and participated in an evidentiary hearing or waived participation in such a hearing to determine whether the offender is exhibiting characteristics showing a tendency to victimize or injure others. A finding that an offender is a predatory sex offender will be contained in the offender's original order of supervision or an amended order of supervision.

(5) Subject to the procedures set forth below, inmates who score six or more points on the STATIC-99, and have been identified as eligible for predatory designation are required to participate in a sex offender evaluation to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others. Refusal to participate in such an evaluation will be used as evidence to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others.

(6) Subject to the procedures set forth below, inmates who score six or more points on the STATIC-99, and have been identified as eligible for predatory designation, have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.

(a) Written objections must be received by a Department of Corrections' institution or release counselor, or the Board within three days of the date the inmate signed the Notice of Rights (Exhibit Q-III).

(b) The Board must receive and review the signed Notice of Rights (Exhibit Q-III) or

(i) Written documentation that the inmate refused to sign the Notice of Rights

(ii) Before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding.

(c) The Board must consider any written objections to the score on the STATIC-99 timely submitted by the inmate before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding. The Board may find an inmate is eligible for predatory sex offender designation if there is evidence to support a score on the STATIC-99 of six or more points.

(d) Inmates may elect to waive their right to submit written objections. Any such waiver must be in writing. When inmates waive their right to submit written objections, the Board may find an inmate or offender is eligible for predatory sex offender designation if the inmate's score on the STATIC-99 is six or more points.

(7) The sole purpose of the evidentiary hearing will be to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others. The Board shall receive the sex offender evaluation of the inmate, a copy of the STATIC-99, and any written objections from the inmate to consider at the hearing. The Board may receive a written report from a release counselor of any Department of Corrections institution indicating that the inmate is engaging in behavior that shows the inmate is exhibiting characteristics showing a tendency to victimize or injure others.

(a) Upon receipt of the abovementioned information, including the written report from a release counselor of any Department of Corrections institution, the Board will review it to determine whether it contains sufficient information to conduct an evidentiary hearing for purposes of determining whether the inmate should be designated as a predatory sex offender. If the Board determines there is sufficient information in the report, it will schedule an evidentiary hearing.

(b) The Board will provide the inmate with a copy of the Notice of Rights (Exhibit Q-V) prior to the evidentiary hearing. Upon receipt of the Notice of Rights (Exhibit Q-V), the inmate may proceed with the evidentiary hearing or waive his or her right to the hearing. At the evidentiary hearing, the inmate will be given the opportunity to rebut claims made in the sex offender evaluation, STATIC-99, and any written report submitted by a release counselor. At the conclusion of the evidentiary hearing, the Board will make a determination as to whether the inmate should be designated as a predatory sex offender.

(8) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: 1999 OL Ch. 163, ORS 144.050, 144.140, 181.585 & 181.586.
Other Auth. V.L.Y. v. Board of Parole & Post-Prison Supervision, 338 Or 44(2005)
Hist.: PAR 7-2006(Temp), f. & cert. ef. 8-7-2006 thru 2-2-07; Suspended by PAR 8-2006(Temp), f. & cert. ef. 8-30-06 thru 2-2-07; PAR 10-2006, f. & cert. ef. 10-30-06; PAR 4-2007, f. & cert. ef. 7-17-07; PAR 3-2008, f. & cert. ef. 9-12-08

Bureau of Labor and Industries
Chapter 839

Rule Caption: Amends the prevailing rates of wage for the period beginning July 1, 2008.

Adm. Order No.: BLI 28-2008

Filed with Sec. of State: 9-3-2008

Certified to be Effective: 9-3-08

Notice Publication Date:

Rules Amended: 839-025-0700

Subject: The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2008.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-025-0700

Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in publications of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2008, are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2008, and the effective dates of the applicable special wage determination and rates amendments:

(a) Marine Rates for Public Works Contracts in Oregon (effective October 4, 2006).

(b) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 6, 2008).

(c) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 13, 2008).

(d) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 20, 2008).

(e) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 4, 2008).

(f) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 25, 2008).

(g) Amendments/Corrections to July 1, 2008 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective August 29, 2008).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2008, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Medford, Portland and Salem and are listed in the blue pages of the phone book. Copies are also available on the bureau's webpage at www.oregon.gov/boli or may be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

Stat. Auth.: ORS 279C.815, 651.060
Stats. Implemented: ORS.279C.815

Hist.: BLI 7-1998(Temp), f. & cert. ef. 10-29-98 thru 4-27-99; BLI 1-1999, f. 1-8-99, cert. ef. 1-15-99; BLI 4-1999, f. 6-16-99, cert. ef. 7-1-99; BLI 6-1999, f. & cert. ef. 7-23-99; BLI 9-1999, f. 9-14-99, cert. ef. 10-1-99; BLI 16-1999, f. 12-8-99, cert. ef. 1-1-00; BLI 4-2000, f. & cert. ef. 2-1-00; BLI 9-2000, f. & cert. ef. 3-1-00; BLI 10-2000, f. 3-17-00, cert. ef. 4-1-00; BLI 22-2000, f. 9-25-00, cert. ef. 10-1-00; BLI 26-2000, f. 12-14-00 cert. ef. 1-1-01; BLI 1-2001, f. & cert. ef. 1-5-01; BLI 3-2001, f. & cert. ef. 3-15-01; BLI 4-2001, f. 3-27-01, cert. ef. 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI

ADMINISTRATIVE RULES

14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002, f. 6-19-02 cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02 cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04 cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07 cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08

Department of Agriculture Chapter 603

Rule Caption: Increase Brand Inspection Fee for the brand inspection of cattle.

Adm. Order No.: DOA 19-2008

Filed with Sec. of State: 9-10-2008

Certified to be Effective: 9-12-08

Notice Publication Date: 6-1-2008

Rules Amended: 603-014-0095

Subject: This rule amends Brand Inspection Fee to increase brand inspection fees for cattle to \$1.00.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-014-0095

Brand Inspection Fee

(1) The brand inspection fee for cattle, as provided by ORS 604.066(2), shall be \$1.00 per head.

(2) The brand inspection fee for cattle hides shall be \$1.50 per hide.

(3) The brand inspection fee for self-inspection (E certificates) on cattle shall be \$1.00 per head.

(4) The charge for cattle transportation certificates, as authorized by ORS 561.180(4), shall be \$1.50 per book.

Stat. Auth.: ORS 561.180, 604.027 & 607.261

Stats. Implemented: ORS 604.066

Hist.: AD 15-1982, f. & ef. 11-1-82; AD 13-1983, f. 10-19-83, ef. 11-1-83; AD 3-1985, f. 1-23-85, ef. 2-1-85; AD 12-1989, f. & cert. ef. 9-1-89; AD 6-1992, f. & cert. ef. 6-3-92; DOA 8-2003, f. 1-14-03 cert. ef. 1-15-03; DOA 10-2007(Temp), f. 6-20-07, cert. ef. 7-1-07 thru 12-21-07; Administrative Correction 1-24-08; DOA 6-2008, f. & cert. ef. 2-6-08; DOA 19-2008, f. 9-10-08, cert. ef. 9-12-08

Rule Caption: Requires a negative TB-test result in dairy cattle imported from California.

Adm. Order No.: DOA 20-2008(Temp)

Filed with Sec. of State: 9-10-2008

Certified to be Effective: 9-15-08 thru 3-10-09

Notice Publication Date:

Rules Amended: 603-011-0265

Subject: In September 2008, California will lose its Tuberculosis-Free Status for cattle living in that state. As a result, certain classes of cattle will have to be tested for TB before they cross the state's border. Tuberculosis (TB) is a highly contagious disease easily spread by direct and indirect contact. Oregon rules require TB-testing imported California cattle used for breeding. However, Oregon rule does not require TB-testing for high-risk neutered cattle (i.e., steers

and spayed heifers). This temporary rule is to address to have a negative TB-test result less than 60 days before Oregon importation.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-011-0265

Importation of Bovines; Tuberculosis

In addition to an import permit and other disease control requirements, the following requirements must be met regarding bovine tuberculosis. Cattle which have had physical contact within the past 12 months with cattle originating in Mexico must be treated as cattle originating in Mexico.

(1) Bovines originating from within the United States:

(a) Tuberculosis testing is not required for:

(A) Bovines of beef breeds originating from states classified USDA accredited-free of bovine tuberculosis. Such bovines must be born in or resident in such a state for at least the previous 12 months;

(B) Bovines of any breed originating from herds classified USDA accredited-free of bovine tuberculosis. The accredited herd number and date of latest herd test must be shown on the health certificate.

(C) Bovines imported for slaughter:

(i) By direct delivery to a federally inspected slaughter establishment;

or

(ii) By direct consignment to an auction market to be sold for slaughter only.

(D) Bovines of beef breeds imported for feeding purposes from a state which is not classified USDA accredited-free of bovine tuberculosis:

(i) If the herd of origin is not under hold order, quarantine, or epidemiological study for tuberculosis, and has had no laboratory confirmed case or other epidemiological evidence of tuberculosis in the previous 12 months, and there has been no contact with any such herd which has;

(ii) If they are consigned directly to an Oregon registered dry feedlot.

On leaving the feedlot, bovines imported under this section must go to slaughter directly or through an auction market, to another registered dry feedlot, or out of state.

(E) Bovines of beef breeds imported for breeding purposes from a state which is not classified USDA accredited-free of bovine tuberculosis if the state of origin has had no laboratory confirmed case or other epidemiological evidence of tuberculosis in the previous 12 months and the herd of origin is not under hold order, quarantine, or epidemiological study for tuberculosis;

(F) Bovines of beef breeds imported for breeding or dairy purposes from a state which is not classified USDA accredited-free of bovine tuberculosis and which has had a laboratory confirmed case or other epidemiological evidence of tuberculosis in the previous 12 months, if the area or herd from which they originate has been exempted from testing by the Oregon State Veterinarian in consultation with livestock health officials of the state of origin.

(b) Tuberculosis testing is required for:

(A) Bovines of beef breeds imported for breeding purposes from a state which is not classified USDA accredited-free of bovine tuberculosis and which has had a laboratory confirmed case or other epidemiological evidence of tuberculosis in the previous 12 months, except as exempted in paragraph (1)(a)(F) of this rule;

(B) Bovines of dairy breeds over two months of age within the 60 day period before entering the state.

(C) A retest at 60 to 120 days from date of first test may in some cases be required. The imported bovines may be retested in the state of origin or imported into Oregon and held under quarantine subject to retest;

(D) Bovines imported as transient rodeo stock must have had one negative tuberculosis test within 12 months prior to entry.

(e) Appeals of exemption decisions: Appeals of exemption decisions made under paragraph (1)(a)(F) of this rule must be filed with the Director of the Oregon Department of Agriculture within 10 working days of the decision. Review will be completed within 10 working days of the appeal. Review will include consultation with at least the Oregon State Veterinarian, the USDA Area Veterinarian in Charge for Oregon, and livestock health officials of the exporting state or country.

(2) Bovines originating in Canada: The regulations for importation of cattle from within the United States shall apply to areas of equivalent tuberculosis classification status as determined by the Ministry of Agriculture of Canada.

(3) Bovines originating in Mexico:

(a) Sexually neutered cattle must:

(A) Bear official Mexican government identification; and

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(B) Be negative to a tuberculosis test upon crossing the border into the United States; and

(C) If imported for feeding purposes, be imported under prior written agreement with the Oregon State Veterinarian directly to a "Tuberculosis Qualified Pasture" after proof is provided of a negative tuberculosis test administered no less than 60 days after the initial test and after importation into the U.S. Movement out of the TQP may be to another TQP, an Oregon Registered Dry Feedlot, direct to slaughter, or to an out of state destination. The TQP must have fencing adequate to prohibit commingling with breeding animals; or

(D) If imported for rodeo and recreational purposes, be held separate and apart from native cattle and retested negative 60 to 120 days following the first test. Such cattle which have been resident in another state for more than 60 days shall require evidence of a second negative retest for tuberculosis prior to entry into Oregon.

(b) Sexually intact cattle must:

(A) Be negative to the tuberculosis test upon crossing the border into the United States; and

(B) Be retested negative within 60 to 120 days following the first test; and

(C) Be retested negative within 360 to 420 days following the first test; and

(D) Be held separate and apart from native cattle until completion of all tests; and

(E) Not be imported for feeding purposes.

(c) Cattle originating on Mexican dairies shall not be imported for any purpose.

Stat. Auth.: ORS 596.341

Stats. Implemented: ORS 596.341

Hist.: AD 890(20-68), f. 10-28-68, ef. 11-1-68; AD 1047(37-74), f. 9-20-74, ef. 10-11-74; AD 1108(29-76), f. & ef. 9-21-76; AD 3-1984, f. & ef. 1-20-84; AD 9-1993(Temp), f. & cert. ef. 7-23-93; AD 7-1994, f. & cert. ef. 7-12-94; DOA 12-2003(Temp), f. & cert. ef. 3-17-03 thru 9-1-03; DOA 33-2003, f. & cert. ef. 9-18-03; DOA 14-2005, f. & cert. ef. 5-31-05; DOA 20-2008(Temp), f. 9-10-08 cert. ef. 9-15-08 thru 3-10-09

Rule Caption: Biodiesel Blending Mandate and Gasoline-Ethanol Blending Exceptions.

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Subject: Implements statute that mandates, (1) Oregon's diesel fuel be blended with biodiesel or renewable diesel; (2) monitoring biodiesel and ethanol production, use, and sales in the State of Oregon; (3) requires biodiesel certificates of analysis, and (4) implements Enrolled Senate Bill (SB) 1079 specific exceptions to blending gasoline with 10% by volume ethanol.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-027-0410

Definitions

(1) "Accredited Laboratory" means a laboratory that is currently accredited by an independent laboratory accrediting body for analyzing motor fuels using American Society for Testing and Materials (ASTM) International test procedures and specifications.

(2) "Alcohol" means a volatile flammable liquid having the general formula $C_nH_{(2n+1)}OH$ used or sold for the purpose of blending or mixing with gasoline for use in propelling motor vehicles, and commonly or commercially known or sold as an alcohol, and includes ethanol or methanol.

(3) "ASTM" means ASTM International, the national voluntary consensus standards organization formed for the development of standards on characteristics and performance of materials, products, systems, and services; and the promotion of related knowledge. ASTM when used in these rules shall mean the 2008 Annual Book of ASTM Standards, Section 5, Volumes 05.01 through 05.05.

(4) "Antiknock Index (AKI)" means the arithmetic average of the Research Octane Number (RON) and Motor Octane Number (MON): $AKI = (RON + MON) / 2$. This value is called by a variety of names, in addition to antiknock index, including: Octane Rating, Posted Octane, (R+M)/2 Octane.

(5) "Automotive Fuel Rating" means the automotive fuel rating determined under 16 CFR 306.5, required to be certified under 16 CFR 306.6 and 16 CFR 306.8, and required to be posted under 16 CFR 306.10. Under

this Rule, sellers of liquid automotive fuels, including alternative fuels, must determine, certify, and post an appropriate automotive fuel rating. The automotive fuel rating for gasoline is the antiknock index (octane rating). The automotive fuel rating for alternative liquid fuels consists of the common name of the fuel along with a disclosure of the amount, expressed as a minimum percentage by volume, of the principal component of the fuel. For alternative liquid automotive fuels, a disclosure of other components, expressed as a minimum percentage by volume, may be included, if desired.

(6) "Automotive Gasoline, Automotive Gasoline-Oxygenate Blend" means a type of fuel suitable for use in spark-ignition automobile engines and also commonly used in marine and non-automotive applications.

(7) "Aviation Gasoline" means a type of gasoline suitable for use as a fuel in an aviation gas spark-ignition internal combustion engine.

(8) "Batch" and "Production Lot" means a homogenous production volume of finished biodiesel from one or more sources that is held in a single container where representative samples are taken and analyzed to provide an authentic certificate of analysis (COA) for the specific volume.

(9) "Bulk Facility" means a facility, including pipelines terminals, refinery terminals, rail and barge terminals and associated underground and above ground tanks connected or separate, from which motor vehicle fuels are withdrawn from bulk and delivered to retail, wholesale or nonretail facilities or into a cargo tank or barge used to transport those products.

(10) "Base Gasoline" means all components other than ethanol in a blend of gasoline and ethanol.

(11) "Biomass" means organic matter that is available on a renewable or recurring basis and that is derived from:

(a) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;

(b) Wood material from hardwood timber described in ORS 321.267(3);

(c) Agricultural residues;

(d) Offal and tallow from animal rendering;

(e) Food wastes collected as provided under ORS Chapter 459 or 459A;

(f) Yard or wood debris collected as provided under ORS Chapter 459 or 459A;

(g) Wastewater solids; or

(h) Crops grown solely to be used for energy, and

(i) Biomass does not mean wood that has been treated with creosote, pentachlorophenol, inorganic arsenic, or other inorganic chemical compounds.

(12) "Biodiesel" means a motor vehicle fuel consisting of mono-alkyl esters of long chain fatty acids derived from vegetable oils, animal fats, or other nonpetroleum resources, not including palm oil, designated as B100 and complying with ASTM D6751. Biodiesel produced in or imported into Oregon for use as a blend stock shall comply with B100 biodiesel requirements including ASTM International D6751 and the Certificate of Analysis.

(13) "Biodiesel Blend" means a fuel comprised of a blend of biodiesel fuel with petroleum-based diesel fuel, designated BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend.

(14) "Certificate of analysis" means:

(a) A document verifying that B100 biodiesel has been analyzed and complies with, at a minimum, the following ASTM D 6751 biodiesel fuel test methods and specifications:

(A) Flash point (ASTM D 93);

(B) Acid number (ASTM D 664);

(C) Cloud point (ASTM D 2500);

(D) Water and sediment (ASTM D 2709);

(E) Visual appearance (ASTM D 4176);

(F) Free glycerin (ASTM D 6584);

(G) Total glycerin (ASTM D 6584);

(H) Oxidation stability (EN 14112 as per ASTM D 6751);

(I) Sulfur (ASTM D 5453 or ASTM D 7039); and

(b) Certification of feedstock origination describing the percent of the feedstock grown or produced in the states of Oregon, Washington, Idaho, and Montana and from outside of the states of Oregon, Washington, Idaho, and Montana. The ASTM International standards referenced in House Bill (HB) 2210 for free and total glycerin are incorrect. The correct ASTM International standards reference for free and total glycerin is ASTM D 6584.

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(15) "Cetane Index" means an approximation of the cetane number of distillate fuel, which does not take into account the effect of a cetane improver additive, calculated from the density and distillation measurements. (Ref. ASTM D 976.)

(16) "Cetane Number" means a numerical measure of the ignition performance of a diesel fuel obtained by comparing it to reference fuels in a standardized engine test. (Ref. ASTM D 613.)

(17) "Coordinating Research Council (CRC) Rating" means a standardized format for rating injector and engine deposits as developed by the CRC.

(18) "Co-solvent" means an alcohol other than methanol which is blended with either methanol or ethanol or both to minimize phase separation in gasoline.

(19) "Dealer" means any motor vehicle fuel retailer dealer, nonretail dealer or wholesale dealer.

(20) "Director" means the Director of Agriculture.

(21) "Diesel Fuel" means a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine.

(22) "Distillate" means any product obtained by condensing the vapors given off by boiling petroleum or its products.

(23) "EPA" means the United States Environmental Protection Agency.

(24) "E85 Fuel Ethanol" means a blend of ethanol and hydrocarbons of which the ethanol portion is nominally 75 to 85 volume percent denatured fuel ethanol (Ref. ASTM D 5798).

(25) "Ethanol" also known as "Denatured Fuel Ethanol", means nominally anhydrous ethyl alcohol meeting ASTM D 4806 standards. It is intended to be blended with gasoline for use as a fuel in a spark-ignition internal combustion engine. The denatured fuel ethanol is first made unfit for drinking by the addition of Alcohol and Tobacco Tax and Trade Bureau (TTB) approved substances before blending with gasoline.

(26) "Ethanol facilities production capacity" means the designed and "as-constructed" rated capacity as verified by the Oregon Department of Agriculture, or the ethanol facilities production capacity as determined by an independent Professional Engineer registered in the State of Oregon that is not the design consultant and as verified by the Oregon Department of Agriculture.

(27) "Feedstock" means the original biomass used in biofuel production.

(28) "Gasoline" means any fuel sold for use in spark ignition engines whether leaded or unleaded.

(29) "Gasoline-Oxygenate Blend" means a fuel consisting primarily of gasoline along with a substantial amount (more than 0.35 mass percent oxygen, or more than 0.15 mass oxygen if methanol is the only oxygenate) of one or more oxygenates.

(30) "Lead Substitute" means an EPA-registered gasoline additive suitable, when added in small amounts to fuel, to reduce or prevent exhaust valve recession (or seat wear) in automotive spark-ignition internal combustion engines designed to operate on leaded fuel.

(31) "Lead Substitute Engine Fuel" means a gasoline or gasoline-oxygenate blend that contains a "lead substitute."

(32) "Low Temperature Operability" means a condition which allows the uninterrupted operation of a diesel engine through the continuous flow of fuel throughout its fuel delivery system at low temperatures.

(33) "Lubricity" means a qualitative term describing the ability of a fluid to affect friction between, and wear to, surfaces in relative motion under load.

(34) "Methanol" means methyl alcohol, a flammable liquid having the formula CH₃OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles.

(35) "M100 Fuel Methanol" means nominally anhydrous methyl alcohol, generally containing small amounts of additives, suitable for use as a fuel in a compression-ignition combustion engine.

(36) "M85 Fuel Methanol" means a blend of methanol and hydrocarbons of which the methanol portion is nominally 70 to 85 volume percent and which meets the requirements of ASTM D 5797.

(37) "Motor Octane Number" means a numerical indication of a spark-ignition engine fuel's resistance to knock obtained by comparison with reference fuels in a standardized ASTM D 2700 Motor Method engine test.

(38) "Motor Vehicles" means all vehicles, vessels, watercraft, engines, machines, or mechanical contrivances that are propelled by internal combustion engines or motors.

(39) "Motor Vehicle Fuel" means gasoline, gasoline-ethanol blends, diesel, other renewable diesel, diesel-other renewable diesel blends, B100

Biodiesel, Biodiesel Blends, E85 Fuel Ethanol, M85 Fuel Methanol, or any other liquid product used for the generation of power in an internal combustion engine, except aviation jet fuels, liquefied petroleum gases or natural gases.

(40) "Nonretail dealer" means any person who owns, operates, controls or supervises an establishment at which motor vehicle fuel is dispensed through a card or key-activated fuel dispensing device to nonretail customers.

(41) "Octane Rating" means the rating of the anti-knock characteristics of a grade or type of gasoline determined by dividing by two the sum of the research octane number and the motor octane number.

(42) "Octane Rating Certification Documentation" means an invoice, bill of lading, delivery ticket, letter or other documentation that specifies the actual octane rating or a rounded rating that is the largest whole number or half of a number that is less than or equal to the number determined by or certified to the person transferring the gasoline.

(43) "Official Sample" means a motor fuel sample delivered via nozzle directly through a fuel pump, dispenser, or metering device from either a fuel delivery truck, tank wagon, above ground or below ground fuel storage tank into a suitable sealable, one litre or larger pressure-tight metal or glass container in the presence of, or drawn by, a department representative in the manner prescribed by department procedures. An official sample shall be appropriately sealed and labeled as to its identity, type, brand, grade, posted automotive fuel rating and the location, source, date, and name of official taking it at the time it is withdrawn from storage. A custody transfer receipt or record will be completed whenever an official sample changes hands enroute to a qualified motor fuel standards laboratory.

(44) "Other renewable diesel" means a diesel fuel substitute, produced from nonfossil renewable resources, that has an established ASTM International standard, is approved by the United States Environmental Protection Agency, and meets specifications of the National Conference on Weights and Measures, designated "100% Biomass-Based Diesel".

(45) "Other renewable diesel blend" means a fuel comprised of a blend of other renewable diesel fuel with petroleum-based diesel fuel, designated "XX% Biomass-Based Diesel Blend". In the abbreviation, "XX%", the XX represents the volume percentage of other renewable diesel in the blend.

(46) "Oxygen Content of Gasoline" means the percentage of oxygen by mass contained in a gasoline.

(47) "Oxygenate" means an oxygen-containing, ashless, organic compound, such as an alcohol or ether, which can be used as a fuel or fuel supplement.

(48) "Premium Diesel" means a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine and shall meet Standard Fuel Specifications OAR 603-027-0420.

(49) "Production" means the ability of a biofuel production facility to produce biofuel that is in compliance with applicable ASTM International specifications.

(50) "Production Lot" and "Batch" means a homogenous production volume of finished biodiesel from one or more sources that is held in a single container where representative samples are taken and analyzed to provide an authentic certificate of analysis (COA) for the specific volume.

(51) "Research Octane Number" means a numerical indication of a spark-ignition engine fuel's resistance to knock obtained by comparison with reference fuels in a standardized ASTM D 2699 Research Method engine test.

(52) "Retail Dealer" means any person who owns, operates, controls or supervises an establishment at which motor vehicle fuel is or offered for sale to the public.

(53) "SAE" means the SAE International, a technical organization for engineers, scientists, technicians, and others in positions that cooperate closely in the engineering, design, manufacture, use, and maintainability of self-propelled vehicles.

(54) "Sales" means volumes of biofuels measured in gallons per year, relevant consumer usage, demand, pricing, and other factors affecting sales.

(55) "Thermal Stability" means the ability of a fuel to resist the thermal stress which is experienced by the fuel when exposed to high temperatures in a fuel delivery system.

(56) "Unleaded" in conjunction with "engine fuel" or "gasoline" means any gasoline or gasoline-oxygenate blend to which no lead or phosphorus compounds have been intentionally added and which contains not more than 0.013 gram lead per liter (0.05 g lead per U.S. gal) and not more than 0.0013 gram phosphorus per liter (0.005 g phosphorus per U.S. gal).

(57) "Use" means the historic blending of biofuel in Oregon in areas using biofuel to meet Oregon's Renewable Fuel Standard (RFS) and other

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information relevant to industry blending of biofuel including the infrastructure capacity to blend and distribute biofuel.

(58) "Wholesale Dealer" means any person who sells motor vehicle fuel if the seller knows or has reasonable cause to believe that the buyer intends to resell the motor vehicle fuel in the same or an altered form to a retail dealer, a nonretail dealer, or another wholesale dealer.

(59) "Winter" or "Winterized" Diesel means a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine which has been blended for low temperature operability and shall meet Standard Fuel Specifications OAR 603-027-0420.

(60) "Withdrawn From Bulk" means removed from a bulk facility for delivery directly into a cargo tank or a barge to be transported to a location other than another bulk facility for use or sale in this state.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 561.190, OL 1997, Ch. 310 (SB 414) & ORS 646.905 - 646.990
Stats. Implemented: OL 1997, Ch. 310 (SB 414), ORS 646.905 - 646.990 & 183
Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 20-2004, f. & cert. ef. 6-28-04; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08

603-027-0420

Standard Fuel Specifications

(1) Gasoline and Gasoline-Oxygenate Blends, as defined in this regulation, shall meet the following requirements:

(a) The ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel," except that volatility standards for unleaded gasoline blended with ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency (which includes those promulgated by Oregon and Federally approved State Implementation Plans (SIP's)). Gasoline blended with ethanol shall be blended under any of the following three options:

(A) The base gasoline used in such blends shall meet the requirements of ASTM D 4814; or

(B) The blend shall meet the requirements of ASTM D 4814; or

(C) The base gasoline used in such blends shall meet all the requirements of ASTM D 4814 except distillation, and the blend shall meet the distillation requirements of the ASTM D 4814 specification.

(b) Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard by more than 1.0 psi.

(c) Minimum Antiknock Index (AKI). The AKI shall not be less than the AKI posted on the product dispenser or as certified on the invoice, bill of lading, shipping paper, or other documentation.

(d) Lead Substitute Gasoline. Gasoline and gasoline-oxygenate blends sold as "lead substitute" gasoline shall contain a lead substitute additive which provides a level of protection against exhaust valve seat recession which is equivalent to the level of protection provided by a gasoline containing at least 0.026 gram of lead per liter (0.10 g per U.S. gal).

(2) Ethanol intended for blending with gasoline shall meet the requirements of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(3) Gasoline-Ethanol Blends Required

(a) Consistent with House Bill 2210 Section 17(1), the Oregon Department of Agriculture shall study and monitor ethanol fuel production, use, and sales in Oregon.

(b) Based upon the Department of Agriculture's study of ethanol production, use, and sales in the State of Oregon, the mandatory use of ethanol as provided in HB 2210 Section 18(1) shall be phased in through three Oregon regions. These regions are defined by counties as follows:

(A) Region 1; Clackamas, Clatsop, Columbia, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties;

(B) Region 2; Benton, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, and Linn Counties; and

(C) Region 3; Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler Counties.

(c) The ethanol facilities production capacity in Oregon has reached a level of at least 40 million gallons per year.

(A) As of January 15, 2008, except as provided in subparagraph (d) of this section, all retail dealers, nonretail dealers, or wholesale dealers within Region 1 may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(B) As of April 15, 2008, except as provided in subparagraph (d) of this section, all retail dealers, nonretail dealers, or wholesale dealers with-

in Region 2 may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(C) As of September 16, 2008, except as provided in subparagraph (d) of this section, all retail dealers, nonretail dealers, or wholesale dealers within Region 3 may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(d) A retail dealer, nonretail dealer, or wholesale dealer may sell or offer for sale gasoline that is not blended with ethanol if the gasoline is for use in:

(A) An aircraft;

(i) With a supplemental type certificate approved by the Federal Aviation Administration that allows the aircraft to use gasoline that is intended for use in motor vehicles, or

(ii) Issued a type certificate by an aircraft engine manufacturer that allows the aircraft to use gasoline that is intended for use in motor vehicles;

(B) An aircraft that has been issued an experimental certificate, described in 14 C.F.R. 21.191, by the Federal Aviation Administration and that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(C) A light-sport aircraft, as defined in 14 C.F.R. 1.1, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(D) A vintage aircraft, as defined by the Oregon Department of Aviation by rule, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(E) An antique vehicle, as defined in ORS 801.125;

(F) A Class I all-terrain vehicle, as defined in ORS 801.190;

(G) A Class III all-terrain vehicle, as defined in ORS 801.194;

(H) A racing activity vehicle, as defined in ORS 801.404;

(I) A snowmobile, as defined in ORS 801.490;

(J) Tools, including but not limited to lawn mowers, leaf blowers, and chain saws; or

(K) A watercraft.

(e) Gasoline-ethanol blends shall contain not less than 9.2 percent by volume of agriculturally derived ethanol, exclusive of denaturants and permitted contaminants, that complies with

(A) OAR 603-027-0420(2) Ethanol ASTM D 4806 standards,

(B) Denatured as specified in 27 C.F.R. parts 20 and 21, and

(C) Complies with the volatility requirements specified in 40 C.F.R. part 80.

(f) The ethanol shall be derived from agricultural product, woody waste or residue.

(g) The gasoline and gasoline-ethanol blends shall comply with OAR 603-027-0420(1).

(h) It is prohibited to blend with casinghead gasoline, absorption gasoline, drip gasoline, or natural gasoline after it has been sold, transferred, or otherwise removed from a refinery or terminal.

(4) Gasoline Additive Restrictions.

(a) Effective November 1, 2009, a wholesale dealer, retail dealer, or nonretail dealer may not sell or offer to sell any gasoline blended or mixed with:

(A) Ethanol unless the blend or mixture meets the specifications or registration requirements established by the United States Environmental Protection Agency pursuant to section 211 of the Clean Air Act, 42 U.S.C. section 7545 and 40 C.F.R. Part 79, and the ethanol complies with ASTM International specification ASTM D 4806;

(B) Methyl tertiary butyl ether in concentrations that exceed 0.15 percent by volume; or

(C) A total of all of the following oxygenates that exceeds one-tenth of one percent, by weight, of;

(i) Diisopropylether,

(ii) Ethyl tert-butylether,

(iii) Iso-butanol,

(iv) Iso-propanol,

(v) N-butanol,

(vi) N-propanol,

(vii) Sec-butanol,

(viii) Tert-amyl methyl ether,

(ix) Tert-butanol,

(x) Tert-pentanol or tert-amyl alcohol, and

(xi) Any other additive that has not been approved by the California Air Resources Board or the United States Environmental Protection Agency.

(5) Diesel Fuel shall meet the requirements of ASTM D 975, "Standard Specification for Diesel Fuel Oils."

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(6) Winter or Winterized Diesel Fuel shall meet the requirements of ASTM D 975, "Standard Specification for Diesel Fuel Oils" and have a cold flow performance measurement which meets the ASTM D 975 tenth percentile minimum ambient air temperature charts and maps by either ASTM Standard Test Method D 2500 (Cloud Point) or ASTM Standard Test Method D 4539 (Low Temperature Flow Test, LTFT). Winter or winterized diesel (low temperature operability) is only applicable October 1 - March 31 of each year.

(7) Premium Diesel Fuel — All diesel fuels identified on retail and nonretail dispensers, bills of lading, invoices, shipping papers, or other documentation with terms such as premium, super, supreme, plus, or premier shall meet the requirements of ASTM D 975, "Standard Specification for Diesel Fuel Oils" and must conform to the following requirements:

(a) Cetane Number — A minimum cetane number of 47.0 as determined by ASTM Standard Test Method D 613;

(b) Low Temperature Operability — A cold flow performance measurement which meets the ASTM D 975 tenth percentile minimum ambient air temperature charts and maps by either ASTM Standard Test Method D 2500 (Cloud Point) or ASTM Standard Test Method D 4539 (Low Temperature Flow Test, LTFT). Low temperature operability is only applicable October 1–March 31 of each year;

(c) Thermal Stability — A minimum reflectance measurement of 80 percent as determined by ASTM Standard Test Method D 6468 (180 minutes, 150 OC);

(d) Lubricity — A maximum wear scar diameter of 520 microns as determined by ASTM D 6079. If a single test of more than 560 microns is determined, a second test shall be conducted. If the average of the two tests is more than 560 microns, the sample does not conform to the requirements of this part.

(8) Biodiesel; B100 Biodiesel and Biodiesel intended for blending with diesel fuel shall,

(a) Meet the requirements of ASTM D 6751, "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels";

(b) Have a Certificate of Analysis for each batch or production lot produced in Oregon prior to blending with any diesel fuel sold or offered for sale in Oregon. Imported biodiesel shall have a Certificate of Analysis after entry into Oregon prior to blending, sale, or offer for sale in Oregon;

(c) If biodiesel with a Certificate of Analysis does not comply with the specifications of ASTM International D 6751 when tested by the Department of Agriculture, then until the producer's Certificate of Analysis is verified and acceptable to the Department, the Department may require the producer of the biodiesel to test future productions by one of the following:

(A) An accredited motor fuel laboratory, or

(B) A non-accredited motor fuel laboratory that meets all of the following requirements;

(i) The laboratory facilities must house and allow proper operation of all required equipment in accordance with the applicable test procedures,

(ii) The laboratory must use personnel trained to perform and analyze ASTM International D 6751 biodiesel fuel tests and other required tests,

(iii) The laboratory must use testing equipment that has been calibrated or verified to meet the requirements of each ASTM International test procedure used,

(iv) The laboratory must participate in an ASTM International proficiency program or similar national proficiency program for at least three times per year with appropriate results, and

(v) The laboratory must maintain current documentation of personnel qualifications, equipment verification, and proficiency results for at least one year. These records shall be available for inspection and reproduction upon request by the Director.

(9) Biodiesel Blends; Blends of biodiesel and diesel fuels shall meet the following requirements:

(a) The base diesel fuel shall meet the requirements of ASTM D 975, Standard Specification for Diesel Fuel Oils; and

(b) The biodiesel blend stock shall meet:

(A) The requirements of ASTM D 6751, Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, and

(B) The requirements in OAR 603-027-0420(8).

(c) Exception; Biodiesel may be blended with diesel fuel whose sulfur, lubricity, or aromatic levels are outside specification ASTM D 975, Standard Specification for Diesel Fuel Oils, grades 1-D S15, 1-D S500, 2-D S15, or 2-D S500 provided the finished mixture meets pertinent national and local specifications and requirements for these properties.

(10) Other Renewable Diesel shall meet its established ASTM International standard, be approved by the United States Environmental

Protection Agency, and comply with specifications of the National Conference on Weights and Measures.

(11) Biodiesel Blends Required.

(a) When the production of biodiesel in Oregon from base feedstock grown or produced in Oregon, Washington, Idaho, and Montana reaches a level of at least 5 million gallons on an annualized basis for at least three months, the Department shall notify all retailers, nonretail dealers, and wholesale dealers in Oregon, in a notice that communicates,

(A) The biodiesel production in Oregon from base feedstock grown or produced in Oregon, Washington, Idaho, and Montana has reached a level of at least 5 million gallons on an annualized basis for at least three months, and

(B) Three months after the date of the notice, a retail dealer, nonretail dealer, or wholesale dealer may only sell or offer for sale diesel fuel in Oregon containing at least two percent biodiesel by volume or other renewable diesel with at least two percent renewable component by volume.

(b) When the production of biodiesel in Oregon from base feedstock grown or produced in Oregon, Washington, Idaho, and Montana reaches a level of at least 15 million gallons on an annualized basis for at least three months, the Department shall notify all retailers, nonretail dealers, and wholesale dealers in Oregon, in a notice that communicates,

(A) The biodiesel produced in Oregon from base feedstock grown or produced in Oregon, Washington, Idaho, and Montana has reached a level of at least 15 million gallons on an annualized basis for at least three months, and

(B) Three months after the date of the notice, a retail dealer, nonretail dealer, or wholesale dealer may only sell or offer for sale diesel fuel in Oregon containing at least five percent biodiesel by volume or other renewable diesel with at least five percent renewable component by volume.

(c) Biodiesel blends and other renewable diesel blends shall contain the volume percent stated to the nearest;

(A) 1.0 volume percent for blends through 5.0 volume percent, and

(B) 2.0 volume percent for blends greater than 5 volume percent through 20 volume percent.

(d) Diesel fuel containing more than five percent biodiesel by volume or other renewable diesel with more than five percent renewable component by volume must be labeled as required in OAR 603-027-0430.

(e) Exemption. The minimum biodiesel fuel content or renewable component in other renewable diesel requirements in OAR 603-027-0420 do not apply to diesel fuel sold or offered for sale for use by railroad locomotives, marine engines, or home heating.

(12) Aviation Gasoline shall meet the requirements of ASTM D 910, "Standard Specification for Aviation Gasoline."

(13) E85 Fuel Ethanol shall meet the requirements of ASTM D 5798, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

(14) M85 Fuel Methanol shall meet the requirements of ASTM D 5797, "Standard Specification for Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 561.190, 646.905 - 646.990, OL 1997, Ch. 310 (SB 414)

Stats. Implemented: ORS 646.905 - 646.990 & 183, OL 1997, Ch. 310 (SB 414)

Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 15-2007(Temp), f. & cert. ef. 10-15-07 thru 4-11-08; DOA 20-2007(Temp), f. & cert. ef. 11-29-07 thru 4-11-08; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08

603-027-0430

Classification and Method of Sale of Petroleum Products

603-027-0430

Classification and Method of Sale of Petroleum Products

(1) General Considerations:

(a) Documentation.

(A) When gasoline; gasoline-oxygenate blends; reformulated gasoline; M85 and M100 fuel methanol; E85 and E100 fuel ethanol; B100 biodiesel and biodiesel blends; renewable diesel and diesel-renewable diesel blends; diesel fuel; winter or winterized diesel fuel; premium diesel fuel; or aviation gasoline are sold, an invoice, bill of lading, shipping paper or other documentation, must accompany each delivery other than a sale by a retail or nonretail dealer. This document must identify the:

(i) Quantity,

(ii) The name of the product,

(iii) The particular grade of the product,

(iv) The word "Winter" or "Winterized" diesel if applicable,

(v) The word "Premium" diesel if applicable,

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(vi) The volume percent biodiesel and other renewable diesel, if a biodiesel, biodiesel blend, other renewable diesel, or diesel-other renewable diesel blend through 5 volume percent to the nearest 1.0 volume percent and for greater than 5 volume percent through 20 volume percent blends to the nearest 2.0 volume percent,

(vii) The applicable automotive fuel rating,

(viii) The name and address of the seller and buyer,

(ix) The date and time of the sale,

(x) For gasoline-oxygenate and gasoline-alcohol blends which contain more than 1.5 mass percent oxygen, the documentation shall state the oxygenate type and oxygenate content, in volume percent, to the nearest 0.5 volume percent, and

(xi) For non-ethanol blended gasoline the documentation shall state that the gasoline is non-ethanol blended.

(B) Each operator of a bulk facility and each person who imports motor vehicle fuels into this state for sale in this state shall keep, for at least one year, at the person's registered place of business complete and accurate records of any motor vehicle fuels sold if sold or delivered in this state.

(C) Each biodiesel or other renewable diesel producer, each operator of a biodiesel bulk facility and each person who imports biodiesel or other renewable diesel into Oregon for sale in this state shall keep, on a monthly basis for at least one year, at the person's registered place of business the certificate of analysis for each batch or production lot of biodiesel or other renewable diesel sold or delivered in Oregon.

(D) Each biodiesel producer in Oregon shall keep, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the producer's name, location address, date, and quantity of biodiesel production and sales from base feedstock grown or produced in Oregon, Washington, Idaho, and Montana. This documentation shall be completed on a form provided by the Department of Agriculture and mailed on a quarterly basis to the Department in Salem, Oregon.

(E) All retail dealers, nonretail dealers, and wholesale dealers in Oregon are required to provide, upon request of the Department, evidence of a certificate of analysis for the biodiesel received.

(F) Each ethanol production facility in Oregon shall keep, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the production facility's name, location address, net ethanol production capacity, the date that the net ethanol capacity was attained, quantity of ethanol produced, and sales in Oregon. This documentation shall be completed on a form provided by the Department of Agriculture and mailed on a quarterly basis to the Department in Salem, Oregon.

(G) Retail dealers and nonretail dealers shall maintain at their facilities the octane rating certification or motor vehicle fuel delivery documentation for the three most recent deliveries to the facility for each grade of gasoline, fuel ethanol, fuel methanol, biodiesel, biodiesel blends, diesel fuel, other renewable diesel fuel, and diesel-other renewable diesel fuel blends sold or offered for sale.

(b) Retail and Nonretail Gasoline Dispenser Labeling. All retail and nonretail gasoline dispensing devices must identify conspicuously on each face of the dispenser(s),

(A) The type of product,

(B) The particular grade of the product,

(C) Type of oxygenate contained if applicable,

(i) Including the specific volume percent of ethanol in gasoline-ethanol blends stating, for example,

"THIS PRODUCT CONTAINS 10% ETHANOL" or other similar language in type at least 12.7 millimeters (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type) located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous from the driver's position,

(ii) Prohibited terms and phrases include but are not limited to, "Contains Up To 10% Ethanol", "May Contain Ethanol", or any other similar language,

(D) The applicable automotive fuel rating, and

(E) If non-ethanol blended gasoline in compliance with OAR 603-027-0420, the dispensers shall be labeled,

"NON-ETHANOL BLENDED GASOLINE FOR EXEMPTED USE ONLY (ORS 646.913)" in capitol letters and type at least 12.7 millimeters (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type) located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous to the consumer.

(c) Posting of Exceptions for Non-Ethanol Blended Gasoline. The exceptions for non-ethanol blended gasoline shall be posted at a business that sells or offers for sale non-ethanol blended gasoline in a position that is clear and conspicuous to the consumer. The exceptions shall be posted:

"NON-ETHANOL BLENDED GASOLINE FOR USE IN THE FOLLOWING APPLICATIONS ONLY;" in capitol letters and type at least 6.4 millimeters (1/4 inch) in height, 1 millimeter (1/32 inch) stroke (width of type), followed by,

"AIRCRAFT WITH A SUPPLEMENTAL TYPE CERTIFICATE APPROVED BY THE FEDERAL AVIATION ADMINISTRATION THAT ALLOWS THE AIRCRAFT TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

AIRCRAFT ISSUED A TYPE CERTIFICATE BY AN AIRCRAFT ENGINE MANUFACTURER THAT ALLOWS THE AIRCRAFT TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

AN AIRCRAFT THAT HAS BEEN ISSUED AN EXPERIMENTAL CERTIFICATE, DESCRIBED IN 14 C.F.R. 21.191, BY THE FEDERAL AVIATION ADMINISTRATION AND THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

A LIGHT-SPORT AIRCRAFT, AS DEFINED IN 14 C.F.R. 1.1, THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

A VINTAGE AIRCRAFT, AS DEFINED BY THE OREGON DEPARTMENT OF AVIATION BY RULE, THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

AN ANTIQUE VEHICLE, AS DEFINED IN ORS 801.125;

A CLASS I ALL-TERRAIN VEHICLE, AS DEFINED IN ORS 801.190;

A CLASS III ALL-TERRAIN VEHICLE, AS DEFINED IN ORS 801.194;

A RACING ACTIVITY VEHICLE, AS DEFINED IN ORS 801.404;

A SNOWMOBILE, AS DEFINED IN ORS 801.490;

TOOLS, INCLUDING BUT NOT LIMITED TO LAWN MOWERS, LEAF BLOWERS, AND CHAIN SAWS; OR A WATERCRAFT (Reference ORS 646.913) in capitol letters and type at least 3 millimeters (1/8 inch) in height, 0.4 millimeter (1/64 inch) stroke (width of type).

(d) Grade Name. The sale of any product under any posted grade name that indicates to the purchaser that it is of a certain automotive fuel rating or ASTM grade indicated in the posted grade name must be consistent with the applicable standard specified in OAR 603-027-0420 "Standard Fuel Specifications".

(2) Automotive Gasoline and Automotive Gasoline-Oxygenate Blends:

(a) Posting of Antiknock Index Required. All automotive gasoline and automotive gasoline-oxygenate blends shall post the antiknock index in accordance with 16 CFR Part 306.

(b) Use of Lead Substitute Must Be Disclosed. Each dispensing device from which gasoline or gasoline oxygenate blend containing a lead substitute is dispensed shall display the grade name followed by "With a Lead Substitute" (e.g. "Unleaded With a Lead Substitute"). The lettering of the lead substitute declaration shall not be less than 12.7 millimeters (1/2 in) in height and 1.5 centimeters (1/16 in) stroke (width of type). The color of the lettering shall be in definite contrast to the background color to which it is applied.

(c) Prohibition of Terms. It is prohibited to use specific terms to describe a grade of gasoline or gasoline-oxygenate blend unless it meets the minimum antiknock index requirement shown in Table 1. [Table not included. See ED. NOTE.]

(3) Diesel Fuel:

(a) Labeling of Product and Grade Required. Diesel fuel shall be identified by "Diesel" and grades "No. 1-D S15", "No. 1-D S500", "No. 1-D S5000", "No. 2-D S15", "No. 2-D S500", "No. 2-D S5000", or "No. 4-D". Each retail or nonretail dispenser of diesel fuel shall be labeled "Diesel" and the grade being dispensed.

(b) Location of Label. These labels shall be located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous from the driver's position, in a type at least 12.7 millimeter (1/2 in) in height, 1.5 millimeter (1/16 in) stroke (width of type).

(4) Winter or Winterized Diesel Fuel:

(a) Labeling of Product and Grade Required. The dispensers of winterized diesel fuel must be labeled as required in OAR 603-027-0430(3)(a) and include the words "WINTERIZED DIESEL" or "WINTER DIESEL" (e.g. "WINTERIZED DIESEL No. 2-D S15").

(b) Location of Winterized Diesel Fuel Label. The location of the winterized diesel label shall be as required in OAR 603-027-0430(3)(b) or on a "pump topper" mounted on top of each winterized diesel dispenser with lettering as specified in OAR 603-027-0430(3)(b) and must be in a position that is clear and conspicuous from the driver's position.

(5) Premium Diesel Fuel :

(a) Labeling of Premium Diesel Required. In addition to labeling requirements specified in OAR 603-027-0430(3), all retail and nonretail dispensers of premium diesel shall be labeled "Premium Diesel" (e.g. "Premium Diesel No. 2-D S15").

(b) Location of Premium Diesel Fuel Label. The location of the premium diesel fuel label shall be located on the upper 50 percent of the dispenser front panels in a position clear and conspicuous from the driver's position, in a type at least 12.7 millimeter (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type).

(6) Biodiesel and Other Renewable Diesel:

(a) Identification of Product.

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(A) Biodiesel and biodiesel blends shall be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel. (Examples: B10; B20; B100)

(B) Other renewable diesel and other renewable diesel blends shall be identified by the numerical value representing the volume percentage of other renewable diesel immediately followed by the percentage symbol (%) and then the term "Biomass-Based Diesel" or "Biomass-Based Diesel Blend".

(Examples: "10% Biomass-Based Diesel Blend"; "20% Biomass-Based Diesel Blend"; "70% Biomass-Based Diesel Blend"; "100% Biomass-Based Diesel".)

(b) Labeling of Retail and Non-Retail Dispensers Containing Between 5% and Up To and Including 20% Biodiesel or Other Renewable Diesel.

(A) If containing biodiesel, the dispenser(s) shall be labeled with either:

(i) The capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with "Biodiesel Blend" (Examples: "B10 Biodiesel Blend"; "B20 Biodiesel Blend"); or

(ii) The phrase, "Biodiesel Blend Between 5% and 20%" or similar words.

(B) If containing other renewable diesel, the dispenser(s) shall be labeled with either:

(i) "XX% Biomass-Based Diesel Blend" where the abbreviation "XX" represents the volume percentage of other renewable diesel in the blend; or

(ii) The phrase, "Biomass-Based Diesel Blend Between 5% and 20%" or similar words.

(c) Labeling of Retail and Non-Retail Dispensers Containing More Than 20% Biodiesel or More Than 20% Other Renewable Diesel.

(A) If containing more than 20% biodiesel, the dispenser(s) shall be labeled with the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "Biodiesel" or "Biodiesel Blend" (Examples: "B100 Biodiesel"; "B60 Biodiesel Blend").

(B) If containing more than 20% other renewable diesel, the dispenser(s) shall be labeled with the numerical value representing the volume percentage of other renewable diesel immediately followed by the percentage symbol (%) and then the term "Biomass-Based Diesel" or "Biomass-Based Diesel Blend" (Examples: "100% Biomass-Based Diesel"; "70% Biomass-Based Diesel Blend").

(d) Documentation for Biodiesel, Biodiesel Blends, Other Renewable Diesel, and Other Renewable Diesel Blends. The operator of retail and non-retail dispensers shall be provided, at the time of delivery of the fuel, with a declaration of the volume percent biodiesel, other renewable diesel, or any combination thereof on an invoice, bill of lading, shipping paper, or other document in compliance with OAR 603-027-0430(1)(a).

(e) Exemption.

(A) Biodiesel blends containing 5% or less biodiesel by volume or 5% or less other renewable diesel by volume are exempted from the dispenser labeling requirements in OAR 603-027-0430(6)(b) and (c) except,

(B) If a dispenser is labeled with any reference to biodiesel or other renewable diesel and the fuel contains 5% or less biodiesel or 5% or less other renewable diesel, then it shall be labeled either:

(i) "5% Or Less Biodiesel Blend", or

(ii) "5% Or Less Biomass-Based Diesel Blend".

(f) Size of Labeling Type. All labeling required in OAR 603-027-0430(6)(b), (c), and (e)(B), shall be in type at least 12 mm (1/2 inch) in height and 1.5 mm (1/16 inch) stroke (width of type)

(7) Aviation Gasoline: Labeling of Grade Required. Aviation gasoline and dispensers shall be identified by and labeled with Grade 80, Grade 100, or Grade 100LL.

(8) E85 Fuel Ethanol:

(a) How to Identify E85 Fuel Ethanol. Fuel ethanol shall be identified as E85. (Example: E85)

(b) Retail or Nonretail E85 Fuel Ethanol Dispenser Labeling. Each retail or nonretail dispenser of fuel ethanol shall be labeled in type at least 12 mm (1/2 inch) in height and 1.5 mm (1/16 inch) stroke (width of type) with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol." (Example: E85 Ethanol).

(A) Fuel ethanol dispensers shall be labeled with its automotive fuel rating in accordance with 16 Code of Federal Regulations Part 306.

(B) A label shall be posted which states, "For Use in Flexible Fuel Vehicles (FFV) Only". This information shall be posted on the upper 50% of the dispenser front panels in a position clear and conspicuous from the

driver's position, in a type at least 12.7 mm (1/2 inch) in height, 1.5 mm (1/16 inch) stroke (width of type).

(9) Fuel Methanol:

(a) Identification of Fuel Methanol. Fuel methanol shall be identified by the capital letter M followed by the numerical value volume percentage of methanol. (Example: M85)

(b) Retail or Nonretail Dispenser Labeling. Each retail or nonretail dispenser of fuel methanol shall be labeled in type at least 12 mm (1/2 inch) in height and 1.5 mm (1/16 inch) stroke (width of type) with the capital letter M followed by the numerical value volume percent methanol and ending with the word "methanol." (Example: M85 Methanol).

(c) Additional Labeling Requirements. Fuel methanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

[ED. NOTE: Tables & Examples referenced are available from the agency.]

Stat. Auth.: ORS 561.190, OL 1997, Ch. 310 (SB 414) & 646.905 - 646.990

Stats. Implemented: OL 1997, Ch. 310 (SB 414), ORS 646.905 - 646.990 & 183

Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 15-2007(Temp), f. & cert. ef. 10-15-07 thru 4-11-08; DOA 20-2007(Temp) f. & cert. ef. 11-29-07 thru 4-11-08; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08

603-027-0440

Storage Tanks

(1) Water in Motor Vehicle Fuel Storage:

(a) Water in Gasoline-Alcohol Blends, E85 Fuel Ethanol, M85 Fuel Methanol, and Aviation Gas. No water or water-alcohol phase greater than six millimeters (1/4 in) as determined by an appropriate detection paste is allowed to accumulate in any tank utilized in the storage of gasoline-alcohol blend, Biodiesel, Biodiesel Blends, E85 fuel ethanol, M85 fuel methanol, and aviation gasoline.

(b) Water in Gasoline, Diesel, Biodiesel, Biodiesel Blends, Other Renewable Diesel, Other Renewable Diesel Blends, Gasoline-Ether, and Other Fuels. Water phase shall not exceed 25 mm (1 inch) in depth when measured with water indicating paste in any tank utilized in the storage of diesel, gasoline, gasoline-ether blends at retail or nonretail except as required in OAR 603-027-0440(1)(a).

(2) Product Storage Identification:

(A) Fill Connection Labeling.

(A) The fill connection for any motor vehicle fuel or aviation gasoline storage tank from which the fuels are dispensed directly into motor vehicle or aircraft fuel tanks shall be permanently, plainly, and visibly marked as to the grade of product contained therein.

(B) In addition, storage tank fill connections of non-ethanol blended gasoline shall be permanently, plainly, and visibly marked that the product contained therein is non-ethanol blended gasoline.

(b) Declaration of Meaning of Color Code. When the fill connection device is marked by means of a color code, the color code key shall be conspicuously displayed at the place of business.

Stat. Auth.: ORS 561.190, OL 1997, Ch. 310 (SB 414) & 646.905 - 646.990

Stats. Implemented: OL 1997, Ch. 310 (SB 414), ORS 646.905 - 646.990 & 183

Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08

603-027-0450

Official Sampling Procedures; Inspections and Recordkeeping

(1) Official samples of motor vehicle fuel for testing shall be obtained by the Director or the Director's designate from:

(a) The same dispensing device used for sales to customers;

(b) Any bulk facility;

(c) Any transporter of motor vehicle fuels.

(2) The official sample shall be obtained in the following manner:

(a) The official sample shall be collected into a clear or brown glass bottle or a metal container approved for such use;

(b) The container shall be sealed and identified immediately after the official sample has been obtained;

(c) At the motor vehicle fuel dispenser, the official sample shall be collected after at least 2 litres (one-half gallon) has been dispensed. This official sample shall be considered representative of the product dispensed.

(3) The Director of Agriculture, or the Director's authorized agent, upon reasonable oral or written notice, may make such examinations of books, papers, records, and equipment the Director requires to be kept by a biodiesel or other renewable diesel producer, facility operator or importer as may be necessary to carry out the duties of the Director under OAR 603-027-0420 and 603-027-0430.

(4) The Director or the Director's authorized agent, may obtain up to eight times per calendar year, at no cost to the Department, representative samples of biodiesel from any producer, bulk facility, business, or other

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establishment that sells, offers for sale, distributes, transports, hauls, delivers, or store biodiesel. The entire cost of transporting and testing of the samples shall be the responsibility of and invoiced directly to the business from which the sample was obtained. Any additional biodiesel testing beyond this specific requirement at the request of the Director shall be paid for by the Department of Agriculture.

(5) The Director of Agriculture, or the Director's authorized agent, upon reasonable oral or written notice, may make such examinations of books, papers, records, and equipment the Director requires to be kept by an ethanol production facility located in Oregon as may be necessary to carry out the duties of the Director under OAR 603-027-0420.

(6) At the time samples, or copies of books, papers or records of the owner or operator are obtained, the owner or operator shall specify what, if any, information the owner or operator considers to be confidential business information or a trade secret. The Department shall keep any information so specified (including the results of any test) in a separate file marked "confidential." The disclosure of such information shall be governed by the Oregon Public Records Law, ORS 192.410 et. seq. and section 8 of 1997 Oregon Laws Chapter 310. Nothing in this rule shall be construed to limit the use of such information in any enforcement proceeding by the Department. In the event such information is required in any enforcement proceeding by the Department, it may be used under a protective order.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 561.190, 646.905, 646.915 & 646.920
Stats. Implemented: ORS 646.905, 646.915 & 646.920
Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 21-2008, f. & cert. ef. 9-11-08

603-027-0460

Test Methods and Reproducibility Limits

(1) Test Methods.

(a) The ASTM Standard Test Methods referenced for use within the applicable Standard Specification shall be used for enforcement purposes.

(b) Premium Diesel. The following test methods shall be used to determine compliance with the premium diesel parameters:

(A) Cetane Number — ASTM D 613,

(B) Low Temperature Operability — ASTM D 4539 or ASTM D 2500 (according to marketing claim),

(C) Thermal Stability — ASTM D 6468 (180 minutes, 150 OC), and

(D) Lubricity — ASTM D 6079.

(2) Reproducibility Limits:

(a) AKI Limits. When determining the antiknock index (AKI) acceptance or rejection of a gasoline sample, the AKI reproducibility limits as outlined in ASTM D 4814 Appendix X1 shall be acknowledged for enforcement purposes.

(b) The reproducibility limits of the ASTM standard test method used for each test performed shall be acknowledged for enforcement purposes, except as indicated in OAR 603-027-0460(2)(a).

(c) Dispute Resolution. In the event of a dispute over a reported test value, the guidelines presented in ASTM D 3244, "Standard Practice for Utilization of Test Data to Determine Conformance with Specifications", shall be used to determine the acceptance or rejection of the sample.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 561.190, 646.905, 646.915 & 646.920
Stats. Implemented: ORS 646.905, 646.915 & 646.920
Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 21-2008, f. & cert. ef. 9-11-08

603-027-0490

Enforcement Proceedings; Civil Penalties

(1) Consolidation of Proceedings: Notwithstanding that each and every violation of these rules and/or 1997 Oregon Laws Chapter 310 is a separate and distinct act and in cases of continuing violations, each day's continuance is a separate and distinct violation, proceedings for a Stop Use, Hold and/or Removal Order, or for the assessment of civil penalties arising from the same conduct or failure to act may be consolidated into a single proceeding.

(2) The Director or the Director's designate shall prescribe a reasonable time for the elimination of the violation prior to imposing a civil penalty, except that if a party fails to abide by the terms of any Stop Use, Hold and/or Removal Order, the Director or the Director's designate may immediately impose a civil penalty in addition to any other remedies provided by law.

(3) Violations occurring after the time prescribed for the elimination of the violation shall be considered repeat violations.

(4) Civil penalties shall be due and payable when the person incurring the penalty receives a Civil Penalty Assessment Notice in writing from the Director or the Director's designate.

(5) A Civil Penalty Assessment Notice, Stop Use Order, Hold Order and/or Removal Order shall be in writing. In addition to the posting providing for by OAR 603-207-0470 for Stop Use, Hold and Removal Orders, these documents shall be served on the owner or operator of the facility by registered mail, certified mail, or in person. The notice shall include, but not be limited to:

(a) A reference to the particular section of the statute and/or administrative rule involved and;

(b) A short and plain statement of the matters asserted or charged;

(c) A statement of the amount of the penalty or penalties imposed, if any;

(d) A statement of the person's right to request a hearing if such request is made within ten days of mailing of the notice and an explanation of how a hearing may be requested;

(e) A statement that the notice becomes a final order unless the person upon whom the Stop Use, Hold and/or Removal Order, and /or civil penalty is assessed makes a written request for a hearing within ten days from the date of the mailing of the notice.

(6) A civil penalty imposed under the applicable statutes or these regulations may be remitted or reduced at the Director's discretion upon such terms and conditions that are proper and consistent with public safety and welfare.

(7) Hearing Procedures: All hearings shall be conducted pursuant to the applicable contested case procedures as outlined in ORS 183.310 to 183.550, and the Attorney General's Uniform and Model Rules of Procedure (OAR chapter 137).

(8) Entry of Order and Appeal Rights: If a person notified of the Stop Use, Hold, and/or Removal Order and/or civil penalty fails to request a hearing as specified in OAR 603-027-0490(5)(e), or if after the hearing the person is found to be in violation of the provisions of these rules, a final order may be entered by the Department as follows:

(a) The order shall be signed by the Director or the Director's designate;

(b) If the order is not appealed, or if it is appealed and the order is sustained on appeal, the order shall constitute a judgment and may be recorded with the county clerk in any county of this state. Any penalty provided in the order so recorded becomes a lien upon the title of any interest and real property in the county owned by the person against whom the order is entered.

(9) Penalty schedule: In addition to any other penalty provided by law, the Director may assess a civil penalty for violation of any provision of Oregon Laws 1997, chapter 310 section (7) relating to Motor Fuel Standards Regulation. The amount of any civil penalty shall be determined using the following table and shall not exceed \$10,000. In establishing penalty assessments within the table (Table 2), the department will consider factors such as the type of violation, the cause(s) of the violation, the economic impact on fuel purchasers, prior history of violations, repetition of violations, and the degree of demonstrated cooperativeness of the fuel seller. [Table not included. See ED. NOTE.]

(10) The commission of each violation has been categorized as to its magnitude of violation as follows:

(a) Gravity 1 (Minor):

(A) Labeling of Dispenser(s) (Ref. OAR 603-027-0430):

(i) Gasoline dispenser(s) not labeled with the identity of the product dispensed;

(ii) Gasoline dispenser(s) not labeled with the identity of the grade dispensed;

(iii) Gasoline dispenser(s) not labeled with the identity of oxygenates;

(iv) Gasoline-ethanol blend dispensers not labeled that the product contains 10% by volume ethanol in compliance with OAR 603-027-0430.

(v) Gasoline dispenser(s) of non-ethanol blended gasoline not labeled for exempted use only in compliance with OAR 603-027-0430.

(vi) Exceptions for non-ethanol blended gasoline not posted in compliance with OAR 603-027-0430.

(vii) Use of Prohibited Terms. Prohibited terms used to describe the grade of gasoline or gasoline-oxygenate blends. (Ref. OAR 603-027-0430);

(viii) Gasoline dispenser(s) not labeled with the Antiknock Index (AKI) number;

(ix) Gasoline dispenser(s) for lead substitute motor vehicle fuels not properly identified;

(x) Diesel dispenser not labeled with either the identity of the product and/or grade dispensed;

(xi) Location of either the diesel product and/or grade label not on each face and on the upper 50 percent of the dispenser front panels;

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(xii) Winter or winterized diesel fuel dispenser(s) not labeled in compliance with OAR 603-027-0430;

(xiii) Premium diesel fuel dispenser(s) not labeled in compliance with OAR 603-027-0430;

(xiv) Aviation gasoline dispenser(s) not labeled with the identity of the grade dispensed;

(xv) Fuel ethanol dispenser(s) not labeled with the correct automotive fuel rating, the identity of the product dispensed, or use limited to flex fuel vehicles only;

(xvi) Fuel methanol dispenser(s) not labeled with the correct automotive fuel rating and the identity of the product dispensed;

(xvii) Biodiesel, biodiesel blend, other renewable diesel, or other renewable diesel blend fuel dispenser(s) not labeled in compliance with OAR 603-027-0430.

(B) Storage Tank(s); Motor vehicle fuel storage tank(s);

(i) Not correctly identified as to the product contained;

(ii) Not correctly identified that the product contained therein is non-ethanol blended gasoline. (Ref. OAR 603-027-0440)

(C) Documentation, Wholesale Dealer and Bulk Facility (Ref. OAR 603-027-0430):

(i) Incorrect, incomplete, or no documentation of motor vehicle fuels provided to the retail dealer or nonretail dealer at the time of motor vehicle fuel delivery;

(ii) Motor vehicle fuel delivery documentation not maintained for at least one year at the person's registered place of business.

(D) Certificate of Analysis Documentation, Biodiesel or Other Renewable Diesel Producer, Operator of a Biodiesel Bulk Facility, and each Person Who Imports Biodiesel or Other Renewable Diesel not keeping on a monthly basis for at least one year, at the person's registered place of business the certificate of analysis for each batch or production lot of biodiesel or other renewable diesel sold or delivered in Oregon (Ref. OAR 603-027-0430);

(E) Documentation, Biodiesel Production Facility not keeping, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the producer's name, location address, date and quantity of biodiesel production and sales from base feedstock grown or produced in Oregon, Washington, Idaho, and Montana (Ref. OAR 603-027-0430);

(F) Documentation not delivered on a quarterly basis to the Oregon Department of Agriculture declaring the biodiesel producer's name, location address, date and quantity of biodiesel production and sales from base feedstock grown or produced in Oregon, Washington, Idaho, and Montana in compliance with OAR 603-027-0430;

(G) Documentation, Retail Dealer, Nonretail Dealer, and Wholesale Dealer not providing, upon request of the Department, evidence of a certificate of analysis for the biodiesel received (Ref. OAR 603-027-0430);

(H) Documentation, Ethanol Production Facility not keeping, on an annual basis by month, at the person's registered place of business, documentation declaring the production facility's name, location address, net ethanol production capacity, the date that the net ethanol capacity attained, quantity of ethanol produced, and sales in Oregon.

(I) Documentation declaring the ethanol facility's name, location address, net ethanol production, date, quantity of ethanol produced, and sales in Oregon not delivered to the Oregon Department of Agriculture on a quarterly basis in compliance with OAR 603-027-0430;

(J) Documentation, Retail Dealer and Nonretail Dealer (Ref. OAR 603-027-0430); Octane rating certification or motor vehicle fuel delivery documentation not maintained at their facilities for the three most recent deliveries to the facility for each grade of gasoline, fuel ethanol, fuel methanol, biodiesel, biodiesel blends, diesel fuel, other renewable diesel fuel, and other renewable diesel fuel blends sold or offered for sale.

(b) Gravity 2 (Moderate):

(A) Storage Tank(s);

(i) Water phase in motor vehicle fuel storage tank(s) for gasoline-alcohol blends, B100 Biodiesel, Biodiesel Blends, E85 fuel ethanol, M85 fuel methanol, and aviation gasoline exceed allowable limits (Ref. OAR 603-027-0440);

(ii) Water phase in motor vehicle fuel storage tank(s) for gasoline, diesel, other renewable diesel, other renewable diesel blends, gasoline-ether, and other fuels exceed allowable limits (Ref. OAR 603-027-0440).

(c) GRAVITY 3 (Major):

(A) Automotive fuel rating of the gasoline does not meet the minimum antiknock index (AKI) posted on the dispenser or certified on the invoice, bill of lading, shipping paper, or other documentation. (Ref. OAR 603-027-0420 and 603-027-0430);

(B) Gasoline does not meet ASTM standards (Ref. OAR 603-207-0420);

(C) Gasoline offered for sale with a lead substitute that does not meet requirements for a lead substitute gasoline. (Ref. OAR 603-027-0420);

(D) Ethanol intended for blending with gasoline does not meet the requirements of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel". (Ref. OAR 603-027-0420);

(E) Gasoline sold or offered for sale does not meet gasoline-ethanol blend requirements (Ref. OAR 603-027-0420);

(F) Gasoline Additive Restrictions: A wholesale dealer, retail dealer, or nonretail dealer selling or offering for sale gasoline blended or mixed with prohibited additives. (Ref. OAR 603-027-0420);

(G) Diesel fuel offered for sale does not meet ASTM standards (Ref. OAR 603-027-0420);

(H) Winter or Winterized diesel fuel offered for sale does not meet Standard Fuel Specifications (Ref. OAR 603-027-0420);

(I) Premium diesel fuel offered for sale does not meet Standard Fuel Specifications (Ref. OAR 603-027-0420);

(J) Biodiesel intended for blending with diesel fuel does not meet ASTM Standard Fuel Specifications (Ref. OAR 603-027-0420);

(K) Biodiesel blend offered for sale does not meet fuel specifications (Ref. OAR 603-027-0420);

(L) Certificate of analysis not provided for each batch or production lot of biodiesel produced in Oregon or imported into Oregon prior to blending with any diesel fuel sold or offered for sale in Oregon. (Ref. OAR 603-027-0420);

(M) Other renewable diesel sold or offered for sale does not meet fuel specifications (Ref. OAR 603-027-0420);

(N) Diesel fuel sold or offered for sale does not meet diesel-biodiesel or diesel-other renewable diesel blend requirements. (Ref. OAR 603-027-0420);

(O) Biodiesel, biodiesel blends, other renewable diesel, other renewable diesel blends, or any combination thereof not to nearest 1.0 volume percent for blends through 5 percent by volume or not to nearest 2.0 volume percent for blends greater than 5 percent by volume through 20 percent by volume (Ref. OAR 603-027-0420);

(P) Aviation gasoline does not meet the requirements of ASTM D 910, "Standard Specification for Aviation Gasolines". (Ref. OAR 603-027-0420);

(Q) E85 Fuel Ethanol offered for sale does not meet ASTM Standard Fuel Specifications (Ref. OAR 603-027-0420);

(R) M85 Fuel Methanol offered for sale does not meet ASTM Standard Fuel Specifications (Ref. OAR 603-027-0420).

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 561.190, OL 1997, Ch. 310 (SB 414) & 646.905 - 646.990

Stats. Implemented: OL 1997, Ch. 310 (SB 414), ORS 646.905 - 646.990 & 183

Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08

Department of Consumer and Business Services, Division of Finance and Corporate Securities Chapter 441

Rule Caption: Increase examination or audit charges in seven programs administered in the Division.

Adm. Order No.: FCS 8-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 8-28-08

Notice Publication Date: 7-1-2008

Rules Amended: 441-740-0010, 441-745-0340, 441-810-0110, 441-830-0020, 441-860-0110, 441-910-0055, 441-930-0270

Subject: These rule amendments increase the examination or audit fees assessed by the Director in seven programs administered in the Division of Finance and Corporate Securities from \$60 to \$75 per hour per examiner. Those programs are: mortgage lending, pre-arranged funeral plans, credit service organizations, collection agencies, debt consolidating agencies, money transmitters, and pawn-brokers.

Rules Coordinator: Shelley Greiner—(503) 947-7484

ADMINISTRATIVE RULES

441-740-0010

Fees Payable by Pawnbrokers to the Administrator

(1) For calendar year 2002 and thereafter, the annual fees paid pursuant to ORS 726.125(1) and (2) shall be \$350.

(2) Whenever the Director provides extra services to a pawnbroker under ORS 726.125(3) or conducts an examination of a licensed pawnbroker under 726.250, the Director will collect the cost to the Division for the Director and the examiners and other Division employees used in providing the extra services or conducting the examination. The rate of charge is \$75 an hour per person.

(3) In addition to the charges fixed by section (2) of this rule, the Director will collect any additional costs directly attributable to extra services provided under ORS 726.125(3) or an examination made under 726.250.

(4) The director may by order reduce the fees assessed for any specific year.

Stat. Auth.: ORS 726.125 & 726.250

Stats. Implemented: ORS 726.125 & 726.250

Hist.: FID 7-1985, f. & ef. 12-31-85; Renumbered from 805-076-0100; FCS 5-1994, f. & cert. ef. 4-25-94; FCS 11-2000, f. 10-5-00, cert. ef. 9-1-01; FCS 8-2001, f. & cert. ef. 8-1-01; FCS 4-2002, f. & cert. ef. 10-25-02; FCS 3-2005, f. & cert. ef. 9-6-05; FCS 8-2008, f. & cert. ef. 8-28-08

441-745-0340

Fees, Charges Money Transmitters Pay to the Director

(1) The rate of charge payable by a licensee is \$75 an hour per person payable by the licensee for the Director and each examiner or other division employee used in an examination conducted under ORS 717.255 and for extra services provided a license under 717.255(2).

(2) Notwithstanding the rate of charge fixed by section (1) of this rule:

(a) If an examiner or other division employee or the Director is required to travel out of state in conducting the examination or providing the extra services, the rate of charge payable by the licensee is \$75 an hour per person, plus actual cost of travel;

(b) If the extra services or examination is performed by a consultant hired by contract for the particular service or examination, the charge payable by the licensee is the actual cost to the division of the contract consultant.

(3) As used in this rule;

(a) "Extra services" means any attention other than an annual examination given under ORS 717.255(1).

(b) Actual travel costs include air fare, lodging, food, car usage out of state, mileage to the Oregon airport and return, and travel time beginning from the departure time and ending at the departure time at the destination city.

Stat. Auth.: ORS 717.310

Stats. Implemented: ORS 717.255

Hist.: FCS 8-2000, f. & cert. ef. 6-27-00; FCS 8-2008, f. & cert. ef. 8-28-08

441-810-0110

Audit Charges Collection Agencies Pay to the Director

(1) Audit charges shall be paid upon receipt of the invoice.

(2) The rate of charge payable by a collection agency is \$75 an hour for each person used in performance of the audit conducted under ORS 697.058(5).

(3) Notwithstanding section (2) of this rule:

(a) If a person from the Collection Agency Program is required to travel out of state to perform the work described by section (2) of this rule, the rate of charge is \$75 per hour plus cost to the Program of travel and subsistence for each such person;

(b) If the work described in section (2) of this rule is performed by a consultant hired by contract for the particular work, the charge payable by the collection agency is the actual cost to the Program of the contract consultant.

Stat. Auth.: ORS 697.085

Stats. Implemented: ORS 697.058(5)

Hist.: DC 3-1984, f. & ef. 1-16-84; Renumbered from 814-101-0060; FCS 9-1988, f. 4-12-88, cert. ef. 5-1-88; FCS 8-2008, f. & cert. ef. 8-28-08

441-830-0020

Audit Charges Credit Service Organizations Pay to the Director

When an audit is performed under ORS 646A.266:

(1) Audit charges shall be paid upon receipt of the invoice.

(2) The rate of charge payable by a credit services organization is \$75 an hour for each person used in performance of the audit conducted under ORS 646A.266.

(3) Notwithstanding section (2) of this rule:

(a) If a person from the Credit Services Program is required to travel out of state to perform the work described by section (2) of this rule, the

rate of charge is \$75 per hour plus cost to the Program of travel and subsistence for each such person;

(b) If the work described in section (2) of this rule is performed by a consultant hired by contract for the particular work, the charge payable by the credit services organization is the actual cost to the Program of the contract consultant.

Stat. Auth.: ORS 646A.266

Stats. Implemented: ORS 646A.266

Hist.: FCS 1-1994, f. & cert. ef. 1-4-94; FCS 2-2004, f. & cert. ef. 8-5-04; FCS 8-2008, f. & cert. ef. 8-28-08

441-860-0110

Audit Charges Mortgage Bankers or Mortgage Brokers Pay to the Director

(1) Audit charges shall be paid upon receipt of the invoice of audit or examination fees.

(2) In addition to the initial application and renewal fees assessed pursuant to ORS 59.880 and OAR 441-860-0020(10) and 441-860-0050(3) licensees shall pay an audit charge in the amount of \$75 an hour for each person used in performance of the audit.

(3) Notwithstanding section (2) of this rule:

(a) If an employee of the Department is required to travel out of state to perform the work described by section (2) of this rule, the rate of charge is \$75 per hour plus cost to the Program of travel and subsistence for each such person;

(b) If the work described in section (2) of this rule is performed by a consultant hired by contract for the particular work, the charge payable by the Mortgage Banker or Mortgage Broker is the actual cost to the Program of the contract consultant.

Stat. Auth.: ORS 59.880

Stats. Implemented: ORS 59.880

Hist.: FCS 3-1993, f. & cert. ef. 11-15-93; FCS 11-1994, f. 11-4-94, cert. ef. 11-15-94; FCS 10-2001, f. 12-24-01, cert. ef. 1-1-02; FCS 8-2008, f. & cert. ef. 8-28-08

441-910-0055

Audit Charges Debt Consolidating Agencies Pay to the Director

(1) Audit charges shall be paid upon receipt of the invoice.

(2) The rate of charge payable by a debt consolidating agency is \$75 an hour for each person used in performance of the audit conducted under ORS 697.732.

(3) Notwithstanding section (2) of this rule:

(a) If the director's examiner is required to travel out of state to perform the work described by section (2) of this rule, the rate of charge is \$75 per hour plus actual cost to the director for travel and subsistence for each such examiner;

(b) If the work described in section (2) of this rule is performed by a consultant hired by contract for the particular work, the charge payable by the debt consolidating agency is the actual cost to the director for the contract consultant.

Stat. Auth.: ORS 697.632

Stats. Implemented: ORS 697.732

Hist.: DC 2-1984, f. & ef. 1-16-84; Renumbered from 814-106-0055; FCS 9-1988, f. 4-12-88, cert. ef. 5-1-88; Renumbered from 441-910-0100, FCS 4-2005, f. 12-8-05, cert. ef. 1-1-06; FCS 8-2008, f. & cert. ef. 8-28-08

441-930-0270

Fees Assessed to Certified Providers and Registered Master Trustees

The Director assesses the following fees against each registered master trustee, certified provider, or applicant:

(1) A registration or certification fee — \$335.

(2) Annual Report Fee — \$335 per master trustee, provider, cemetery or crematorium location. For purposes of the annual report fee, each branch location of a provider's funeral establishment is a separate establishment and each location of a cemetery or crematorium is a separate location.

(3) Short form Annual Report Fee — \$10.

(4) Exam Fees — \$75 per hour for each examiner, plus costs of an examination.

(5) If the books and records are located outside Oregon, the certified provider or master trustee must pay travel and per diem expenses.

Stat. Auth.: ORS 97.933 & 97.935

Stats. Implemented: ORS 97.933 & 97.935

Hist.: DO 1-2002, f. & cert. ef. 1-10-02; Renumbered from 440-300-0270; FCS 3-2004, f. & cert. ef. 9-30-04; FCS 7-2004, f. 12-14-04, cert. ef. 1-1-05; FCS 3-2005, f. & cert. ef. 9-6-05; FCS 2-2006, f. & cert. ef. 2-22-06; FCS 8-2008, f. & cert. ef. 8-28-08

ADMINISTRATIVE RULES

Department of Consumer and Business Services, Insurance Division Chapter 836

Hist.: CD 9-1987(Temp), f. & ef. 1-22-87; CD 27-1987, f. & ef. 6-5-87; CD 26-1993, f. 10-14-93, cert. ef. 11-1-93; DOC 3-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 21-2008, f. & cert. ef. 8-29-08

Rule Caption: Rulemaking Relating to Applicability of Notice Statement Required in OAR 836-080-0165.

Adm. Order No.: ID 15-2008(Temp)

Filed with Sec. of State: 9-3-2008

Certified to be Effective: 9-3-08 thru 10-1-08

Notice Publication Date:

Rules Adopted: 836-080-0166

Subject: This rulemaking establishes an applicability date of October 1, 2008 for OAR 836-080-0165 to allow companies sufficient time to obtain approval of language providing a statement to the effect that the Insurance Division of the Department of Consumer and Business Services offers assistance to consumers as required under OAR 836-080-0165.

Rules Coordinator: Sue Munson—(503) 947-7272

836-080-0166

Applicability and Scope

OAR 836-080-0165 applies to individual annuity contracts and any subsequent offer for sale of additional coverage in connection with the annuity that are sold on or made after October 1, 2008. An insurer may conform its contracts to the provisions of OAR 836-080-0165 prior to that date.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 742.009 & 746.240

Hist.: ID 15-2008(Temp), f. & cert. ef. 9-3-08 thru 10-1-08

Department of Corrections Chapter 291

Rule Caption: Contracts and Governmental Agreements with the Department of Corrections.

Adm. Order No.: DOC 21-2008

Filed with Sec. of State: 8-29-2008

Certified to be Effective: 8-29-08

Notice Publication Date: 4-1-2008

Rules Adopted: 291-026-0050, 291-026-0140

Rules Amended: 291-026-0005, 291-026-0010, 291-026-0015, 291-026-0025, 291-026-0105, 291-026-0115, 291-026-0125

Rules Repealed: 291-026-0030, 291-026-0085, 291-026-0095, 291-026-0135

Subject: These modifications align the Department's rules with rules and policies of the Department Administrative Services and Department of Justice. Other modifications are necessary to reflect organizational and operational changes that have occurred within the Department since the last revision.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-026-0005

Authority, Purpose and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 279A.050, 421.438, 423.020, 423.030, and 423.075.

(2) Purpose: To ensure that personal and professional service contracting is carried out in an efficient manner within requirements set by statutes, regulations, policies and standards.

(3) Policy:

(a) It is the policy of the Department of Corrections that legislatively funded Department of Corrections programs may enter into personal or professional contracts for services so long as the required services could not have been performed cost effectively using qualified public resources;

(b) One or more of the following circumstances shall be present to justify entering into a personal or professional service contract:

(A) The specialized skills, knowledge, and resources are not available within the Department;

(B) The work cannot be done in a reasonable time with the Department's own work force;

(C) An independent and impartial evaluation of a situation is required;

(D) There is a grant which requires contracting; or

(E) It is less expensive to contract for the work.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

291-026-0010

Definitions

(1) Architectural, Engineering and Land Surveying Services, and Related Services: As defined in ORS 279C.100 and 279C.100(6) and collectively means a special class of personal services that are required to be performed by an architect, engineer or land surveyor and related services.

(2) Competitive Solicitation: A documented process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the contractor's fees or costs, availability, capacity, experience, references, responsiveness to time limitations, responsiveness to solicitation requirements, and quality of previous performance.

(3) Contract Administration: All functions related to a given contract between the Department and a contractor or consultant from the time the contract is executed until the work is completed and accepted or the contract is terminated, payment has been made, and disputes have been resolved. Contract administration includes amendments.

(4) Contracts Unit: The unit within the Department responsible for conducting the procurement process resulting in an executed contract or agreement.

(5) Contractor or Consultant: The person or entity with whom the Department enters into a contract.

(6) Emergency: Circumstances that:

(a) Could not have been reasonably foreseen;

(b) Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and

(c) Require prompt execution of a contract to remedy the condition.

An emergency procurement means a sourcing method pursuant to ORS 279B.080, 279C.335(5) statutes.

(7) Interagency Agreement: An agreement between two or more state.

(8) Intergovernmental Agreement: An agreement between the Department and a unit of local government, the federal government, or agencies of the federal government.

(9) Interstate Agreement: An agreement between a state agency and other public agencies outside the boundaries of the State of Oregon.

(10) International Agreement: An agreement between a state agency and any country outside the boundaries of the United States.

(11) Memorandum of Understanding: A non-binding agreement or documentation of gifts.

(12) Notice to Proceed: A document issued solely by the Contracts Unit directing the commencement of service. Services will not begin prior to issuance of the notice.

(13) Originating Program: The program or functional unit within the Department of Corrections which is seeking or soliciting the services of a contractor or other governmental entity.

(14) Personal Services: The services performed under a personal services contract in accordance with OAR 125-247 and related rules in 125-246. "Personal services" includes architectural, engineering and land surveying services procured under ORS 279C.105 or 279C.110 and related services procured under 279C.120.

(15) Sole-Source Procurement: A sourcing method by which the Department awards a contract without competition to a single source for supplies and services, when written justification demonstrates no other source is available, in accordance with ORS 279B.075 and OAR 125-247-0275

(16) Solicitation Document: An invitation to bid; a request for proposals; a special procurement solicitation; or other document issued to invite offers from prospective contractors in accordance with ORS 279B or 279C. Solicitation document includes related documents, either attached or incorporated by reference, and any changes thereto, issued by the Department.

(17) Statement of Work: All provisions of a public contract that specifically describe the services or work to be performed or goods to be delivered by either the contractor, its subcontractor(s), or the Department, as applicable, including any related technical specifications, deadlines, or deliverables. Detailed description of the specific services or tasks a contractor or consultant is required to perform under a contract.

(18) Tribal Agreements: An agreement between the Department and any American Indian Tribe.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

ADMINISTRATIVE RULES

Hist.: CD 9-1987(Temp), f. & ef. 1-22-87; CD 27-1987, f. & ef. 6-5-87; CD 26-1993, f. 10-14-93, cert. ef. 11-1-93; DOC 3-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 21-2008, f. & cert. ef. 8-29-08

Hist.: DOC 3-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 21-2008, f. & cert. ef. 8-29-08

291-026-0015

Contract Classification

This rule sets forth procedures for programs within the Department of Corrections to follow when entering into the following classification of contract or agreements:

- (1) Personal service contracts;
- (2) Professional service contracts for architectural, engineering, land surveying services, and related services;
- (3) Interagency agreements;
- (4) Intergovernmental agreements;
- (5) International agreements;
- (6) Interstate agreements;
- (7) Tribal agreements; or
- (8) Memorandum of Understanding.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: CD 9-1987(Temp), f. & ef. 1-22-87; CD 27-1987, f. & ef. 6-5-87; CD 26-1993, f. 10-14-93, cert. ef. 11-1-93; DOC 3-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 21-2008, f. & cert. ef. 8-29-08

291-026-0025

Department of Corrections and Other Required Approvals

(1) The Director may delegate signature authority on behalf of the Department of Corrections for contracts and agreements identified in OAR 291-0026-0015.

(2) Pursuant to OAR 137-045-0030, the Department of Justice must review and approve for legal sufficiency certain contracts and agreements and associated solicitation documents based upon the dollar threshold and other considerations. The Contracts Unit will serve as liaison between the Department of Corrections and the Department of Justice for the legal review and approval of documents requiring such review.

(3) Unless exempted or delegated authority has been granted to the Department of Corrections, all contracts shall be approved by the Department of Administrative Services before any service may be performed under the contract.

(4) Approval to commence work:

(a) Work shall not commence until the issuance of a "Notice to Proceed" by the Contracts Unit.

(b) Payments shall not be made to contractors for work performed prior to the date of the "Notice to Proceed" or after the termination date of the contract.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: CD 9-1987(Temp), f. & ef. 1-22-87; CD 27-1987, f. & ef. 6-5-87; CD 26-1993, f. 10-14-93, cert. ef. 11-1-93; DOC 3-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 21-2008, f. & cert. ef. 8-29-08

291-026-0050

Contract Administration — General Provisions

(1) Contract Administrator: The originating program will appoint, in writing, a contract administrator to represent the Department for each contract and agreement. The contract administrator may delegate in writing a portion of the contract administrator's responsibilities to a technical representative for specific day-to-day administrative activities for each contract.

(2) Contract Administration Duties:

(a) Contract Budget Management: The contract administrator will work with Department's Budget Office to ensure adequate and appropriate encumbrances are made to the in-house accounting system to manage the budget in relation to contracted expenditures. Although contracts may cross biennia, proper budget management is the responsibility of the contract administrator.

(b) The contract administrator will monitor progress of work and ensure contract deliverables are met in accordance with the schedule.

(c) The contract administrator will take steps to correct and remedy any problems which may interfere with completion of the work. This may include, but is not limited to, initiating amendments, exercising termination provisions, or any other provisions or actions required. The contract administrator will document in writing all such steps taken.

(d) Ramifications of failure to appropriately administer a contract could result in over expenditure of Department funds. Negligent or fraudulent expenditures can result in personal financial responsibility or disciplinary action, up to and including dismissal pursuant to the Department's policy on Delegation of Expenditure Authority (30.1.4).

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

291-026-0105

Request Forms

(1) The originating program will use the Department's approve request forms to initiate the applicable process.

(2) The Statement of Work will be written to clearly and concisely specify the contract outcome expectations, deliverables, schedule, and responsibilities of the Department and contractor.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: CD 26-1993, f. 10-14-93, cert. ef. 11-1-93; DOC 3-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 21-2008, f. & cert. ef. 8-29-08

291-026-0115

Amendments

Amendments will be processed solely by the Contracts Unit when an active contract or agreement must be revised, clarified, altered, extended or changed. The contractor administrator will submit the Department's amendment form to the Contracts Unit to initiate the amendment process.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: CD 26-1993, f. 10-14-93, cert. ef. 11-1-93; DOC 3-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 21-2008, f. & cert. ef. 8-29-08

291-026-0125

Interagency, Intergovernmental, International, Interstate or Tribal Agreements

(1) The Department will consider using agreements with other governmental entities to provide services before using private contractors.

(2) The agreement must be written or reviewed by the Contracts Unit prior to review and approval of the other party. The Contracts Unit will initiate the legal review and signature process as required under applicable rule.

(3) The written agreement shall include the following:

(a) The purpose of the agreement;

(b) The term of the agreement, including specific beginning and ending dates, if applicable;

(c) The total cost of the agreement to each party, including payment terms, if any; and

(d) The methods to terminate the agreement and any other pertinent information.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: CD 26-1993, f. 10-14-93, cert. ef. 11-1-93; DOC 3-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 21-2008, f. & cert. ef. 8-29-08

291-026-0140

Memorandum of Understanding

(1) Memorandum of Understanding are not legally binding on any party, but are commonly used to document agreements between parties for expectation of performance during emergencies or for mutual assistance.

(2) Funds cannot be obligated through a Memorandum of Understanding.

(3) Contracts Unit is the holder of the file of record. The originating Department section will forward copies of all Memorandum of Understanding to the Contracts Unit.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: DOC 3-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 21-2008, f. & cert. ef. 8-29-08

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Rule Caption: Purchasing.

Adm. Order No.: DOC 22-2008

Filed with Sec. of State: 8-29-2008

Certified to be Effective: 8-29-08

Notice Publication Date: 4-1-2008

Rules Adopted: 291-164-0100, 291-164-0110, 291-164-0120, 291-164-0130, 291-164-0140

Rules Amended: 291-164-0005, 291-164-0010, 291-164-0015

Rules Repealed: 291-164-0020, 291-164-0025, 291-164-0030, 291-164-0045

Subject: These rule amendments update Department policy and processes for purchasing of supplies and services, ensuring they align with the rules and policies of the Department of Administrative Services and Department of Justice. Other modifications are necessary to

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reflect organizational and operational changes that have occurred within the Department since the last revision.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-164-0005

Authority, Purpose, and Policy

(1) Authority: The authority for the rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 279A.050, 421.438, 423.020, 423.030 and 423.075.

(2) Purpose: The purpose of these rules is to:

(a) Ensure that supplies, equipment, and trade services are purchased in compliance with applicable statutes and regulations governing state agency purchasing practices; and.

(b) Ensure that food products and food equipment are purchased in compliance with the requirements of statutes and regulations governing Department purchasing.

(3) Policy: It is the policy of the Department of Corrections that advance planning is an inherent management responsibility which is essential to the maintenance of a cost-effective and efficient purchasing program.

(a) The Department's purchasing program will comply with the Department of Administrative Services rules governing the purchasing process (OAR chapter 125, division 246 through 249) as applicable and on all mandatory price agreements.

(b) The Department's purchasing program will comply with the Department of Justice Model Rules (OAR chapter 137, divisions 045 through 047) for all institution purchases exempting food services supplies, which will comply with Food Service Operations & Program Procurement rules (OAR 291-164-0100 through 291-164-0140).

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: CD 22-1987, f. & ef. 4-3-87; CD 3-1991(Temp), f. & cert. ef. 1-17-91; CD 17-1991, f. & cert. ef. 7-11-91, DOC 4-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 22-2008, f. & cert. ef. 8-29-08

291-164-0010

Definitions

(1) Emergency Purchase: Immediate acquisition of goods or services to alleviate an emergent situation. The criteria and standards applicable to emergency purchases as set forth in this rule.

(2) Emergent Situation: A situation that could not have been reasonably anticipated that present a clear and imminent danger to life, health, safety, security, interruption of services or loss to public property. The situation presents an immediate threat to the safety and security of inmates, Department's staff and general public and immediate action must be taken to ensure the good order of the facility.

(3) Food Equipment or Services: All materials, equipment, products and other personal property, and services required for the handling, preparation, delivery, serving and storage of food products.

(4) Food Product: Any foodstuff that will be prepared for and consumed by the Department's inmate population.

(5) Fragmenting: Artificially dividing a procurement to constitute a small procurement or to circumvent the Department of Justice legal sufficiency requirements.

(6) Invitation to Bid (ITB): All documents, whether attached or incorporated by reference, used for soliciting bids. Written request for prices, rates or other conditions under which a potential bidder would provide.

(7) Offer: Written or oral response to a request for quote.

(8) Offeror: The person who submits an offer in response to a request for quote.

(9) Purchasing Unit: The unit within the Department responsible for conducting the procurement process resulting in an executed contract utilizing a purchase order or contract.

(10) Request Order: Automated requests directed to the General Services Fiscal Services Purchasing Unit and approved by appropriate authority, which fully describes the item or service requiring issuance of a purchase order or contract.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: CD 22-1987, f. & ef. 4-3-87; CD 3-1991(Temp), f. & cert. ef. 1-17-91; CD 17-1991, f. & cert. ef. 7-11-91, DOC 4-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 22-2008, f. & cert. ef. 8-29-08

291-164-0015

General

(1) Managers within each functional unit shall review inventory stock levels and usage rates available through the Department's computerized

perpetual inventory system prior to submitting a purchase request to increase inventory levels of stock item(s).

(2) Requests for similar commodities will be consolidated to be efficient in order to gain the economic advantage of volume purchasing and to avoid fragmenting.

(3) All goods, supplies, and services purchased by the Department will be received and inspected at authorized receiving points which include institution warehouses, regional offices, and the Fiscal Services Section for General Services.

(4) Managers identifying a specific vendor or product by brand name shall be aware that products of approved equal specification and alternate vendors may be substituted as a result of competitive bidding.

(5) Expediting purchase orders shall be limited to items which are critical to the function of a program and need for the good, supply, or service could not have been reasonably anticipated. If the good, supply, or service is not purchased promptly, an emergent situation will develop resulting in imminent danger to life, health, safety, security or loss to public property.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: CD 22-1987, f. & ef. 4-3-87; CD 3-1991(Temp), f. & cert. ef. 1-17-91; CD 17-1991, f. & cert. ef. 7-11-91, DOC 4-2008(Temp), f. & cert. ef. 3-4-08 thru 8-29-08; DOC 22-2008, f. & cert. ef. 8-29-08; DOC 22-2008, f. & cert. ef. 8-29-08

291-164-0100

General

(1) Solicitations for similar commodities will be consolidated if consolidation would gain an economic advantage with volume purchasing. Procurement may not be artificially divided or fragmented so as to circumvent the legal sufficiency approval requirement set forth in ORS Chapter 291.

(2) Solicitations must comply with Disadvantaged, Minority, Women and Emerging Small Business Enterprises, ORS 200.035, to provide timely notice and information to the Advocate for Minority, Women and Emerging Small Business.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: DOC 22-2008, f. & cert. ef. 8-29-08

291-164-0110

Small Procurements

Any procurement of food product or food equipment or service not exceeding \$25,000 may be awarded without a competitive process. The Department may award a contract in any manner deemed practical or convenient by the Department, including by direct selection or award. A procurement may not be artificially divided or fragmented so as to constitute a small procurement under this rule.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: DOC 22-2008, f. & cert. ef. 8-29-08

291-164-0120

Solicitation Procedures

(1) Process and Criteria:

(a) The Department will issue a written ITB for intermediate solicitations exceeding \$25,000 which will include:

(A) A time, date and place where bids must be submitted.

(B) The name and pertinent contact information of the Department's single point of contact.

(C) A complete description of the specifications of the food product or food equipment or services being requested.

(D) A statement that the Department may cancel the solicitation or procurement, or reject any or all bids in whole or in part, when the cancellation or rejection is in the best interest of the Department as determined by the Department. The reason for cancellation or rejection will be made part of the solicitation file.

(E) All contractual terms and conditions applicable to the procurement.

(F) For formal solicitations over \$150,000, the ITB may include language specifying the time and manner a prospective bidder may file a protest. If protests are permitted for that particular solicitation, the Department will issue a decision in the form of an addenda or notice on the protest as specified in the ITB.

(G) The ITB will set forth the evaluation criteria to be used, that may include, but are not limited to, inspection, testing, quality, availability and suitability for intended use or purpose. No criteria may be used in an evaluation that is not set forth in the ITB.

(b) The Department will give public notice of solicitations, other than small procurements or emergency purchases, using the Oregon

ADMINISTRATIVE RULES

Procurement Information Network (ORPIN) system for a minimum of five calendar days before the solicitation closing date. If a shorter notice period is in the public's interest and will not substantially affect competition, the Purchasing Unit will document in the file as to why a lesser time was used.

(c) Review and Evaluation of Bids:

(A) The Department will open bids at the time, date and place designated in the ITB.

(B) The Department will not consider bids received after the time and date indicated in the solicitation for opening.

(C) The amount of a bid, the name of the bidder and other relevant information will be recorded by the Department. The record shall be open to public inspection in accordance with public record law.

(D) The Department will evaluate all bids received as specified in the ITB.

(E) The Department will award the contract to the lowest responsive and responsible bidder whose bid substantially complies with the requirements and criteria set forth in the ITB; or if the ITB specifies or authorizes the award of multiple contracts, to the responsive and responsible qualified bidder(s) whose bid(s) best serve the interests of the Department as determined by the Department.

(d) One unanticipated amendment may be made to a contract without additional competitive process by any party. The designated procurement officer must give written approval of the unanticipated amendment after determination that the change is still within the scope of the original ITB.

(2) Documentation. The Department will keep a written record of the sources of the bids received for all solicitations in accordance with Secretary of State Archiving rules.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: DOC 22-2008, f. & cert. ef. 8-29-08

291-164-0130

Emergency Purchases

(1) Intent: The intent of this section is to provide a method for emergency purchases of food products, food equipment and services, or any combination.

(2) Condition: To procure food products or food equipment and services as an emergency purchase, an emergent situation must exist as determined by the Director or the applicable institution's functional unit manager or their designee.

(3) Process:

(a) The Purchasing Unit or appropriate institution staff will make the immediate purchase.

(b) The Department shall award the contract to the bidder whose bid will best serve the interests of the Department and to alleviate the emergent situation.

(c) Purchasing Unit will document the file with justification for the emergency purchase in accordance with Secretary of State Archiving rules.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: DOC 22-2008, f. & cert. ef. 8-29-08

291-164-0140

Alternative Procurement Methods

(1) The Department reserves the right to use an alternative procurement method if that method will be more likely to:

(a) Achieve the specific business objective or business objectives of the procurement; or

(b) Aid the Director in fulfilling the statutory mandate to operate and administer the Department.

(2) Alternative procurement methods may include, but are not limited to, specialized vendor prequalification, multistep bids or proposals, single proposer negotiations, competitive negotiations between two or more proposers, brand name solicitations, and cooperative procurements. The Department shall conduct the alternative procurement method in accordance with the process set forth in the applicable solicitation document.

Stat. Auth.: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 279A.050, 421.438, 423.020, 423.030 & 423.075

Hist.: DOC 22-2008, f. & cert. ef. 8-29-08

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Rule Caption: Prison Term Modification of Sentences of Inmates

Adm. Order No.: DOC 23-2008(Temp)

Filed with Sec. of State: 9-12-2008

Certified to be Effective: 9-12-08 thru 3-10-09

Notice Publication Date:

Rules Amended: 291-097-0005, 291-097-0010, 291-097-0015, 291-097-0020, 291-097-0025, 291-097-0040, 291-097-0050, 291-097-0060, 291-097-0070, 291-097-0080, 291-097-0100, 291-097-0110, 291-097-0120

Subject: The Department has adopted a new counselor caseload initiative that gives counselors additional time to perform new jobs duties in support of the Department's mission and the Oregon Accountability Model. These temporary amendments are necessary to reflect Department policy changes from the counselor caseload initiative that impact the procedures for calculation, applying, retracting and restoring earned time credits.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-097-0005

Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120, 421.121, 421.122, 423.020, 423.030 and 423.075.

(2) The purpose of this rule is to establish procedures for calculating, applying, retracting, and restoring earned time, statutory good time and extra good time credits, and for recommending modifications of parole release dates to the Board of Parole and Post-Prison Supervision, for inmates sentenced for crimes committed on or after November 1, 1989 (sentencing guidelines), and for inmates sentenced for crimes committed prior to November 1, 1989 (matrix sentences). The changes to the prison term modification rules OAR 291-097-0005 through 291-097-0130 are effective August 4, 2008.

(3) Policy:

(a) It is the policy of the Department of Corrections that inmates serving sentences for crimes committed on or after November 1, 1989 (sentencing guidelines), may be considered for a reduction in their term of incarceration pursuant to ORS 421.121, as set forth in these rules. Inmates sentenced under sentencing guidelines may be eligible to earn sentence reduction credits (earned time credits) up to a maximum of 20 percent of each sentencing guidelines sentence. The earned time credits received by the inmate are dependent on compliance with his/her Oregon Corrections Plan and institution conduct. Earned time credits are designed to provide a minimum amount of time credits necessary to serve as adequate incentive for appropriate institutional behavior and program participation.

(b) It is the policy of the Department of Corrections that inmates serving sentences for crimes committed prior to November 1, 1989 (pre-sentencing guidelines sentences), may be eligible for prison term reduction credits (statutory good time and extra good time credits) pursuant to ORS 421.120, as set forth in these rules.

(c) It is the policy of the Department of Corrections that inmates sentenced for crimes committed prior to November 1, 1989 (pre-sentencing guidelines sentences), may be eligible to receive a recommendation from the Department to the Board of Parole and Post-Prison Supervision that the inmate receive prison term reduction credits for an earlier date, as set forth in these rules.

(d) It is the policy of the Department of Corrections to develop Oregon Corrections plans on all inmates assigned to a Department of Corrections facility.

(e) It is the policy of the Department of Corrections to not calculate earned time for boarders from another state or those inmates serving pre-sentencing guidelines sentences or sentences of death, life without the possibility of parole or life with the possibility of parole.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030, 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030, 423.075

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0010

Definitions

(1) Earned Time Credits: Sentence reduction credits (days), up to 20 percent of the sentence imposed, that can be earned by an inmate sentenced under sentencing guidelines, pursuant to ORS 421.121, and these rules. The inmate earns the reductions by compliance with his/her Oregon Corrections Plan and institution conduct.

(2) Earned Time Release Date: The release date that has been achieved by an inmate, calculated by subtracting the earned time credits accrued from the maximum date.

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(3) Extra Good Time Credits: Sentence reduction credits (days) that can be earned by an inmate sentenced for crimes committed prior to November 1, 1989 (pre-sentencing guidelines), for satisfactory work assignment or participation in an educational program, pursuant to ORS 421.120(1)(c), (d) and (e) and 421.122, and these rules. Days earned reduce the statutory good time date. Methods of computation are delineated in OAR 291-097-0070.

(4) Final Review Period: An increment of at least four months prior to an inmate's projected release date.

(5) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of services or coordination of programs.

(6) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, or an Assistant Director and has responsibility for the delivery of program services or coordination of program operations.

(7) Judgment: Document issued by the court that commits an inmate to the legal and physical custody of the Department of Corrections, and reflects the inmate's term of incarceration, term of post-prison supervision, and court-ordered supervision conditions, if any.

(8) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision or probation status.

(9) Offender: Any person under the supervision of the Department of Corrections, local supervisory authority or community corrections who is on probation, parole or post-prison supervision status.

(10) Offender Information & Sentence Computation Unit (OISC): The functional unit charged to administrate applicable statutes pertaining to sentencing; develop, implement and revise applicable processes for inmate and offender sentence computation; respond to public information requests with regard to inmate and offenders; certify an inmate's release date; and provide supportive services to department facilities with regard to inmate sentencing.

(11) Oregon Corrections Plan (OCP): An automated case management tool incorporated into the Corrections Information System, which serves as the primary tool for tracking an inmate's progress in working to mitigate the identified risk factors.

(12) Parole Release Date: The date on which an inmate is ordered to be released from an indeterminate prison sentence(s) to parole by the Board of Parole and Post-Prison Supervision. Parole release may be to the community, detainer or to another Department of Corrections sentence.

(13) Pre-Sentence: That period of time a defendant spends in physical custody or incarceration from the point of arrest to the date of delivery to the Department to serve that sentence.

(14) Prison Term:

(a) Sentencing Guidelines Sentences: The length of incarceration time within a Department of Corrections facility as established by the court in the judgment.

(b) Pre-Sentencing Guidelines Sentences: The length of required incarceration time within a Department of Corrections facility as established by the order of the Board of Parole and Post-Prison Supervision setting of a parole release date.

(15) Prison Term Analyst: The staff person from OISC responsible for calculating inmates' sentences, applying sentence reduction credits and establishing release dates pursuant to applicable rules and statutes.

(16) Projected Release Date: The date upon which an inmate is anticipated to complete service of the prison term.

(17) Restoration of Earned Time, Statutory Good Time, Extra Good Time Credits: Where previously retracted earned time, statutory good time, extra good time and previously forfeited statutory good time and extra good time for parole violators are granted and applied back to the inmate's sentence.

(18) Retraction: Where previously granted earned time, statutory good time or extra good time credits are forfeited by an inmate as a result of a significant negative action on the part of the inmate, in accordance with the rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105), or forfeiture of program earned time credits granted following the effective date of this rule for inmates identified for residential alcohol and drug treatment (SCF 25) who fail to satisfactorily complete the prescribed program during their term of incarceration.

(19) Review Period: A six-month increment, beginning with an inmate's admission date, used to determine an inmate's compliance with institution behavior and his/her OCP.

(20) Special Case Factor 25: An inmate identified as both highly criminal and highly involved with drugs or alcohol through intake screening or

subsequent assessment who is required to participate and complete a residential alcohol and drug program if available prior to the inmate's release.

(21) Statutory Good Time Credits: Prison term reduction credits (days) applicable to sentences for crimes committed prior to November 1, 1989 (matrix sentences) consisting of a reduction of one day for every two days served, pursuant to ORS 421.120(1)(a) and (b), and these rules. The application of statutory good time days establishes the initial statutory good time date and is re-calculated upon parole revocation based on the length of the remaining sentence.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030, 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030, 423.075

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2000, f. & cert. ef. 6-26-00; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0015

Earned Time Credits

Pursuant to ORS 421.121, inmates sentenced under sentencing guidelines, except inmates subject to the provisions of ORS 137.635, inmates serving presumptive sentences or required incarceration terms under ORS 161.737, inmates serving statutory minimum sentences under ORS 137.700 or 137.707, inmates serving a presumptive sentence under ORS 137.719, inmates subject to 137.750 whose judgments do not state that they may be considered for sentence reductions, inmates serving time as a sanction for violation of conditions of post prison supervision, and any other Oregon statutes restricting earn time credits, may earn sentence reduction credits up to 20 percent of the total sentencing guidelines prison term imposed for acceptable participation in OCP requirements and for maintaining appropriate institution conduct.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 3-1998(Temp), f. & cert. ef. 2-20-98 thru 8-17-98; DOC 19-1998, f. & cert. ef. 8-14-98; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0020

Calculation and Application of Earned Time Credits

(1) The maximum amount of earned time credits is 20 percent of the total sentencing guidelines sentence. In determining whether an inmate will receive earned time credits for the review period under consideration, inmate performance will be evaluated in two areas: 10 percent for compliance with the Oregon Corrections Plan and 10 percent for maintaining appropriate institution conduct. The only possible determination for each area is noncompliance or compliance.

(a) Oregon Corrections Plan compliance is defined as acceptable participation in work and self-improvement programs required within the OCP. The required activities within the OCP are determined by ongoing assessment and evaluation, which begins at the inception of the inmate prison term.

(A) An inmate will be considered to be compliant if he/she was not failed from the required program activity(ies) during the review period under consideration. As needed, the counselor will communicate with the treatment or program providers as well as work crew supervisors to evaluate an inmate's compliance with the required program activity(ies). If the inmate's counselor determines the inmate is non-compliant with the OCP, he/she will approve a program failure for documentation in the inmate's computer record.

(B) Inmates identified as needing Residential Alcohol and Drug treatment (SCF 25), and who are not within the timeframes for the program will not be responsible for entering or completing that specific program activity, but will be held responsible for completing all other available required activities identified within the OCP. However, any program earned time previously applied will be retracted during the final review period if it is determined the inmate has refused to enter, or failed to complete a residential alcohol and drug program prior to release.

(b) Institution conduct compliance is defined as maintaining major misconduct-free behavior during the review period. Major misconduct is documented in accordance with the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105). Any finding of major misconduct violation during the review period will be considered as noncompliance. The date of the adjudication, not of the incident, will be used for the date of the violation.

(2) At the end of the review period, the prison term analyst will review the inmate's computer records for information reflecting the inmate's com-

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pliance with the current Oregon Corrections Plan and institution conduct. Based on the information contained in the inmate's computer records, the prison term analyst will apply an effective 0, 10, or 20 percent reduction to the sentencing guidelines sentence proportional for the review period under consideration.

(3) For inmates housed in non-Oregon Department of Corrections facilities, the designated counselor will review the inmate's institution file including any reports received from the housing facility to determine compliance with the current OCP and institution conduct. OCP compliance will be determined by the inmate's reported compliance with requirements as determined by Department staff or the housing facility staff. Due process comparable to the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) shall be applied. Institution conduct non-compliance will be determined by substituting the rule(s) of prohibited conduct, for the rule(s) violated at the housing facility, with the most equivalent charges as defined in the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105). The functional unit manager or designee may impose sanctions, in addition to that imposed by the housing facility, related to sentence reductions.

(4) For each review period under consideration for inmates housed in Oregon Department of Corrections facilities, the prison term analyst will list the reasons for applying or not applying earned time credits and record the corresponding percentage of earned time applied to the inmate's sentence on the Earned Time Computation Form (CD 1154D). For inmates housed in non-Oregon Department of Corrections facilities, the designated counselor will list the reasons for applying or not applying earned time credits and record the corresponding percentage of earned time applied on the Earned Time Computation Form (CD 1154D).

(5) Upon the prison term analyst's or counselor's application of earned time credits toward an inmate's sentence for the review period under consideration, the OISC Unit will recompute the inmate's new earned time release date, file the Earned Time Computation Form (CD 1154D) in the institution file, and provide a copy of the determination to the inmate.

(6) Determination of Earned Time Credits During Presentence Incarceration: For crimes committed on or after November 1, 1989, earned time credits will be computed for the period in which an inmate is in custody in a non-Department of Corrections facility prior to sentencing and admission to the Department of Corrections, based solely on the inmate's conduct in the facility.

(a) Conduct compliance will be assumed, unless the Department receives documentation of adjudicated misconduct from the facility. The inmate will be granted an effective 0 or 20 percent reduction toward the sentencing guidelines sentence proportional for the length of presentence incarceration.

(b) Any verified misconduct during any of the presentence incarceration credits applied to the sentence will result in an effective 0 percent reduction toward the sentencing guidelines sentence proportional for the total length of presentence incarceration. Conduct compliance will result in an effective 20 percent reduction in the sentencing guidelines prison term proportional for the length of presentence incarceration.

(7) If the inmate escapes, the prison term analyst will close out the current earned time review period, changing the current review period to end the day after escape. An inmate that is returned from an escape to a Department of Corrections facility will have the starting date of the new earned time credit cycle begin with the date of return. The escape will constitute a program failure for the period up to the escape.

(8) If, during any review period, the inmate is assigned to an Alternative Incarceration Program and for sufficient justification as determined by the functional unit manager's committee to be unsuccessful, the inmate will be considered a program failure as provided by the Department's rule on Alternative Incarceration Programs (OAR 291-062). If the inmate fails to successfully complete the short term transition leave (non-prison leave) granted through the Alternative Incarceration Program, the inmate will be considered a program failure and non-compliant with institution conduct from the effective date of the short term transitional leave until he/she is returned to a Department of Corrections facility.

(9) Determination of earned time credits for inmates on non-AIP transitional leave:

(a) Earned time credits will be computed for the period in which an inmate is serving the remainder of his/her sentencing guidelines term of incarceration on short term transitional leave (OAR 291-063). Institution conduct and Oregon Corrections Plan compliance will be assumed while an inmate is released on short term transitional leave. An inmate will be granted an effective 0 or 20 percent reduction toward the sentencing guidelines

sentence proportional for the length of the inmate's short term transitional leave.

(b) A revocation of an inmate's short term transitional leave is deemed non-compliance with the inmate's Oregon Corrections Plan and non-compliance with institution conduct. Upon revocation of short term transitional leave, an inmate will receive an effective 0 percent reduction for OCP compliance and 0 percent reduction toward the sentencing guidelines sentence for institutional conduct proportional for the length of the inmate's short term transitional leave.

(10) If all of an inmate's sentence(s) is vacated, reversed and remanded for new trial, or conviction affirmed and remanded for resentencing, the prison term analyst will close out the current earned time review period to end the day after release to the sentencing court. An inmate that is returned on a resentence will start a new review period, effective the date of return to a Department of Corrections facility. The new earned time credit cycle date will be reflected on the inmate's facesheet.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2000, f. & cert. ef. 6-26-00; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0025

Retraction of Earned Time Credits

Time credits previously earned or applied will be retracted as follows:

(1) The inmate is found guilty of a major rule violation after a formal disciplinary hearing or upon waiver of the inmate's right to a hearing, and the disciplinary order directs that earned time credits earned or applied be forfeited in accordance with the Department's rule on **Prohibited Inmate Conduct** and **Processing Disciplinary Actions** (OAR 291 105). A recommendation for retraction of earned time shall be within the range corresponding to the violation level as set forth in Table 1. A recommendation for retraction of earned time credits may not exceed the amount previously applied.

(2) Inmates identified as needing residential alcohol and drug treatment (SCF 25) who have not completed the prescribed program by their final review period will have all previously applied earned time for program compliance retracted from the first full review period following September 1, 1996. Retraction of program earned time may not exceed the amount previously applied.

(a) If earned time is retracted during or after the final review period in which a final release date is calculated, the release date will be adjusted by the OISC Unit. After such a retraction, the new release date will remain as established by the OISC Unit and that inmate shall be ineligible for any future earned time credit.

(b) The prison term analyst will contact the counselor for confirmation of whether an SCF 25 inmate requires a retraction at the time of the final review. SCF 25 retractions will be documented in writing by the counselor.

(3) Failure to comply with the OCP during the final review period will result in a retraction of 1/2 of the advance portion of the earned time credits advanced at the beginning of the final review period. The prison term analyst will document the retraction on the Earned Time Computation form (CD 1154D).

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0040

Determination of Earned Time Credits During Final Review Period for Sentencing Guideline Sentences

(1) Four months prior to an inmate's projected release date, prison term analysts (or the designated counselor for inmates housed in non-Oregon Department of Corrections facilities) will conduct a final review of inmates' earned time compliance. Final reviews will be conducted only for inmates serving a sentencing guidelines sentence. Prison term analysts will advance and apply earned time credits for the final review period as follows:

(a) Except for residential alcohol and drug treatment (SCF 25) inmates, an inmate's full compliance with the OCP and institutional behavior will be assumed during the final review period. The prison term analyst will apply an effective 20 percent reduction in sentence for the final review

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period and the OISC Unit will recompute the inmate's new earned time release date.

(b) For residential alcohol and drug treatment (SCF 25) inmates, only institutional behavior compliance will be assumed during the final review period unless the inmate has successfully complied with his/her Oregon Corrections Plan at the time of the final review.

(A) If the inmate has successfully complied with his/her Oregon Corrections Plan at the time of the final review, the prison term analyst will apply an effective 20 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(B) If the inmate has not successfully complied with his/her Oregon Corrections Plan at the time of the final review, the prison term analyst will apply an effective 10 percent reduction in sentence for the final review period and the OISC Unit will recompute the inmate's new earned time release date.

(2) If, after the completion of a final review and advancement of earned time credits for the final review period, the inmate's prison term is extended as a result of a new sentence or an adjustment in presentence time, the prison term analyst will delete the final review and any earned time credits advanced for the final review period. The prison term analyst will complete a new Earned Time Computation form (CD 1154D) to assure that the extended prison term is reviewed in accordance with these rules.

(3) If, after the completion of a final review and advancement of earned time credits for the final review period, the inmate's prison term is reduced, the OISC Unit will adjust the final review period and any earned time credits advanced for the final review period provided the inmate was in full compliance with his/her Oregon Corrections Plan and institutional behavior at the time of the final review. If the inmate was in partial compliance with his/her Oregon Corrections Plan or institutional behavior at the time of the final review, the prison term analyst will delete the final review and any earned time credits advanced for the final review period. The prison term analyst will complete a new Earned Time Computation form (CD 1154D) to assure that the reduced prison term is reviewed in accordance with these rules.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0050

Administrative Review

(1) An inmate may obtain an independent review of the determination of his/her OCP performance as documented by the prison term analyst or designated counselor (for inmates housed in non-Oregon Department of Corrections facilities for each review period by writing to the Office of Population Management and requesting an administrative review of the determination. The review request must be in writing on an Inmate Communication form (CD 214), and must state the reason(s) why the inmate believes the determination is not correct. A copy of the Earned Time Computation form under review must also be submitted. Requests for administrative review must be received by the Office of Population Management no later than 21 days after final determination as indicated on the Earn Time Computation form.

(2) Residential alcohol and drug treatment candidates (SCF 25) who have not completed the prescribed program and who have their program time retracted may request an administrative review under the same guidelines in section (1) above.

(3) If an inmate submits a proper and timely request for administrative review, the Office of Population Management shall review the determination, and either approve or modify the determination, in writing, within 30 days after receipt of the request. A copy of the order shall be provided to the inmate, his/her assigned counselor, and OISC.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0060

Statutory Good Time Credits

Pursuant to ORS 421.120(1)(a) and (b), and these rules, each inmate confined in execution of the judgment of sentence upon any conviction for a crime committed prior to November 1, 1989, for any term other than life,

and has acceptably participated in the requirements of their Oregon Corrections Plan and has maintained appropriate conduct, shall be entitled to a deduction from the term of sentence to be computed as follows:

(1) From the term of a sentence of not less than six months nor more than one year, one day shall be deducted for every six days of such sentence actually served in the Department of Corrections facility.

(2) From the term of a sentence of more than one year, one day shall be deducted for every two days of such sentence actually served in the Department of Corrections facility.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0070

Extra Good Time Credits

(1) Pursuant to ORS 421.120(1)(c), (d), (e), 421.122, and these rules, each inmate confined in execution of the judgment of sentence upon any conviction for a crime committed prior to November 1, 1989, for any term other than life, who has acceptably participated in his/her Oregon Corrections Plan and has maintained appropriate institutional conduct shall be entitled to a deduction from the term of sentence to be computed as follows:

(a) From the term of any sentence:

(A) One day shall be deducted for every 15 days of work actually performed in prison industry, or in meritorious work in connection with prison maintenance and operation, or of enrollment in an educational activity as certified by the educational director of the institution during the first year of prison employment or educational activity; and

(B) One day shall be deducted for every seven days of such work actually performed or educational activity certified after the first year to and including the fifth year of prison employment or educational activity certified; and

(C) One day for every six days of such work actually performed or educational activity certified after the fifth year of prison employment.

(b) From the term of any sentence, one day shall be deducted for every 10 days of work actually performed in agriculture during the first year of prison employment, and one day for every six days of such work actually performed thereafter.

(c) From the term of any sentence one day shall be deducted for every six days of work performed at work camp during the first year of prison employment and one day for every four days thereafter. Once the four-day rate is achieved, it may be applied to subsequent work or release programs while the inmate is serving the same term.

(2) Extra good time credits applied pursuant to ORS 421.120 (1)(c), (d), (e), 421.122, and these rules, shall be in addition to statutory good time credits granted pursuant to ORS 421.120 (1)(a) and (b), and these rules. For purposes of this rule, "meritorious" is synonymous with satisfactory performance.

(3) For purposes of these rules, "prison employment" includes actual work in Oregon Correctional Enterprises, meritorious work in connection with prison maintenance and operation, actual work in agriculture and actual work at work camp. Performance shall be considered meritorious unless removed from the work assignment for unsatisfactory performance.

(4) No statutory good time or extra good time credits earned or applied prior to acceptance and release on parole shall be granted to an inmate upon return to a Department of Corrections facility for a service of a term of incarceration as a sanction for violation of any condition of parole, except when authorized by the Board of Parole and Post-Prison Supervision upon recommendation of the functional unit manager thereof.

(5) Rate attained for calculation of extra good time credits prior to release on parole shall be voided upon an inmate's return to a Department of Corrections facility for violation of any condition of parole, except when authorized by the Board of Parole and Post-Prison Supervision.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0080

Retraction of Statutory Good Time and Extra Good Time Credits

Statutory good time and extra good time credits previously earned or applied may be retracted as a result of a disciplinary action as follows:

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(1) The inmate is found guilty of a major rule violation after a formal disciplinary hearing or upon waiver of the inmate's right to a hearing, and the disciplinary order directs that time credits earned/granted are forfeited in accordance with the department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105) and **Table 2** attached.

(2) A recommendation for retraction of statutory good time and extra good time credits may not exceed the amount previously earned or applied.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0100

Inmates With Indeterminate Sentences of More than Thirty-six Months

(1) The functional unit manager may recommend to the Board of Parole and Post-Prison Supervision that an inmate receive prison term reduction credits in those cases where the inmate has received a parole release date set from the Board of Parole and Post-Prison Supervision of 36 months or more, if:

(a) The inmate has applied for a reduction and the period under review falls within the established prison term;

(b) The inmate has completed a three-year period of good conduct; and

(c) The inmate has complied with OCP efforts to address problems associated with the inmate's criminal conduct present at the time of incarceration.

(d) Notwithstanding (b) and (c) above, the functional unit manager may consider significant improvement in inmate behavior and OCP efforts during the last 12 months of the three-year period and recommend that the parole release date be reset.

(2) Three-Year Period of Good Conduct: For purposes of these rules, an inmate shall be considered to have maintained a three-year period of good conduct if:

(a) The inmate has not received any Category I — II rule violations as defined in the department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) during the three years under review.

(b) The inmate has not received three or more Category III — V rule violations as defined in the department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

(c) Notwithstanding (a) and (b) above, upon finding that an inmate has committed a Category IV or V rule violation as defined in the department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105), after a formal disciplinary hearing or upon waiver of the inmate's right to hearing, the hearings officer may recommend to the functional unit manager that the inmate not be considered for a positive recommendation for prison term reduction within a three-year period from the date of the rule violation.

(3) Demonstrable Achievement in Addressing Problems Associated with the Inmate's Criminal Conduct Present at the Time of Incarceration: For purposes of these rules, an inmate shall be considered to have made demonstrable achievement in addressing problems associated with the inmate's criminal conduct present at the time of incarceration if the inmate has received favorable reports for his/her successful participation in one or more self-improvement programs appropriate to his/her need as determined by departmental assessment captured in the OCP (to the extent these specific programs are available to the inmate). An inmate will be considered to be successfully participating in a self-improvement program if he/she is documented to be registered on a waiting list for the program within 30 days of the development of the OCP.

(4) Inmates serving a term of incarceration in a Department of Corrections facility as a sanction for violation of parole or post-prison supervision are ineligible for consideration for a positive recommendation. Inmates sentenced for aggravated murder or as dangerous offenders, and those whose parole the Board of Parole and Post-Prison Supervision denied are not subject to personal reviews. Dangerous offenders may be eligible for personal reviews upon receipt of a positive recommendation from the Department of Corrections, if the Board of Parole and Post-Prison Supervision has found their condition absent or in remission and has set a parole release date.

(5) The functional unit manager or designee will review the recommendation of the counselor, approve/deny or otherwise modify the recom-

mendation, and send the determination to the Board of Parole and Post-Prison Supervision on an action sheet and supplemental report for the Board's consideration.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0110

Administrative Review

(1) An inmate may obtain an independent review of the determination of his/her referral to the Board of Parole and Post-Prison Supervision for a modification of the parole release date set by writing to the Office of Population Management, and requesting an administrative review of the determination. The review request must be in writing on an inmate communication form (CD 214) and must state the reason(s) why the inmate believes the functional unit manager's or designee's decision not to refer the request to the Board of Parole and Post-Prison Supervision is not correct. Requests for administrative review must be received by the Classification and Transfer Unit no later than 21 days after the date of the determination.

(2) If an inmate submits a proper and timely request for administrative review Office of Population Management shall review the determination and either approve or modify the determination in writing to the inmate and functional unit manager within 30 days after the receipt of the request for administrative review.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120, 421.121 - 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

291-097-0120

Inmates With Indeterminate Sentences of Thirty-Six Months of Less

(1) The functional unit manager may recommend to the Board of Parole and Post-Prison Supervision that an inmate's parole release date be reset to an earlier date in those cases where the inmate has received a parole release date set from the Board of Parole and Post-Prison Supervision of 36 months or less, if:

(a) The inmate has been incarcerated in a Department of Corrections facility for at least six months; and

(b) The inmate's performance in two areas, the OCP and institution conduct, as set forth in the criteria for calculation and application of earned time credits in OAR 291-097 0020 warrants a positive recommendation.

(2) Inmates serving a term of incarceration in a Department of Corrections facility as a sanction for violation of parole or post-prison supervision are ineligible for consideration for a positive recommendation.

(3) Inmates sentenced to a minimum term of incarceration pursuant to ORS 144.110 (judicial minimum) or 161.610 (gun minimum), are ineligible for consideration for a positive recommendation, until such minimum incarceration term has been served.

(4) Inmates serving an enhanced sentence pursuant to ORS 161.725 and 161.735 (dangerous offender), or pursuant to ORS 426.725 (sexually dangerous offender), are ineligible for consideration for a positive recommendation.

(5) At the end of the review period, based upon six-months increments beginning with the inmate's admission date, a counselor will evaluate the inmate's eligibility, consistent with OAR 291-097-0020(3), for a positive recommendation based on the criteria set forth above. Based upon the inmate's performance, the counselor will recommend to the functional unit manager or designee that the inmate be considered by the Board of Parole and Post-Prison Supervision for a 0, 10 or 20 percent reduction in the prison term set by the Board, and a corresponding parole release date.

(6) The functional unit manager or designee will review the recommendation of the counselor, approve/deny or otherwise modify the recommendation, and send the determination to the Board of Parole and Post-Prison Supervision on an action sheet for the Board's consideration.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120-122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09

ADMINISTRATIVE RULES

Department of Energy Chapter 330

Rule Caption: Establish Renewable Energy Certificate Tracking and Reporting System for Oregon Renewable Portfolio Standard.

Adm. Order No.: DOE 6-2008

Filed with Sec. of State: 9-3-2008

Certified to be Effective: 9-3-08

Notice Publication Date: 8-1-2008

Rules Adopted: 330-160-0005, 330-160-0015, 330-160-0020, 330-160-0025, 330-160-0030

Subject: Implement details of the Oregon Renewable Portfolio Standard (RPS) as follows:

(1) Designate the Western Renewable Energy Generation Information System (WREGIS) as the renewable energy certificate tracking and reporting mechanism for the Oregon RPS.

(2) Relate definitions for renewable energy certificates in the Oregon RPS to specific system elements in WREGIS.

(3) Designate the date of establishment for the Oregon renewable energy certificate system as January 1, 2007.

Rules Coordinator: Kathy Stuttaford—(503) 378-4128

330-160-0005

Purpose

The purpose of these rules is to establish a system of renewable energy certificates to provide a means of compliance with the Oregon Renewable Portfolio Standard (RPS).

Stat. Auth.: ORS 469A.130

Stats. Implemented: ORS 469A.130 - 469A.145

Hist.: DOE 6-2008, f. & cert. ef 9-3-08

330-160-0015

Definitions

(1) "Banked Renewable Energy Certificate" has the meaning in ORS 469A.005.

(2) "Bundled Renewable Energy Certificate" has the meaning in ORS 469A.005.

(3) "Compliance Year" has the meaning in ORS 469A.005.

(4) "Director" means the Director of the Oregon Department of Energy.

(5) "Electricity Service Supplier" has the meaning in ORS 469A.005.

(6) "Electric Utility" has the meaning in ORS 469A.005.

(7) "Qualifying Electricity" has the meaning in ORS 469A.005.

(8) "Renewable Energy Certificate" (REC or Certificate) means a unique representation of the environmental, economic, and social benefits associated with the generation of electricity from renewable energy sources that produce Qualifying Electricity. One Certificate is created in association with the generation of one megawatt-hour (MWh) of Qualifying Electricity. While a Certificate is always directly associated with the generation of one MWh of electricity, transactions for Certificates may be conducted independently of transactions for the associated electricity.

(9) "Renewable Energy Source" has the meaning in ORS 469A.005.

(10) "Unbundled Renewable Energy Certificate" has the meaning in ORS 469A.005.

(11) "Vintage" means the month and year that qualifying electricity was created in accordance with WREGIS protocol.

(12) "Western Renewable Energy Generation Information System" means the renewable energy certificate tracking and reporting system established by the California Energy Commission and the Western Governors Association and governed by the Western Electricity Coordinating Council for use by states and provinces throughout the western power interconnection.

Stat. Auth.: ORS 469A.130

Stats. Implemented: ORS 469A.130 - 469A.145

Hist.: DOE 6-2008, f. & cert. ef 9-3-08

330-160-0020

Establishment of Renewable Energy Certificate System

(1) Renewable energy certificates that are issued, monitored, accounted for and transferred by or through the regional renewable energy certificate system and trading mechanism known as the Western Renewable Energy Generation Information System (WREGIS) shall be the only renewable energy certificates that can be used by an electric utility or electricity service supplier to establish compliance with the Oregon Renewable Portfolio Standard (RPS).

(2) All entities that wish to demonstrate compliance or participate in the renewable energy certificate system associated with the Oregon RPS must establish and maintain accounts in good standing with the WREGIS renewable energy certificate system. These entities must comply with all information, data reporting and verification requirements of WREGIS and the WREGIS Operating Rules, including costs required for compliance. These accounts must be established before January 1, 2009 or before the earliest vintage of Certificate to be used to comply with the Oregon RPS, whichever is later.

(3) All entities that wish to demonstrate compliance or participate in the renewable energy certificate system associated with the Oregon RPS must participate in the system in accordance with the WREGIS Operating Rules. The Operating Rules for WREGIS are publicly available from the WREGIS web site at www.wregis.org/content/blogcategory/26/47/ under the "Operating Rules" section. If there are substantial changes to the WREGIS Operating Rules which, at the Director's discretion, may significantly impact the ability of the WREGIS renewable energy certificate system to facilitate the Oregon RPS the Director may, after public consultation with interested parties, implement rulemaking to address those concerns.

Stat. Auth.: ORS 469A.130

Stats. Implemented: ORS 469A.130

Hist.: DOE 6-2008, f. & cert. ef 9-3-08

330-160-0025

Types of Renewable Energy Certificates

A bundled or unbundled renewable energy certificate may be used to comply with the RPS when it is issued through the WREGIS renewable energy certificate system, is identified within the WREGIS as Oregon-eligible, and is otherwise consistent with the rules and requirements of the Oregon RPS. The Department, acting through the appropriate WREGIS protocol, will identify those generating facilities eligible for creation of Certificates that can be used to satisfy the Oregon RPS.

(1) A bundled renewable energy certificate must include documentation that one megawatt-hour of energy was associated with the transfer of the WREGIS renewable energy certificate to the electric utility or electricity service supplier. This documentation shall consist of a completed data field in the WREGIS certificate that contains a valid North American Electric Reliability Corporation (NERC) electronic tagging number ("e-Tag") or another unique identification value adopted by the WREGIS that indicates one megawatt-hour of energy was delivered to:

(a) the transmission system of the electric utility, or to a delivery point designated by an electric utility for the purposes of subsequent delivery to the electric utility; or

(b) the Bonneville Power Administration for delivery, or subsequent delivery, to an electric utility.

(2) A bundled renewable energy certificate does not need to demonstrate that the electricity identified by the NERC e-Tag is qualifying electricity or that the originating source identified by the NERC e-Tag is a renewable energy source.

Stat. Auth.: ORS 469A.130

Stats. Implemented: ORS 469A.135 - 469A.145

Hist.: DOE 6-2008, f. & cert. ef 9-3-08

330-160-0030

Allowed Vintage of Renewable Energy Certificates

(1) The system of renewable energy certificates established through this rule may be used to comply with or participate in the Oregon RPS through the use of Certificates with a vintage of January 2007 or later.

(2) No renewable energy certificate that derives from the WREGIS renewable energy certificate system with a vintage before January 2007 will be eligible for compliance with the Oregon RPS.

(3) Banked renewable energy certificates with a vintage of January 2007 or later, both bundled and unbundled, may be held for future use within the WREGIS renewable energy certificate system to comply with the Oregon RPS.

(4) Generating facilities that produce qualifying electricity shall be eligible to receive certificates associated with generation beginning on January 1, 2007.

Stat. Auth.: ORS 469A.130

Stats. Implemented: ORS 469A.130

Hist.: DOE 6-2008, f. & cert. ef 9-3-08

Department of Environmental Quality Chapter 340

Rule Caption: Oregon Title V Operating Permit Fee Increase.

Adm. Order No.: DEQ 10-2008

Filed with Sec. of State: 8-25-2008

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Certified to be Effective: 8-25-08

Notice Publication Date: 3-1-2008

Rules Amended: 340-200-0020, 340-218-0050, 340-220-0010, 340-220-0020, 340-220-0030, 340-220-0040, 340-220-0050, 340-220-0060, 340-220-0070, 340-220-0090, 340-220-0100, 340-220-0110, 340-220-0120, 340-220-0150, 340-220-0170

Subject: This rulemaking increases Oregon's Title V Operating Permit fees in rule by the amounts authorized in Oregon statute (ORS 468A.315). Title V fees include and Annual Base Fee, Emission Fee, and Specific Activity Fees. The fee increases reflect the fees that were established in statute for 2007, 2008, and 2009 through adoption of Senate Bill 107 (2007). The fee increases also reflect the change in the 2006 consumer price index (CPI) for 2007 fees, and the change in the 2007 CPI for 2008 and 2009 fees. The fees for 2009 do not include an increase by the 2008 CPI. DEQ may propose an increase based on the 2008 CPI in a future rulemaking. This rulemaking implements a correction to the formula that DEQ uses to calculate the change in the CPI and changes the regulated pollutants assessed emission fees and the emissions fee cap to comply with the statute.

Rules Coordinator: Larry McAllister—(503) 229-6412

340-200-0020

General Air Quality Definitions

As used in divisions 200 through 268, unless specifically defined otherwise:

(1) "Act" or "FCAA" means the Federal Clean Air Act, 42 U.S.C.A. 7401 to 7671q.

(2) "Activity" means any process, operation, action, or reaction (e.g., chemical) at a source that emits a regulated pollutant.

(3) "Actual emissions" means the mass emissions of a pollutant from an emissions source during a specified time period.

(a) For determining actual emissions as of the baseline period:

(A) Except as provided in paragraph (B), actual emissions equal the average rate at which the source actually emitted the pollutant during a baseline period and that represents normal source operation;

(B) The Department presumes that the source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 is equivalent to the source's actual emissions during the baseline period if it is within 10% of the actual emissions calculated under paragraph (A).

(C) For any source that had not begun normal operation, actual emissions equal the potential to emit of the source.

(b) For determining actual emissions for Emission Statements under OAR 340-214-0200 through 340-214-0220 and Oregon Title V Operating Permit Fees under OAR 340 division 220, actual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities, except categorically insignificant activities and secondary emissions.

(c) For Oregon Title V Operating Permit Fees under OAR 340 division 220, actual emissions must be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.

(4) "Adjacent" means interdependent facilities that are nearby to each other.

(5) "Affected source" means a source that includes one or more affected units that are subject to emission reduction requirements or limitations under Title IV of the FCAA.

(6) "Affected states" means all states:

(a) Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or

(b) That are within 50 miles of the permitted source.

(7) "Aggregate insignificant emissions" means the annual actual emissions of any regulated air pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified.

(a) One ton for total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, and each criteria pollutant, except lead;

(b) 120 pounds for lead;

(c) 600 pounds for fluoride;

(d) 500 pounds for PM10 in a PM10 nonattainment area;

(e) The lesser of the amount established in OAR 340-244-0040, Table 1 or 340-244-0230, Table 3, or 1,000 pounds;

(f) An aggregate of 5,000 pounds for all Hazardous Air Pollutants.

(8) "Air Contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter, or any combination thereof.

(9) "Air Contaminant Discharge Permit" or "ACDP" means a written permit issued, renewed, amended, or revised by the Department, pursuant to OAR 340 division 216.

(10) "Alternative method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but has been demonstrated to the Department's satisfaction to, in specific cases, produce results adequate for determination of compliance. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to the Department.

(11) "Ambient Air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(12) "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:

(a) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rule-making under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR Part 52;

(b) Any standard or other requirement adopted under OAR 340-200-0040 of the State of Oregon Clean Air Act Implementation Plan, that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;

(c) Any term or condition in an ACDP, OAR 340 division 216, including any term or condition of any preconstruction permits issued pursuant to OAR 340 division 224, New Source Review, until or unless the Department revokes or modifies the term or condition by a permit modification;

(d) Any term or condition in a Notice of Construction and Approval of Plans, OAR 340-210-0205 through 340-210-0240, until or unless the Department revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;

(e) Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless the Department revokes or modifies the term or condition by a Notice of Approval or a permit modification;

(f) Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;

(g) Any standard or other requirement under section 111 of the Act, including section 111(d);

(h) Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act;

(i) Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;

(j) Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;

(k) Any standard or other requirement under section 126(a)(1) and(c) of the Act;

(l) Any standard or other requirement governing solid waste incineration, under section 129 of the Act;

(m) Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act;

(n) Any standard or other requirement for tank vessels, under section 183(f) of the Act;

(o) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;

(p) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and

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(q) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

(13) "Baseline Emission Rate" means the actual emission rate during the baseline period. Baseline emission rate does not include increases due to voluntary fuel switches or increased hours of operation that occurred after the baseline period.

(14) "Baseline Period" means any consecutive 12 calendar month period during calendar years 1977 or 1978. The Department may allow the use of a prior time period upon a determination that it is more representative of normal source operation.

(15) "Best Available Control Technology" or "BACT" means an emission limitation, including, but not limited to, a visible emission standard, based on the maximum degree of reduction of each air contaminant subject to regulation under the Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event may the application of BACT result in emissions of any air contaminant that would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutant. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard must, to the degree possible, set forth the emission reduction achievable and provide for compliance by prescribing appropriate permit conditions.

(16) "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

(17) "Capture system" means the equipment (including but not limited to hoods, ducts, fans, and booths) used to contain, capture and transport a pollutant to a control device.

(18) "Categorically insignificant activity" means any of the following listed pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

(a) Constituents of a chemical mixture present at less than 1% by weight of any chemical or compound regulated under divisions 200 through 268 excluding divisions 248 and 262 of this chapter, or less than 0.1% by weight of any carcinogen listed in the U.S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year;

(b) Evaporative and tail pipe emissions from on-site motor vehicle operation;

(c) Distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;

(d) Natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;

(e) Office activities;

(f) Food service activities;

(g) Janitorial activities;

(h) Personal care activities;

(i) Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;

(j) On-site laundry activities;

(k) On-site recreation facilities;

(l) Instrument calibration;

(m) Maintenance and repair shop;

(n) Automotive repair shops or storage garages;

(o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

(p) Refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;

(q) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;

(r) Temporary construction activities;

(s) Warehouse activities;

(t) Accidental fires;

(u) Air vents from air compressors;

(v) Air purification systems;

(w) Continuous emissions monitoring vent lines;

(x) Demineralized water tanks;

(y) Pre-treatment of municipal water, including use of deionized water purification systems;

(z) Electrical charging stations;

(aa) Fire brigade training;

(bb) Instrument air dryers and distribution;

(cc) Process raw water filtration systems;

(dd) Pharmaceutical packaging;

(ee) Fire suppression;

(ff) Blueprint making;

(gg) Routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;

(hh) Electric motors;

(ii) Storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;

(jj) On-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;

(kk) Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;

(ll) Pressurized tanks containing gaseous compounds;

(mm) Vacuum sheet stacker vents;

(nn) Emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;

(oo) Log ponds;

(pp) Storm water settling basins;

(qq) Fire suppression and training;

(rr) Paved roads and paved parking lots within an urban growth boundary;

(ss) Hazardous air pollutant emissions of fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;

(tt) Health, safety, and emergency response activities;

(uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency as determined by the Department;

(vv) Non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;

(ww) Non-contact steam condensate flash tanks;

(xx) Non-contact steam vents on condensate receivers, deaerators and similar equipment;

(yy) Boiler blowdown tanks;

(zz) Industrial cooling towers that do not use chromium-based water treatment chemicals;

(aaa) Ash piles maintained in a wetted condition and associated handling systems and activities;

(bbb) Oil/water separators in effluent treatment systems;

(ccc) Combustion source flame safety purging on startup;

(ddd) Broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;

(eee) Stock cleaning and pressurized pulp washing, excluding open stock washing systems; and

(fff) White water storage tanks.

(19) "Certifying individual" means the responsible person or official authorized by the owner or operator of a source who certifies the accuracy of the emission statement.

(20) "CFR" means Code of Federal Regulations.

(21) "Class I area" means any Federal, State or Indian reservation land which is classified or reclassified as Class I area. Class I areas are identified in OAR 340-204-0050.

(22) "Commence" or "commencement" means that the owner or operator has obtained all necessary preconstruction approvals required by the Act and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or

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operator, to undertake a program of construction of the source to be completed in a reasonable time.

(23) "Commission" or "EQC" means Environmental Quality Commission.

(24) "Constant Process Rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

(25) "Construction":

(a) Except as provided in subsection(b) of this section means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of a source or part of a source;

(b) As used in OAR 340 division 224 means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or change in the method of operation of a source which would result in a change in actual emissions.

(26) "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:

(a) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

(b) Provides data either in units of the standard or correlated directly with the compliance limit.

(27) "Continuous Monitoring Systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a continuing basis in accordance with the Department's Continuous Monitoring Manual, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

(28) "Control device" means equipment, other than inherent process equipment, that is used to destroy or remove air pollutant(s) prior to discharge to the atmosphere. The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters, mechanical collectors, electrostatic precipitators, inertial separators, afterburners, thermal or catalytic incinerators, adsorption devices(such as carbon beds), condensers, scrubbers(such as wet collection and gas absorption devices), selective catalytic or non-catalytic reduction systems, flue gas recirculation systems, spray dryers, spray towers, mist eliminators, acid plants, sulfur recovery plants, injection systems(such as water, steam, ammonia, sorbent or limestone injection), and combustion devices independent of the particular process being conducted at an emissions unit(e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters). For purposes of OAR 340-212-0200 through 340-212-0280, a control device does not include passive control measures that act to prevent pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular pollutant-specific emissions unit, then that definition will be binding for purposes of OAR 340-212-0200 through 340-212-0280.

(29) "Criteria Pollutant" means nitrogen oxides, volatile organic compounds, particulate matter, PM10, sulfur dioxide, carbon monoxide, or lead.

(30) "Data" means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

(31) "De minimis emission level" means: [Table not included. See ED. NOTE.]

NOTE: De minimis is compared to all increases that are not included in the PSEL.

(32) "Department":

(a) Means Department of Environmental Quality; except

(b) As used in OAR 340 divisions 218 and 220 means Department of Environmental Quality or in the case of Lane County, Lane Regional Air Protection Agency.

(33) "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.

(34) "Director" means the Director of the Department or the Director's designee.

(35) "Draft permit" means the version of an Oregon Title V Operating Permit for which the Department or Lane Regional Air Protection Agency offers public participation under OAR 340-218-0210 or the EPA and affected State review under OAR 340-218-0230.

(36) "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by the Department on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.

(37) "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(38) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant.

(39) "Emission Estimate Adjustment Factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

(40) "Emission Factor" means an estimate of the rate at which a pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate). Where an emission factor is required sources must use an emission factor approved by EPA or the Department.

(41)(a) Except as provided in subsection (b) of this section, "Emission Limitation" and "Emission Standard" mean a requirement established by a State, local government, or the EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(b) As used in OAR 340-212-0200 through 340-212-0280, "Emission limitation or standard" means any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the Act. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions (e.g., pounds of SO₂ per hour, pounds of SO₂ per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO₂) or as the relationship of uncontrolled to controlled emissions (e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO₂). An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of OAR 340-212-0200 through 340-212-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, to operate and maintain sources in accordance with good air pollution control practices, to develop and maintain a malfunction abatement plan, to keep records, submit reports, or conduct monitoring.

(42) "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of OAR 340 division 268, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

(43) "Emission Reporting Form" means a paper or electronic form developed by the Department that must be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

(44) "Emissions unit" means any part or activity of a source that emits or has the potential to emit any regulated air pollutant.

(a) A part of a source is any machine, equipment, raw material, product, or byproduct that produces or emits regulated air pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emits regulated air pollutants. Except as described in subsection (d) of this section, parts and activities may be grouped for purposes of defining an emissions unit if the following conditions are met:

(A) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and

(B) The emissions from the emissions unit are quantifiable.

(b) Emissions units may be defined on a pollutant by pollutant basis where applicable.

(c) The term emissions unit is not meant to alter or affect the definition of the term "unit" under Title IV of the FCAA.

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(d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR 340-224-0050 through 340-224-0070, or 340 division 210, or for determining the applicability of any New Source Performance Standard (NSPS).

(45) "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

(46) "Equivalent method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to the Department's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to the Department.

(47) "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

(48) "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

(49) "Excess emissions" means emissions in excess of a permit limit or any applicable air quality rule.

(50) "Excursion" means a departure from an indicator range established for monitoring under OAR 340-212-0200 through 340-212-0280 and 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.

(51) "Federal Land Manager" means with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

(52) Federal Major Source means a source with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in OAR 340 division 244, greater than or equal to 100 tons per year if in a source category listed below, or 250 tons per year if not in a source category listed. Potential to emit calculations must include emission increases due to a new or modified source.

(a) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

(b) Coal cleaning plants with thermal dryers;

(c) Kraft pulp mills;

(d) Portland cement plants;

(e) Primary Zinc Smelters;

(f) Iron and Steel Mill Plants;

(g) Primary aluminum ore reduction plants;

(h) Primary copper smelters;

(i) Municipal Incinerators capable of charging more than 50 tons of refuse per day;

(j) Hydrofluoric acid plants;

(k) Sulfuric acid plants;

(l) Nitric acid plants;

(m) Petroleum Refineries;

(n) Lime plants;

(o) Phosphate rock processing plants;

(p) Coke oven batteries;

(q) Sulfur recovery plants;

(r) Carbon black plants, furnace process;

(s) Primary lead smelters;

(t) Fuel conversion plants;

(u) Sintering plants;

(v) Secondary metal production plants;

(w) Chemical process plants;

(x) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;

(y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(z) Taconite ore processing plants;

(aa) Glass fiber processing plants;

(bb) Charcoal production plants.

(53) "Final permit" means the version of an Oregon Title V Operating Permit issued by the Department or Lane Regional Air Protection Agency that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(54) "Fugitive Emissions":

(a) Except as used in subsection (b) of this section, means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

(b) As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(55) "General permit":

(a) Except as provided in subsection (b) of this section, means an Oregon Air Contaminant Discharge Permit established under OAR 340-216-0060;

(b) As used in OAR 340 division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

(56) "Generic PSEL" means: [Table not included. See ED. NOTE.]

NOTE: Sources are eligible for a generic PSEL if expected emissions are less than or equal to the levels listed in the table above. Baseline emission rate and netting basis do not apply to pollutants at sources using generic PSELs.

(57) "Growth Allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed major sources and major modifications of sources.

(58) "Immediately" means as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period.

(59) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of OAR 340-212-0200 through 340-212-0280, inherent process equipment is not considered a control device.

(60) "Insignificant Activity" means an activity or emission that the Department has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

(61) "Insignificant Change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

(a) Does not result in a re-designation from an insignificant to a significant activity;

(b) Does not invoke an applicable requirement not included in the permit; and

(c) Does not result in emission of regulated air pollutants not regulated by the source's permit.

(62) "Late Payment" means a fee payment which is postmarked after the due date.

(63) "Lowest Achievable Emission Rate" or "LAER" means that rate of emissions which reflects: the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

(64) "Maintenance Area" means a geographical area of the State that was designated as a nonattainment area, redesignated as an attainment area by EPA, and redesignated as a maintenance area by the Environmental Quality Commission in OAR 340, division 204.

(65) "Maintenance Pollutant" means a pollutant for which a maintenance area was formerly designated a nonattainment area.

(66) "Major Modification" means any physical change or change of operation of a source that results in the following for any regulated air pollutant:

(a) An increase in the PSEL by an amount equal to or more than the significant emission rate over the netting basis; and

(b) The accumulation of physical changes and changes of operation since baseline would result in a significant emission rate increase.

(A) Calculations of emission increases in (b) must account for all accumulated increases in actual emissions due to physical changes and changes of operation occurring at the source since the baseline period, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations in OAR 340 division 224 for that pollutant, whichever time is more recent. These include emissions from insignificant activities.

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(B) Emission increases due solely to increased use of equipment or facilities that existed during the baseline period are not included, if that increased use was possible during the baseline period under the baseline configuration of the source, and the increased use of baseline equipment capacity is not to support a physical change or change in operation.

(c) For new or modified major sources that were permitted to construct and operate after the baseline period and were not subject to New Source Review, a major modification means:

(A) Any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a major source; or

(B) The addition or modification of any stationary source or sources after the initial construction that have cumulative potential emissions greater than or equal to the significant emission rate, excluding any emission decreases.

(C) Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.

(d) The following are not considered major modifications:

(A) Except as provided in(c), proposed increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit and would not involve a physical change or change in method of operation in the source;

(B) Pollution control projects that are determined by the Department to be environmentally beneficial;

(C) Routine maintenance, repair, and replacement of components;

(D) Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in place for less than six months and operated within the permanent equipment's existing PSEL;

(E) Use of alternate fuel or raw materials, that were available and the source was capable of accommodating in the baseline period.

(67) "Major Source":

(a) Except as provided in subsection (b), means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. This includes emissions from insignificant activities.

(b) As used in OAR 340 division 210, Stationary Source Notification Requirements, OAR 340 division 218, rules applicable to sources required to have Oregon Title V Operating Permits, OAR 340 division 220, Oregon Title V Operating Permit Fees, and OAR 340-216-0066 Standard ACDPs, means any stationary source(or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person(or persons under common control)) belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (A),(B) or (C) of this subsection. For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

(A) A major source of hazardous air pollutants, which means:

(i) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutants that has been listed pursuant to OAR 340-244-0040; 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.

(B) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants(furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(xxvii) Any other stationary source category, that as of August 7, 1980 is being regulated under section 111 or 112 of the Act.

(C) A major stationary source as defined in part D of Title I of the Act, including:

(i) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;

(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;

(iii) For carbon monoxide nonattainment areas:

(I) That are classified as "serious"; and

(II) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.

(iv) For particulate matter(PM10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM10.

(68) "Material Balance" means a procedure for determining emissions based on the difference in the amount of material added to a process and the amount consumed and/or recovered from a process.

(69) "Modification," except as used in the term "major modification," means any physical change to, or change in the method of operation of, a stationary source that results in an increase in the stationary source's potential to emit any regulated air pollutant on an hourly basis. Modifications do not include the following:

(a) Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;

(b) Changes in the method of operation due to using an alternative fuel or raw material that the stationary source was physically capable of accommodating during the baseline period; and

(c) Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the stationary source by using component upgrades that would not otherwise be necessary for the stationary source to function.

(70) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance with an emission limitation or standard (such as records of raw material content and usage, or records documenting compliance with work practice requirements). Monitoring may include conducting compliance method tests, such as the procedures in appendix A to 40 CFR part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory

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authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:

- (a) Continuous emission or opacity monitoring systems.
- (b) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.
- (c) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).
- (d) Maintaining and analyzing records of fuel or raw materials usage.
- (e) Recording results of a program or protocol to conduct specific operation and maintenance procedures.
- (f) Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.
- (g) Visible emission observations and recording.
- (h) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

(71) "Netting Basis" means the baseline emission rate MINUS any emission reductions required by rule, orders, or permit conditions required by the SIP or used to avoid SIP requirements, MINUS any unassigned emissions that are reduced from allowable under OAR 340-222-0045, MINUS any emission reduction credits transferred off site, PLUS any emission increases approved through the New Source Review regulations.

(a) With the first permitting action for a source after July 1, 2002, the baseline emissions rate will be frozen and recalculated only if:

(A) A better emission factor is established for the baseline period and approved by the Department;

(B) A currently operating emissions unit that the Department formerly thought had negligible emissions, is determined to have non-de minimis emissions and needs to be added to the baseline emission rate; or

(C) A new pollutant is added to the regulated pollutant list (e.g., PM_{2.5}). For a pollutant that is newly regulated after 11/15/90, the initial netting basis is the actual emissions during any 12 consecutive month period within the 24 months immediately preceding its designation as a regulated pollutant. The Department may allow a prior 12 consecutive month time period to be used if it is shown to be more representative of normal source operation.

(b) Netting basis is zero for:

(A) any source constructed after the baseline period and has not undergone New Source Review;

(B) Any pollutant that has a generic PSEL in a permit;

(C) Any source permitted as portable; and

(D) Any source with a netting basis calculation resulting in a negative number.

(c) If a source relocates to an adjacent site, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

(d) Emission reductions required by rule, order, or permit condition affect the netting basis if the source currently has devices or emissions units that are subject to the rules, order, or permit condition. The baseline emission rate is not affected.

(e) Netting basis for a pollutant with a revised definition will be adjusted if the source is emitting the pollutant at the time of redefining and the pollutant is included in the permit's netting basis.

(f) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis will be established at no more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

(72) "Nitrogen Oxides" or "NO_x" means all oxides of nitrogen except nitrous oxide.

(73) "Nonattainment Area" means a geographical area of the State, as designated by the Environmental Quality Commission or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard.

(74) "Nonattainment Pollutant" means a pollutant for which an area is designated a nonattainment area.

(75) "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

(76) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a proposed major source or major modification of an existing source.

(77) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with OAR 340-212-0120 and 212-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9 or a continuous opacity monitoring system (COMS) installed and operated in accordance with the Department's Continuous Monitoring Manual. For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that equal or exceed the opacity percentage in the standard, whether or not the readings are consecutive.

(78) "Oregon Title V Operating Permit" means any permit covering an Oregon Title V Operating Permit source that is issued, renewed, amended, or revised pursuant to division 218.

(79) "Oregon Title V Operating Permit program" means a program approved by the Administrator under 40 CFR Part 70.

(80) "Oregon Title V Operating Permit program source" means any source subject to the permitting requirements, OAR 340 division 218.

(81) "Ozone Season" means the contiguous 3 month period during which ozone exceedances typically occur (i.e., June, July, and August).

(82) "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air. When used in emission standards, particulate matter is defined by the method specified within the standard or by an applicable reference method in accordance with OAR 340-212-0120 and 340-212-0140. Unless otherwise specified, sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by the Department. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5.

(83) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit.

(84) "Permit modification" means a permit revision that meets the applicable requirements of OAR 340 division 216, 340 division 224, or 340-218-0160 through 340-218-0180.

(85) "Permit revision" means any permit modification or administrative permit amendment.

(86) "Permitted Emissions" as used in OAR division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, Oregon Title V Operating Permit, review report, or by the Department pursuant to OAR 340-220-0090.

(87) "Permittee" means the owner or operator of the facility, authorized by the ACDP or the Oregon Title V Operating Permit to operate the source.

(88) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.

(89) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission.

(90) "PM₁₀":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by an applicable reference method in accordance with the Department's Source Sampling Manual (January, 1992);

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured in accordance with 40 CFR Part 50, Appendix J.

(91) "PM_{2.5}":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by conditional test method CTM-040 (EPA Emission Measurement Center) and a reference method based on 40 CFR Part 52, Appendix M.

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(b) When used in the context of ambient concentration, means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix L, or an equivalent method designated in accordance with 40 CFR Part 53.

(92) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated air pollutant.

(93) "Potential to emit" or "PTE" means the lesser of:

(a) The capacity of a stationary source; or

(b) The maximum allowable emissions taking into consideration any physical or operational limitation, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

(c) This definition does not alter or affect the use of this term for any other purposes under the Act or the term "capacity factor" as used in Title IV of the Act and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

(94) "Predictive emission monitoring system (PEMS)" means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

(95) "Process Upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

(96) "Proposed permit" means the version of an Oregon Title V Operating Permit that the Department or a Regional Agency proposes to issue and forwards to the Administrator for review in compliance with OAR 340-218-0230.

(97) "Reference method" means any method of sampling and analyzing for an air pollutant as specified in 40 CFR Part 60, 61 or 63.

(98) "Regional Agency" means Lane Regional Air Protection Agency.

(99) "Regulated air pollutant" or "Regulated Pollutant":

(a) Except as provided in subsections (b) and (c) of this rule, means:

(A) Nitrogen oxides or any VOCs;

(B) Any pollutant for which a national ambient air quality standard has been promulgated;

(C) Any pollutant that is subject to any standard promulgated under section 111 of the Act;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

(E) Any pollutant listed under OAR 340-244-0040 or 340-244-0230.

(b) As used in OAR 340 division 220, regulated pollutant means particulates, volatile organic compounds, oxides of nitrogen and sulfur dioxide.

(c) As used in OAR 340 division 224 any pollutant listed under OAR 340-244-0040 or 340-244-0230 is not a regulated pollutant.

(100) "Renewal" means the process by which a permit is reissued at the end of its term.

(101) "Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(A) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(B) The delegation of authority to such representative is approved in advance by the Department or Lane Regional Air Protection Agency.

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this Division, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA); or

(d) For affected sources:

(A) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated there under are concerned; and

(B) The designated representative for any other purposes under the Oregon Title V Operating Permit program.

(102) "Secondary Emissions" means emissions that are a result of the construction and/or operation of a source or modification, but that do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships and trains coming to or from a facility;

(b) Emissions from off-site support facilities that would be constructed or would otherwise increase emissions as a result of the construction or modification of a source.

(103) "Section 111" means section 111 of the FCAA which includes Standards of Performance for New Stationary Sources (NSPS).

(104) "Section 111(d)" means subsection 111(d) of the FCAA which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

(105) "Section 112" means section 112 of the FCAA which contains regulations for Hazardous Air Pollutants (HAP).

(106) "Section 112(b)" means subsection 112(b) of the FCAA which includes the list of hazardous air pollutants to be regulated.

(107) "Section 112(d)" means subsection 112(d) of the FCAA which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.

(108) "Section 112(e)" means subsection 112(e) of the FCAA which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.

(109) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(110) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA which requires enhanced monitoring and submission of compliance certifications for major sources.

(111) "Section 129" means section 129 of the FCAA which requires the EPA to establish emission standards and other requirements for solid waste incineration units.

(112) "Section 129(e)" means subsection 129(e) of the FCAA which requires solid waste incineration units to obtain Oregon Title V Operating Permits.

(113) "Section 182(f)" means subsection 182(f) of the FCAA which requires states to include plan provisions in the State Implementation Plan for NOx in ozone nonattainment areas.

(114) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA which requires states to apply those plan provisions developed for major VOC sources and major NOx sources in ozone nonattainment areas.

(115) "Section 183(e)" means subsection 183(e) of the FCAA which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(116) "Section 183(f)" means subsection 182(f) of the FCAA which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

(117) "Section 184" means section 184 of the FCAA which contains regulations for the control of interstate ozone air pollution.

(118) "Section 302" means section 302 of the FCAA which contains definitions for general and administrative purposes in the Act.

(119) "Section 302(j)" means subsection 302(j) of the FCAA which contains definitions of "major stationary source" and "major emitting facility."

(120) "Section 328" means section 328 of the FCAA which contains regulations for air pollution from outer continental shelf activities.

(121) "Section 408(a)" means subsection 408(a) of the FCAA which contains regulations for the Title IV permit program.

(122) "Section 502(b)(10) change" means a change which contravenes an express permit term but is not a change that:

(a) Would violate applicable requirements;

(b) Would contravene federally enforceable permit terms and conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements; or

(c) Is a Title I modification.

(123) "Section 504(b)" means subsection 504(b) of the FCAA which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(124) "Section 504(e)" means subsection 504(e) of the FCAA which contains regulations for permit requirements for temporary sources.

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(125) "Significant Air Quality Impact" means an additional ambient air quality concentration equal to or greater than in the concentrations listed in Table 1. The threshold concentrations listed in Table 1 are used for comparison against the ambient air quality standard and do not apply for protecting PSD Class I increments or air quality related values (including visibility). For sources of VOC or NO_x, a major source or major modification has a significant impact if it is located within the Ozone Precursor Distance defined in OAR 340-225-0020.

(126) "Significant Emission Rate" or "SER," except as provided in subsections(a) through(c) of this section, means an emission rate equal to or greater than the rates specified in Table 2.

(a) For the Medford-Ashland Air Quality Maintenance Area, the Significant Emission Rate for PM₁₀ is defined in Table 3.

(b) For regulated air pollutants not listed in Table 2 or 3, the significant emission rate is zero unless the Department determines the rate that constitutes a significant emission rate.

(c) Any new source or modification with an emissions increase less than the rates specified in Table 2 or 3 associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m³ (24 hour average) is emitting at a significant emission rate.

(127) "Significant Impairment" occurs when the Department determines that visibility impairment interferes with the management, protection, preservation, or enjoyment of the visual experience within a Class I area. The Department will make this determination on a case-by-case basis after considering the recommendations of the Federal Land Manager and the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered along with visitor use of the Class I areas, and the frequency and occurrence of natural conditions that reduce visibility.

(128) "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all pollutant emitting activities that belong to a single major industrial group (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual,(U.S. Office of Management and Budget, 1987) or that support the major industrial group.

(129) "Source category":

(a) Except as provided in subsection(b) of this section, means all the pollutant emitting activities that belong to the same industrial grouping(i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual,(U.S. Office of Management and Budget, 1987).

(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that the Department determines are using similar raw materials and have equivalent process controls and pollution control equipment.

(130) "Source Test" means the average of at least three test runs conducted in accordance with the Department's Source Sampling Manual.

(131) "Startup" and "shutdown" means that time during which an air contaminant source or emission-control equipment is brought into normal operation or normal operation is terminated, respectively.

(132) "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the Commission under OAR 340-200-0040 and approved by EPA.

(133) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated air pollutant.

(134) "Substantial Underpayment" means the lesser of ten percent (10%) of the total interim emission fee for the major source or five hundred dollars.

(135) "Synthetic minor source" means a source that would be classified as a major source under OAR 340-200-0020, but for limits on its potential to emit air pollutants contained in a permit issued by the Department under OAR 340 division 216 or 218.

(136) "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:

(a) A major modification subject to OAR 340-224-0050, Requirements for Sources in Nonattainment Areas;

(b) A major modification subject to OAR 340-224-0060, Requirements for Sources in Maintenance Areas;

(c) A major modification subject to OAR 340-224-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas;

(d) A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or

(e) A modification under Section 112 of the FCAA.

(137) "Total Reduced Sulfur" or "TRS" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present expressed as hydrogen sulfide(H₂S).

(138) "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit in accordance with OAR 340-226-0130. For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations will be based on information known to the Department while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control equipment. The Department may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

(139) "Unassigned Emissions" means the amount of emissions that are in excess of the PSEL but less than the Netting Basis.

(140) "Unavoidable" or "could not be avoided" means events that are not caused entirely or in part by poor or inadequate design, operation, maintenance, or any other preventable condition in either process or control equipment.

(141) "Upset" or "Breakdown" means any failure or malfunction of any pollution control equipment or operating equipment that may cause excess emissions.

(142) "Visibility Impairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.

(143) "Volatile Organic Compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) This includes any such organic compound except the following, which have been determined to have negligible photochemical reactivity in the formation of tropospheric ozone: methane; ethane; methylene chloride(dichloromethane); 1,1,1-trichloroethane(methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane(CFC-113); trichlorofluoromethane(CFC-11); dichlorodifluoromethane(CFC-12); chlorodifluoromethane(HCFC-22); trifluoromethane(HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (HFC-114); chloropentafluoroethane(CFC-115); 1,1,1-trifluoro 2,2-dichloroethane(HCFC-123); 1,1,1,2-tetrafluoroethane(HFC-134a); 1,1-dichloro 1-fluoroethane(HCFC-141b); 1-chloro 1,1-difluoroethane(HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane(HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane(HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane(HFC-152a); perchlorobenzotrifluoride(PCBTf); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene(tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane(HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane(HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane HFC 43-10mee); difluoromethane(HFC-32); ethylfluoride(HFC-161); 1,1,1,3,3,3-hexafluoropropane(HFC-236fa); 1,1,2,2,3-pentafluoropropane(HFC-245ca); 1,1,2,3,3-pentafluoropropane(HFC-245ea); 1,1,1,2,3-pentafluoropropane(HFC-245eb); 1,1,1,3,3-pentafluoropropane(HFC-245fa); 1,1,1,2,3,3-hexafluoropropane(HFC-236ea); 1,1,1,3,3-pentafluorobutane(HFC-365mfc); chlorofluoromethane(HCFC-31); 1 chloro-1-fluoroethane(HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane(HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane(C4F9OCH3 or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5 or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane((CF3)2CFCF2OC2H5); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane(n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane(HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane(HFC 227ea); methyl formate(HCOOCH3); (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane(HFE-7300); and perfluorocarbon compounds that fall into these classes:

(A) Cyclic, branched, or linear, completely fluorinated alkanes;

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(B) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(C) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(D) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in accordance with the Department's Source Sampling Manual, January, 1992. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and the Department approves the exclusion.

(c) The Department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the Department's satisfaction, the amount of negligibly-reactive compounds in the source's emissions.

(d) The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and must be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

(144) "Year" means any consecutive 12 month period of time.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08

340-218-0050

Standard Permit Requirements

Each permit issued under this division must include the following elements:

(1) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance:

(a) The permit must specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based;

(b) For sources regulated under the national acid rain program, the permit must state that, where an applicable requirement of the FCAA or state rules is more stringent than an applicable requirement of regulations promulgated under Title IV of the FCAA, both provisions must be incorporated into the permit and will be enforceable by the EPA;

(c) For any alternative emission limit established in accordance with OAR 340-226-0400, the permit must contain an equivalency determination and provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(2) Permit duration. The Department will issue permits for a fixed term of 5 years in the case of affected sources, and for a term not to exceed 5 years in the case of all other sources.

(3) Monitoring and related recordkeeping and reporting requirements:

(a) Each permit must contain the following requirements with respect to monitoring:

(A) A monitoring protocol to provide accurate and reliable data that:

(i) Is representative of actual source operation;

(ii) Is consistent with the averaging time in the permit emission limits;

(iii) Is consistent with monitoring requirements of other applicable requirements; and

(iv) Can be used for compliance certification and enforcement.

(B) All emissions monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including OAR 340-212-0200 through 340-212-0280 and any other procedures and methods that may be promulgated pursuant to sections 504(b) or 114(a)(3) of the FCAA. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that are not included in the permit as a result of such streamlining;

(C) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to OAR 340-218-0050(3)(c). Such monitoring requirements must assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Continuous monitoring and source testing must be conducted in accordance with the Department's Continuous Monitoring Manual (January, 1992) and the Source Sampling Manual (January, 1992), respectively. Other monitoring must be conducted in accordance with Department approved procedures. The monitoring requirements may include but are not limited to any combination of the following:

(i) Continuous emissions monitoring systems (CEMS);

(ii) Continuous opacity monitoring systems (COMS);

(iii) Continuous parameter monitoring systems (CPMS);

(iv) Continuous flow rate monitoring systems (CFRMS);

(v) Source testing;

(vi) Material balance;

(vii) Engineering calculations;

(viii) Recordkeeping; or

(ix) Fuel analysis; and

(D) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods;

(E) A condition that prohibits any person from knowingly rendering inaccurate any required monitoring device or method;

(F) Methods used in accordance with Division 220 to determine actual emissions for fee purposes must also be used for compliance determination and can be no less rigorous than the requirements of OAR 340-218-0080. The compliance monitoring protocol must include the method used to determine the amount of actual emissions;

(G) Monitoring requirements must commence on the date of permit issuance unless otherwise specified in the permit.

(b) With respect to recordkeeping, the permit must incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(A) Records of required monitoring information that include the following:

(i) The date, place as defined in the permit, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses;

(vi) The operating conditions as existing at the time of sampling or measurement; and

(vii) The records of quality assurance for continuous monitoring systems (including but not limited to quality control activities, audits, calibrations drifts).

(B) Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit;

(C) Recordkeeping requirements must commence on the date of permit issuance unless otherwise specified in the permit.

(c) With respect to reporting, the permit must incorporate all applicable reporting requirements and require the following:

(A) Submittal of three (3) copies of reports of any required monitoring at least every 6 months, completed on forms approved by the Department. Unless otherwise approved in writing by the Department, six month periods are January 1 to June 30, and July 1 to December 31. The reports required by this rule must be submitted within 30 days after the end of each report-

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ing period, unless otherwise approved in writing by the Department. One copy of the report must be submitted to the EPA, and two copies to the Department's regional office identified in the permit. All instances of deviations from permit requirements must be clearly identified in such reports:

(i) The semi-annual report will be due on July 30, unless otherwise approved in writing by the Department, and must include the semi-annual compliance certification, OAR 340-218-0080;

(ii) The annual report will be due on February 15, unless otherwise approved in writing by the Department, but may not be due later than March 15, and must consist of the annual reporting requirements as specified in the permit; the emission fee report; the emission statement, if applicable, OAR 340-214-0220; the annual certification that the risk management plan is being properly implemented, OAR 340-218-0050; and the semi-annual compliance certification, OAR 340-218-0080.

(B) Prompt reporting of deviations from permit requirements that do not cause excess emissions, including those attributable to upset conditions, as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" means within fifteen (15) days of the deviation. Deviations that cause excess emissions, as specified in OAR 340-214-0300 through 340-214-0360 must be reported in accordance with OAR 340-214-0340;

(C) Submittal of any required source test report within 30 days after the source test unless otherwise approved in writing by the Department or specified in a permit;

(D) All required reports must be certified by a responsible official consistent with OAR 340-218-0040(5);

(E) Reporting requirements must commence on the date of permit issuance unless otherwise specified in the permit.

(d) The Department may incorporate more rigorous monitoring, recordkeeping, or reporting methods than required by applicable requirements in an Oregon Title V Operating Permit if they are contained in the permit application, are determined by the Department to be necessary to determine compliance with applicable requirements, or are needed to protect human health or the environment.

(4) A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the FCAA or the regulations promulgated there under:

(a) No permit revision will be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement;

(b) No limit may be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to non-compliance with any other applicable requirement;

(c) Any such allowance must be accounted for according to the procedures established in regulations promulgated under Title IV of the FCAA.

(5) A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

(6) Provisions stating the following:

(a) The permittee must comply with all conditions of the Oregon Title V Operating Permit. Any permit condition noncompliance constitutes a violation of the FCAA and state rules and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application;

(b) The need to halt or reduce activity will not be a defense. It will not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit;

(c) The permit may be modified, revoked, reopened and reissued, or terminated for cause as determined by the Department. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition;

(d) The permit does not convey any property rights of any sort, or any exclusive privilege;

(e) The permittee must furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee must also furnish to the Department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the EPA along with a claim of confidentiality.

(7) A provision to ensure that an Oregon Title V Operating Permit program source pays fees to the Department consistent with the fee schedule.

(8) Terms and conditions for reasonably anticipated alternative operating scenarios identified by the owner or operator in its application as approved by the Department. Such terms and conditions:

(a) Must require the owner or operator, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

(b) Must extend the permit shield described in OAR 340-218-0110 to all terms and conditions under each such alternative operating scenario; and

(c) Must ensure that the terms and conditions of each such alternative operating scenario meet all applicable requirements and the requirements of this division.

(9) Terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with the PSELs. Such terms and conditions:

(a) Must include all terms required under OAR 340-218-0050 and 340-218-0080 to determine compliance;

(b) Must extend the permit shield described in OAR 340-218-0110 to all terms and conditions that allow such increases and decreases in emissions;

(c) Must ensure that the trades are quantifiable and enforceable;

(d) Must ensure that the trades are not Title I modifications;

(e) Must require a minimum 7-day advance, written notification to the Department and the EPA of the trade that must be attached to the Department's and the source's copy of the permit. The written notification must state when the change will occur and must describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit; and

(f) Must meet all applicable requirements and requirements of this division.

(10) Terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emission trade. Such terms and conditions:

(a) Must include all terms required under OAR 340-218-0050 and 340-218-0080 to determine compliance;

(b) Must extend the permit shield described in OAR 340-218-0110 to all terms and conditions that allow such increases and decreases in emissions; and

(c) Must meet all applicable requirements and requirements of this division.

(11) Terms and conditions allowing for off-permit changes, OAR 340-218-0140(2).

(12) Terms and conditions allowing for section 502(b)(10) changes, OAR 340-218-0140(3).

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020 & 468A.310

Stats. Implemented: ORS 468.020 & 468A.310

Hist.: DEQ 13-1993, f. & ef. 9-24-93; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2130; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0010

Purpose, Scope And Applicability

(1) The purpose of this division is to provide owners and operators of Oregon Title V Operating Permit program sources and the Department with the criteria and procedures to determine emissions and fees based on air emissions and specific activities.

(2) This division applies to Oregon Title V Operating Permit program sources as defined in OAR 340-200-0020.

(3) The owner or operator may elect to pay emission fees for each regulated pollutant on either actual emissions or permitted emissions.

(4) Sources subject to the Oregon Title V Operating Permit program defined in OAR 340-200-0020, are subject to both an annual base fee established under OAR 340-220-0030 and an emission fee calculated pursuant to OAR 340-220-0040.

(5) Sources subject to the Oregon Title V Operating Permit program may also be subject to user fees (OAR 340-220-0050 and 340-216-0090).

(6) The Department will credit owners and operators of new Oregon Title V Operating Permit program sources for the unused portion of paid Annual Fees. The credit will begin from the date the Department receives the Title V permit application.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

ADMINISTRATIVE RULES

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2560; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0020

Definitions

The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020, the definition in this rule applies to this division. Particulates. For purposes of this division, particulates mean PM10; or if a source's permit specifies Particulate Matter (PM) and not PM10, then PM; or if a source's permit specifies PM2.5 and neither PM10 nor PM, then PM2.5.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0030

Annual Base Fee

(1) The Department will assess an annual base fee of \$ 4,390 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2007 to November 14, 2008.

(2) The Department will assess an annual base fee of \$ 4,849 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2008 to November 14, 2009.

(3) The Department will assess an annual base fee of \$ 5,183 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2009 to November 14, 2010, and for each annual period thereafter.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2580; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0040

Emission Fee

(1) The Department will assess an emission fee of \$ 43.90 per ton of each regulated pollutant emitted during calendar year 2006 to each source subject to the Oregon Title V Operating Permit Program.

(2) The Department will assess an emission fee of \$ 48.49 per ton of each regulated pollutant emitted during calendar year 2007 to each source subject to the Oregon Title V Operating Permit Program.

(3) The Department will assess an emission fee of \$ 51.83 per ton of each regulated pollutant emitted during calendar year 2008 and for each calendar year thereafter to each source subject to the Oregon Title V Operating Permit Program.

(4) The emission fee will be applied to emissions based on the elections made according to OAR 340-220-0090.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.035

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2590; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0050

Specific Activity Fees

(1) The Department will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of August 21, 2007 to August 25, 2008 as follows:

(a) Existing Source Permit Revisions:

(A) Administrative* — \$ 406;

(B) Simple — \$ 1,626;

(C) Moderate — \$ 12,194;

(D) Complex — \$ 24,387.

(b) Ambient Air Monitoring Review — \$ 3,252.

(2) The Department will assess specific activity fees for an Oregon Title V Operating Permit program source as of August 26, 2008 as follows:

(a) Existing Source Permit Revisions:

(A) Administrative* — \$ 418;

(B) Simple — \$ 1,672;

(C) Moderate — \$ 12,540;

(D) Complex — \$ 25,081.

(b) Ambient Air Monitoring Review — \$ 3,344.

*includes revisions specified in OAR 340-218-0150(1) (a) through (g). Other revisions specified in OAR 340-218-0150 are subject to simple, moderate or complex revision fees.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2600; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0060

Pollutants Subject to Emission Fees

(1) The Department will assess emission fees on emissions of regulated pollutants up to and including 4,000 tons per year for each regulated pollutant for each source through calendar year 2010, and up to and including 7,000 tons per year of all regulated pollutants for each source each calendar year thereafter.

(2) The owner or operator must pay emission fees for all regulated pollutants emitted from the source, except as limited in section (1).

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2610; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0070

Exclusions

(1) The Department will not assess emission fees on newly permitted major sources that have not begun initial operation.

(2) The Department will not assess emission fees on carbon monoxide. However, sources that emit or are permitted to emit 100 tons or more per year of carbon monoxide are subject to the emission fees on all other regulated air pollutants pursuant to OAR 340-220-0010.

(3) The Department will not assess emission fees on any device or activity that did not operate at any time during the calendar year.

(4) If an owner or operator of an Oregon Title V Operating Permit program source operates a device or activity for less than 5% of the permitted operating schedule, the owner or operator may elect to report emissions based on a proration of the permitted emissions for the actual operating time.

(5) The Department will not assess emission fees on emissions categorized as credits or unassigned emissions within an Oregon Title V Operating Permit.

(6) The Department will not assess emission fees on categorically insignificant emissions as defined in OAR 340-200-0020.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2620; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0090

Election for Each Regulated Pollutant

(1) The owner or operator must elect to pay emission fees on either actual emissions, permitted emissions, or a combination of both for the previous calendar year for each regulated pollutant and notify the Department in accordance with OAR 340-220-0110.

(2) If an owner or operator fails to notify the Department of the election for a regulated pollutant, the Department will assess emission fees based on permitted emissions.

(3) If the permit or review report does not identify permitted emissions for a regulated pollutant, the Department will develop representative permitted emissions.

(4) An owner or operator may elect to pay emission fees on the aggregate limit for insignificant emissions that are not categorically exempt insignificant emissions.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

ADMINISTRATIVE RULES

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2640; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0100

Emission Reporting

(1) Using a form(s) developed by the Department the owner or operator must report the following emissions:

- (a) Particulates;
- (b) Sulfur Dioxide as SO₂;
- (c) Oxides of Nitrogen (NO_x) as Nitrogen Dioxide (NO₂);
- (d) Volatile Organic Compounds as:
 - (A) VOC for material balance emission reporting; or
 - (B) Propane (C₃H₈), unless otherwise specified by permit, OAR Chapter 340, or a method approved by the Department, for emissions verified by source testing.

(2) The owner or operator must report emissions in tons per year and as follows:

(a) Round up to the nearest whole ton for emission values 0.5 and greater; and

(b) Round down to the nearest whole ton for emission values less than 0.5.

(3) The owner or operator electing to pay emission fees on actual emissions for a regulated pollutant must submit documentation necessary to support the actual emissions in accordance with OAR 340-220-0120.

(4) The owner or operator electing to pay on actual emissions must report total emissions, including those emissions in excess of 4,000 tons for each regulated pollutant and in excess of 7,000 tons for all regulated pollutants.

(5) The owner or operator electing to pay on permitted emissions for a regulated pollutant must identify such an election on the form(s) developed by the Department.

(6) If more than one permit is in effect for a calendar year for an Oregon Title V Operating Permit program source, the owner or operator electing to pay on permitted emissions must pay on the most current permitted or actual emissions.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 13-1993, f. & ef. 9-24-93; DEQ 20-1993(T), f. & ef. 11-4-93; DEQ 13-1994, f. & ef. 5-19-94; DEQ 24-1994, f. & ef. 10-28-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2650; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0110

Emission Reporting and Fee Procedures

(1) The owner or operator must submit the required form(s), including the election to pay on permitted or actual emissions for each regulated pollutant, to the Department with the annual permit report in accordance with annual reporting procedures.

(2) The owner or operator may request that information, other than emission information, submitted pursuant to this division be exempt from disclosure in accordance with OAR 340-214-0130.

(3) Records developed in accordance with these rules are subject to inspection and entry requirements in OAR 340-218-0080. The owner or operator must retain records for at least five years in accordance with OAR 340-218-0050(3)(b)(B).

(4) The Department may accept the information submitted or request additional information from the owner or operator. The owner or operator must submit additional actual emission information requested by the Department within 30 days of the date of the request. The Department may approve a request for additional time, up to 30 days, to submit the requested information.

(5) If the Department determines the actual emission information submitted for any regulated pollutant does not meet the criteria in this division, the Department will assess the emission fee on the permitted emission for that regulated pollutant.

(6) The owner or operator must submit emission fees payable to the Department by the later of:

- (a) August 1 for emission fees from the previous calendar year; or
- (b) Thirty days after the Department mails the fee invoice.

(7) Department acceptance of emission fees does not indicate approval of data collection methods, calculation methods, or information reported on Emission Reporting Forms. If the Department determines initial emission fee assessments were inaccurate or inconsistent with this division,

the Department may assess or refund emission fees up to two years after emission fees are received by the Department.

(8) The Department will not revise a PSEL solely due to an emission fee payment.

(9) Owners or operators operating sources pursuant to OAR 340 division 218 must submit the emission reporting information with the annual permit report.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2660; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0120

Actual Emissions

An owner or operator electing to pay on actual emissions must obtain emission data and determine regulated pollutant emissions using one of the following methods:

(1) Continuous monitoring systems used in accordance with OAR 340-220-0130;

(2) Verified emission factors developed for a particular source or a combination of sources venting to a common stack in accordance with OAR 340-220-0170;

(3) Material balances determined in accordance with OAR 340-220-0140, 340-220-0150, or 340-220-0160; or

(4) Verified emission factors for source categories developed in accordance with OAR 340-220-0170(11).

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2670; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0150

Determining VOC Emissions Using Material Balance

The owner or operator may determine the amount of VOC emissions for emissions of a regulated pollutant by using material balance. The owner or operator using material balance to calculate VOC emissions must determine the amount of VOC added to the process, the amount of VOC consumed in the process, and the amount of VOC recovered in the process, if any, by testing in accordance with 40 Code of Federal Regulations (CFR) Part 60 Appendix A EPA Method 18, 24, 25, a material balance method, or an equivalent plant specific method specified in the Oregon Title V Operating Permit using the following equation: [Equation not included. See ED. NOTE.]

[ED. NOTE: The equation referenced is available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A

Stats Implemented: ORS 468.020, 468A.025 & 468A.315

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 2-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2700; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0170

Verified Emission Factors

(1) The owner or operator must verify emission factors before using them to determine emissions of regulated pollutants. To verify emission factors, the owner or operator must perform either source testing in accordance with the Department's Source Sampling Manual or use other methods approved by the Department for source tests. Source tests must be conducted in accordance with testing procedures on file at the Department and the Department approved pretest plan which must be submitted at least 15 days before the testing. All test data and results must be submitted for review to the Department within 30 days after testing, unless the Department approves otherwise or a different time period is specified in a permit.

NOTE: DEQ recommends that the owner or operator notify the Department and obtain pre-approval of the emission factor source testing program before or as part of the first source test notification.

(2) The owner or operator must conduct or have conducted at least three compliance source tests. Each test must consist of at least three individual test runs for a total of at least nine test runs.

(3) The owner or operator must monitor and record applicable process and control device operating data.

(4) The owner or operator must perform a source test either:

ADMINISTRATIVE RULES

(a) In each of three quarters of the year with no two successive source tests performed any closer than 30 days apart; or

(b) At equal intervals over the operating period if the owner or operator demonstrates and the Department agrees that the device or activity operates or has operated for part of the year; or

(c) At any time during the year if the owner or operator demonstrates, and the Department agrees, that the process is or was not subject to seasonal variations.

(5) The owner or operator must conduct the source tests to test the entire range of operating levels. At least one test must be conducted at minimum operating conditions, at normal or average operating levels, and at anticipated maximum operating levels. If the process rate is constant, all tests must be conducted at that rate. The owner or operator must submit documentation to the Department demonstrating a constant process rate.

(6) The owner or operator must determine an emission factor for each source test by dividing each test run, in pounds of emission per hour, by the applicable process rate during the source test run. At least nine emission factors must be plotted against the respective process rates and a regression analysis performed to determine the best fit equation and the correlation coefficient. If the correlation coefficient is less than 0.50, which indicates that there is a relatively weak relationship between emissions and process rates, the arithmetic average and standard deviation of at least nine emission factors must be determined.

(7) The owner or operator must determine the Emissions Estimate Adjustment Factor (EEAF) as follows:

(a) If the correlation coefficient (R2) of the regression analysis is greater than 0.50, the EEAF will be $1+(1-R2)$.

(b) If the correlation coefficient (R2) is less than 0.50, the EEAF will be: [Equation not included. See ED. NOTE.]

(8) The owner or operator must determine actual emissions for emission fee purposes using one of the following methods:

(a) If the regression analysis correlation coefficient is less than 0.50, the actual emissions is the average emission factor determined from at least nine test runs multiplied by the EEAF multiplied by the total production for the entire year; or [Equation not included. See ED. NOTE.]

(b) If the regression analysis correlation coefficient is greater than 0.50, perform the following calculations :

(A) Determine the average emission factor (EF) for each production rate category (maximum = EFmax, normal = EFnorm, and minimum = EFmin);

(B) Determine the total annual production and operating hours, production time (PTtot), for the calendar year;

(C) Determine the total hours operating within the maximum production rate category (PTmax). The maximum production rate category is any operation rate greater than the average of at least three maximum operating rates during the source testing plus the average of at least three normal operating rates during the source testing divided by 2;

(D) Determine the total hours while operating within the normal production rate category (PTnorm). The normal production rate category is defined as any operating rate less than the average of at least three maximum operating rates during the source testing plus the average of at least three normal operating rates during the source testing divided by 2 and any operating rate greater than the average of at least three minimum operating rates during the source testing plus the average of at least three normal operating rates during the source testing divided by 2;

(E) Determine the total hours while operating within the minimum production rate category (PTmin). The minimum production rate category is defined as any operating rate less than the average of at least three minimum operating rates during the source testing plus the average of at least three normal operating rates during the source testing divided by 2;

(F) Actual emissions equals $EEAF \times ((PTmax/PTtot) \times EFmax + (PTnorm/PTtot) \times EFnorm + (PTmin/PTtot) \times EFmin)$.

(9) The owner or operator must determine emissions during startup and shutdown, and for emissions greater than normal, during conditions that are not accounted for in the procedure(s) otherwise used to document actual emissions. The owner or operator must apply 340-220-0170(9)(a) or 340-220-0170(9)(b), (c) and (d) in developing emission factors. The owner or operator must apply the emission factor obtained to the total time the device or activity operated under these conditions.

(a) All emissions during startup and shutdown, and emissions greater than normal are assumed equivalent to operation without an air pollution control device, unless the owner or operator accurately demonstrates otherwise in accordance with OAR 340-220-0170(9)(b), (9)(c), (9)(d), and (9)(e), and approved by the Department. The emission factor plus the EEAF

must be adjusted by the air pollution control device collection efficiency as follows: [Equation not included. See ED. NOTE.]

(b) During process startups a Department approved source test may be performed to determine an average startup factor. The average of at least three tests runs plus the standard deviation will be used to determine actual emissions during startups.

(c) During process shutdowns a Department approved source test may be performed to determine an emission factor for shutdowns. The average of at least three test runs plus the standard deviation will be used to determine actual emissions during shutdowns.

(d) During routine maintenance activity the owner or operator may:

(A) Perform routine maintenance activity during source testing for verified emission factors; or

(B) Determine emissions in accordance with Section (a) of this rule.

(e) The emission factor need not be adjusted if the owner or operator demonstrates to the Department that the pollutant emissions do not increase during startup and shutdown, and for conditions that are not accounted for in the procedure(s) otherwise used to document actual emissions (e.g. NOx emissions during an ESP failure).

(10) A verified emission factor developed pursuant to this division and approved by the Department can not be used if a process change occurs that would affect the accuracy of the verified emission factor.

(11) The owner or operator may elect to use verified emission factors for source categories if the Department determines the following criteria are met:

(a) The verified emission factor for a source category must be based on verified emission factors from at least three individual sources within the source category;

(b) Verified emission factors from sources within a source category must be developed in accordance with this rule;

(c) The verified emission factors from the sources must not differ from the mean by more than twenty percent; and

(d) The source category verified emission factor must be the mean of the source verified emission factors plus the average of the source emission estimate adjustment factors.

[ED. NOTE: The equation referenced is available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

Rule Caption: Amend Plant Site Emission Limit Applicability Rule.

Adm. Order No.: DEQ 11-2008

Filed with Sec. of State: 8-29-2008

Certified to be Effective: 8-29-08

Notice Publication Date: 5-1-2008

Rules Amended: 340-220-0040, 340-222-0020

Subject: The applicability rules for the Plant Site Emission Limit (PSEL) rule in OAR 340 division 222 are being amended to exempt chemical substances regulated under the Accidental Release Prevention rule and the Early Reduction High Risk Pollutants rule. Sources subject to the PSEL rule will not have to be assigned to a Plant Site Emission Limit for the exempted substances. This is a change to the State Implementation Plan and will be submitted to EPA for approval.

Rules Coordinator: Larry McAllister—(503) 229-6412

340-220-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by the Department of Environmental Quality and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal Clean Air Act, **42 U.S.C.A 7401 to 7671q**.

(2) Except as provided in section (3), revisions to the SIP will be made pursuant to the Commission's rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the United States Environmental Protection Agency for approval. The State Implementation Plan was last modified by the Commission on August 21, 2008.

ADMINISTRATIVE RULES

(3) Notwithstanding any other requirement contained in the SIP, the Department may:

(a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after the Department has complied with the public hearings provisions of **40 CFR 51.102** (July 1, 2002); and

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

NOTE: Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, the Department shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.035

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2590; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 11-2008, f. & cert. ef. 8-29-08

340-222-0020

Applicability

(1) Plant Site Emission Limits (PSELs) will be included in all Air Contaminant Discharge Permits (ACDP) and Oregon Title V Operating Permits, except as provided in section (3), as a means of managing airshed capacity by regulating increases and decreases in air emissions. Except as provided in OAR 340-222-0060 or 340-222-0070, all ACDP and Title V sources are subject to PSELs for all regulated pollutants. The Department will incorporate PSELs into permits when issuing a new permit or renewing or modifying an existing permit.

(2) The emissions limits established by PSELs provide the basis for:

(a) Assuring reasonable further progress toward attaining compliance with ambient air standards;

(b) Assuring compliance with ambient air standards and Prevention of Significant Deterioration increments;

(c) Administering offset and banking programs; and

(d) Establishing the baseline for tracking the consumption of Prevention of Significant Deterioration Increments.

(3) PSELs are not required for:

(a) Pollutants that will be emitted at less than the de minimis emission level listed in OAR 340-200-0020 from the entire source,

(b) Short Term Activity and Basic ACDPs; or

(c) Hazardous air pollutants as listed in OAR 340-244-0040 Table 1; Early Reduction High Risk Pollutants listed in 340-244-0120 Table 2; or Accidental Release Substances listed in 340-244-0230 Table 3.

(4) Generic PSELs may be used for any category of ACDP or Title V permit.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020 & 468A.040

Stats. Implemented: ORS 468.020, 468.065 & 468A.025

Hist.: DEQ 25-1981, f. & cert. ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0301; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1010; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2008(Temp), f. 3-4-08, cert. ef. 3-6-08 thru 9-1-08; DEQ 11-2008, f. & cert. ef. 8-29-08

Department of Fish and Wildlife Chapter 635

Rule Caption: Prohibit Retention of Cabezon In the Oregon Ocean Boat and Estuary Boat Sport Fisheries.

Adm. Order No.: DFW 97-2008(Temp)

Filed with Sec. of State: 8-18-2008

Certified to be Effective: 8-21-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-039-0090

Rules Suspended: 635-039-0090(T)

Subject: Amended rule closes the sport ocean boat and estuary boat fisheries to retention of cabezon due to attainment of the 2008

statewide landing cap of 15.8 metric tons adopted by the Oregon Fish and Wildlife Commission.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0090

Inclusions and Modifications

(1) The **2008 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2008 Oregon Sport Fishing Regulations**.

(2) For the purposes of this rule, a “harvest target” is defined as the Oregon share of the regional recreational harvest guideline for yelloweye rockfish and canary rockfish that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

(a) The regional recreational harvest guidelines for these species in 2008 are specified in the Pacific Council Decisions or News documents dated June and November, 2007.

(b) Harvest targets for yelloweye rockfish and canary rockfish effective at the start of the Oregon sport fishery in 2008 are:

(A) Yelloweye rockfish, 3.3 metric tons.

(B) Canary rockfish, 6.6 metric tons.

(c) Harvest targets for yelloweye rockfish and canary rockfish may be revised inseason following consultation with Washington Department of Fish and Wildlife provided that:

(A) Regional recreational harvest guidelines for these species are not projected to be exceeded as a result of any inseason revisions to a harvest target or targets; and

(B) Inseason revisions to the harvest target or targets benefit the Oregon sport fishery.

(3)(a) For the purposes of this rule, a “sport harvest cap” is defined as the amount that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

(b) For 2008, the sport harvest cap for black rockfish is 318 metric tons.

(4) For the purposes of this rule, “Other nearshore rockfish” means the following rockfish species: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).

(5) For the purposes of this rule a “sport landing cap” is defined as the total landings for a given species, or species group, that may be taken in a single calendar year by the ocean boat fishery. For 2008 the sport landing caps are:

(a) Black rockfish and blue rockfish combined, 359 metric tons.

(b) Other nearshore rockfish, 11.3 metric tons.

(c) Cabezon, 15.8 metric tons.

(d) Greenling, 5.2 metric tons.

(6) Effective Wednesday, August 21, 2008 at 12:01 a.m. retention of cabezon, as identified in section (5)(c) above, is prohibited in the ocean boat and estuary boat fisheries. Angling for and retention of shore-based cabezon is permitted.

(7) In addition to the regulations for Marine Fish in the **2008 Oregon Sport Fishing Regulations**, the following apply for the sport fishery in the Marine Zone in 2008:

(a) Lingcod (including green colored lingcod): 2 fish daily bag limit.

(b) All rockfish (“sea bass” “snapper”), greenling (“sea trout”), cabezon, skates, and other marine fish species not listed in the **2008 Oregon Sport Fishing Regulations** in the Marine Zone, located under the category of Species Name, Marine Fish: 5 fish daily bag limit in aggregate (total sum or number). Retention of yelloweye rockfish and canary rockfish is prohibited.

(c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species *except* Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).

(d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut north of Humbug Mountain. North of Cape Falcon, retention of Pacific cod also is allowed when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut. Persons must

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also consult the Pacific Council Decisions; Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996); and the annual Pacific Halibut Fishery Regulations as amended by Federal Regulations to determine all rules applicable to the taking of Pacific halibut.

(e) Harvest methods and other specifications for marine fish in subsections (7)(a), (7)(b) and (7)(c) including the following:

- (A) Minimum length for lingcod, 22 inches.
- (B) Minimum length for cabezon, 16 inches.
- (C) Minimum length for greenling, 10 inches.
- (D) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

(E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.

(f) Sport fisheries for species in subsections (7)(a), (7)(b) and (7)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except that ocean waters are closed for these species during April 1 through July 6, outside of the 40 fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 384 Vol. 71, No. 189, dated September 29, 2006. A 20 fathom, 25 fathom, or 30 fathom curve, as shown on Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189, dated September 29, 2006 may be implemented as the management line as in-season modifications necessitate. Ocean waters are closed for species in subsections (7)(a) and (7)(b) during July 7 through December 31, outside of the 20-fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189, dated September 29, 2006. Ocean waters are closed for species in subsection (7)(c) during July 7 through December 31, outside of the 40-fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 384 Vol. 71, No. 189, dated September 29, 2006.

(g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 390. Within the YRCA, it is *unlawful* to fish for, take, or retain species listed in subsections (7)(a), (7)(b) and (7)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (7)(a), (7)(b) and (7)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (7)(a), (7)(b) and (7)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.

(8) Razor clams may be taken by hand, shovel, or cylindrical gun or tube. The opening of the gun/tube must be either circular or elliptical with the circular gun/tube opening having a minimum outside diameter of 4 inches and the elliptical gun/tube opening having minimum outside diameter dimensions of 4 inches long and 3 inches wide.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 22-1994, f. 4-29-94, cert. ef. 5-2-94; FWC 29-1994(Temp), f. 5-20-94, cert. ef. 5-21-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 43-1994(Temp), f. & cert. ef. 7-19-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 25-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 26-1995, 3-29-95, cert. ef. 4-2-95; FWC 36-1995, f. 5-3-95, cert. ef. 5-5-95; FWC 43-1995(Temp), f. 5-26-95, cert. ef. 5-28-95; FWC 46-1995(Temp), f. & cert. ef. 6-2-95; FWC 58-1995(Temp), f. 7-3-95, cert. ef. 7-5-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 28-1996(Temp), f. 5-24-96, cert. ef. 5-26-96; FWC 30-1996(Temp), f. 5-31-96, cert. ef. 6-2-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 68-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 114-2003(Temp), f. 11-18-03, cert. ef. 11-21-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 83-2004(Temp), f. 8-17-04, cert. ef. 8-18-04 thru 12-31-04; DFW 91-2004(Temp), f. 8-31-04, cert. ef. 9-2-04 thru 12-31-04; DFW 97-2004(Temp), f. 9-22-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 34-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 75-2005(Temp), f. 7-13-05, cert. ef. 7-16-05 thru 12-31-05; DFW 87-2005(Temp), f. 8-8-05, cert. ef. 8-11-05 thru 12-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 141-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 12-31-05; Administrative correction 1-19-06; DFW 61-2006, f. 7-13-06, cert. ef. 10-1-06; DFW 65-2006(Temp), f. 7-21-06, cert. ef. 7-24-06 thru 12-31-06; DFW 105-2006(Temp), f. 9-21-06, cert. ef. 9-22-06 thru 12-31-06; DFW 134-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 10-2007, f. & cert. ef. 2-14-07; DFW 66-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 73-2008(T) f. 6-30-08, cert. ef. 7-7-08 thru 12-31-08; DFW 97-2008(Temp), f. 8-18-08, cert. ef. 8-21-08 thru 12-31-08

Rule Caption: Commercial Vessels Allowed To Retrieve Dungeness Crab Gear August 29 Through October 31, 2008.

Adm. Order No.: DFW 98-2008(Temp)

Filed with Sec. of State: 8-19-2008

Certified to be Effective: 8-29-08 thru 10-31-08

Notice Publication Date:

Rules Amended: 635-005-0055

Subject: Amended rule allows commercial fishermen to retrieve any commercial Dungeness crab fishing gear from the ocean and transport it to shore beginning August 29 through October 31, 2008.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-005-0055

Fishing Gear

It is *unlawful* for commercial purposes to:

(1) Take crab by any means other than crab rings or crab pots (ORS 509.415); a crab ring is any fishing device that allows crab unrestricted entry or exit while fishing.

(2) Possess on a vessel, use, control, or operate any crab pot which is greater than thirteen cubic feet in volume, calculated using external dimensions.

(3) Possess on a vessel, use, control, or operate any crab pot which does not include a minimum of two circular escape ports of at least 4-1/4 inches inside diameter located on the top or side of the pot. If escape ports are placed on the side of the pot, they shall be located in the upper half of the pot.

(4) Possess on a vessel, use, control, or operate any crab pot which does not have a release mechanism. Acceptable release mechanisms are:

(a) Iron lid strap hooks constructed of iron or "mild" steel rod (not stainless steel) not to exceed 1/4-inch (6mm) in diameter;

(b) A single loop of untreated cotton or other natural fiber twine, or other twine approved by the Department not heavier than 120 thread size between pot lid tiedown hooks and the tiedown straps; or

(c) Any modification of the wire mesh on the top or side of the pot, secured with a single strand of 120 thread size untreated cotton, natural fiber, or other twine approved by the Department which, when removed, will create an opening of at least five inches in diameter.

(5) Place, operate, or leave crab rings or pots in the Pacific Ocean and Columbia River or in any bay or estuary during the closed season, except that in only the Pacific Ocean and Columbia River, rings or pots may be placed no more than 64 hours immediately prior to the date the Dungeness crab season opens. In addition, unbaited crab rings or pots with open release mechanisms may be left in the Pacific Ocean (not including the Columbia River) for a period not to exceed 14 days following the closure of the Dungeness crab season.

(6) Have Dungeness crab gear deployed in the Pacific Ocean or Columbia River more than 14 days without making a landing of Dungeness crab.

(7) Use commercial crab pots in the Columbia River or Pacific Ocean unless the pots are individually marked with a surface buoy bearing, in a visible, legible and permanent manner, the brand of the owner and an ODFW buoy tag, provided that:

(a) The brand is a number registered with and approved by the Department;

(b) Only one unique buoy brand shall be registered to any one permitted vessel;

(c) All crab pots fished by a permitted vessel must use only the Oregon buoy brand number registered to that vessel in the area off of Oregon;

(d) The Department shall issue crab buoy tags to the owner of each commercial crab permit in the amount determined by OAR 635-006-1015(1)(g)(E);

(e) All buoy tags eligible to a permit holder must be purchased from the Department at cost and attached to the gear prior to setting gear; and

(f) Buoys attached to a crab pot must have the buoy tag securely attached to the first buoy on the crab pot line (the buoy closest to the crab pot) at the end away from the crab pot line;

(g) Additional buoy tags to replace lost tags will be issued by the Department as follows:

(A) As of the first business day after 30 days following the season opening in the area fished, up to ten percent of the tags initially issued for that season; or

(B) For a catastrophic loss, defined as direct loss of non-deployed gear in the event of a vessel being destroyed due to fire, capsizing, or sink-

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ing. Documentation of a catastrophic loss may include any information the Department considers appropriate, such as fire department or US Coast Guard reports; or

- (C) If the Director finds that the loss of the crab pot buoy tags was:
 - (i) Due to an extraordinary event; and
 - (ii) The loss was minimized with the exercise of reasonable diligence;

and

(iii) Reasonable efforts were taken to recover lost buoy tags and associated fishing gear.

(D) Upon receipt of the declaration of loss required by subsection (7)(g)(E) of this rule, and a request for replacement tags under subsection (7)(g)(C) of this rule, the Director or his designee may provide an opportunity for the permit holder requesting the replacement tags to describe why the buoy tag loss meets the criteria for replacement under subsection (7)(g)(C). The Director or his designee shall provide the Director's order to the permit holder and to ODFW License Services. The permit holder may appeal the Director's findings to the Fishery Permit Review Board under OAR 635-006-1065(1)(g).

(E) Permit holders (or their alternative designated on the buoy tag order form) must obtain, complete, and sign a declaration of loss under penalty of perjury in the presence of an authorized Department employee. The declaration shall state the number of buoy tags lost, the location and date where lost gear or tags were last observed, and the presumed cause of the loss.

(8) Remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the vessel's buoys and pots.

(9) Attach one crab pot to another crab pot or ring net by a common groundline or any other means that connects crab pots together.

(10) Take crabs for commercial purposes by crab pots from any bay or estuary except the Columbia River.

(11) Operate more than 15 crab rings from any one fishing vessel in bays or estuaries, except the Columbia River.

(12) Take or fish for Dungeness crab for commercial purposes in the Columbia River or Pacific Ocean adjacent to the state of Oregon unless a crab pot allocation has been issued to the permit required under OAR 635-006-1015(1)(g).

(13) Deploy or fish more crab pots than the number of pots assigned by the crab pot allocation certificate or to use any vessel other than the vessel designated on the crab pot allocation, except to set gear as allowed under OAR 635-006-1015.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 285(74-20), f. 11-27-74, ef. 12-25-74, Renumbered from 625-010-0160; FWC 49-1978, f. & ef. 9-27-78, Renumbered from 635-036-0130; FWC 56-1982, f. & ef. 8-27-82; FWC 81-1982, f. & ef. 11-4-82; FWC 82-1982(Temp), f. & ef. 11-9-82; FWC 13-1983, f. & ef. 3-24-83; FWC 11-1984, f. 3-30-84, ef. 9-16-84, except section (5) per FWC 45-1984, f. & ef. 8-30-84; FWC 72-1984, f. & ef. 10-22-84; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 78-1986 (Temp), f. & ef. 12-1-86; FWC 97-1987(Temp), f. & ef. 11-17-87; FWC 102-1988, f. 11-29-88, cert. ef. 12-29-88; FWC 107-1990, f. & cert. ef. 10-1-90; FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93; FWC 84-1994, f. 10-31-94, cert. ef. 12-1-94; FWC 68-1996(Temp), f. & cert. ef. 12-5-96; FWC 2-1997, f. 1-27-97, cert. ef. 2-1-97; DFW 45-2006, f. 6-20-06, cert. ef. 12-1-06; DFW 96-2006(Temp), f. & cert. ef. 9-8-06 thru 3-6-07; DFW 97-2006(Temp), f. 9-8-06, cert. ef. 9-9-06 thru 3-7-07; DFW 123-2006(Temp), f. 11-28-06, cert. ef. 12-1-06 thru 3-7-06; DFW 135-2006(Temp), f. & cert. ef. 12-26-06 thru 6-15-07; DFW 11-2007, f. & cert. ef. 2-14-07; DFW 41-2007, f. & cert. ef. 6-8-07; DFW 82-2007(Temp), f. 8-31-07, cert. ef. 9-1-07 thru 10-31-07; DFW 113-2007, f. & cert. ef. 10-25-07; DFW 127-2007(Temp), f. & cert. ef. 12-11-07 thru 6-7-08; DFW 129-2007(Temp), f. & cert. ef. 12-14-07 thru 6-7-08; DFW 29-2008(Temp), f. & cert. ef. 3-25-08 thru 8-31-08; DFW 59-2008(Temp), f. & cert. ef. 6-11-08 thru 8-28-08; DFW 98-2008(Temp), f. 8-19-08, cert. ef. 8-29-08 thru 10-31-08

Rule Caption: Buoy 10 Recreational Fishery Closes to Retention of Chinook Salmon.

Adm. Order No.: DFW 99-2008(Temp)

Filed with Sec. of State: 8-22-2008

Certified to be Effective: 8-25-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-023-0130

Subject: Amended rule closes the Buoy 10 recreational fishery to the retention of Chinook salmon, effective at 12:01 a.m. Monday, August 25, 2008 in the area from Buoy 10 upstream to the Tongue Point/Rocky Point line. The fishery will remain open for adipose fin-clipped coho and adipose fin-clipped steelhead per permanent regulations. Modifications are consistent with action taken August 21, 2008 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0130

Fall Sport Fishery

(1) The **2008 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2008 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other specifications and restrictions in the **2008 Oregon Sport Fishing Regulations**:

(a)(A) Effective August 1 through December 31, in the mainstem Columbia River from a north-south line through Buoy 10 upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank the combined bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook; except:

(B) Retention of Chinook is prohibited during August 25 through December 31; and

(b) Effective August 1 through December 31, in the mainstem Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to Bonneville Dam the combined bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook; except:

(A) Retention of Chinook is only allowed during September 1 through September 16; and

(B) Retention of Chinook is prohibited from August 1 through December 31 in the area bounded by a line projected from the lower end of Bachelor Island, Washington to the Warrior Rock Lighthouse, Oregon downstream to a line projected from navigation marker #62 at the head of Deer Island, Oregon to marker #63 on Martin Island, Washington.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08

Rule Caption: Additional Commercial Salmon Fishing Periods Authorized for Columbia River below Bonneville Dam.

Adm. Order No.: DFW 100-2008(Temp)

Filed with Sec. of State: 8-22-2008

Certified to be Effective: 8-25-08 thru 9-30-08

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: Amended rule adds two fishing periods to the ongoing commercial fall chinook salmon gill net season on the mainstem Columbia River in Zones 4 and 5: (1) from 11:00 p.m. Sunday, August 24 through 5:00 a.m. Monday, August 25, 2008 (6 hours); and (2) from 11:00 p.m. Tuesday, August 26 through 5:00 a.m. Wednesday, August 27, 2008 (6 hours). Modifications are consistent with action taken August 21, 2008 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River: Zones 1–5, as identified in OAR 635-042-0001 during open fishing periods identified in sections (3)(a) through (3)(d); Zones 2–5 during the fishing period identified in section (3)(e) below; and Zones 4–5 during the fishing periods identified in section (3)(f) through (3)(h) below. Retention of green sturgeon is prohibited.

(2) It is *unlawful* to use a gill net having a mesh size less than 9 inches or more than 9.75 inches (as described in OAR 635-042-0010(4)).

(3) The open fishing periods are:

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(a) 7:00 p.m. Sunday, August 3 to 7:00 a.m. Monday, August 4, 2008 (12 hours);

(b) 7:00 p.m. Tuesday, August 5 to 7:00 a.m. Wednesday, August 6, 2008 (12 hours);

(c) 7:00 p.m. Thursday, August 7 to 7:00 a.m. Friday August 8, 2008 (12 hours);

(d) 7:00 p.m. Sunday, August 10 to 7:00 a.m. Monday, August 11, 2008 (12 hours);

(e) 7:00 p.m. Thursday, August 14 to 7:00 a.m. Friday, August 15, 2008 (12 hours);

(f) 8:00 p.m. Tuesday, August 19 to 6:00 a.m. Wednesday, August 20, 2008 (10 hours);

(g) 11:00 p.m. Sunday, August 24 to 5:00 a.m. Monday, August 25, 2008 (6 hours);

(h) 11:00 p.m. Tuesday, August 26 to 5:00 a.m. Wednesday, August 27, 2008 (6 hours).

(4) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) the fishery is open through August 16, 2008. A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) beginning August 17, 2008. Sturgeon possession and sales limit includes mainstem fisheries only.

(5) Closed waters, as described in OAR 635-042-0005, for Grays River, Elokomin-A, Cowlitz River, Kalama-A, Lewis-B, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified in sections (3)(a) through (3)(e) above and Lewis-B, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified in sections (3)(f) through (3)(h) above.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-29-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 85-1991, f. & cert. ef. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. & cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. & cert. ef. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. & cert. ef. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. & cert. ef. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. & cert. ef. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. & cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. & cert. ef. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. & cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. & cert. ef. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. & cert. ef. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. & cert. ef. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. & cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. & cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. & cert. ef. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. & cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. & cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. & cert. ef. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 13-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. & cert. ef. 8-22-08, cert. ef. 8-25-08 thru 9-30-08

Rule Caption: Pacific halibut Sport Fishery Re-opens North of Cape Falcon, Oregon.

Adm. Order No.: DFW 101-2008(Temp)

Filed with Sec. of State: 8-25-2008

Certified to be Effective: 8-29-08 thru 9-30-08

Notice Publication Date:

Rules Amended: 635-039-0085

Rules Suspended: 635-039-0085(T)

Subject: Amended rule re-opens the sport fishery for Pacific halibut in the area between Leadbetter Point, Washington and Cape Falcon, Oregon at 12:01 a.m. on Friday, August 29 through 11:59 p.m. Friday, August 29, 2008 (1 day). Revisions are consistent with regulations implemented by the federal government and the International

Pacific Halibut Commission for the 2008 Oregon recreational fishery for Pacific halibut.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, division 039 incorporates into Oregon Administrative Rules, by reference, modifications or additions to provisions determined by the IPHC and to the extent they are consistent with Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996) Volume 73, Number 46, dated March 7, 2008 and as amended by Federal Regulations.

(2) Effective 11:59 p.m., Sunday August 2, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) is closed to the retention of Pacific halibut.

(3) Effective 12:01 a.m. Friday, August 22 through 11:59 p.m. Saturday, August 23, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) re-opens to the retention of Pacific halibut.

(4) Effective 12:01 a.m. Friday, August 29 through 11:59 p.m. Friday, August 29, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) re-opens to the retention of Pacific halibut.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f. 8-25-08, cert. ef. 8-29-08 thru 9-30-08

Rule Caption: Commercial Salmon Fishing Period Authorized for Columbia River below Bonneville Dam Rescinded.

Adm. Order No.: DFW 102-2008(Temp)

Filed with Sec. of State: 8-26-2008

Certified to be Effective: 8-26-08 thru 9-1-08

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: Amended rule rescinds a fishing period in the commercial fall Chinook gill net season in Zones 4 and 5 of the Columbia River that was previously authorized for the period from 11:00 p.m. Tuesday, August 26 through 5:00 a.m. Wednesday, August 27, 2008 (6 hours). Modifications are consistent with action taken August 26, 2008 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River: Zones 1–5, as identified in OAR 635-042-0001 during open fishing periods identified in sections (3)(a) through (3)(d); Zones 2–5 during the fishing period identified in section (3)(e) below; and Zones 4–5 during the fishing periods identified in section (3)(f) and (3)(g) below. Retention of green sturgeon is prohibited.

(2) It is *unlawful* to use a gill net having a mesh size less than 9 inches or more than 9.75 inches (as described in OAR 635-042-0010(4)).

(3) The open fishing periods are:

(a) 7:00 p.m. Sunday, August 3 to 7:00 a.m. Monday, August 4, 2008 (12 hours);

(b) 7:00 p.m. Tuesday, August 5 to 7:00 a.m. Wednesday, August 6, 2008 (12 hours);

(c) 7:00 p.m. Thursday, August 7 to 7:00 a.m. Friday August 8, 2008 (12 hours);

(d) 7:00 p.m. Sunday, August 10 to 7:00 a.m. Monday, August 11, 2008 (12 hours);

(e) 7:00 p.m. Thursday, August 14 to 7:00 a.m. Friday, August 15, 2008 (12 hours);

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(f) 8:00 p.m. Tuesday, August 19 to 6:00 a.m. Wednesday, August 20, 2008 (10 hours);

(g) 11:00 p.m. Sunday, August 24 to 5:00 a.m. Monday, August 25, 2008 (6 hours).

(4) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) the fishery is open through August 16, 2008. A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) beginning August 17, 2008. Sturgeon possession and sales limit includes mainstem fisheries only.

(5) Closed waters, as described in OAR 635-042-0005, for Grays River, Elokomin-A, Cowlitz River, Kalama-A, Lewis-B, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified in sections (3)(a) through (3)(e) above and Lewis-B, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified in sections (3)(f) and (3)(g) above.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. 8-7-87; FWC 67-1988, f. & cert. 8-15-88; FWC 68-1988(Temp), f. & cert. 8-15-88; FWC 54-1989(Temp), f. & cert. 8-7-89; FWC 56-1989(Temp), f. & cert. 8-11-89; FWC 58-1989(Temp), f. & cert. 8-14-89; FWC 80-1989(Temp), f. & cert. 8-28-89, cert. 8-29-89; FWC 80-1990(Temp), f. & cert. 8-8-90; FWC 85-1991, f. & cert. 8-7-91, cert. 8-12-91; FWC 91-1991(Temp), f. & cert. 8-29-91; FWC 73-1992(Temp), f. & cert. 8-10-92; FWC 46-1996, f. & cert. 8-23-96; FWC 53-1996(Temp), f. & cert. 9-16-96; FWC 49-1997, f. & cert. 8-20-97, cert. 8-24-97; DFW 74-1998(Temp), f. & cert. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. & cert. 9-29-99, cert. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. 8-18-00, cert. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. & cert. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. & cert. 8-7-01, cert. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. & cert. 8-2-02, cert. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. & cert. 8-16-02, cert. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. & cert. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. & cert. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. & cert. 8-11-05, cert. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. & cert. 8-24-05, cert. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. & cert. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. & cert. 8-11-06, cert. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. & cert. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. & cert. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. & cert. 7-30-07, cert. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. & cert. 8-17-07, cert. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. & cert. 7-24-08, cert. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. 8-12-08 thru 13-31-08; DFW 95-2008(Temp), f. & cert. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. & cert. 8-22-08, cert. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. 8-26-08 thru 9-1-08

Rule Caption: Maximum Gill Net Mesh Size Increased in Blind and Knappa Sloughs Fall Commercial Salmon Seasons.

Adm. Order No.: DFW 103-2008(Temp)

Filed with Sec. of State: 8-26-2008

Certified to be Effective: 9-2-08 thru 10-31-08

Notice Publication Date:

Rules Amended: 635-042-0160

Rules Suspended: 635-042-0160(T)

Subject: Amended rule modifies the maximum gill net mesh size restriction for the Select Area commercial fisheries in Blind and Knappa sloughs, which are scheduled for the period from September 2 through September 5, 2008. This modification correctly increases the erroneously adopted maximum mesh size from 8 to 9.75 inches.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes during the open fishing periods described below:

(a) Open fishing periods for the fall season in Blind and Knappa Sloughs are: 7:00 p.m. to 7:00 a.m. on Tuesday, Wednesday and Thursday nights from September 2 through September 12, 2008 (6 nights); 7:00 p.m. to 7:00 a.m. on Monday, Tuesday, Wednesday and Thursday nights from September 15 through September 19, 2008 (4 nights); and 4:00 p.m. to 8:00 a.m. on Monday, Tuesday, Wednesday and Thursday nights from September 20 through October 31, 2008 (24 nights).

(b) The fishing areas for the season is:

(A) Blind Slough are those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore. Markers define an area closure of about a 100 foot radius at the mouth of Big Creek.

(c)(A) Gear restrictions are as follows:

(B) During the fall fishery, outlined above in sections (1)(a) and (1)(b), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is greater than 9.75-inches through September 5, 2008 and a 6-inch maximum mesh size thereafter.

(2) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in sections (1)(a) and (1)(b) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

(3) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. 8-23-96; FWC 48-1997, f. & cert. 8-25-97; DFW 15-1998, f. & cert. 3-3-98; DFW 67-1998, f. & cert. 8-24-98; DFW 86-1998(Temp), f. & cert. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. 2-26-99; DFW 48-1999(Temp), f. & cert. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. 8-12-99; DFW 9-2000, f. & cert. 2-25-00; DFW 42-2000, f. & cert. 8-3-00; DFW 65-2000(Temp), f. & cert. 9-22-00, cert. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. 2-6-01; DFW 84-2001(Temp), f. & cert. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. & cert. 2-13-02, cert. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. 2-14-03; DFW 34-2003(Temp), f. & cert. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. & cert. 4-30-03, cert. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. & cert. 9-8-03, cert. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. 2-13-04; DFW 19-2004(Temp), f. & cert. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. & cert. 4-4-04 thru 4-15-04; DFW 39-2004(Temp), f. & cert. 5-5-04, cert. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. & cert. 5-17-04, cert. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. 8-2-04, cert. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. 9-17-04, cert. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. 2-14-05; DFW 16-2005(Temp), f. & cert. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. 4-20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. & cert. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. & cert. 10-4-05, cert. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. 2-15-06; DFW 14-2006(Temp), f. & cert. 3-15-06, cert. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. & cert. 3-23-06 & cert. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. & cert. 3-29-06, cert. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. & cert. 4-7-06, cert. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. & cert. 8-8-06, cert. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. & cert. 9-1-06, cert. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. & cert. 9-15-06, cert. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. & cert. 1-31-07, cert. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. 2-14-07; DFW 13-2007(Temp), f. & cert. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. & cert. 4-17-07, cert. 4-18-07 thru 7-26-07; DFW 61-2007(Temp), f. & cert. 7-30-07, cert. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. & cert. 10-12-07, cert. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 6-2008(Temp), f. & cert. 1-29-08, cert. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. & cert. 2-26-08, cert. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. & cert. 7-24-08, cert. 8-1-08 thru 12-31-08; DFW 103(Temp), f. & cert. 8-26-08, cert. 9-2-08 thru 10-31-08

Rule Caption: Buoy 10 Recreational Fishery Closes to Angling for Salmon and Steelhead.

Adm. Order No.: DFW 104-2008(Temp)

Filed with Sec. of State: 8-29-2008

Certified to be Effective: 8-31-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-023-0130

Rules Suspended: 635-023-0130(T)

Subject: Amended rule closes the Buoy 10 recreational fishery to angling for salmon and steelhead, effective at 12:01 a.m. Sunday,

ADMINISTRATIVE RULES

August 31, 2008 in the area from Buoy 10 upstream to the Tongue Point/Rocky Point line. The fishery will remain open for angling for white sturgeon per permanent regulations. Modifications are consistent with action taken August 28, 2008 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0130

Fall Sport Fishery

(1) The **2008 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2008 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other specifications and restrictions in the **2008 Oregon Sport Fishing Regulations**:

(a) Effective August 1 through December 31, in the mainstem Columbia River from a north-south line through Buoy 10 upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank the combined bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook; except:

(A) Retention of Chinook is prohibited during August 25 through December 31; and

(B) Angling for salmon and steelhead is prohibited during August 31 through December 31.

(b) Effective August 1 through December 31, in the mainstem Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to Bonneville Dam the combined bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook; except:

(A) Retention of Chinook is only allowed during September 1 through September 16; and

(B) Retention of Chinook is prohibited from August 1 through December 31 in the area bounded by a line projected from the lower end of Bachelor Island, Washington to the Warrior Rock Lighthouse, Oregon downstream to a line projected from navigation marker #62 at the head of Deer Island, Oregon to marker #63 on Martin Island, Washington.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. ef. 8-31-08 thru 12-31-08

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Rule Caption: In-season Modifications to Ocean Sport Rockfish and Other Marine Species Seasons.

Adm. Order No.: DFW 105-2008(Temp)

Filed with Sec. of State: 9-4-2008

Certified to be Effective: 9-7-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-039-0090

Rules Suspended: 635-039-0090(T)

Subject: This amended rule cancels modifications adopted by temporary rule effective July 7, 2008 by: (1) returning the aggregate daily sport bag limit for rockfish, cabezon, skates and "other marine species" from five to six fish (as listed under "Marine Fish" on page 6 of the "2008 Oregon Sport Ocean Regulations for Salmon, Halibut and Other Marine Fish Species," published in May 2008; and on page 98 of the 2008 Oregon Sport Fishing Regulations booklet); and (2) repealing in-season closures for these species and lingcod, offshore of the 20-fathom line; and for flatfish species other than Pacific halibut, offshore of the 40-fathom line.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0090

Inclusions and Modifications

(1) The **2008 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2008 Oregon Sport Fishing Regulations**.

(2) For the purposes of this rule, a "harvest target" is defined as the Oregon share of the regional recreational harvest guideline for yelloweye rockfish and canary rockfish that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

(a) The regional recreational harvest guidelines for these species in 2008 are specified in the Pacific Council Decisions or News documents dated June and November, 2007.

(b) Harvest targets for yelloweye rockfish and canary rockfish effective at the start of the Oregon sport fishery in 2008 are:

(A) Yelloweye rockfish, 3.3 metric tons.

(B) Canary rockfish, 6.6 metric tons.

(c) Harvest targets for yelloweye rockfish and canary rockfish may be revised inseason following consultation with Washington Department of Fish and Wildlife provided that:

(A) Regional recreational harvest guidelines for these species are not projected to be exceeded as a result of any inseason revisions to a harvest target or targets; and

(B) Inseason revisions to the harvest target or targets benefit the Oregon sport fishery.

(3) For the purposes of this rule, a "sport harvest cap" is defined as the amount that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

(a) For 2008, the sport harvest cap for black rockfish is 318 metric tons.

(4) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).

(5) For the purposes of this rule a "sport landing cap" is defined as the total landings for a given species, or species group, that may be taken in a single calendar year by the ocean boat fishery. For 2008 the sport landing caps are:

(a) Black rockfish and blue rockfish combined, 359 metric tons.

(b) Other nearshore rockfish, 11.3 metric tons.

(c) Cabezon, 15.8 metric tons.

(d) Greenling, 5.2 metric tons.

(6) In addition to the regulations for Marine Fish in the **2008 Oregon Sport Fishing Regulations**, the following apply for the sport fishery in the Marine Zone in 2008:

(a) Lingcod (including green colored lingcod): 2 fish daily bag limit.

(b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species not listed in the **2008 Oregon Sport Fishing Regulations** in the Marine Zone, located under the category of Species Name, Marine Fish: 6 fish daily bag limit in aggregate (total sum or number). Retention of yelloweye rockfish and canary rockfish is prohibited. Effective Wednesday, August 21, 2008 at 12:01 a.m. retention of cabezon, as identified in section (5)(c) above, is prohibited in the ocean boat and estuary boat fisheries. Angling for and retention of shore-based cabezon is permitted.

(c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).

(d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut north of Humbug Mountain. North of Cape Falcon, retention of Pacific cod also is allowed when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut. Persons must also consult the Pacific Council Decisions; Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996); and the annual Pacific Halibut Fishery Regulations as amended by Federal Regulations to determine all rules applicable to the taking of Pacific halibut.

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(e) Harvest methods and other specifications for marine fish in subsections (6)(a), (6)(b) and (6)(c) including the following:

(A) Minimum length for lingcod, 22 inches.

(B) Minimum length for cabezon, 16 inches.

(C) Minimum length for greenling, 10 inches.

(D) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

(E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.

(f) Sport fisheries for species in subsections (6)(a), (6)(b) and (6)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except that ocean waters are closed for these species during April 1 through September 30, outside of the 40 fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 384 Vol. 71, No. 189, dated September 29, 2006. A 20 fathom, 25 fathom, or 30 fathom curve, as shown on Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189, dated September 29, 2006 may be implemented as the management line as in-season modifications necessitate.

(g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 390. Within the YRCA, it is *unlawful* to fish for, take, or retain species listed in subsections (6)(a), (6)(b) and (6)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (6)(a), (6)(b) and (6)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (6)(a), (6)(b) and (6)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.

(7) Razor clams may be taken by hand, shovel, or cylindrical gun or tube. The opening of the gun/tube must be either circular or elliptical with the circular gun/tube opening having a minimum outside diameter of 4 inches and the elliptical gun/tube opening having minimum outside diameter dimensions of 4 inches long and 3 inches wide.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.119

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 22-1994, f. 4-29-94, cert. ef. 5-2-94; FWC 29-1994(Temp), f. 5-20-94, cert. ef. 5-21-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 43-1994(Temp), f. & cert. ef. 7-19-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 25-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 26-1995, 3-29-95, cert. ef. 4-2-95; FWC 36-1995, f. 5-3-95, cert. ef. 5-5-95; FWC 43-1995(Temp), f. 5-26-95, cert. ef. 5-28-95; FWC 46-1995(Temp), f. & cert. ef. 6-2-95; FWC 58-1995(Temp), f. 7-3-95, cert. ef. 7-5-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 28-1996(Temp), f. 5-24-96, cert. ef. 5-26-96; FWC 30-1996(Temp), f. 5-31-96, cert. ef. 6-2-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 68-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 114-2003(Temp), f. 11-18-03, cert. ef. 11-21-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 83-2004(Temp), f. 8-17-04, cert. ef. 8-18-04 thru 12-31-04; DFW 91-2004(Temp), f. 8-31-04, cert. ef. 9-2-04 thru 12-31-04; DFW 97-2004(Temp), f. 9-22-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 34-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 75-2005(Temp), f. 7-13-05, cert. ef. 7-16-05 thru 12-31-05; DFW 87-2005(Temp), f. 8-8-05, cert. ef. 8-11-05 thru 12-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 141-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 12-31-05; Administrative correction 1-19-06; DFW 61-2006, f. 7-13-06, cert. ef. 10-1-06; DFW 65-2006(Temp), f. 7-21-06, cert. ef. 7-24-06 thru 12-31-06; DFW 105-2006(Temp), f. 9-21-06, cert. ef. 9-22-06 thru 12-31-06; DFW 134-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 10-2007, f. & cert. ef. 2-14-07; DFW 66-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 73-2008(T) f. 6-30-08, cert. ef. 7-7-08 thru 12-31-08; DFW 97-2008(Temp), f. 8-18-08, cert. ef. 8-21-08 thru 12-31-08; DFW 105-2008(Temp), f. 9-4-08, cert. ef. 9-7-08 thru 12-31-08

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Rule Caption: Treaty Indian Fall Salmon Season In the Columbia River and Tributaries.

Adm. Order No.: DFW 106-2008(Temp)

Filed with Sec. of State: 9-4-2008

Certified to be Effective: 9-6-08 thru 10-31-08

Notice Publication Date:

Rules Amended: 635-041-0075

Subject: Amended rule implements the Tribal Indian fall commercial gill net salmon season in the Columbia River and tributaries.

Modifications are consistent with action taken September 4, 2008 by the Columbia River Compact agencies of Oregon and Washington in concert with the Columbia River Inter-Tribal Fish Commission.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Chinook, coho, sockeye, steelhead, walleye, carp, and shad may be taken by gill net for commercial purposes from the mainstem Columbia River, Zone 6 during the following periods: 6:00 a.m. Tuesday, September 9 through 6:00 p.m. Friday, September 12, 2008 (84 hours).

(a) An 8-inch minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, coho, sockeye, steelhead, walleye, carp, and shad.

(c) Sturgeon may not be sold. However, white sturgeon between 48 and 60 inches in length taken from The Dalles and John Day pools may be kept for subsistence use. White sturgeon between 42 and 60 inches in length taken from the Bonneville Pool may be kept for subsistence use. White sturgeon caught in subsistence fisheries downstream of Bonneville Dam must be released immediately unharmed.

(d) Closed areas are set forth in OAR 635-041-0045, including the closure at the mouth of Spring Creek are in effect.

(2) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake/Little White Salmon River; and Big White Salmon River, including the Yakama Nation subsistence fishery on the Washington shore downstream of Bonneville Dam, are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods, subject to restrictions as specified in section 1 above.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982 (Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984 (Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987 (Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988 (Temp), f. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989 (Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. 10-2-92, cert. ef. 10-5-92; FWC 107-1992 (Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 8-9-98 thru 9-25-98; DFW 77-1998(Temp), f. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-

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12-03 cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04 cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08

Rule Caption: Oregon sport Pacific halibut all-depth fishery re-opens with bag limit change.

Adm. Order No.: DFW 107-2008(Temp)

Filed with Sec. of State: 9-5-2008

Certified to be Effective: 9-7-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-039-0085

Rules Suspended: 635-039-0085(T)

Subject: This amended rule closes the area between Cape Falcon and Humbug Mountain, Oregon to retention of Pacific halibut effective 11:59 p.m. Sunday, September 7, 2008. Further modifications re-open the Pacific halibut fishery effective 12:01 a.m. Saturday, September 13 and increase the daily bag limit from one to two fish through 11:59 p.m. Sunday, September 14, 2008, in the area between Cape Falcon and Humbug Mountain. Revisions are consistent with regulations implemented by the federal government and the International Pacific Halibut Commission for the 2008 Oregon recreational fishery for Pacific halibut.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, division 039 incorporates into Oregon Administrative Rules, by reference, modifications or additions to provisions determined by the IPHC and to the extent they are consistent with Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996) Volume 73, Number 46, dated March 7, 2008 and as amended by Federal Regulations.

(2) Effective 11:59 p.m., Sunday August 2, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) is closed to the retention of Pacific halibut.

(3) Effective 12:01 a.m. Friday, August 22 through 11:59 p.m. Saturday, August 23, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) re-opens to the retention of Pacific halibut.

(4) Effective 12:01 a.m. Friday, August 29 through 11:59 p.m. Friday, August 29, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) re-opens to the retention of Pacific halibut.

(5) Effective 11:59 p.m. Sunday, September 7, 2008 the area between Cape Falcon and Humbug Mountain, Oregon is closed to the retention of Pacific halibut.

(6) Effective 12:01 a.m. Saturday, September 13, 2008 through 11:59 p.m. Sunday, September 14, 2008 the area between Cape Falcon and Humbug Mountain, Oregon, re-opens to the retention of Pacific halibut with a daily bag limit of two fish.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-

2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f. 8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08

Rule Caption: Modify Regulations for Fall Commercial Columbia River Select Area Fisheries.

Adm. Order No.: DFW 108-2008(Temp)

Filed with Sec. of State: 9-8-2008

Certified to be Effective: 9-9-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180

Rules Suspended: 635-042-0145(T), 635-042-0160(T), 635-042-0170(T), 635-042-0180(T)

Subject: Amended rules prohibit retention of sturgeon taken in the Columbia River commercial Select Area fisheries after 12:00 noon on Wednesday, September 10, 2008. Rule 635-042-0160 was modified to increase the maximum gill net mesh size allowed from to 9.75 inches in the Blind slough and Knappa sloughs Select Area Salmon fisheries after 7:00 p.m. on Tuesday, September 9, 2008.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes in those waters of Youngs Bay. Possession and sales of sturgeon are prohibited after 12:00 noon Wednesday, September 10, 2008.

(a)(A) The open fishing periods are established in segments categorized as the winter fishery; the spring fishery; the summer fishery and the fall fishery, as follows:

(B) Fall Season: 6:00 a.m. Wednesday, August 6 to 6:00 p.m. Thursday, August 7, 2008 (36 hours); 6:00 a.m. Wednesday, August 13 to 6:00 p.m. Thursday, August 14, 2008 (36 hours); 6:00 a.m. Wednesday, August 20 to 6:00 p.m. Thursday, August 16, 2008 (36 hours); 6:00 a.m. Wednesday, August 27 to 6:00 p.m. Thursday, August 28, 2008 (36 hours); and 7:00 p.m. Tuesday, September 2 to noon Friday, October 31, 2008 (60 days);

(b)(A) The fishing area for the Youngs Bay fall fisheries includes:

(B) All waters from the new Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is *unlawful* to use a gill net having a mesh size that is more than 8-inches during the fall season from August 6 through 28, 2008. It is *unlawful* to use a gill net having a mesh size that is more than 6-inches after August 28.

(b) The use of additional weights or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries.

(3) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open through 12:00 noon September 10, 2008. During the fishing periods identified in (1)(a)(A) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 32-1979, f. & cert. ef. 8-22-79; FWC 28-1980, f. & cert. ef. 6-23-80; FWC 42-1980(Temp), f. & cert. ef. 8-22-80; FWC 30-1981, f. & cert. ef. 8-14-81; FWC 42-1981(Temp), f. & cert. ef. 11-5-81; FWC 54-1982, f. & cert. ef. 8-17-82; FWC 37-1983, f. & cert. ef. 8-18-83; FWC 61-1983(Temp), f. & cert. ef. 10-19-83; FWC 42-1984, f. & cert. ef. 8-20-84; FWC 39-1985, f. & cert. ef. 8-15-85; FWC 37-1986, f. & cert. ef. 8-11-86; FWC 72-1986(Temp), f. & cert. ef. 10-31-86; FWC 64-1987, f. & cert. ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC

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41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes during the open fishing periods described below from September 2 through 9, 2008. Sturgeon may not be possessed or sold after 12:00 noon Wednesday, September 10, 2008.

(a) Open fishing periods for the fall season in Blind and Knappa Sloughs are: 7:00 p.m. to 7:00 a.m. on Tuesday, Wednesday and Thursday nights from September 2 through September 12, 2008 (6 nights); 7:00 p.m. to 7:00 a.m. on Monday, Tuesday, Wednesday and Thursday nights from September 15 through September 19, 2008 (4 nights); and 4:00 p.m. to 8:00 a.m. on Monday, Tuesday, Wednesday and Thursday nights from September 20 through October 31, 2008 (24 nights).

(b) The fishing areas for the season is:

(A) Blind Slough are those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore. Markers define an area closure of about a 100 foot radius at the mouth of Big Creek.

(c)(A) Gear restrictions are as follows:

(B) During the fall fishery, outlined above in sections (1)(a) and (1)(b), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is greater than 9.75-inches through October 31, 2008.

(2) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open until 12:00 noon Wednesday, September 10, 2008 when possession or sales of sturgeon are prohibited thereafter.

During the fishing periods identified in sections (1)(a) and (1)(b) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

(3) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp), f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 12-2003, f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2003(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 103(Temp), f. 8-26-08, cert. ef. 9-2-08 thru 10-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point includes all waters bounded by a line from a yellow marker midway between the red light at Tongue Point and the downstream (northern most) pier (#8) to the flashing green USCG navigation light (#3) at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

(2) South Channel includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel.

(3) Salmon, sturgeon and shad may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in sections (1) and (2) of this rule. Possession and sales of sturgeon are prohibited after 12:00 noon Wednesday, September 10, 2008. Open fishing periods are: 7:00 p.m. to 7:00 a.m. on Tuesday, Wednesday and Thursday nights from September 2 through September 12, 2008 (6 nights); 7:00 p.m. to 7:00 a.m. on Monday, Tuesday, Wednesday and Thursday nights from September 15 through September 19, 2008 (4 nights); and 4:00 p.m. to 8:00 a.m. on Monday, Tuesday, Wednesday and Thursday nights from September 20 through October 31, 2008 (24 nights).

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored on boats.

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(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored on boats.

(5) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open through 12:00 noon Wednesday, September 10, 2008. During the fishing periods identified in section (3) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. & cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative Correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 44-2008(Temp), f. 4-25-08, cert. ef. 4-28-08 thru 10-24-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon, shad, and white sturgeon may be taken for commercial purposes from the US Coast Guard navigation marker #16 upstream to the town of Deep River. Possession and sales of sturgeon are prohibited after 12:00 noon Wednesday, September 10, 2008.

(2) The fishing seasons are open:

(a) Winter season: nightly from 6:00 p.m. to 8:00 a.m. the following morning (14 hours), Sunday February 18 to Monday February 19, 2007; Sunday February 25 to Monday February 26, 2007; Sunday March 4 to Monday March 5, 2007; and Sunday March 11 to Monday March 12, 2007.

(b) Spring season: nightly from 7:00 p.m. to 7:00 a.m. the following morning (12 hours), Thursday April 19 to Friday April 20, 2007; Monday April 23 to Tuesday April 24, 2007; Thursday April 26 to Friday April 27, 2007; Monday April 30 to Tuesday May 1, 2007; Thursday May 3 to Friday May 4, 2007; Monday May 7 to Tuesday May 8, 2007; Thursday May 10 to Friday May 11, 2007; Monday May 14 to Tuesday May 15, 2007; Thursday May 17 to Friday May 18, 2007; Monday May 21 to Tuesday May 22, 2007; Thursday May 24 to Friday May 25, 2007; Monday May 28 to Tuesday May 29, 2007; Thursday May 31 to Friday June 1, 2007; Monday June 4 to Tuesday June 5, 2007; Thursday June 7 to Friday June 8, 2007; Monday June 11 to Tuesday June 12, 2007; Thursday June 14 to Wednesday June 15, 2007.

(c) Fall season: Monday, Tuesday, Wednesday, and Thursday nights, from 7:00 p.m. to 7:00 a.m. (12 hours) September 1 through September 19, 2008; and from 4:00 p.m. to 8:00 a.m. (16 hours) September 20 through October 31, 2008.

(3) Gill nets may not exceed 100 fathoms in length and there is no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Nets may not be tied off to stationary structures and may not fully cross navigation channel.

(a) During the winter season, outlined above in (2)(a), it is *unlawful* to use a gill net having a mesh size that is less than 7-inches;

(b) During the spring season, outlined above in (2)(b) it is *unlawful* to use a gill net having a mesh size that is more than 8-inches.

(c) During the fall season, outlined above in (2)(c) it is *unlawful* to use a gill net having a mesh size that is more than 6-inches.

(4) A maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open through 12:00 noon Wednesday, September 10, 2008. During the fishing periods identified in (2)(a), (2)(b), and (2)(c) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 77-2006(Temp), f. 8-8-06, cert. ef. 9-4-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08

Rule Caption: Treaty Indian Fall Salmon Season in the Columbia River and Tributaries Extended

Adm. Order No.: DFW 109-2008(Temp)

Filed with Sec. of State: 9-12-2008

Certified to be Effective: 9-15-08 thru 10-31-08

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: Amended rule extends the Tribal Indian fall commercial gill net salmon season in the Columbia River and tributaries with an additional 60-hour fishing period from 6:00 a.m. Tuesday, September 16 through 6:00 p.m. Thursday, September 18, 2008. Modifications are consistent with action taken September 11, 2008 by the Columbia River Compact agencies of Oregon and Washington in concert with the Columbia River Inter-Tribal Fish Commission.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Chinook, coho, sockeye, steelhead, walleye, carp, and shad may be taken by gill net for commercial purposes from the mainstem Columbia River, Zone 6 during the following periods: 6:00 a.m. Tuesday, September 9 through 6:00 p.m. Friday, September 12, 2008 (84 hours); 6:00 a.m. Tuesday, September 16 through 6:00 p.m. Thursday, September 18, 2008 (60 hours).

(a) An 8-inch minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, coho, sockeye, steelhead, walleye, carp, and shad.

(c) Sturgeon may not be sold. However, white sturgeon between 48 and 60 inches in length taken from The Dalles and John Day pools may be kept for subsistence use. White sturgeon between 42 and 60 inches in length taken from the Bonneville Pool may be kept for subsistence use. White sturgeon caught in subsistence fisheries downstream of Bonneville Dam must be released immediately unharmed.

(d) Closed areas are set forth in OAR 635-041-0045, including the closure at the mouth of Spring Creek are in effect.

(2) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake/Little White Salmon River; and Big White Salmon River, including the Yakama Nation subsistence fishery on the Washington shore downstream of Bonneville Dam, are allowed

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during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods, subject to restrictions as specified in section 1 above.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-10-90; FWC 98-1990(Temp), f. & cert. ef. 9-17-90; FWC 85-1991, f. & cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92; FWC 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-2-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-6-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-17-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94; FWC 61-1994(Temp), f. & cert. ef. 9-7-94; FWC 8-9-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 8-29-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; FWC 77-1998(Temp), f. & cert. ef. 9-15-98 thru 9-25-98; FWC 79-1998(Temp), f. & cert. ef. 9-22-98 thru 9-25-98; FWC 80-1998(Temp), f. & cert. ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; FWC 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; FWC 62-1999(Temp), f. & cert. ef. 9-3-99 thru 9-11-99; FWC 65-1999(Temp), f. & cert. ef. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; FWC 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; FWC 72-1999(Temp), f. & cert. ef. 9-22-99 thru 10-22-99; FWC 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; FWC 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; FWC 61-2000(Temp), f. & cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; FWC 75-2001(Temp), f. & cert. ef. 8-20-01 thru 8-8-01; FWC 87-2001(Temp), f. & cert. ef. 9-11-01 thru 9-15-01; FWC 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; FWC 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; FWC 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; FWC 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; FWC 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; FWC 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; FWC 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; FWC 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; FWC 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; FWC 81-2003(Temp), f. & cert. ef. 8-26-03 thru 12-31-03; FWC 91-2003(Temp), f. & cert. ef. 9-16-03 thru 12-31-03; FWC 97-2003(Temp), f. & cert. ef. 9-24-03 thru 12-31-03; FWC 101-2003(Temp), f. & cert. ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; FWC 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; FWC 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; FWC 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; FWC 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; FWC 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; FWC 104-2004(Temp), f. & cert. ef. 10-13-04 thru 12-31-04; FWC 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; FWC 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; FWC 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; FWC 71-2006(Temp), f. & cert. ef. 8-1-06 thru 12-31-06; FWC 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; FWC 94-2006(Temp), f. & cert. ef. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; FWC 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; FWC 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; FWC 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; FWC 60-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; FWC 77-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; FWC 88-2007(Temp), f. & cert. ef. 9-11-07 thru 12-31-07; FWC 95-2007(Temp), f. & cert. ef. 9-25-07 thru 12-31-07; FWC 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; FWC 110-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; FWC 106-2008(Temp), f. & cert. ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; FWC 109-2008(Temp), f. & cert. ef. 9-15-08 thru 10-31-08

Rule Caption: Bag Limit for Hatchery Coho Increased in Clackamas River, Sandy River and Eagle Creek.

Adm. Order No.: DFW 110-2008(Temp)

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 9-17-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-017-0090

Rules Suspended: 635-017-0090(T)

Subject: The amended rule allows the sport harvest of three hatchery coho in each of the Clackamas and Sandy rivers effective Wednesday, September 17 through Friday, October 31, 2008 and on Eagle Creek, a tributary of the Clackamas River, effective Wednesday, September 17 through Sunday, November 30, 2008. These modifications allow sport anglers opportunities to harvest substantial numbers of coho that are returning to hatchery facilities.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-017-0090

Inclusions and Modifications

(1) The **2008 Oregon Sport Fishing Regulations** provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2008 Oregon Sport Fishing Regulations**.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday; except personal use harvest is permitted on July 29 and July 30, 2008 from 7:00 A.M. to 6:00 P.M. daily;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Carmen Reservoir (Linn County) is open to angling for trout all year.

(a) The daily catch limit for trout is 5 per day, minimum length is 8 inches, only 1 trout over 20 inches in length may be taken per day.

(b) Use of bait is allowed.

(4) Effective February 1, 2008 there are no size restrictions or bag limits on trout or warmwater fish in Roslyn Lake. All other General Statewide and Willamette Zone regulations as provided in the 2008 Oregon Sport Fishing Regulations apply.

(5) Effective 12:01 a.m. June 2, 2008, the Willamette River and its tributaries, including the Multnomah Channel, will close to the retention of spring Chinook salmon, with the exception of the Clackamas River upstream to North Fork Dam and the Molalla River which will remain open to the retention of one adult adipose fin-clipped spring Chinook per day as part of the daily bag limit. All other regulations as provided in the 2008 Oregon Sport Fishing Regulations apply.

(6)(a) Effective September 17 through October 31, 2008 the daily bag limit for hatchery fin-clipped coho increases to 3 fish in the Clackamas and Sandy rivers. Effective September 17 through November 30, 2008 the daily bag limit for hatchery fin-clipped coho increases to 3 fish per day on Eagle Creek, a tributary of the Clackamas River.

(b) The daily bag limit described in section (6) above is a combined total for all open waters.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. & cert. ef. 1-1-94; FWC 3-1994, f. & cert. ef. 1-25-94; FWC 65-1994(Temp), f. & cert. ef. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. & cert. ef. 11-1-94; FWC 22-1995, f. & cert. ef. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. & cert. ef. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. & cert. ef. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. & cert. ef. 5-10-96; FWC 72-1996, f. & cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. & cert. ef. 3-11-97; FWC 17-1997(Temp), f. & cert. ef. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. & cert. ef. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. & cert. ef. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. & cert. ef. 12-31-97, cert. ef. 1-1-98; FWC 19-1998, f. & cert. ef. 3-12-98; FWC 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; FWC 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; FWC 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; FWC 34-1998, f. & cert. ef. 5-4-98; FWC 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; FWC 37-

ADMINISTRATIVE RULES

1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08

Department of Human Services, Administrative Services Division and Director's Office Chapter 407

Rule Caption: Criminal History Check Rules for Department of Human Services Employees, Volunteers, and Contractors.

Adm. Order No.: DHSD 7-2008

Filed with Sec. of State: 8-29-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 8-1-2008

Rules Adopted: 407-007-0000, 407-007-0010, 407-007-0020, 407-007-0030, 407-007-0040, 407-007-0050, 407-007-0060, 407-007-0070, 407-007-0080, 407-007-0090, 407-007-0100

Rules Amended: 407-007-0210, 407-007-0270, 407-007-0330

Rules Repealed: 407-007-0000(T), 407-007-0010(T), 407-007-0020(T), 407-007-0030(T), 407-007-0040(T), 407-007-0050(T), 407-007-0060(T), 407-007-0070(T), 407-007-0080(T), 407-007-0090(T), 407-007-0100(T), 407-007-0210(T), 407-007-0270(T), 407-007-0330(T)

Subject: This filing makes permanent temporary rules OAR 407-007-0000 to 407-007-0100, 407-007-0210, 407-007-0270, and 407-007-0330. These rules permanently implement the criminal history check process conducted on Department of Human Services employees, applicants, volunteers, and certain contractors. The only changes made to the temporary rules (most of which went into effect 3/31/08; OAR 407-007-0100 went into effect on 5/22/08) are the following: addition of three potentially disqualifying conditions similar to conditions currently used for providers (false statement, unresolved arrests and diversion/conditional discharge); use of consistent language for "effective date of action"; and correction of appeals language to align with the Department of Justice Model rules for contested case hearings.

Rules Coordinator: Jennifer Bittel—(503) 947-5250

407-007-0000

Purpose and Scope

(1) Purpose. The purpose of these rules, OAR 407-007-0000 to 407-007-0100, is to provide for the screening under ORS 181.534 and 181.537 of the Department of Human Services' employees, volunteers, and contrac-

tors to determine if they have a history of criminal behavior such that they should not be allowed to work, volunteer, be employed, or otherwise perform in positions covered by these rules.

(2) Rule Applicability. These rules do not apply to subject individuals covered under OAR 407-007-0200 to 407-007-0380.

Stat. Auth.: ORS 181.534, 181.537, 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010

Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0010

Definitions

As used in OAR 407-007-0000 to 407-007-0100, unless the context of the rule requires otherwise, the following definitions apply:

(1) "Approved" means that a subject individual, following a final fitness determination, is eligible to work, volunteer, be employed, or otherwise perform in positions covered by these rules.

(2) "Client" means any individual who receives services, care, or funding for care, through the Department.

(3) "Closed Case" means a criminal history check application that has been closed without a final fitness determination.

(4) "Criminal History Check" means obtaining and reviewing criminal history as required by these rules. The result of a criminal history check is a fitness determination or a closed case. The criminal history check includes any or all of the following:

(a) An Oregon criminal history check, in which criminal offender information is obtained from Oregon Department of State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal history check may also include a review of information from the Oregon Judicial Information Network (OJIN), Oregon Department of Corrections records, Oregon Department of Transportation Drivers and Motor Vehicles Division (DMV), local or regional criminal history information systems, or other official law enforcement agency or court records in Oregon.

(b) A national criminal history check, in which criminal history is obtained from the Federal Bureau of Investigation (FBI) through the use of fingerprint cards and other identifying information.

(c) A state-specific criminal history check, in which criminal history is obtained from law enforcement agencies, courts or other criminal history information resources located in, or regarding, a state or jurisdiction outside Oregon.

(5) "Criminal Offender Information" means records, including fingerprints and photographs, received, compiled, and disseminated by OSP for purposes of identifying criminal offenders and alleged offenders and maintained as part of an individual's records of arrest, the nature and disposition of criminal charges, sentencing, confinement (confinement shall not include the retention by OSP of records of transfer of inmates between penal institutions or other correctional facilities), and release, and includes the OSP Computerized Criminal History System.

(6) "Criminal Records Unit" means the Department's Criminal Records Unit (CRU).

(7) "Denied" means that a subject individual, following a fitness determination including a weighing test, is not eligible to work, volunteer, be employed, or otherwise perform in positions covered by these rules.

(8) "Department" means the Department of Human Services (DHS).

(9) "Employee" means an individual working in the Department in any position including a new hire, promotion, demotion, direct appointment, re-employment, job rotation, developmental assignment, transfer, or temporary hire.

(10) "Fitness Determination" means the outcome of an application and preliminary review, or an application and criminal history check including gathering of other information as necessary, in a case that is not closed.

(11) "Good Cause" means a valid and sufficient reason for not complying with time frames set during the criminal history check process or contested case hearing process, and may include an explanation of circumstances beyond an individual's reasonable control.

(12) "Other Criminal History Information" means information obtained and used in the criminal history check process that is not "criminal offender information" from OSP. "Other criminal history information" includes police investigations and records, justice records, court records, sexual offender registration records, warrants, DMV information, information provided on the Department's criminal history check forms, and any other information from any jurisdiction obtained by or provided to the Department for the purpose of conducting a fitness determination.

(13) "Restricted Approval" means an approval in which some restriction is made including but not limited to the subject individual, the subject

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individual's environment, the type or number of clients for whom the subject individual may care, or the information to which the subject individual has access.

(14) "Subject Individual" means an individual 16 years old or older from whom the Department may require fingerprints for the purpose of conducting a criminal history check. A subject individual includes any of the following:

- (a) An employee of the Department.
- (b) An individual who has been offered employment by the Department.

(c) An individual secured by the Department through the services of a temporary employment agency, staffing agency, or personnel services agency who is providing any of the duties or having access as described in OAR 407-007-0060(1)(c).

(d) A volunteer or student over whom the Department has direction and control.

(e) A Department client who is placed in the work experience program at a Department site.

(f) Any individual who is required to complete a criminal history check pursuant to ORS 181.534 and 181.537 or the authority of these rules pursuant to a contract with the Department.

(g) Any individual applying for a paid or volunteer position, any employee, any volunteer, any contractor, or any employee of any contractor in any of the following:

- (A) A state operated or DHS-contracted secure residential treatment facility;
- (B) A state operated rehabilitation facility;
- (C) A state operated group home within the Department's State-Operated Community Programs;
- (D) Blue Mountain Recovery Center;
- (E) Eastern Oregon Training Center; or
- (F) Oregon State Hospital.

(15) "Weighing Test" means a process carried out by the Department in which available information is considered to make the outcome of a preliminary or final fitness determination. A weighing test is only conducted when a subject individual has potentially disqualifying crimes or conditions.

Stat. Auth.: ORS 181.534, 181.537, 409.050
Stats. Implemented: ORS 181.534, 181.537
Hist.: DHS 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHS 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0020

Criminal History Check Required

(1) Who Conducts Criminal History Checks.

(a) The Department. The Department conducts criminal history checks on all subject individuals through LEDS maintained by OSP pursuant to ORS chapter 181 and the rules adopted pursuant thereto (see OAR chapter 257, division 15).

(b) OSP. If a nationwide criminal records check of a subject individual is necessary, OSP shall provide the Department results of a criminal records check conducted pursuant to ORS 181.534, including fingerprint identification, through the FBI.

(2) When Criminal History Check Is Required (New Checks and Re-checks). A subject individual is required to have a check in the following circumstances:

(a) Subject Individuals. An individual becomes a subject individual on or after the effective date of these rules.

(b) Position Change. Except as provided in section (3) of this rule, the individual, whether previously considered a subject individual or not, changes positions, and the position requires a criminal history check. Movement into a position may be due but not limited to promotion, transfer, demotion, re-employment, job rotation, developmental assignment, restoration, bumping, or recall.

(c) Check Required by Regulation or Contract. A criminal history check is required by federal or state laws or regulations, other rules adopted by the Department, or by contract with the Department.

(d) Check Is Justified. The Department has reason to believe that a criminal history check is justified. Examples include but are not limited to any indication of possible criminal behavior or quality assurance monitoring of a previously conducted criminal history check.

(3) When Criminal History Check Is Not Required.

(a) Initial Review. The Department may determine that the completion of a new criminal history check for a Department employee is not required after the completion of the DHS Criminal History Request form when:

(A) The subject individual who has been offered a new position has completed a previous criminal history check with an outcome of approved; and

(B) There has been no break in employment with the Department.

(b) Criteria for Ending Check. The criminal history check process may be ended without a new criminal history check or new fitness determination if the Department determines there is no indication of new potentially disqualifying crimes or conditions, and at least one of the following is true:

(A) The previous criminal history check identified no potentially disqualifying crimes or conditions as defined at that time and the Department determines that the previous fitness determination is sufficient for the new position.

(B) The Department determines that the new position requires the same or less responsibility or access in the duties as described in OAR 407-007-0060(1)(c).

(4) Reporting Criminal Activity Required. All subject individuals shall notify the Department's Office of Human Resources within five days of being arrested, charged, or convicted of any crime.

Stat. Auth.: ORS 181.534, 181.537, 409.050

Stats. Implemented: ORS 181.534, 181.537

Hist.: DHS 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHS 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0030

Criminal History Check Process

(1) Department Access. Only Department employees may be authorized and approved to receive and evaluate criminal offender information and other criminal history information pursuant to OAR 407-007-0230 to 407-007-0240. These employees are called authorized designees or contact persons. Only authorized designees may conduct fitness determinations.

(2) Forms Required. The subject individual shall use the Department's form to request the criminal history check. The DHS Criminal History Request form shall include the following:

(a) Identifying Information. Indication of what identifying information and other information the subject individual is required to provide in order to begin the criminal history check process, including but not limited to name, aliases, date of birth, address, recent residency information, drivers license, disclosure of criminal history, and disclosure of other information to be considered in the event of a weighing test.

(b) Notice Regarding Social Security number. A notice regarding disclosure of Social Security number indicating that:

(A) The subject individual's disclosure is voluntary; and

(B) The Department requests the Social Security number solely for the purpose of positively identifying the subject individual during the criminal history check process.

(c) Fingerprinting. A notice that the subject individual is subject to fingerprinting and a criminal history check; and

(d) Change of Address. Direction to the subject individual to provide the Department with any change of address.

(3) Positive Identification. The Department shall verify the identity of a subject individual which may include but is not limited to asking the subject individual for government-issued photo identification (example: drivers' license) and confirming the information on the photo identification with the subject individual, the information written on the DHS Criminal History Request form, and the information written on the fingerprint card if a national criminal history check is conducted.

(4) Oregon Criminal History Check.

(a) Obtaining Information. Using information submitted on the DHS Criminal History Request form, the Department obtains criminal offender information from the LEDS system and requests other criminal history information as needed.

(b) Handling of Information. Criminal offender information obtained through LEDS shall be handled in accordance with applicable OSP requirements in ORS chapter 181 and the rules adopted pursuant thereto (see OAR chapter 257, division 15).

(5) National Criminal History Check.

(a) Fingerprints Required. In addition to an Oregon criminal history check, a fingerprint-based national criminal history check is required by the Department under any of the following circumstances:

(A) The subject individual has out of state residency evidenced by the subject individual's possession of an out of state drivers' license or living outside Oregon for 60 or more consecutive days during the previous three years.

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(B) The LEDS check, subject individual disclosures, or any other criminal history information obtained by the Department indicates there may be criminal history outside of Oregon.

(C) The Department has reason to question the identity or history of the subject individual.

(D) The subject individual is subject to these rules due to employment or position at Oregon State Institutions under OAR 407-007-0010(14)(g).

(E) The subject individual is assigned duties involving any aspect of a criminal history check process or is a hearings representative in criminal history check contested cases.

(F) A fingerprint-based criminal history check is required by federal or state laws or regulations, other rules adopted by the Department, or by contract with the Department.

(b) Fingerprints May Be Required. In addition to an Oregon criminal history check, the Department may require a fingerprint-based national criminal history check if the Department has reason to believe that fingerprints are needed to make a final fitness determination.

(c) Processing of Fingerprint Card. The subject individual shall complete and submit a fingerprint card when requested by the Department.

(A) The subject individual shall use a fingerprint card (Example: FBI Form FD 258) provided by the Department. The Department shall give the subject individual notice regarding the Social Security number as set forth in OAR 407-007-0030.

(B) The subject individual shall submit the card within 21 days of the request to the Department's Criminal Records Unit.

(i) If the card is not received within 21 days, the Department will close the application, making it a closed case.

(ii) The Department may extend the time allowed for good cause.

(C) The Department may require new fingerprint cards if previous cards are rejected by OSP or the FBI.

(6) State-Specific Criminal History Check. The Department may also conduct a state-specific criminal history check in lieu of or in addition to a national criminal history check. Reasons for a state-specific criminal history check include but are not limited to:

(a) Out-of-State History. When the Department has reason to believe that out-of-state criminal history may exist.

(b) Illegible Fingerprints. When the Department has been unable to complete a national criminal history check due to illegible fingerprints.

(c) Incomplete Information. When the national criminal history check results show criminal history without final disposition or complete information about charges.

(d) State Not Included in FBI. When there is indication of residency or criminal history in a state that does not submit all criminal history to the FBI.

(e) Other Reasons. When, based on available information, the Department has reason to believe that a state-specific check is necessary.

(7) Additional Information Required.

(a) Required from Subject Individual. In order to complete a criminal history check and fitness determination, the Department may require, as necessary, additional information from the subject individual such as but not limited to additional criminal, judicial, or other background information; or proof of identity.

(b) Investigatory Interview. If a subject individual who is a represented Department employee is required to provide additional information, the process for obtaining that information through investigatory interviews shall adhere to collective bargaining agreements on investigatory interviews.

(8) Imminent Danger.

(a) New Criminal History Check. If the Department determines there is indication of criminal behavior by the subject individual that could pose a potential immediate risk to the Department, its clients or vulnerable persons, the Department shall authorize a criminal history check without the completion of a DHS Criminal History Request form.

(b) Opportunity to Disclose. If the Department determines that a fitness determination based on the criminal history check would be adverse to the subject individual, the Department shall provide the subject individual the opportunity to disclose criminal history and other information as indicated in OAR 407-007-0060 before the completion of the fitness determination.

(9) Documentation. Criminal history checks conducted under this rule shall be documented in writing.

Stat. Auth.: ORS 181.534, 181.537, 409.050

Stats. Implemented: ORS 181.534, 181.537

Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0040

Potentially Disqualifying Crimes

(1) Felonies and Misdemeanors. A conviction of any of the following crimes is potentially disqualifying. The list includes offenses that are crimes and does not include offenses or convictions that are classified as violations (See ORS 161.505 through 161.565).

(a) Any Federal Crime.

(b) Any U.S. Military Crime.

(c) Felonies and Misdemeanors in Oregon. Any felony or misdemeanor in Oregon Revised Statutes.

(d) Crimes Outside Oregon. Any felony or misdemeanor in a jurisdiction outside Oregon (including known crimes outside the United States) that is the substantial equivalent of any Oregon crime, or that is serious and demonstrates behavior that poses a threat or jeopardizes the safety of the Department, its clients, or vulnerable individuals as determined by the Department.

(e) Repealed Crimes. Any crime that is no longer codified in Oregon or other jurisdiction but that is the substantial equivalent of any crime listed in this section as determined by the Department.

(2) Evaluation Based on Current Laws. Regardless of the conviction date, evaluations of crimes may be based on Oregon laws and laws in other jurisdictions in effect at the time of the fitness determination.

(3) Juvenile Records. Under no circumstances may a subject individual be denied under these rules because of a juvenile record that has been expunged or set aside pursuant to ORS 419A.260 to 419A.262.

(4) Adult Records. Under no circumstances may a subject individual be denied under these rules because of an adult record that has been set aside pursuant to ORS 137.225.

Stat. Auth.: ORS 181.534, 181.537, 409.050

Stats. Implemented: ORS 181.534, 181.537

Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0050

Other Potentially Disqualifying Conditions

The following are potentially disqualifying conditions:

(1) Sex Offender. The subject individual is a registered sex offender in any jurisdiction. There is a rebuttable presumption that an individual is likely to engage in conduct that would pose a significant risk to the Department, its clients, or vulnerable individuals if the subject individual has been designated a predatory sex offender as provided in ORS 181.585 or found to be a sexually violent dangerous offender under ORS 144.635 (or similar statutes in other jurisdictions).

(2) Warrants. The subject individual has an outstanding warrant.

(3) Probation, Parole, or Post-Prison Supervision. The subject individual is currently on probation, parole, or post-prison supervision for any crime, regardless of the original conviction date (or date of guilty or no contest plea if there is no conviction date), as of the date the DHS Criminal History Request form was signed or the date the Department conducted a criminal history check due to imminent danger.

(4) Parole or Probation Violation. The subject individual is found in violation of post-prison supervision, parole, or probation for any crime regardless of the original conviction date (or date of guilty or no contest plea if there is no conviction date), within five years or less from the date the DHS Criminal History Request form was signed or the date the Department conducted a criminal history check due to imminent danger.

(5) Juvenile Adjudication. Adjudication in a juvenile court, finding that the subject individual was responsible for a potentially disqualifying crime that would result in a conviction if committed by an adult.

(6) Guilty Except for Insanity. A finding of "guilty except for insanity," "guilty except by reason of insanity," "not guilty by reason of insanity," "responsible except for insanity," or similarly worded disposition regarding a potentially disqualifying crime.

(7) Unresolved Arrests, Charges or Indictments. An unresolved arrest, charge, or a pending indictment for a potentially disqualifying crime.

(8) Deferred Sentence or Diversion Program. The subject individual has a deferred sentence, conditional discharge, or is participating in a diversion program for any potentially disqualifying crime.

(9) False Statement. A "false statement" by the subject individual to the Department, including provision of materially false information, false information regarding criminal history, or failure to disclose information regarding criminal history.

Stat. Auth.: ORS 181.534, 181.537, 409.050

Stats. Implemented: ORS 181.534, 181.537

Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08

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Information Considered

(I) Consideration of Other Information. If the subject individual has potentially disqualifying crimes or conditions, the Department shall consider any information disclosed by the subject individual or otherwise known when making the fitness determination. This information includes but is not limited to:

(a) Potentially Disqualifying Crimes or Conditions. Circumstances regarding the nature of potentially disqualifying crimes and conditions may include but are not limited to:

(A) Age of the subject individual at time of the potentially disqualifying crime or condition.

(B) Details of incidents leading to the charges of potentially disqualifying crimes or resulting in potentially disqualifying conditions.

(C) Facts that support the conviction or other potentially disqualifying condition.

(D) Passage of time since commission of the crime or potentially disqualifying condition.

(E) Consideration of Oregon or federal laws, regulations, or rules covering the position, or the Department, in regard to the potentially disqualifying crimes or conditions.

(b) Other Circumstances. The Department shall also consider other factors when relevant information is available including but not limited to:

(A) Other information related to criminal activity including charges, arrests, pending indictments, or convictions. Other behavior involving contact with law enforcement may also be reviewed if information is relevant to other criminal history or shows a pattern relevant to criminal history.

(B) Periods of incarceration.

(C) Status of and compliance with parole, post-prison supervision, or probation.

(D) Whether a conviction was set aside and the legal effect of the setting aside the conviction.

(E) Evidence of drug or alcohol issues directly related to criminal activity or potentially disqualifying conditions, including history of use, manufacturing, delivery, treatment, rehabilitation, and relapse.

(F) Evidence of other treatment or rehabilitation related to criminal activity, potentially disqualifying conditions or other factors listed in this rule. This includes but is not limited to assessments, evaluations or risk assessments before or after treatment or rehabilitation.

(G) Likelihood of repetition of criminal behavior or behaviors leading to potentially disqualifying conditions, including but not limited to patterns of criminal activity or behavior, or whether the subject individual appears to accept responsibility for past actions, as determined by the Department.

(H) Changes in circumstances subsequent to the criminal activity or disqualifying conditions.

(I) Information from protective services investigations or abuse and neglect reports pursuant to ORS 409.025 and 409.027.

(J) Education.

(K) Work history (employee or volunteer).

(L) History regarding licensure, certification, or training for licensure or certification.

(M) Written recommendations from current or past employers.

(N) Indication that criminal history or record has been disclosed to the Department or other employers.

(O) Indication of the subject individual's cooperation, honesty, or the making of a false statement during the criminal history check process.

(c) Relevancy of History to Position. The relevancy of the subject individual's criminal history or potentially disqualifying condition to the paid or volunteer position, or to the environment of the position, shall be considered. Consideration includes the relation between the subject individual's potentially disqualifying crimes or conditions and the following tasks or duties in the position:

(A) Access to or direct contact with Department clients, client property, or client funds.

(B) Access to information technology services, or control over or access to information technology systems that would allow an individual holding the position to harm the information technology systems or the information contained in the systems.

(C) Access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations, or information that is defined as confidential under state or federal laws, rules, or regulations.

(D) Access to payroll functions.

(E) Responsibility for receiving, receipting, or depositing money or negotiable instruments.

(F) Responsibility for billing, collections, or other financial transactions.

(G) Access to mail received or sent to the Department, including inter-agency mail, or access to any mail facilities in the Department.

(H) Responsibility for auditing the Department or other governmental agencies.

(I) Responsibility for any personnel or human resources functions.

(J) Access to personal information about employees, clients, or members of the public including Social Security numbers, dates of birth, driver's license numbers, residency information, medical information, personal financial information, criminal offender information, or other criminal history information.

(K) Access to medications, chemicals, or hazardous materials or access to facilities in which medications, chemicals and hazardous materials are present, or access to information regarding the transportation of medications, chemicals, or hazardous materials.

(L) Access to property to which access is restricted in order to protect the health or safety of the public.

(M) Responsibility for security, design, or construction services related to government buildings, grounds or facilities, or buildings, owned, leased, or rented for government purposes.

(N) Access to critical infrastructure or security-sensitive facilities or information.

(2) Fitness Determination with Available Information. If the Department requests other information for the purpose of conducting a weighing test, and the subject individual does not respond in a stated time period, the Department shall make a fitness determination based on available information or close the case.

Stat. Auth.: ORS 181.534, 181.537, 409.050

Stats. Implemented: ORS 181.534, 181.537

Hist.: DHS 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHS 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0070

Fitness Determinations

(1) Preliminary Fitness Determination. A preliminary fitness determination is required to determine if a subject individual may work, volunteer, be employed, or otherwise perform in positions covered by these rules prior to a final fitness determination. The Department may not allow a subject individual to work, volunteer, or otherwise perform in positions covered by these rules prior to the completion of a preliminary fitness determination.

(a) DHS Criminal History Request Form Completed. The subject individual shall complete and submit a DHS Criminal History Request form.

(b) Preliminary Fitness Determination Required. The CRU shall complete a preliminary fitness determination and send notice to the hiring manager.

(c) Preliminary Fitness Determination Outcomes. After review of the DHS Criminal History Request form, the CRU shall make one of the following determinations:

(A) Hired on a Preliminary Basis. A subject individual may be hired or accepted into a position on a preliminary basis and allowed to participate in the training for, orientation to, and work activities of volunteering, employment, or other positions covered by these rules. The term "hired on a preliminary basis" is applicable only during the timeframe prior to a final fitness determination.

(i) If there is no indication of a potentially disqualifying crime or condition on the DHS Criminal History Request form and the Department has no reason to believe the subject individual has potentially disqualifying history, the subject individual may be hired on a preliminary basis.

(ii) When a subject individual discloses convictions or arrests for a potentially disqualifying crime, or any other potentially disqualifying condition, the individual may be hired on a preliminary basis only after the completion of a weighing test. A subject individual may be hired on a preliminary basis only if, based on information available at the time, the Department determines that more likely than not that the subject individual poses no potential threat to the Department, its clients, or vulnerable persons.

(B) No Hiring Allowed. When a subject individual discloses a conviction or arrest for a potentially disqualifying crime or any other potentially disqualifying condition the Department shall conduct a weighing test. The Department may not hire on a preliminary basis if the Department determines that:

(i) The subject individual may pose a potential threat to the Department, its clients, or vulnerable persons;

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(ii) There is not enough available information to determine the level of potential threat posed by the subject individual;

(iii) The subject individual has previously been denied under these rules or other Department criminal history check rules; or

(iv) The subject individual is currently involved in contesting a criminal history check under these or other Department criminal history check rules.

(d) Active Supervision While Hired on a Preliminary Basis. A subject individual who is hired on a preliminary basis shall be actively supervised at all times by an individual who has been approved without restrictions pursuant to these rules or previous Department criminal history check rules.

(A) At all times the individual providing active supervision shall do all of the following:

(i) Be in the same building as the subject individual or, if outdoors be within line of sight or hearing of the subject individual;

(ii) Know where the subject individual is and what the subject individual is doing; and

(iii) Periodically observe the actions of the subject individual.

(B) A subject individual who was approved without restrictions within the previous 24 months through a documented criminal history check pursuant to these rules or other DHS criminal history check rules may work after being hired on a preliminary basis without active supervision. The 24 month time frame is calculated from the date of previous approval to the date starting the new position. This exemption is not allowed in any of the following situations:

(i) If the subject individual cannot provide documented proof that he or she worked continuously under the previous approval for at least one year.

(ii) If there is evidence of criminal activity within the previous 24 months.

(iii) If, as determined by the Department, the job duties in the new position are so substantially different from the previous position that the previous fitness determination is inadequate for the current position.

(e) Revocation.

(A) The Department may immediately remove a subject individual hired on a preliminary basis for the following reasons:

(i) There is any indication of falsification of the application.

(ii) The subject individual fails to disclose convictions for any potentially disqualifying crimes, any arrests that did not result in convictions, or any out of state arrests or convictions.

(iii) The Department determines that allowing the subject individual to be hired on a preliminary basis is not appropriate, based on the application, criminal history, position duties, or regulations regarding the position.

(B) Revocation pursuant to this section is not subject to hearing or appeal.

(f) Hiring or Placement Not Required. Nothing in this rule is intended to require that a subject individual, who is eligible for being hired on a preliminary basis be allowed to work, volunteer, be employed, or otherwise perform in positions covered by these rules prior to a final fitness determination.

(2) Final Fitness Determination. The Department shall conduct a final fitness determination after all necessary criminal history checks have been completed. The Department may obtain and consider additional information as necessary to complete the final fitness determination.

(a) Final Fitness Determination Outcomes.

(A) Approved. The Department may approve a subject individual if:

(i) The subject individual has no potentially disqualifying crimes or potentially disqualifying conditions; or

(ii) The subject individual has potentially disqualifying crimes or potentially disqualifying conditions and, after a weighing test, the Department determines that more likely than not that the subject individual poses no risk to the Department, its clients, or vulnerable persons.

(B) Approved with Restrictions. The Department may approve a subject individual with restrictions if it determines that more likely than not that the subject individual poses no risk to the Department, its clients, or vulnerable persons, if certain restrictions are placed on the subject individual, such as but not limited to restrictions to one or more specific clients, job duties, or environments. The Department shall complete a new criminal history check and fitness determination on the subject individual before removing a restriction. A fitness determination of approved with restrictions shall only be considered for the following subject individuals:

(i) An individual secured by the Department through the services of a temporary employment agency, staffing agency, or personnel services agency who is providing any of the duties or having access as described in OAR 407-007-0060(1)(c).

(ii) A volunteer or student over whom the Department has direction and control.

(iii) A Department client who is placed in a work experience program at a Department site.

(iv) Any individual who is required to complete a criminal history check pursuant to the statutory authority of ORS 181.534 and 181.537 or the authority of these rules pursuant to a contract with the Department.

(C) Denied. The Department shall deny a subject individual whom it determines, after a weighing test, more likely than not poses a risk to the Department, its clients, or vulnerable individuals.

(d) Fitness Determination by the CRU. The CRU may assist in or handle final fitness determinations as requested by Department staff.

(3) Closed Case.

(a) Incomplete Application. If the subject individual discontinues the application or fails to cooperate with the criminal history check process, the application is considered incomplete and will be closed. Discontinuance or failure to cooperate includes but is not limited to the following circumstances:

(A) The subject individual refuses to be fingerprinted when required by these rules.

(B) The subject individual fails to respond within a stated period of time to a request for corrections to the application, fingerprints, or provide any other information necessary to conduct a criminal history check and there is not enough information available to make a fitness determination.

(C) The subject individual withdraws the application, leaves the position prior to completion of the check, or cannot be located or contacted by the Department.

(D) The subject individual is determined to be ineligible for the position for reasons other than the criminal history check.

(b) No Hearing Rights. When the application is closed without a final fitness determination, there is no right to contesting the closure.

(4) Notice to Subject Individual. Upon completion of a final fitness determination resulting in denied or approved with restrictions, the Department shall provide written notice to the subject individual.

(a) Notice of Fitness Determination. The notice shall:

(A) Be in a Department approved format;

(B) Include information regarding appeal rights and the notice becoming a final order in the event of a withdrawal or a failure to appear at the hearing; and

(C) Be mailed or hand-delivered to the subject individual as soon as possible, but not later than 14 calendar days after the decision. The effective date of action shall be recorded on the form.

(b) Other Documents. The Department shall also provide employees with all formal disciplinary documents and letters up to and including a letter of dismissal.

(5) Termination Following Denial or Closed Case. When a subject individual is denied or a case is closed, the individual shall not be allowed to work, volunteer, be employed, or otherwise perform in positions covered by these rules. A denial or closed case applies only to the position and application in question.

(a) Dismissal or Discharge of Employees. The process for a Department employee's removal from service or dismissal shall adhere to Department-wide Support Services policies on discharge, Department of Administrative Services Human Resource Services Division policies on dismissal, and collective bargaining agreements on discharge, as applicable.

(b) Dismissal of All Other Subject Individuals. For all other subject individuals, a denial or closed case shall result in immediate dismissal.

(6) Documentation. Preliminary and final fitness determinations shall be documented in writing, including any details as needed such as but not limited to the restrictions in a restricted approval, the potentially disqualifying crimes or convictions in a denial, or the reasons for a closed case.

(7) No Binding Precedent. The Department shall make new fitness determinations for each application. The outcome of previous fitness determinations does not ensure the same outcome of a new fitness determination.

Stat. Auth.: ORS 181.534, 181.537, 409.050

Stats. Implemented: ORS 181.534, 181.537

Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0080

Contesting a Final Fitness Determination

(1) Fitness Determinations to Contest. A final fitness determination of denied or approved with restrictions is considered an adverse outcome. A subject individual with an adverse outcome may contest that outcome.

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(2) Work Pending Appeal Prohibited. If a subject individual is denied, then the individual may not work, volunteer, be employed, or otherwise perform in positions covered by these rules. A subject individual appealing a restricted approval may only work under the terms of the restriction during the appeal.

(3) Employment Not Guaranteed. If an adverse outcome is changed at any time during the appeal process, such change does not guarantee employment or placement.

(4) History Disputed:

(a) Correcting Disputed History. If a subject individual wishes to challenge the accuracy or completeness of criminal offender information provided by OSP, the FBI, or other criminal history information from other agencies reporting information to the Department, the subject individual may appeal to the entity providing the information. Such challenges are not subject to the Department's appeal process.

(b) Disputed and Undisputed History. If a subject individual is disputing some criminal history and challenging a final fitness determination on other undisputed criminal history, no new fitness determination can be completed until the issue of the disputed history is resolved, and documentation of the resolution is provided to the Department.

(5) Legal Representation. The subject individual has the right to represent himself or herself or have a legal representative during the appeal process. The subject individual may not be represented by a lay person. In this rule, the term "subject individual" shall be considered to include the subject individual's legal representative.

(6) Challenging the Fitness Determination. A subject individual who wishes to challenge an adverse fitness determination may appeal the determination by requesting a contested case hearing. The appeal process is conducted pursuant to ORS 183.411 through 183.497 and the Attorney General's Uniform and Model Rules of Procedure for the Office of Administrative Hearings (OAH), OAR 137-003-0501 to 137-003-0700.

(a) Appeal. To request a contested case hearing, the subject individual shall complete and sign the DHS Hearing Request form. The form is provided with a notice of fitness determination and is also available by contacting the CRU.

(b) Deadline for Appeal. The completed and signed form must be received by the Department:

(A) For Department employees and individuals offered employment by the Department, not later than 15 calendar days after the effective date of action listed on the notice of the fitness determination.

(B) For all other subject individuals, not later than 45 calendar days after the effective date of action listed on the notice of the fitness determination.

(c) Untimely Appeal. In the event a request for an appeal is not timely, the Department will determine, based on a written statement from the subject individual and available information, if there is good cause to proceed with the appeal.

(d) Hearing on Timeliness. The Department may refer an untimely request to the OAH for a hearing on the issue of timeliness.

(7) Criminal History Check. The Department may conduct additional criminal history checks during the appeal process to update or verify the subject individual's criminal history.

(8) Contested Case Hearing:

(a) Procedural Documents and Exhibits. The Department shall provide to the administrative law judge and the subject individual a complete copy of available information. The notice of contested case and prehearing summary shall be mailed by certified mail through the U.S. Postal Service. All other documents shall be mailed by regular first class mail.

(b) Public Attendance. The contested case hearing is not open to the public.

(c) New Fitness Determination. The administrative law judge shall make a new fitness determination based on the evidence and the contested case hearing record.

(9) Proposed and Final Orders:

(a) Notice of Fitness Determination as Final Order. In the following situations, the notice of fitness determination issued is final as if the subject individual never requested a hearing:

(A) Failure to request a hearing in the time allotted in this rule. No other document will be issued after the notice of fitness determination.

(B) Withdrawal of the request for hearing at any time during the appeal process.

(b) Informal Disposition. The Department may make an informal disposition based on review of available information and discussion with the subject individual. The Department shall issue a final order and new notice of fitness determination.

(c) Dismissal Order:

(A) The subject individual may withdraw a hearing request verbally or in writing at any time before the issuance of a final order. A dismissal order due to the withdrawal is effective the date it is received by the Department or the OAH. The subject individual may cancel the withdrawal in writing up to 14 calendar days after the date of withdrawal.

(B) A hearing request is dismissed by the Department when the subject individual fails to appear at the time and place specified for the contested case hearing. The order is effective on the date scheduled for the hearing.

(d) Order After Hearing. After a hearing, the administrative law judge shall issue a proposed and final order.

(A) If no written exceptions are received by the Department within 14 calendar days after the service of the proposed and final order, the proposed and final order shall become the final order.

(B) If timely written exceptions to the proposed and final order are received by the Department, the Department's Director or the Director's designee shall consider the exceptions and serve a final order, or request a revised proposed and final order from the administrative law judge.

(e) Reconsideration and Rehearing. Dismissal orders due to the subject individual's withdrawal, dismissal orders due to failure to appear, and final orders are subject to reconsideration or rehearing petitions with 60 calendar days after the order is served, pursuant to OAR 137-003-0675.

Stat. Auth.: ORS 181.534, 181.537, 409.050

Stats. Implemented: ORS 181.534, 181.537, 183.341

Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0090

Record Keeping, Confidentiality

(1) LEDS Reports. All LEDS reports are confidential and shall be maintained by the Department in accordance with applicable OSP requirements in ORS chapter 181 and the rules adopted pursuant thereto (see OAR chapter 257, division 15).

(a) LEDS Access. LEDS reports are confidential and may only be shared with approved Department employees if there is a need to know consistent with these rules.

(b) Subject Individual Access. The LEDS report, and photocopies of the LEDS report, may not be shown or given to the subject individual.

(2) National (FBI) Information. The results of a national criminal history check provided by the FBI, or through OSP, are confidential and may not be disseminated by the Department, with the following exceptions:

(a) Subject Individual Request. If a fingerprint-based criminal history check was conducted on the subject individual, the subject individual shall be provided a copy of the results if requested.

(b) Contested Case Hearing Exhibits. If authorized by the subject individual, the results of the national criminal history check shall be provided as exhibits during the contested case hearing.

(3) Department Forms and Other Documentation. All completed DHS Criminal History Request forms, other criminal history information and other records collected or developed during the criminal history check process shall be kept confidential and disseminated only on a need-to-know basis.

(4) Retention. All criminal history check documents shall be retained and destroyed pursuant to federal law and records retention schedules published by Oregon State Archives.

Stat. Auth.: ORS 181.534, 181.537, 409.050

Stats. Implemented: ORS 181.534, 181.537

Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0100

Variations

(1) Criteria for a Variance. The Department may grant a variance based upon a demonstration by the Department program area or work unit that the variance would not pose a significant risk to the Department, its clients, or vulnerable individuals.

(2) Variance Application. The program office or work unit requesting a variance shall submit in writing, an application to the Department's Administrative Services Division that contains the following:

(a) The section of the rule from which the variance is sought;

(b) The reason for the proposed variance;

(c) The alternative practice, service, method, concept or procedure proposed;

(d) A plan and timetable for compliance with the section of the rule from which the variance is sought; and

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(e) An explanation on how the safety and well-being of the Department or affected individuals will be ensured during the time the variance period is in effect.

(3) Department Review. The Assistant Director for the Department's Administrative Services Division or designee may approve or deny the request for a variance.

(4) Notification. The Department shall notify the program office or work unit of the decision. This notice shall be sent within 30 days of the receipt of the request by the Department with a copy to other relevant sections of the Department.

(5) Appeal Application. Appeal of the denial of a variance request shall be made in writing to the Director of the Department, whose decision shall be final.

(6) Duration of Variance. The duration of the variance shall be determined by the Department. All variances shall be reapplied for before the duration of the variance expires.

(7) Implementation. The Department program office or work unit may implement a variance only after written approval from the Department is received.

(8) No Precedent. Granting a variance does not set a precedent for subsequent requests for variances.

(9) Fitness Determination Outcomes Not Subject. The outcome of a fitness determination made pursuant to these rules is not subject to variance. Challenges to fitness determinations may only be through contested case hearing rights set forth in these rules or alternative options available to Department employees.

Stat. Auth.: ORS 181.537, 409.010, 409.050

Stats. Implemented: ORS 181.537

Hist.: DHS 3-2008(Temp). f. & cert. ef. 5-22-08 thru 11-17-08; DHS 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0210

Definitions

As used in OAR 407-007-0200 to 407-007-0380, unless the context of the rule requires otherwise, the following definitions apply:

(1) "Adult Foster Home" has the same definition as provided in ORS 443.705.

(2) "Approved" means that a subject individual has completed the criminal history check process, including any required fitness determination, and is eligible to provide care or reside in an environment covered by these rules.

(3) "Authorized Designee" means a person who is designated by an approved qualified entity and authorized by the Department to receive and process criminal history check request forms from subject individuals and criminal history information from the Department. The authorized designee conducts fitness determinations under the authority of the Department.

(4) "Care" means the provision of care, treatment, education, training, instruction, supervision, placement services, transportation, recreation, or support to children, the elderly, or persons with disabilities.

(5) "Client" means any person who receives care, or funding for care, through the Department.

(6) "Contact Person" means a person who is designated by an approved qualified entity to receive and process criminal history check request forms from subject individuals, but who is not authorized to receive criminal history information from the Department. The contact person is not allowed to make final fitness determinations. The contact person is allowed to make the preliminary fitness determinations under the authority of the Department only if there is no indication of potentially disqualifying crimes or conditions.

(7) "Conviction" means that the subject individual was convicted in a court of law, or was adjudicated in a juvenile court and found responsible for the crime. "Conviction" as used in these rules includes a finding of "guilty except by reason of insanity," "guilty except for insanity," "not guilty by reason of insanity," or similarly worded findings. Entering a plea of "guilty" or "no contest" is also considered a conviction for the purpose of these rules unless a subsequent court decision has dismissed the charges.

(8) "Criminal History Check Rules" or "These Rules" means OAR 407-007-0200 to 407-007-0380.

(9) "Criminal History Check" or "CHC" means the Oregon Criminal History Check and when required, a National Criminal History Check and/or a State-Specific Criminal History Check, and the processes and procedures required by these rules.

(10) "Criminal History Information" means criminal justice records, fingerprints, court records, sexual offender registration records, warrants, DMV information, information provided on the Department's criminal history check forms, and any other information obtained by or provided to the

Department pursuant to these rules for the purpose of conducting a fitness determination. "Criminal history information" does not include violations or infractions (See ORS 161.505 to 161.585).

(11) "Denied" means that a subject individual following a fitness determination, including a weighing test, has been found to be not eligible to hold the position, be employed, certified, licensed, registered, or otherwise authorized by the Department to provide care or to reside in an environment covered by these rules.

(12) "Department" means the Oregon Department of Human Services (DHS) or any subdivision thereof.

(13) "Employer," if the qualified entity is a corporation, means the corporation or parent corporation.

(14) "Facility" means any entity that is licensed or certified by the Department and which provides care.

(15) "Homecare Worker" or "Home Care Worker" means a provider who is enrolled in the Department's client-employed provider program and who provides either hourly or live-in services, as defined in ORS 410.600.

(16) "Independent Provider" means a person who meets the qualifications described in OAR 411-305-0020, 411-330-0020, or 411-340-0020.

(17) "National Criminal History Check" means obtaining and reviewing criminal history outside Oregon's borders. This information may be obtained from the Federal Bureau of Investigation (FBI) through the use of fingerprint cards and from other criminal information resources.

(18) "Oregon Criminal History Check" means obtaining and reviewing information from the Oregon State Police's Law Enforcement Data System (LEDS). The Oregon Criminal History Check may also include a review of information from the Oregon Judicial Information Network (OJIN), Oregon Department of Corrections records, Motor Vehicles Division, local or regional criminal history information systems, or other official law enforcement agency or court records in Oregon.

(19) "Personal Care Services Provider" means a person who is directly employed by a client of the Department to provide assistance with activities of daily living and other activities as described in OAR chapter 411, division 34.

(20) "Potentially Disqualifying Crime" means a crime listed in OAR 407-007-0280.

(21) "Probationary Status" means a condition in which a subject individual may be allowed by the authorized designee to work, volunteer, be trained or reside in an environment covered by these rules following submission of a completed DHS Criminal History Request form. The term "probationary status" is applicable only during the timeframe prior to a final fitness determination.

(22) "Qualified Entity" means the Department; local government agency; community mental health or developmental disability program, local health department; or an individual or business or organization, whether public, private, for-profit, nonprofit or voluntary, that provides care, including a business or organization that licenses, certifies or registers others to provide care.

(23) "Qualified Vendor" means a supplier of criminal history information who is approved by the Department of Human Services as having access to substantially the same criminal offender information as the Law Enforcement Data System.

(24) "Related" means spouse, domestic partner, natural parent, child, sibling, adopted child, adopted parent, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, aunt, uncle, niece, nephew or first cousin.

(25) "Service Provider" means a person or entity that is licensed, certified, registered, or otherwise regulated or authorized for payment by the Department and that provides care.

(26) "State-Specific Criminal History Check" means obtaining and reviewing information from law enforcement agencies, courts, or other criminal history information resources located in a state or jurisdiction outside Oregon.

(27) "Subject Individual" means a person who is required to complete a criminal history check pursuant to these rules.

(a) "Subject individual" includes:

(A) A person who is licensed, certified, registered, or otherwise regulated or authorized for payment by the Department and who provides care.

(B) An employee or volunteer who provides care within any entity or agency licensed, certified, registered, or otherwise regulated by the Department.

(C) A direct care staff person secured through the services of a personnel services or staffing agency who works in any long term care facility licensed by the Department pursuant to ORS chapter 441.

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(D) Except as provided in paragraphs (27)(b)(C) and (D) of this rule, a person who lives in a facility that is licensed, certified, registered, or otherwise regulated by the Department to provide care.

(E) An individual working for a private, licensed child caring agency, or system of care contractors providing child welfare services pursuant to ORS chapter 418.

(F) A homecare worker, personal care services provider, or an independent provider employed by a Department client and who provides services to the client if the Department helps to pay for the services.

(G) A child care provider reimbursed through the Department's child care program, and employees and other persons in child care facilities that are exempt from certification or registration by the Child Care Division of the Employment Department. This includes all persons who reside in or who are frequent visitors to the residence or facility where the child care services are provided and who may have unsupervised access to the children. (REF: OAR chapter 461, division 165.)

(H) A contact person or authorized designee as defined in OAR 407-007-0210.

(I) A person providing training to staff within a long term care facility.

(J) Any person serving as an owner, operator, or manager of a room and board facility pursuant to OAR chapter 411, division 68.

(K) Notwithstanding subsection (27)(b) of this rule, any person who is required to complete a criminal history check pursuant to a contract or written agreement with the Department or by other Oregon Administrative Rules of the Department, if the requirement is within the statutory authority granted to the Department. Specific statutory and rule authority must be specified in the contract.

(b) "Subject Individual" does not include:

(A) Any person under 16 years of age.

(B) A person receiving training in a DHS-licensed facility as a part of the required curriculum through any college, university, or other training program and who is not an employee in the facility in which training is provided. Facilities must ensure that all such students have passed a substantially equivalent background check process through the training program or are:

(i) Actively supervised at all times as defined in OAR 407-007-0310, and

(ii) Not allowed to have unsupervised access to vulnerable people.

(C) Residents of facilities licensed, certified or registered by the Department who are receiving care or treatment, unless specific, written permission to conduct a criminal history check is received from the Department. The only circumstance in which the Department will allow a check to be performed on a client pursuant to this paragraph is if the client falls within the definition of "subject individual" as listed in subsection (27)(a) of this rule.

(D) Persons who live in or visit relative adult foster homes. This exemption does not apply to the licensee.

(E) Individuals working in child care facilities certified or registered by the Employment Department.

(F) Individuals employed by a private business that provide services to clients and the general public and that is not regulated by the Department.

(G) Individuals employed by a business that provide appliance repair or structural repair to clients and the general public, and who are temporarily providing such services in an environment regulated by the Department. This exclusion does not apply to a business that receives funds from the Department for care provided by an employee of the business.

(H) Individuals employed by a private business in which a client of the Department is working as part of an employment service program sponsored by the Department. This exclusion does not apply to an employee of a business that receives funds from the Department for care provided by the employee.

(I) Employees and volunteers working in hospitals, ambulatory surgical centers, special inpatient care facilities, outpatient renal dialysis facilities, and freestanding birthing centers as defined in ORS 442.015, in-home care agencies as defined in ORS 443.305, and home health agencies as defined in ORS 443.005.

(J) Volunteers who are not under the direction and control of the Department or any entity licensed, certified, registered, or otherwise regulated by the Department.

(K) Individuals employed or volunteering in a Medicare-certified health care business which is not subject to licensure or certification by Oregon.

(L) People working in restaurants or at public swimming pools.

(M) Hemodialysis technicians.

(N) Individuals employed by alcohol and drug programs that are certified, licensed, or approved by the Department's Addictions and Mental Health division to provide prevention, evaluation, or treatment services. This exclusion does not apply to programs specifically required by other Department rules to conduct criminal history checks in accordance with these rules.

(O) Persons working for a transit service provider which conducts background checks pursuant to ORS 267.237.

(P) Persons being certified by the Department as interpreters pursuant to ORS 409.623. This paragraph is not intended to exempt a Department-certified interpreter from a criminal history check when being considered for a specific position.

(Q) Provider group categories that were authorized for payment by the Department for care if such provider group categories were not covered by a Department criminal record check process prior to 2004.

(R) Foster and adoptive parents providing care for children pursuant to ORS chapter 418.

(S) Emergency medical technicians and first responders certified by the Department's Emergency Medical Services and Trauma Systems program.

(T) A person employed by an entity that provides services solely contracted under ORS 414.022.

(28) "Weighing Test" means a process carried out by one or more authorized designees in which known negative and positive information is considered to determine if a subject individual is approved or denied (see OAR 407-007-0320(5)(c)).

Stat. Auth.: ORS 181.537, 409.010 & 409.050

Stats. Implemented: ORS 181.537

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 77-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0210, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0270

National Criminal History Check Process

(1) National Criminal History Check. In addition to an Oregon check (OAR 407-007-0250), a national criminal history check may be required by the Department under any of the following circumstances:

(a) Out-of-State Residency. The subject individual has lived outside Oregon for 60 or more consecutive days during the previous three (3) years with the following exceptions:

(A) Child Care Providers (18 months). The subject individual is a child care provider or other person included in OAR 407-007-0210(27)(a)(H) who has lived outside Oregon for 60 or more consecutive days during the previous eighteen months.

(B) Child Welfare System (5 years). The subject individual is working for private, licensed child caring agencies and system of care contractors providing child care pursuant to ORS chapter 418 and has lived outside Oregon for 60 or more consecutive days during the previous five years.

(b) Criminal History Outside Oregon. The LEDS check, or any other information obtained by the Department, indicates there may be criminal history outside of Oregon, or the subject individual self-discloses criminal history outside of Oregon.

(c) Identity or History Questioned. The social security number appears not to be valid or is not provided to the Department on the DHS Criminal History Request form, the subject individual has no Oregon driver's license or Oregon identification card, or the Department has other reason to question the identity or history of the subject individual.

(2) Fingerprinting a Juvenile. Consent of the parent or guardian is required to obtain fingerprints from a child under the age of 18 years.

(3) Processing. The subject individual must complete and submit a fingerprint card when requested by the Department.

(a) Fingerprint Cards. The subject individual must use a fingerprint card (Example: FBI Form FD 258) provided by the Department.

(b) Time Frame for Return. The card must be submitted within 21 days of the request to the Department's Criminal Records Unit to avoid closure of application pursuant to OAR 407-007-0320(5)(e).

(c) Extension. The Department may extend the time allowed for good cause.

(4) Additional Information Required. In order to conduct a national check and complete a fitness determination, the Department or the authorized designee may require additional information from the subject individual as necessary, such as but not limited to proof of identity; residential history; names used while living at each residence; or additional criminal, judicial, or other background information.

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(5) Department Makes Final Fitness Determination. When a subject individual has a potentially disqualifying national criminal history or discloses potentially disqualifying out of state criminal history, the Department makes the final fitness determination.

Stat. Auth.: ORS 181.537, 409.010 & 409.050

Stats. Implemented: ORS 181.537

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 77-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0270, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08

407-007-0330

Contesting a Fitness Determination

(1) Work Pending Appeal Prohibited. If a subject individual is denied, then that person may not hold the position, provide services or be employed, licensed, certified, or registered.

(2) History Disputed.

(a) Correcting Disputed History. If a subject individual wishes to challenge the accuracy or completeness of information provided by the Oregon State Police, the Federal Bureau of Investigation, or other agencies reporting information to the Department, the subject individual may appeal to the entity providing the information. Such challenges are not subject to the Department's appeal process described in this rule.

(b) Request for Re-Evaluation Following Correction. If the subject individual successfully contests the accuracy or completeness of information provided by the Oregon State Police, the Federal Bureau of Investigation, or other agency reporting information to the Department, the Department will conduct a new criminal history check and re-evaluate the criminal history upon submission of a new criminal history request form.

(3) Challenging the Fitness Determination. If a subject individual wishes to dispute an adverse fitness determination, the subject individual may appeal the determination by requesting a contested case hearing. The subject individual must be notified of the opportunity for appeal on a form available from the Department.

(a) Appeal. In order to request a contested case hearing, the subject individual or the subject individual's legal representative must complete and sign the hearing request form. The form is available by contacting the DHS Criminal Records Unit.

(b) Deadline for Appeal. The completed and signed form must be received by the Department not later than 45 days after the notice of the fitness determination is signed.

(c) Extension of Deadline. The Department may extend the time to appeal if the Department determines the delay was caused by factors beyond reasonable control of the subject individual.

(d) Hearing on Timeliness. The Department may refer an untimely request to the Office of Administrative Hearings for a hearing on the issue of timeliness.

(4) Informal Administrative Review. When a subject individual is denied and the subject individual, or the subject individual's legal representative, requests a contested case hearing, the Department may conduct an informal administrative review before referring the appeal to the Office of Administrative Hearings.

(a) Participation by Subject Individual. The subject individual and, if applicable, the subject individual's legal representative, may participate in the informal administrative review.

(A) Participation may include but is not limited to:

(i) Providing fingerprint cards, if not previously provided, for the purpose of a national check pursuant to OAR 407-007-0270 or to confirm identity.

(ii) Providing additional information or additional documents.

(iii) Participating in a telephone conference.

(B) Failure to participate in the informal administrative review by the subject individual or the subject individual's representative may result in termination of hearing rights. The Department will review a request to reinstate hearing rights if received in writing by the Department within 14 days.

(b) Criminal history check.

(A) If the denial was based on disclosed criminal history, the Department will conduct a criminal history check during the informal administrative review.

(B) The Department may conduct additional criminal history checks during the informal administrative review to update or verify the subject individual's criminal history.

(c) Weighing Test Always Applied. The Department will use the weighing test as described in these rules during the administrative review.

(d) Content of Administrative Review. The Department representative, the authorized designee, the subject individual and the subject indi-

vidual's legal representative may discuss any of the matters listed in OAR 137-003-0575(3). The administrative review may also be used to:

(A) Inform the subject individual of the rules that serve as the basis for the denial.

(B) Ensure the subject individual understands the reason for the denial.

(C) Give the subject individual an opportunity to review the information that is the basis for the denial, except as prohibited by state or federal law (see OAR 407-007-0340(2)).

(D) Give the Department and subject individual an opportunity to research or provide additional information to consider as listed in OAR 407-007-0300.

(E) Give the Department and the subject individual the opportunity to correct any misunderstanding of the facts.

(F) Provide an opportunity for the Department and the subject individual to resolve the situation, including developing an agreement whereby the subject individual may be approved with restrictions.

(G) Determine if the subject individual wishes to have any witness subpoenas issued should a formal hearing be necessary.

(e) Decision Following Administrative Review. Upon completion of the informal review, the subject individual or the subject individual's legal representative is advised by the Department in writing of the finding within 14 days.

(f) Hearing Following Administrative Review. If the informal administrative review reverses the denial, no hearing will be held and the appeal will not be forwarded to the Office of Administrative Hearings. If the informal administrative review upholds the denial, the appeal will be referred to the Office of Administrative Hearings and a hearing is held unless the subject individual or the subject individual's legal representative withdraws the request for a contested case hearing or the Department reverses the denial before the hearing is held.

(5) Contested Case Hearing.

(a) Format. The hearing is conducted in accordance with Attorney General's Uniform and Model Rules of Procedure, "Hearing Panel Rules," OAR 137-003-0501, and the rules that follow.

(b) Department Representation. Employees of the Department may, in accordance with ORS 183.452, be authorized by the Department's Director to represent the Department for the contested case hearing. Authorization from the Office of Attorney General is also required. The Department retains the right to be represented by the Attorney General.

(c) Exhibits. The administrative law judge must be provided a complete copy of the criminal history check information as follows:

(A) In the case of federal criminal history and criminal history from jurisdictions outside Oregon, the subject individual must obtain copies of the FBI criminal history report, or a copy of the state criminal history report from each state in which there was criminal or arrest history recorded. The subject individual or the subject individual's legal representative must provide copies of such documentation to the administrative law judge at least seven days prior to the scheduled hearing. The Department may also provide out-of-state information received from other official sources.

(B) In the case of Oregon criminal history, the Department may provide a copy of the LEDS print-out, OJIN records, or other court records to the administrative law judge, unless to do so would result in ex parte communication.

(C) Criminal history information and correspondence regarding the subject individual's criminal history check are prima facie evidence if certified by the Department representative as a true copy.

(d) Role of Administrative Law Judge. The Office of Administrative Hearings and the administrative law judge perform the following duties in the hearing process:

(A) Provide the subject individual or the subject individual's legal representative with all of the information required under ORS 183.413(2) in writing before the hearing;

(B) Conduct the hearing;

(C) Issue a dismissal by order when neither the subject individual nor the subject individual's representative appears at the hearing; and

(D) Issue a proposed order.

(e) Public Attendance. The informal conference and hearing are not open to the public.

(f) Coordination with Licensure or Certification Hearing. A hearing pursuant to these rules may be conducted in conjunction with a licensure or certification hearing for the subject individual.

(6) Withdrawal. The subject individual or the subject individual's legal representative may withdraw a hearing request orally or in writing at any time. The withdrawal is effective the date it is received by the

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Department or the Office of Administrative Hearings. A dismissal order will be issued by the Department or the Office of Administrative Hearings. The subject individual may cancel the withdrawal up to 14 days after the date the order is served.

(7) Proposed and Final Order.

(a) Informal Disposition. When an appeal is resolved before being referred to the Office of Administrative Hearings due to an administrative review or withdrawal, the Department will serve a final order confirming the resolution.

(b) Failure to Appear. A hearing request is dismissed by order when neither the subject individual nor the subject individual's legal representative appears at the time and place specified for the hearing. The order is effective on the date scheduled for the hearing and is served by the Office of Administrative Hearings. The Department will cancel the dismissal order on request of the subject individual or the subject individual's legal representative on a showing that the subject individual and the subject individual's legal representative were unable to attend the hearing and unable to request a postponement for reasons beyond their control.

(c) Proposed Order. After a hearing, the administrative law judge issues a proposed order. If no written exceptions are received by the Department within 14 days after the service of the proposed order, the proposed order becomes the final order.

(d) Exceptions. If timely written exceptions to the proposed order are received by the Department, the Department's Director or the Director's designee will consider the exceptions and serve a final order, or request a revised proposed order from the administrative law judge.

(e) Results to qualified entity. The Department may provide the qualified entity with the results of the appeal after the informal administrative review or contested case hearing.

Stat. Auth.: ORS 181.537, 409.010 & 409.050

Stats. Implemented: ORS 181.537, 183.341

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0330, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08

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Rule Caption: Corrections to OIT Substantiation Review Committee Composition and Actions in Children's Residential Care Rules.

Adm. Order No.: DHSD 8-2008

Filed with Sec. of State: 8-29-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 8-1-2008

Rules Amended: 407-045-0970

Subject: This rule was permanently filed, effective 5/30/08. During filing, two changes made during the public comment period were overlooked in the final text. Both are in reference to the Office of Investigations and Training (OIT) Substantiation Review Committee – changing the number of members from five to three and taking away the committee's power to change the basis of an abuse finding. This rulemaking corrects these two omissions.

Rules Coordinator: Jennifer Bittel—(503) 947-5250

407-045-0970

OSRC Review

(1) The OSRC will conduct a review and issue a notice of OSRC decision within 60 calendar days from the date OIT receives a request for review.

(2) The OSRC operates as follows:

(a) The OSRC considers relevant documentary information contained in the OIT investigation file, investigative report and exhibits, and information provided by the person.

(b) The OSRC will not re-interview the victim; interview or meet with the person, with others associated with the person, or with others mentioned in the report; or conduct a field assessment of the allegation of child abuse or neglect.

(c) All OSRC decisions must be decided by majority vote of the three participating committee members, all of whom must be present.

(d) The OSRC shall make a determination as to:

(A) Whether there is reasonable cause to believe that child abuse or neglect occurred; and

(B) Whether there is reasonable cause to believe that the person is responsible for the child abuse or neglect.

(e) The OSRC will decide to either uphold the OIT substantiation, or change that conclusion to not substantiated or inconclusive.

(3) Within 60 calendar days from the date the OSRC receives the request for review, the OSRC will prepare and send to the requestor by certified mail or restricted delivery, with return receipt requested, a notice of OSRC decision that includes the following information:

(a) Whether there is reasonable cause to believe that child abuse occurred;

(b) Whether there is reasonable cause to believe that the person was responsible for the child abuse;

(c) Whether the OSRC is changing the OIT substantiation;

(d) If the OIT substantiation is changed, whether the changed conclusion will be changed to "Not Substantiated" or "Inconclusive;" and

(e) A summary of the information used by the OSRC and its reasoning in reaching its decision.

(4) OSRC shall send the notice of OSRC decision to the person, CAF, the OIT investigator who conducted the investigation, applicable public agencies licensing or certifying facilities or the person practicing therein, and the OIT Director.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: DHSD 12-2007(Temp), f. & cert. ef. 12-3-07 thru 5-30-08; DHSD 4-2008, f. & cert. ef. 5-30-08; DHSD 8-2008, f. 8-29-08, cert. ef. 9-1-08

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Department of Human Services, Children, Adults and Families Division: Child Welfare Programs Chapter 413

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 20-2008

Filed with Sec. of State: 9-2-2008

Certified to be Effective: 9-2-08

Notice Publication Date: 8-1-2008

Rules Amended: 413-015-0205, 413-015-0409, 413-015-0415

Rules Repealed: 413-015-0205(T), 413-015-0409(T), 413-015-0415(T)

Subject: OAR 413-015-0205 about the required screening activities is being amended to implement the provisions of Senate Bill 379, 2007 Or Laws ch 501, by restating the required screening activities when the report is an allegation of child abuse or neglect that occurred in a Children's Care provider. This rule is also being amended to restate the required screening activities regarding explanations to reporters of allegations of child abuse or neglect.

OAR 413-015-0409 about the exceptions to completing the child protective services (CPS) assessment activities is being amended to restate the Department's policy on the exceptions to completing the required CPS activities, to clarify the Department's policy and make the Department's policy consistent with the Department's practice.

OAR 413-015-0415 about the CPS assessment activities is being amended to restate the Department's policy regarding the required CPS assessment activities, to clarify the Department's policy and make the Department's policy consistent with the Department's practice.

These rules are also being amended to make permanent temporary rule changes made on June 28, 2008.

These rules are also being amended to avoid confusion by replacing old terminology with new terminology, adding cross-references to other rules and laws, and following standard formatting.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-015-0205

Screening Activities

The screener must complete the following activities:

(1) Gather information. When gathering information, the screener must do both of the following:

(a) Accept reports of child abuse and neglect regardless of where the child resides or where the alleged child abuse or neglect may have occurred. If the report is about a child that does not reside in the county where the report is received, the screener must forward the report to the local child welfare office in the county or state where the child resides. The screener must forward the report on the same day the report is received and confirm that the report has been successfully forwarded.

(b) Accept and handle anonymous reports of child abuse and neglect in the same manner as other reports, gather the same information from the

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anonymous reporter as the screener would from any other reporter, and encourage the reporter to provide identifying information.

(2) If appropriate, refer the person to community services and resources.

(3) Determine the type of information received, Child Protective Services, Family Support Services, or Interstate Compact on the Placement of Children, and where and when to document the information received.

(a) Child Protective Services. This type of information is related to reports of child abuse or neglect.

(A) Child Protective Services information is documented in FACIS using the Guided Assessment Process (GAP).

(B) The time line for screeners to complete and document their actions, and document information gathered, unless a CPS supervisor grants the screener an extension as provided in OAR 413-015-0220, is:

(i) Immediately when a “within 24 hours” response time line is assigned;

(ii) Within the same day when a “within five days” response time line is assigned; or

(iii) No later than the next working day after the screening determination is made when the report is closed at screening.

(b) Family Support Services. This type of information is not a report of alleged child abuse or neglect, and it does not include information that indicates a child is unsafe.

(A) This information is documented in FACIS using a screening form.

(B) The time line for screeners to complete and document their actions, and document information gathered is within two days of receiving the request for services.

(C) Family Support Services information falls within one of the categories described below:

(i) Request for Placement — Information falls within this category when:

(I) A parent or legal guardian requests out-of-home placement of their child due solely to obtain services for the emotional, behavioral, or mental disorder or developmental or physical disability of the child;

(II) The parent or legal guardian requests the Department take legal custody of their child; or

(III) The court has ordered a pre-adjudicated delinquent into the care of the Department.

(ii) Request for Independent Living Program Services — Information falls within this category when a former foster child qualifies for Independent Living Program (ILP) services, is not a member on an open case, and requests to enroll in the Department’s ILP.

(iii) Request for Post Legal Adoption and Post Guardianship Services — Information falls within this category when a family requests post legal adoption or post guardianship services, if the adoption or guardianship occurred through the Department.

(iv) Request for Voluntary Services — Information falls within this category when it does not meet the criteria in subparagraphs (i), (ii), or (iii) of this paragraph, a parent or caregiver requests assistance with a child in the home, and all of the following apply:

(I) Other community resources have been utilized and determined to be ineffective.

(II) Members of the extended family and other responsible adults who are well known to the child have been explored or utilized and determined to be unsafe, unavailable, unwilling, or ineffective as support for the family.

(III) The parent or caregiver is temporarily or will be temporarily unable to fulfill parental responsibilities due to a diagnosed medical condition or a mental health diagnosis.

(IV) The parent’s or caregiver’s inability to fulfill parental responsibilities is temporary and immediate, and will be alleviated with short term services or short term services will transition the family to community services.

(V) A Child Welfare program manager approves the request for voluntary services.

(c) Request for Interstate Compact on the Placement of Children (ICPC) supervision and services. This type of information is not a report of child abuse or neglect. Information falls within the ICPC category when a screener receives a request from central office to provide ICPC supervision and services. This information is documented in FACIS using a screening form.

(4) When the screener receives Child Protective Services information, the screener must complete the screening activities described below.

(a) The screener must use the GAP screening template to collect the following information, which is critical to effectively identify if there is a

report of child abuse or neglect as defined in ORS 419B.005 and if the information alleges that behavior, conditions, or circumstances could result in harm to the child:

(A) The type of alleged child abuse or neglect and the circumstances surrounding the report;

(B) How the alleged child abuse or neglect or the surrounding circumstances are reported to affect the safety of the child;

(C) Information that identifies how the child is vulnerable; and

(D) Reported parent or caregiver functioning and behavior.

(b) After completing and documenting the information required in subsection (a) of this section, if the report is an allegation of child abuse or neglect that occurred in a Children’s Care Provider (CCP), the screener must complete the requirements in paragraphs (A) through (C) of this subsection. CPS screening activities for CCP referrals are complete after the completion of the activities in paragraphs (A) through (C) of this subsection and additional screening activities in this rule do not apply:

(A) Immediately pend the screening information to the Office of Investigations and Training (OIT) screener’s workload;

(B) Immediately send an e-mail to the OIT screener to let the screener know that a FACIS screening report has been assigned to the screener’s workload; and

(C) When the report is new information on an open Child Welfare case:

(i) Notify the CPS supervisor;

(ii) Notify each assigned case worker and their respective supervisors of all new information received on the same day the information is received, and document this notification in FACIS case notes; and

(iii) Complete notification on the same day the information is received.

(c) Gather information from individuals who can provide firsthand information necessary to determine the appropriate Department response. This may include individuals who have regular contact with the child, doctors or others who have evaluated or maintain records on the child, people who are in an established personal or professional relationship with the parent or caregiver and who can judge the quality and nature of the parent or caregiver behavior, and those who have records or reason to know things about the parent or caregiver as a result of their involvement with or exposure to the parent or caregiver.

(d) Research Department history of every identified child, parent, caregiver, and household member for information about current or previous Department involvement relevant to the current child abuse or neglect report. If the research reveals an “unable to locate” disposition that has not been assessed, the screener must reference that referral number and those allegations in the current referral summary.

(e) Inquire regarding possible Indian or Alaskan Native heritage (for further direction see OAR 413-015-0215(5)).

(f) Request relevant information when available and appropriate from law enforcement agencies (LEA), including domestic disturbance calls, arrests, warrants, convictions, restraining orders, probation status, and parole status.

(g) Determine the location and corresponding law enforcement jurisdiction of the family’s residence and the site where the alleged child abuse or neglect may have occurred.

(h) Immediately comply with Child Welfare Policy I-B.2.2.3 when information is related to a Department approved and certified home that is a foster home, relative caregiver home, or adoptive home.

(i) Immediately comply with Child Welfare Policy II-E.1, “Child-Caring Agencies”, OAR 413-210-0000 to 413-210-0250 when information is related to a licensed child caring agency.

(j) Immediately comply with the Child Welfare “Fatality Protocol” when information is related to the death of a child.

(5) Explain to reporters:

(a) That the Department will not disclose the identity of the reporter unless disclosure is to an LEA for purposes of investigating the report, disclosure is required because the reporter may need to testify as a witness in court, or the court orders the Department to disclose the identity of the reporter;

(b) That anyone making a report of child abuse or neglect in good faith, who has reasonable grounds to make the report, is immune from liability in respect to making the report and the contents of the report;

(c) The Department’s decisions about paragraphs (A) through (C) of this subsection. If the decisions have not been made when the report is completed, the screener must notify the reporter that, if contact information is provided, diligent efforts will be made to contact him or her at a later date and inform him or her of the decisions:

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- (A) Whether contact with the child was made;
- (B) Whether the Department determined child abuse occurred; and
- (C) Whether services will be provided.
- (d) If applicable, that the information reported does not meet the screening criteria to be documented and retained in the child abuse information system; and

(e) That mandatory reporters should consider maintaining a record of their report to document compliance with ORS 419B.010 and 419B.015.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005 & 419B.020

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 4-2005, f. & cert. ef. 2-1-05; CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 22-2007(Temp), f. & cert. ef. 12-3-07 thru 4-11-08; CWP 24-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 4-11-08; CWP 2-2008, f. & cert. ef. 4-1-08; CWP 5-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 12-24-08; CWP 20-2008, f. & cert. ef. 9-2-08

413-015-0409

Exception to Completing CPS Assessment Activities

(1) The only exception to completing the CPS assessment activities required by these rules on an assigned referral is when a CPS worker, in consultation with a CPS supervisor or designee, determines within the response time line that the referral does not require a CPS assessment because:

(a) The referral was opened in error;

(b) The CPS worker has, through reliable collateral contacts, received information that indicates the report does not constitute a report of child abuse or neglect as defined in ORS 419B.005; or

(c) The referral content will be addressed in an open CPS assessment.

(2) The CPS worker must document the determination and explain the basis for the determination that a CPS assessment is not necessary.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015 & 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 6-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 12-24-08; CWP 20-2008, f. & cert. ef. 9-2-08

413-015-0415

CPS Assessment Activities

The required CPS assessment activities are outlined below. The activities are described in a logical order in these rules, but the order in which they occur is controlled by the specific circumstances in a given case.

(1) Review Records.

(a) The assigned CPS worker must:

(A) Thoroughly review the documentation in the referral;

(B) Thoroughly review the paper and electronic records maintained by Child Welfare for historical information on the family and the child that may be useful in completing the CPS assessment;

(C) Thoroughly review available Self Sufficiency records; and

(D) Make diligent efforts to contact another state's child welfare agency to obtain records, if any, when the CPS worker has information that the family has lived in another state.

(b) The CPS worker must review the documents to identify information related to:

(A) Safety threats;

(B) History or a pattern of abuse or neglect;

(C) Child and family support systems and protective capacity; and

(D) Worker safety.

(2) Addressing Prior Allegations that Have Not Been Assessed Because the Department was Unable to Locate the Family. The assigned CPS worker must address in the current assessment any allegations not previously assessed because the Department was unable to locate the family as follows:

(a) Discuss the prior unassessed allegations during interviews;

(b) Consider all information about prior unassessed allegations in the current safety analysis; and

(c) Document the consideration of prior unassessed allegations in interviews, observations, and dispositional findings.

(3) Contact Collateral Sources.

(a) The CPS worker must contact collateral sources who can clarify or supplement the information in the referral and in records already reviewed.

(A) The CPS worker must contact the assigned self sufficiency worker, if any.

(B) The CPS worker may contact other collateral sources including, but not limited to:

(i) Individuals who have regular contact with the child;

(ii) Doctors or others who have evaluated or maintain records on the child;

(iii) People who are in an established personal or professional relationship with the parent or caregiver and who can judge the quality and nature of the parent or caregiver behavior; and

(iv) People who have records or information about the parent or caregiver as a result of their involvement with, or exposure to, the parent or caregiver.

(b) The CPS worker must gather information from collateral sources throughout the CPS assessment.

(c) The CPS worker must:

(A) Protect the identity of collateral sources to the extent possible.

(B) Consult with the district attorney or the assistant attorney general to obtain a court order for records from a collateral source, if the source is unable or unwilling to share information with Child Welfare.

(4) Consult with CPS Supervisor.

(a) The CPS worker must consult with a CPS supervisor or designee:

(A) When the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department or Oregon Youth Authority (OYA);

(B) When a referral involves the home of a Department certified foster parent or relative caregiver;

(C) When a referral involves allegations that child abuse or neglect occurred in a licensed child caring agency;

(D) Prior to a decision to place a child in protective custody, or after placement if consultation before placement will delay the safety intervention;

(E) Prior to initiating court action, or after initiating court action if consultation before will delay the safety intervention;

(F) When the referral involves a child fatality;

(G) When making dispositions in complicated or sensitive situations or cases;

(H) When closing an assessment with the disposition of "unable to locate"; or

(I) Prior to a decision to close a case during or at the end of the CPS assessment.

(b) Subject to the discretion of the CPS supervisor, the CPS worker will consult with a CPS supervisor or designee at additional key points during the assessment, such as:

(A) Before making initial contact with the family; or

(B) When a referral indicates potential danger to the worker.

(5) Contact and Work with Other Entities. The CPS worker may need to work with representatives of other entities to develop a sufficient protective action or ongoing safety plan, to analyze safety threats, and to complete the CPS assessment.

(a) The CPS worker may, as appropriate, notify or consult with other Department programs or other agencies, including but not limited to the Office of Vocational Rehabilitation Services and Animal Control.

(b) The CPS worker must contact and work with other entities as follows:

(A) Child Care Division. The CPS worker must notify and coordinate with the Child Care Division when a report involves a registered day-care home or a licensed day-care center, as required by ORS 418.747(2)(e) and 419B.020(1).

(B) Oregon Youth Authority (OYA). The CPS worker must notify OYA when the allegation involves an OYA certified foster home.

(C) Seniors and People with Disabilities Division (SPD).

(i) The CPS worker must notify the Office of Investigations and Training with the Department when the allegation involves a child with developmental disabilities in an SPD licensed group home.

(ii) The CPS worker must make a report to the Office of Investigations and Training with the Department when the CPS worker has reasonable cause to believe:

(I) That any person 18 years of age or older with a mental illness or a developmental disability whom the CPS worker comes into contact with, while acting in an official capacity, has suffered abuse.

(II) That any person with whom the CPS worker comes into contact, while acting in an official capacity, has abused a person 18 years of age or older with a mental illness or developmental disability.

(iii) The CPS worker must make a report to SPD when the CPS worker has reasonable cause to believe:

(I) That any person 65 years of age or older with whom the CPS worker comes into contact, while acting in an official capacity, has suffered abuse.

(II) That any person with whom the CPS worker comes into contact, while acting in an official capacity, has abused a person 65 years of age or older.

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(D) Child Caring Agency Licensing Program. The CPS worker must notify the Department's Child Caring Agency Licensing Program when the allegation involves a licensed child caring facility.

(E) Indian Tribes. If the CPS worker knows or has reason to know that the child is an Indian child, the CPS worker must give notice within 24 hours to the Indian child's tribe that a CPS assessment is being conducted unless the screener documented completion of this notification in the referral.

(F) Probation and Parole. The CPS worker must contact probation and parole when the allegation involves a parent or caregiver, or alleged perpetrator who is supervised by probation or parole.

(G) Law Enforcement. If the screener did not cross report, the CPS worker must contact one or more law enforcement agencies in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to 413-015-0310. When there is a joint response involving a CPS worker and LEA staff, the CPS worker is still responsible for all of the activities necessary to complete a CPS assessment which are summarized in 413-015-0400. Whenever possible, the CPS worker must coordinate assessment activities with LEA in the following situations:

(i) Presence of danger. When the CPS worker has information that indicates that the child is unsafe right now.

(ii) Family cooperation. When the CPS worker has information that the family may not allow the CPS worker to observe the alleged victim or other children in the home.

(iii) Protective custody. When the CPS worker has information that a child may need to be placed in protective custody.

(iv) Child interview. When the CPS worker and the LEA officer must each interview a child, it is preferable to coordinate the interviews to reduce the number of interactions with the child.

(v) Worker safety. When the CPS worker has information that indicates the family behavior, circumstances, or situation could pose a danger to the CPS worker.

(vi) Crime committed. When the CPS worker suspects or receives a report that a crime may have been committed.

(H) Public or Private Schools. The CPS worker may interview a child at school when the worker believes it will be the best environment in which to assure a child's safety when making contact with the child. ORS 419B.045 provides requirements for CPS investigations that are conducted on school premises. The CPS worker must do following:

(i) Notify the school administrator that a CPS assessment must be conducted. If the school administrator is a subject of the CPS assessment, then notification is not required.

(ii) Report to the school office, provide identification, inform school personnel of the CPS assessment, and provide the name of the child to be interviewed.

(iii) Request information from school personnel regarding the disabilities of the child, if any, prior to an interview with the affected child.

(iv) Interview the child out of the presence of other persons, unless the CPS worker believes the presence of a school employee or other person would facilitate the interview. If the CPS worker believes that a school employee does not need to be present, but the school employee insists on being present during the interview, the worker should confer with the CPS supervisor for assistance in handling the situation.

(v) Discuss further actions with the child at the conclusion of the interview.

(vi) Inform school personnel when the interview has been completed.

(vii) Inform school personnel if the child is taken into protective custody.

(viii) Inform school personnel that the CPS worker will notify parents of the interview.

(ix) Contact the CPS supervisor if school officials refuse to allow the assessment to take place on school property.

(I) Multi-Disciplinary Teams (MDTs). Department district managers must develop interagency agreements regarding assessment of child abuse and neglect, as necessary, with local MDTs. Requirements for MDT protocols are set out in ORS 418.747.

(6) Obtain Interpreters and Translation. The CPS worker must obtain the services of a competent interpreter and competent written translation service for families, including hearing-impaired family members, who have limited or no means of communicating in or reading English.

(7) Determine ICWA Status and Comply with ICWA, if Applicable. The CPS worker must initiate the process to determine the child's ICWA status and notify the Indian child's tribe if ICWA applies. To initiate this process, the CPS worker must:

(a) Complete a form CF 1270, "Verification of ICWA Eligibility," to assist in determining ICWA eligibility.

(b) Contact the child's tribe when an Indian child is the subject of a CPS assessment. Federally recognized tribes must be notified within 24 hours after information alleging abuse or neglect is received by Child Welfare.

(c) If the Indian child is enrolled or eligible for enrollment in a federally recognized tribe, notify the child's tribe if the child may be placed in protective custody.

(d) Consult with the local Department ICWA liaison, a supervisor, or the ICWA manager if the worker has questions regarding the involvement of a tribe or the ICWA status of a child.

(e) Make a diligent attempt to address the following when determining the placement resource:

(A) Contact the Tribe's social services department;

(B) Search for relative resources;

(C) Search for available Indian homes; and

(D) Contact other Indian tribes and other Indian organizations with available placement resources; and

(f) Unless the Indian child's tribe has established a different order of preference, comply with the ICWA placement preference, which is:

(A) Placement with a member of Indian child's extended family.

(B) Placement with a foster family that is licensed, approved or specified by the Indian child's tribe.

(C) Placement with an Indian foster home licensed or approved by an authorized non-Indian licensing authority.

(D) Placement with an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

(8) Determine Refugee Status and Comply with the Refugee Children Act, if applicable. During a CPS assessment, the CPS worker must consider whether the child is a refugee child. Under ORS 418.925, a "refugee child" is a "person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion."

(a) If it appears that a child is a refugee child:

(A) The CPS worker must ask about the child or parents' country of origin, length of time the child or parents have been in the United States, and the reasons why the child or parents came to the United States. The CPS worker does not have to make a legal determination that the child and parent are refugees, but if the child or the parents indicate they are refugees, then the CPS worker must proceed as if they are, until or unless it is known that they are not refugees.

(B) The CPS worker is not required to determine whether the child is a refugee child, but if the child appears to be a refugee child the CPS worker must proceed as if they are, until or unless it is known that the child is not a refugee child.

(b) The CPS worker may not take a refugee child into protective custody unless, in addition to the other requirements for taking a child into custody, the CPS worker determines that:

(A) Removal is necessary to prevent imminent serious emotional or physical harm to the child; and

(B) Reasonable efforts to alleviate the harm through remedial or preventive services do not alleviate the harm, have failed, or are not practical in an emergency situation.

(c) No refugee child may remain in placement more than five days unless there has been a judicial determination, supported by clear and convincing evidence that:

(A) Preventative or remedial services provided by the Department have failed to alleviate the need for removal; and

(B) Return to the home will likely result in psychological or physical damage to the child.

(d) When a refugee child is placed in care, the juvenile court petition must include, in addition to the information required by ORS 419B.809, the following information:

(A) A specific and detailed account of the circumstances that led the Department to conclude that the child was in imminent danger of serious emotional or physical harm;

(B) Specific actions the Department has taken or is taking to alleviate the need for removal;

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(C) Assurance that the Department has complied with placement preferences listed in ORS 418.937 and listed in subsection (e) of this section; and

(D) Assurance that the Department is making or has made diligent efforts to locate and give notice to all affected refugee family members and to the Refugee Child Welfare Advisory Committee that the petition has been filed.

(e) The CPS worker must consider the refugee child's culture and tradition when making any placement decision for a refugee child and, unless shown to be inappropriate and inconsistent with the best interests of the child, place the child with the following in order of preference:

(A) Natural parents.

(B) Extended family member.

(C) Members from the same cultural heritage.

(D) Persons with knowledge and appreciation of the child's cultural heritage.

(f) The CPS worker may determine that placement under subsection (e) of this section is inappropriate and inconsistent with the best interests of the child if:

(A) The preferred placement presents safety threats to the child;

(B) The extreme medical, physical, or psychological needs of the child cannot be met in the placement; or

(C) There is an informed request from either of the child's biological parents not to use a placement, if the request is consistent with stability, security, and the individual needs of the child.

(g) The CPS worker must staff the case with the Refugee Child Welfare Advisory Committee (RCWAC). The CPS worker must contact the Cultural Competency Coordinator for Child Welfare to arrange a time for the staffing. In preparation for the staffing, the CPS worker must:

(A) Invite the CPS supervisor to the staffing; and

(B) Be prepared to discuss the reasons for the CPS referral, the information indicating that family members are refugees, and their country of origin.

(9) **Take Photographs.** The CPS worker must, during the CPS assessment, take photographs and document, as necessary, child abuse, neglect, and observable safety threats.

(a) As provided in ORS 419B.028, a law enforcement officer or the CPS worker may take photographs for the purpose of documenting the child's condition at the time of the CPS assessment.

(b) As provided in ORS 419B.028, if the CPS worker conducting a CPS assessment observes a child who has suffered suspicious physical injury and the CPS worker has a reasonable suspicion that the injury may be the result of abuse, the CPS worker, in accordance with the protocols and procedures of the county multi-disciplinary team described in 418.747, will immediately photograph or cause to have photographed the suspicious physical injuries. Regardless of whether the child has previously been photographed or assessed during a CPS assessment, the CPS worker will photograph or cause to be photographed any suspicious injuries if the CPS worker has a reasonable suspicion the suspicious injuries are the result of abuse:

(A) During the assessment of a new allegation of abuse; and

(B) Each time, during the assessment, an injury is observed that was not previously observed by the assigned CPS worker.

(c) When a child is photographed pursuant to subsection (b) of this section:

(A) The person taking the photographs or causing to have the photographs taken must, within 48 hours or by the end of the next regular business day, whichever occurs later:

(i) Provide hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format to the designated medical professional; and

(ii) Place hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format in the child welfare record labeled with the case name, case number, sequence number, person letter, child's name, and date taken.

(B) If a county multidisciplinary team staffing of the case is held, photographs of the injury will be made available to each team member involved in the case staffing at the first meeting regarding the child's case.

(d) The CPS worker must document injuries, hazardous environments, and any observable safety threats in the assessment narrative by use of photographs, written description, or illustrations.

(e) Photographs of the anal or genital region may be taken only by medical personnel.

(10) **Obtain Medical Assessment.** The CPS worker must, during the CPS assessment as required in this section, facilitate a medical assessment

of the child and obtain the child's medical history when necessary to assure child safety, determine treatment needs, reassure the child and family, or assist in analyzing safety threats.

(a) When the CPS worker determines that the child is in need of a medical assessment as part of a CPS assessment, the CPS worker must consult with a CPS supervisor as soon as possible, but not at the expense of delaying medical treatment.

(b) If a person conducting an assessment under ORS 419B.020 observes a child who has suffered suspicious physical injury and the person has a reasonable suspicion that the injury may be the result of abuse, the person must, in accordance with the protocols and procedures of the county multi-disciplinary team described in 418.747, ensure that:

(A) A designated medical professional conducts a medical assessment within 48 hours of the observation of the suspicious physical injury, or sooner if dictated by the child's medical needs; or

(B) An available physician conducts a medical assessment if, after reasonable efforts to locate a designated medical professional, a designated medical professional is not available to conduct a medical assessment within 48 hours. The CPS worker is required to document in FACIS efforts to locate the designated medical professional when an available physician is used.

(c) The CPS worker must facilitate an assessment by a medical professional if the alleged child abuse or neglect involves injury to the anal or genital region.

(d) When there are indications of severe physical trauma to the child, the CPS worker must make arrangements to immediately transport the child to a medical facility, which may include calling 911. The CPS worker must also make arrangements for medical examination of a child for mild or moderate physical trauma.

(e) To make arrangements for the medical examination of a child, the CPS worker must do the following, unless completing the action would delay medical treatment for the child:

(A) Discuss with the parent or caregiver the need for medical examination or treatment.

(B) Ask the parent or caregiver to take the child to a medical facility for a medical examination or treatment.

(C) Request that the parent sign a form DHS 2099, "Authorization for Use and Disclosure of Information."

(D) Contact an LEA immediately and seek a juvenile court order to obtain protective custody of the child for the purpose of obtaining a medical examination or treatment when:

(i) The parent or caregiver refuses to obtain needed medical examination or treatment;

(ii) The parent or caregiver may flee with the child;

(iii) Delaying medical examination or treatment could harm the child;

or

(iv) The CPS worker has reason to believe medical examination will reveal evidence of child abuse or neglect.

(E) Immediately seek medical care and consultation when the child may have a life-threatening condition, or a deteriorating condition that may become life-threatening.

(F) As soon as possible and not later than 24 hours after learning of the exposure, make arrangements to have the child tested for chemical exposure to harmful substances when there is reason to believe a child has been exposed to dangerous chemicals such as those found in a chemical drug lab.

(f) When a report of suspected medical neglect of an infant with a disability and with life-threatening conditions is referred for CPS assessment, the assigned CPS worker must comply with Child Welfare Policy I-B.2.2.2, "Investigation of Suspected Medical Neglect-Infants," OAR 413-030-0600 to 413-030-0650.

(g) When it is medically indicated to subject a child in the custody of the Department to HIV testing, the CPS worker must comply with Child Welfare Policy I-B.5.1, "HIV Testing of Children in Custody and HIV Confidentiality," OAR 413-040-0400 to 413-040-0450.

(h) As provided in ORS 147.425, a child who is the victim of a person crime and is at least 15 years of age at the time of the abuse may have a personal representative present during a medical examination. If a CPS worker believes that a personal representative would compromise the CPS assessment, a CPS worker may prohibit a personal representative from being present during the medical examination.

(i) When the CPS worker is assessing a CPS allegation of medical neglect, the CPS worker must consult with a health care professional as part of the assessment.

(11) **Obtain Psychological and Psychiatric Evaluations.**

ADMINISTRATIVE RULES

(a) The CPS worker must make a referral for a psychological or psychiatric evaluation of the parent, caregiver, or child by a mental health professional to assure child safety, determine treatment needs, or assist in analyzing safety threats when during the CPS assessment the CPS worker identifies a specific condition or behavior that requires additional professional evaluation. This includes but is not limited to:

- (A) Unusual or bizarre forms of punishment;
- (B) Mental illness;
- (C) Suicidal ideation;
- (D) Homicidal ideation; or
- (E) Unusual or bizarre child or parental behavior that is indicative of emotional problems.

(b) The CPS worker must obtain consent of the parent or caregiver prior to making a referral for a psychological or psychiatric evaluation of the parent, caregiver, or child, unless the evaluation is court ordered.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 409.185, 418.015, 418.747, 418.785, 419B.005-419B.050 & 2007 OL Ch. 674
Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 16-2007(Temp), f. & cert. ef. 10-16-07 thru 4-11-08; CWP 24-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 4-11-08; CWP 2-2008, f. & cert. ef. 4-1-08; CWP 6-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 12-24-08; CWP 20-2008, f. & cert. ef. 9-2-08

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 21-2008

Filed with Sec. of State: 9-2-2008

Certified to be Effective: 9-2-08

Notice Publication Date: 8-1-2008

Rules Amended: 413-100-0020

Rules Repealed: 413-100-0020(T)

Subject: OAR 413-100-0020 is about the definitions that apply to the Department's Child Welfare Policy I-E.6.1, Substitute Care — Funding Eligibility Title IV-E Foster Care and General Assistance, OAR 413-100-0000 to 413-100-0320. This rule is being amended to make permanent a temporary rule change adopted on June 28, 2008 and implement ORS 418.625(3) as amended by SB 282 (2007) which changed the definition of foster home to include relative caregivers. This rule is being amended to restate the definition of the term "foster home" by no longer excluding relative caregivers from the definition of a foster home.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-100-0020

Definitions

The following definitions apply to OAR 413-100-0000 to 413-100-0320:

(1) "AFDC No-Adult Standard": The standard applicable to AFDC households that do not include an adult in the grant.

(2) "AFDC": The Aid to Families with Dependent Children Program as it existed on July 16, 1996, excluding changes implemented by the Oregon Options Waiver.

(3) "Amnesty Alien": Any person with proper INS documentation who, because of a well-founded fear of persecution due to race, religion, or political opinion, fled his or her homeland. The term "refugee" applies to all refugees and asylees with proper INS documentation, served by the Department under the Refugee Resettlement Program.

(4) "Assistance Unit": A group of individuals whose needs, income, and resources are considered together to determine their public assistance eligibility and the grant amount.

(5) "Certified Foster Home": For Title IV-E purposes under these rules (OAR 413-100-0000 to 413-100-0320), a foster home that the Department has certified and includes a relative foster home.

(6) "Child Support": Any voluntary or court-ordered contribution by an absent parent. Support includes, but is not limited to, money payments, education, and necessary and proper shelter, food, clothing, and medical attention.

(7) "Citizen or Alien Status": The status of being a U.S. citizen or alien who is a qualified alien or unqualified alien, as defined by section 431 of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), as amended by The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and The Balanced Budget Act of 1997.

(8) "Constructive Removal": The non-physical, paper, or legal removal of a child who is not living with a "specified relative" when the voluntary custody or voluntary placement agreement is signed or the judi-

cial order is entered. Constructive removal is described further in OAR 413-100-0135(3)(b).

(9) "Countable Income": The amount of available income, including earned and unearned income not specifically excluded by OAR 461-140-0040, used to determine eligibility for public assistance.

(10) "Court Order Date": The date a court of competent jurisdiction issues a court order that gives the Department responsibility for the child's placement and care.

(11) "Date a Child is Considered to have Entered Foster Care": The earlier of the following:

(a) The date that the court found the child to be within the jurisdiction of the court under ORS 419B.100; or

(b) 60 days from the date of removal.

(12) "Department": The Department of Human Services.

(13) "Earned Income": All legal, reportable income resulting from an individual's employment or self-employment.

(14) "Eligibility Month":

(a) The month in which the court was petitioned or court action was initiated that resulted in the child's "constructive" or "physical" removal from the home of his or her specified relative; or

(b) The month a voluntary custody or voluntary placement agreement is signed.

(15) "Entitlement": Any benefit to which an individual has a valid claim, or would have a valid claim upon application, including one related to past employment or service, pension, compensation payment, allotment allowance insurance payment, interest in an estate or fund, or of a similar nature.

(16) "Family": For purposes of determining Title IV-E Foster Care eligibility under these rules, the parent or parents, stepparent, or relative or relatives from whom the child is removed.

(17) "First cousin once-removed": A child of a first cousin.

(18) "Foster Home": As defined in ORS 418.625(3), means any home maintained by a person who has under the care of the person in such home any child under the age of 21 years unattended by the child's parent or guardian, for the purpose of providing such child with care, food, and lodging, but does not include any foster home under the direct supervision of a private child-caring agency or institution certified by the Department, any home under the direct supervision of a custodial parent for the purpose of providing respite care, or any developmental disability child foster home.

(19) "Foster Care": 24 hour substitute care for children placed away from their parents or guardians and for whom the Department has placement and care responsibility. This includes but is not limited to placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the Department or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of the adoption, or whether there is Federal matching of any payments that are made.

(20) "Incapacity": A physical or mental defect, illness, or impairment that reduces substantially or eliminates the individual's ability to support or care for the child and may be expected to last a period of at least 30 days.

(21) "Indian Child": A child verified by a Tribal enrollment committee as enrolled or eligible for enrollment as a member of a federally recognized tribe.

(22) "Initiation of Court Action": The date that the court was petitioned or legal action was taken that resulted in the removal of the child from the specified relative.

(23) "Minor Child": Any person under the age of 18 who has not been emancipated by a court of law, married, or a member of the Armed Forces of the United States.

(24) "Need": Using the Department AFDC standards, the monetary amount by which an individual or family's requirements exceeds all of the income and resources available to the individual or family.

(25) "Non-Indian Child": Any child not verified by a Tribal enrollment committee as enrolled or eligible for enrollment as a member of a federally recognized tribe.

(26) "Nunc Pro Tunc Orders": Under Oregon law, a nunc pro tunc order is an order that restores to the record an action that actually occurred, but was inadvertently or mistakenly omitted from the record.

(27) "Parent": Under the AFDC rules in effect on July 16, 1996, "parent" means the biological or legal (step or adoptive) mother or father of a person.

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(a) If the mother lives with a male, who either she or he claims is the father of the child, and no one else claims to be the father, he shall be treated as the father even if paternity has not been legally established.

(b) The Voluntary Acknowledgment Form (HS 45-21) jointly signed by the mother and putative father, is a legal document that establishes paternity and allows the father's name to be added to the birth certificate.

(c) A stepparent relationship exists if:

(A) The person is legally married to the child's biological or adoptive parent; and

(B) The marriage has not been terminated by legal separation, divorce or death.

(d) A legal adoption erases all prior legal and blood relationships and establishes the adoptive parent as the legal parent. However, the biological parent is also considered a parent if both of the following are true:

(A) The child lives with the biological parent; and

(B) The legal parent, the adoptive parent, has given up care, control, and supervision of the child.

(28) "Payment Standard or Needs Standard": The amount set by the Department as the AFDC net income limit. It is used to determine the actual grant amount. This amount refers to the "Payment or Need Standard" in effect on July 16, 1996.

(29) "Personal Property": Everything that a person owns that is not real property, including liquid assets.

(30) "Physical Removal": The removal of a child that occurs when a child is placed in substitute care, who was living with the "specified relative" when the voluntary custody or voluntary placement agreement was signed or court proceedings were initiated.

(31) "Real Property": Land, buildings, and whatever is erected on or affixed to the land or buildings and taxed as real property.

(32) "Relieved of Temporary Commitment": The court ends the Department's responsibility for the child's placement and care.

(33) "Removal Home": The home from which the child was removed as a result of a judicial finding, voluntary custody agreement, or voluntary placement agreement. This term is further described at OAR 413-100-0135(3).

(34) "Resource": Any personal or real property that is or can be made available to meet the need of the assistance unit the Department does not specifically exclude from consideration.

(35) "Shelter In-Kind": Payment by an agency, other than the Department, or someone other than the client, for the client's rent and utility bills at no cost to the client and the client provides no service in exchange for the payment.

(36) "Specified Relative":

(a) A "parent" as defined in this rule;

(b) Any blood relative or half-blood relative, including persons of preceding generations denoted by the prefixes of grand, great, or great-great (persons with one common biological parent are half-blood relatives);

(c) A sibling, aunt, uncle, nephew, niece, first cousin, and first cousin once-removed;

(d) A person who legally adopts a child or the child's parent, other legally adopted children of such persons, and any persons related to the child through the adoption who meet the degree of relationship specified in subsection (b) or (c) of this section;

(e) A stepmother, stepfather, stepbrother, or stepsister; or

(f) A spouse of anyone listed in subsections (b) to (e) of this section, even if the marriage is terminated by death or divorce.

(37) "Standards of Assistance": The consolidated standards for payment specified in OAR 461-155-0030 that were in effect on July 16, 1996. These standards are used to determine income eligibility for AFDC.

(38) "Temporarily Unreimbursable": The status of a child who would otherwise be Title IV-E eligible but for the child's being temporarily placed out of a foster care setting.

(39) "Unearned Income": All income that does not directly result from an individual's employment or self-employment.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.010, 418.005 & 418.625

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 4-1998, f. 2-5-98, cert. ef. 2-6-98; SOSCF 20-2000(Temp), f. & cert. ef. 8-11-00 thru 2-6-01; SOSCF 4-2001, f. & cert. ef. 2-7-01; SOSCF 44-2001, f. 12-31-01 cert. ef. 1-1-02; CWP 2-2004, f. & cert. ef. 2-10-04; CWP 1-2007(Temp), f. & cert. ef. 2-7-07 thru 8-6-07; CWP 14-2007, f. & cert. ef. 8-1-07; CWP 11-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 12-24-08; CWP 21-2008, f. & cert. ef. 9-2-08

Department of Human Services, Children, Adults and Families Division: Self-Sufficiency Programs Chapter 461

Rule Caption: Changing OARs affecting public assistance, medical assistance or food stamp clients.

Adm. Order No.: SSP 20-2008(Temp)

Filed with Sec. of State: 9-5-2008

Certified to be Effective: 9-5-08 thru 3-4-09

Notice Publication Date:

Rules Adopted: 461-190-0199

Subject: OAR 461-190-0199 is being adopted to implement Parents as Scholars (PAS). PAS is a new component of the Temporary Assistance for Needy Families (TANF) Job Opportunity and Basic Skills (JOBS) program. PAS will replace the Degree Completion Initiative (DCI) component of the TANF JOBS program on October 1, 2008. PAS will allow the Department to support TANF clients in beginning or continuing two- or four-year undergraduate degree programs at approved schools. This rule limits the number of participants in PAS at any time to not exceed one percent of the number of TANF households on January 1 of the current calendar year.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-190-0199

Parents as Scholars

(1) Parents as Scholars (PAS) is a JOBS program component that assists TANF parents who are or will be undergraduates to begin or continue their education at a two- or four-year educational institution.

(2) The following definitions apply to PAS:

(a) "Educational institution" means any post-secondary educational institution approved or accredited by the Northwest Commission on Colleges and Universities, by its regional equivalent, or by the appropriate official, department, or agency of the state or nation in which the institution is located and that is:

(A) A four-year college or university;

(B) A junior college or community college; or

(C) A technical, professional or career school.

(b) "Participant" refers to a participant in the PAS component of the JOBS program.

(c) "PAS" means the Parents as Scholars component of the JOBS program.

(3) The number of participants in PAS in a calendar year is limited as follows:

(a) The number of participants in PAS in a calendar year may not exceed one percent of the number of households receiving TANF on January 1 of that calendar year.

(b) If one percent of the number of households receiving TANF on January 1 of the current calendar year is less than one percent of the number of households receiving TANF on January 1 of the previous calendar year, the Department will not fill PAS slots vacated on or after January 1 of the current calendar year until the total number of slots is equal to one percent of the households receiving TANF for the current calendar year.

(4) A PAS participant receives TANF cash assistance as well as necessary support services provided through the JOBS program. JOBS support services:

(a) May not be used to pay for the cost of tuition and fees associated with enrollment by a participant at an educational institution.

(b) Notwithstanding OAR 461-190-0211, may be used to pay for books and supplies associated with enrollment by a participant at an educational institution subject to the following provisions:

(A) The books and supplies are required for completion of the participant's coursework at an educational institution;

(B) There is no other funding available to the PAS participant for books and supplies; and

(C) No more than \$100 per academic term or semester may be paid per PAS participant for books and supplies.

(5) Applying for PAS. A parent who is applying for or receiving TANF may apply for PAS by completing and signing the PAS application and submitting it to the Department. The application and other documentation required by this rule must be submitted to Department of Human Services JOBS Unit (PAS), 2nd Floor, 500 Summer Street NE E48, Salem, Oregon 97301.

(6) Transition of DCI Participants to PAS.

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(a) Applicants for the Degree Completion Initiative (DCI) who were approved for DCI pursuant to OAR 461-190-0195 prior to October 1, 2008, and remain in DCI as of September 30, 2008, will be considered approved for:

(A) PAS; or

(B) The vocational training component of the JOBS program, if the Central Office JOBS unit determines that vocational training is appropriate.

(b) Applicants for DCI who were conditionally approved for DCI pursuant to OAR 461-190-0195 prior to October 1, 2008, and remain conditionally approved for DCI on September 30, 2008, will be considered approved for PAS if the applicant submits verification of full-time enrollment in school for the current term or semester within the 60-day time period given to each individual applicant conditionally approved for DCI.

(c) A DCI applicant on the DCI wait list on September 30, 2008, will be considered approved for PAS if the applicant:

(A) Has submitted verification of full-time acceptance into or verification of full-time enrollment at an educational institution for the current or subsequent term or semester; or

(B) Submits verification of full-time acceptance into or verification of full-time enrollment at an educational institution for the current or subsequent term or semester no later than December 31, 2008.

(7) PAS Selection Process; Wait List.

(a) PAS applications received from PAS applicants not covered under section (6) of this rule will be processed in the order in which the Department receives the applications.

(b) If the maximum number of PAS slots for a calendar year has not been filled, the Department will notify an applicant when he or she has been approved.

(c) When the maximum number of PAS slots for a calendar year has been filled and there is a wait list, the Department will notify an applicant when he or she has been added to the wait list.

(d) Once each year, the Department will contact PAS applicants on the wait list to determine if the PAS applicant's name should be removed from the wait list.

(e) When the maximum number of PAS slots for a calendar year has been filled and there is a wait list and a PAS slot becomes available, the Department will notify the next applicant on the wait list that an opening has become available.

(f) The Department will inform an applicant for PAS who does not qualify or no longer qualifies for placement on the wait list because the applicant becomes ineligible for TANF or no longer meets the requirements of this rule.

(8) Selection Requirements.

(a) A PAS applicant must meet the financial and nonfinancial eligibility requirements for TANF.

(b) A PAS applicant who is not applying for or receiving TANF at the time of selection may not participate in PAS or remain on the wait list.

(c) A PAS applicant must include documentation that the PAS applicant is an undergraduate who has been accepted for full-time attendance into or is enrolled full-time at an educational institution.

(d) A PAS applicant must demonstrate as part of the PAS application that completion of the educational program is likely to result in employment that provides the wages and benefits necessary for the applicant to support the applicant's family without TANF.

(9) Requirements of Participants; Limitations.

(a) A participant must provide documentation to the Department quarterly, or following completion of each academic term at the *educational institution*, that the participant is making satisfactory academic progress, as defined by the *educational institution*, toward a degree.

(b) A participant must attend classes full-time as defined by the *educational institution*, unless there is *good cause* (see OAR 461-130-0327) to limit attendance to less than full-time.

(c) Unless there is *good cause* for not attending year round, a participant must either:

(A) Attend classes year round, including during the summer if classes are offered by the *educational institution*; or

(B) If not attending classes year round, participate in work experience related to the field of study of the participant when not attending classes. If a work experience related to the participant's field of study is not available, participate in another appropriate work experience.

(d) During the first twelve months of participation in PAS, a participant must record attendance and homework time weekly and must provide this information to the Department no less frequently than monthly.

(e) Except as provided in subsection (f) of this section, a participant must remain eligible for TANF.

(f) If a participant becomes temporarily ineligible for TANF during a period of four or fewer months due to income from a paid work experience, the applicant may retain their PAS slot when school resumes if:

(A) The participant regains TANF eligibility; and

(B) PAS is still an appropriate activity for the participant.

(10) Ending PAS. PAS shall be ended for a PAS participant when:

(a) The PAS participant completes his or her degree program;

(b) Except as provided in subsection (9)(f) of this rule, the PAS participant becomes ineligible for TANF; or

(c) All of the following are true:

(A) The PAS participant fails to meet one or more of the requirements of subsections (9)(a) through (9)(d) of this rule;

(B) Attempts to re-engage the PAS participant pursuant to OAR 461-190-0231 are unsuccessful; and

(C) There is a determination that the PAS participant does not have good cause (see OAR 461-130-0327) for failure to meet one or more requirements of subsections (9)(a) through (9)(d) of this rule.

Stat. Auth.: ORS 411.060, 412.016, 412.049 & 412.124

Stat. Implemented: ORS 411.060, 412.016, 412.017, 412.049 & 412.124

Hist.: SSP 20-2008(Temp), f. & cert. ef. 9-5-08 thru 3-4-09

Department of Human Services, Division of Medical Assistance Programs Chapter 410

Rule Caption: Amending Provider Tax Rules to Clarify Penalties, Reports, and Notices.

Adm. Order No.: DMAP 29-2008

Filed with Sec. of State: 8-29-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 8-1-2008

Rules Amended: 410-050-0190, 410-050-0491, 410-050-0511, 410-050-0750, 410-050-0810

Rules Repealed: 410-050-0750(T)

Subject: The provider tax rules are being amended to provide greater clarification as to when the Department will issue a "Notice of Proposed Action." The rules provide that in all cases where the Department has determined a deficiency or failure to report has occurred, a "Notice of Proposed Action" will not be issued if the matter is resolved satisfactorily within 59 days from the date of mailing the 30 day notification letter.

OAR 410-050-0491, long term care provider tax rule, is being amended to clarify that long term care facilities which are exempt from paying provider taxes are not exempt from the requirement to file an annual cost report or revenue report and that failing to file the reports when due subjects the facility to a penalty of up to \$500 per day of delinquency.

The temporary rule, OAR 410-050-0750, is being permanently amended to correct a typographical error — changing the term "and" to "or."

Rules Coordinator: Jennifer Bittel—(503) 947-5250

410-050-0190

Notice of Proposed Action

(1) Prior to issuing a notice of proposed action, the Department will notify the PHP of a potential deficiency or failure to report that could give rise to the imposition of a penalty. The Department shall issue a 30 day notification letter within 30 calendar days of the report or payment due date. The PHP shall have 30 calendar days from the date of the notice to respond to the notice. The Department may consider the response, if any, and any amended report under OAR 410-050-0150 in its notice of proposed action. In all cases that the Department has determined that a PHP has a tax deficiency or failure to report, the Department shall issue a notice of proposed action. The Department will not issue a notice of proposed action if the issue is resolved satisfactorily within 59 days from the date of mailing the 30 day notification letter.

(2) The Department shall issue a notice of proposed action within 60 calendar days from the date of mailing the 30 day notification letter.

(3) Contents of the notice of proposed action must include:

(a) The applicable calendar quarter;

(b) The basis for determining the corrected amount of tax for the quarter;

(c) The corrected tax due for the quarter as determined by the Department;

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- (d) The amount of tax paid for the quarter by the PHP;
 - (e) The resulting deficiency, which is the difference between the amount received by the Department for the calendar quarter and the corrected amount due as determined by the Department;
 - (f) Statutory basis for the penalty;
 - (g) Amount of penalty per day of delinquency;
 - (h) Date upon which the penalty began to accrue;
 - (i) Date the penalty stopped accruing or circumstances under which the penalty will stop accruing;
 - (j) The total penalty accrued up to the date of the notice;
 - (k) Instructions for responding to the notice; and
 - (l) A statement of the PHP's right to a hearing.
- Stat. Auth.: ORS 409.050, 410.070, 411.060
Stats. Implemented: ORS 409.750 & 2003 OL Ch. 736 § 50
Hist.: OMAP 30-2004(Temp), f. 4-28-04 cert. ef. 5-1-04 thru 10-27-04; OMAP 80-2004, f. & cert. ef. 10-28-04; DMAP 1-2008, f. & cert. ef. 1-25-08; DMAP 29-2008, f. 8-29-08, cert. ef. 9-1-08

410-050-0491

Consequence of Failure to File a Report or Failure to Pay Tax When Due

(1) A long term care facility that fails to file a quarterly report or pay a quarterly tax when due under OAR 410-050-0451 is subject to a penalty of \$500 per day of delinquency. The penalty accrues from the date of delinquency, notwithstanding the date of any notice under these rules.

(2) A long term care facility that is exempt from paying provider taxes is not required to file a quarterly report, but is required to file an annual cost or revenue report. Even if exempt, a long term care facility that fails to file annual cost or revenue reports when due under OAR 410-050-0451 is subject to a penalty of up to \$500 per day of delinquency. The penalty accrues from the date of delinquency, notwithstanding the date of any notice under these rules.

(3) A long term care facility that fails to file an annual cost report or revenue report when due under OAR 410-050-0451 is subject to a penalty of up to \$500 per day of delinquency. The penalty accrues from the date of delinquency, notwithstanding the date of any notice under these rules.

(4) A long term care facility that files a cost report or annual revenue report, but fails to pay a fiscal year reconciliation tax payment when due under OAR 410-050-0451 is subject to a penalty of up to \$500 per day of delinquency up to a maximum of five percent of the amount due. The penalty accrues from the date of delinquency, notwithstanding the date of any notice under these rules.

(5) The total amount of penalty imposed under this section for each reporting period may not exceed five percent of the assessment for the reporting period for which the penalty is being imposed.

(6) Penalties imposed under this section will be collected by the Department and deposited in the Department's account established under ORS 409.060.

(7) Penalties paid under this section are in addition to the long term care facility tax.

(8) If the Department determines that a facility is subject to a penalty under this section, it will issue a notice of proposed action as described in OAR 410-050-0511.

(9) If a facility requests a contested case hearing pursuant to OAR 410-050-0531, the Director, at the Director's sole discretion, may waive or reduce the amount of penalty assessed.

(10) If a facility fails to report or pay the provider tax after the Department issues a final order described in OAR 410-050-0541, then the Department will pursue remedies described in 410-050-0551 that may include a final order leading to collection activities; nursing facility license denial, suspension, or revocation; admission restrictions; and terminating provider contracts.

Stat. Auth.: ORS 409.050, 410.070 & 411.060

Stats. Implemented: ORS 409.750 & 3002 OL Ch. 736 § 19

Hist.: OMAP 3-2005, f. & cert. ef. 2-1-05; DMAP 2-2008, f. & cert. ef. 1-25-08; DMAP 29-2008, f. 8-29-08, cert. ef. 9-1-08

410-050-0511

Notice of Proposed Action

(1) Prior to issuing a notice of proposed action, the Department will notify the facility of a potential deficiency or failure to report that could give rise to the imposition of a penalty. The Department shall issue a 30 day notification letter within 30 calendar days of the report or payment due date. The facility shall have 30 calendar days from the date of the notice to respond to the notification. The Department may consider the response, if any, and any amended report under OAR 410-050-0461 in its notice of proposed action. In all cases that the Department has determined that a facility has a deficiency or failure to report, the Department shall issue a notice

of proposed action. The Department will not issue a notice of proposed action if the issue is resolved satisfactorily within 59 days from the date of mailing the 30 day notification letter.

(2) The Department shall issue a notice of proposed action within 60 calendar days from the date of mailing the 30 day notification letter.

(3) Contents of the notice of proposed action must include:

- (a) The applicable calendar quarter;
- (b) The basis for determining the corrected amount of tax for the quarter;
- (c) The corrected tax due for the quarter as determined by the Department;
- (d) The amount of tax paid for the quarter by the facility;
- (e) The resulting deficiency, which is the difference between the amount received by the Department for the calendar quarter and the corrected amount due as determined by the Department;
- (f) Statutory basis for the penalty;
- (g) Amount of penalty per day of delinquency;
- (h) Date upon which the penalty began to accrue;
- (i) Date the penalty stopped accruing or circumstances under which the penalty will stop accruing;
- (j) The total penalty accrued up to the date of the notice;
- (k) Instructions for responding to the notice; and
- (l) A statement of the facility's right to a hearing.

Stat. Auth.: ORS 409.050, 410.070 & 411.060

Stats. Implemented: ORS 409.750, OL 2003 & ORS 736 § 20

Hist.: OMAP 3-2005, f. & cert. ef. 2-1-05; DMAP 2-2008, f. & cert. ef. 1-25-08; DMAP 29-2008, f. 8-29-08, cert. ef. 9-1-08

410-050-0750

Reporting Total Net Revenue, Use of Estimated Revenue for Quarterly Reports

(1) A hospital must submit quarterly reports and quarterly payments for the calendar quarters for which a tax is due consistent with sections (2) and (5) of this rule, and must submit a fiscal year reconciliation report that includes a reconciliation statement, audited financial statement, and any fiscal year reconciliation tax payment based on the hospital's declared fiscal year end consistent with sections (3) and (5) of this rule.

(2) The quarterly reports and quarterly tax payments must be based on estimated net revenue, which will be referred to as estimated tax. Estimated tax is the amount of tax the hospital expects to owe for the current taxable calendar quarter. The hospital must calculate the estimated tax based on net revenues using the hospital's interim financial results for the quarter for which the tax is due. An estimated quarterly report is due for each calendar quarter for which a tax is due, based on the rate of tax applicable to that quarter. The quarterly payment is due and must be paid at the same time required for filing the quarterly report.

(3) The fiscal year reconciliation report and fiscal year reconciliation tax payment must be based on the amount of tax the hospital actually owes based on annual net revenue for all calendar quarters for which an estimated tax payment is due during the hospital's declared fiscal year. The hospital must calculate the annual net revenue for the hospital's declared fiscal year. The fiscal year reconciliation tax payment due to the Department will be the calculated tax (using the tax rate applicable to the appropriate quarter, described in subsection (c) below for fiscal year reconciliation tax calculation purposes) on the annual net revenue reduced by the estimated tax payments made for each taxable quarter of the hospital's declared fiscal year. The hospital must provide all information required in the fiscal year reconciliation report when due, even if no fiscal year reconciliation tax payment is owed.

(a) When the fiscal year reconciliation report is submitted, it must be accompanied by the hospital's declared fiscal year end audited financial statement for the declared fiscal year on which the fiscal year reconciliation report and fiscal year reconciliation tax payments are based.

(b) The fiscal year reconciliation report must include a reconciliation statement describing the relationship between the audited financial statement and annual net revenues subject to the tax. The reconciliation statement may be descriptive in form and should be consistent with the accounting principles used in the audited financial statement.

(c) The tax rate applicable to the final tax shall be calculated as follows:

(A) If all taxable quarters were subject to the same tax rate established in OAR 410-050-0160 and 410-050-0861, then the tax rate applicable to the final reconciliation is the tax rate applicable to all such quarters. For example, if the hospital's declared fiscal year is July 1, 2004 to June 30, 2005, then the tax rate is .93 percent of annual net revenue.

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(B) If different tax rates apply to calendar quarters in the hospital's declared fiscal year, the hospital shall apply a blended rate to the total annual net revenue to determine the fiscal year reconciliation tax due. A blended rate is the average of the rates applicable to all taxable quarters. The Department will notify the hospital of the amount of the applicable blended rate. For example, if the hospital's declared fiscal year overlaps two quarters taxed at a rate of .93 percent and two quarters taxed at .50 percent, then the blended rate for purposes of the annual reconciliation is .715 percent. For purposes of calculating the fiscal year reconciliation tax due, the hospital will multiply the annual net revenue by the blended rate.

(d) If the total estimated tax payments already paid by the hospital for the declared fiscal year exceed the amount of the fiscal year reconciliation tax actually due, the fiscal year reconciliation report should identify such difference and the hospital should adjust the fiscal year reconciliation tax due amount accordingly in the fiscal year reconciliation report for that tax year.

(e) The fiscal year reconciliation report, audited financial statement, and reconciliation statement will be due and will be submitted to the Department no later than the final day of the sixth calendar month after the hospital's declared fiscal year end. The fiscal year reconciliation tax payment (if owed) is due and must be paid at the same time required for filing the fiscal year reconciliation report. Failure to file or pay when due will be a delinquency.

(f) If the declared fiscal year end audited financial statement for the hospital is not available within the time required in section (e), a fiscal year reconciliation tax payment (if owed) and fiscal year reconciliation report are still required to be submitted within the time period specified under section (e). The hospital may use interim financial statements to determine the amount of the fiscal year reconciliation tax due and may submit a justification statement with the fiscal year reconciliation report due no later than the date specified in section (e) signed by the chief financial officer of the hospital informing the Department when the audited financial statement is due and certifying that an amended fiscal year reconciliation report, including the reconciliation statement, must be provided to the Department within 30 days of the hospital's receipt of the audited financial statement. Reports and payments made after the time period required in section (e) must be submitted in compliance with OAR 401-050-0760.

(g) In the event the hospital does not receive audited financial statements, internal financial statements signed by the hospital's chief financial officer must be submitted where these rules otherwise require audited financial statements.

(h) If the effective date of the tax is not at the start of the hospital's declared fiscal year, then the annual net revenue for the first fiscal year reconciliation report will be calculated based on the number of quarters subject to the tax versus the total number of quarters in the hospital's declared fiscal year. For example, if the tax is effective on July 1, 2004 for a hospital with a declared fiscal year ending December 31, 2004, the annual net revenues would be calculated as follows: total net revenues for the declared fiscal year divided by two (two of four quarters subject to the tax).

(4) The Department will not find a payment deficiency for estimated quarterly taxes as long as the hospital paid the estimated taxes and submitted the quarterly report no later than the quarterly due date and such estimated tax amount was not less than the equivalent of the tax payment that would have been determined based on the hospital's annual net revenue for its most recent prior declared fiscal year divided by four and multiplied times the tax rate for the quarter in which the actual estimated tax is due. Annual net revenue for purposes of section (4) of this rule means the twelve month period in which the hospital's most recent prior declared fiscal year occurred, regardless of whether the prior quarters were subject to a tax. For example, if the annual net revenue for the most recent prior declared fiscal year was \$4 million; divide that total by 4 (\$1 million) and multiply the product times the current tax rate for the taxable quarter (.93 percent). In this example, the estimated quarterly tax payment may not be less than \$9,300 in order to receive the benefit of section (4) of this rule.

(a) If the hospital seeks to use the process in section (4) of this rule, no later than the date on which the first quarterly estimated tax and report is due (for example, December 13, 2004, for the first taxable quarter), the hospital must provide the Department with a copy of the hospital's audited financial statement for the hospital's most recent prior declared fiscal year and identify the hospital's annual net revenue amount for that declared fiscal year, regardless of whether any taxes were due for that year.

(b) In the event the hospital does not receive audited financial statements, internal financial statements from the hospital's most recent prior declared fiscal year signed by the chief financial officer may be used for this purpose.

(5) All of the due dates for filing reports or paying taxes are established in OAR 410-050-0740, unless the Department permits a later payment date. If a hospital requests an extension, the Department, in its sole discretion, will determine whether to grant an extension. There will be a delinquency for each quarter the hospital fails to pay the estimated tax or file the quarterly report when due. There will be a delinquency if the hospital fails to pay the fiscal year reconciliation tax or file the fiscal year reconciliation report, including financial statements and reconciliation statement, when due.

(6) A hospital must declare the date of the hospital's declared fiscal year end for purposes of establishing final tax reporting requirements under this rule. The declaration must be filed with the Department no later than December 13, 2004, or the first date that an estimated quarterly report and tax is due. The hospital must notify the Department within 30 days of a change to the hospital's declared fiscal year end. Such a change in declared fiscal year end will be applied to the hospital's next future declared fiscal year for purposes of calculating the final tax and filing the final report.

Stat. Auth.: ORS 409.050, 410.070 & 411.060

Stats. Implemented: ORS 409.750 & 2003 OL Ch. 736 § 2

Hist.: OMAP 86-2004(Temp), f. & cert. ef. 11-9-04 thru 5-7-05; OMAP 25-2005, f. 4-15-05, cert. ef. 5-7-05; DMAP 3-2008, f. & cert. ef. 1-25-08; DMAP 13-2008(Temp), f. & cert. ef. 6-12-08 thru 12-8-08; DMAP 29-2008, f. 8-29-08, cert. ef. 9-1-08

410-050-0810

Notice of Proposed Action

(1) Prior to issuing a notice of proposed action, the Department will notify the hospital of the potential deficiency or failure to report that could give rise to the imposition of a penalty. The Department shall issue a 30 day notification letter within 30 calendar days of the report or payment due date. The hospital shall have 30 calendar days from the date of the notice to respond to the notification. The Department may consider the response, if any, and any amended final report under OAR 410-050-0760 in its notice of proposed action. In all cases that the Department has determined that a hospital has a tax deficiency or failure to report, the Department shall issue a notice of proposed action. The Department will not issue a notice of proposed action if the issue is resolved satisfactorily within 59 days from the date of mailing the 30 day notification letter.

(2) The Department shall issue a notice of proposed action within 90 calendar days from the date of mailing the 30 day notification letter.

(3) Contents of the notice of proposed action must include:

(a) The applicable reporting period;

(b) The basis for determining the corrected amount of tax;

(c) The corrected tax due as determined by the Department;

(d) The amount of tax paid by the hospital;

(e) The resulting deficiency, which is the difference between the amount received by the Department and the corrected amount due as determined by the Department;

(f) Statutory basis for the penalty;

(g) Amount of penalty per day of delinquency;

(h) Date upon which the penalty began to accrue;

(i) Date the penalty stopped accruing or circumstances under which the penalty will stop accruing;

(j) The total penalty accrued up to the date of the notice;

(k) Instructions for responding to the notice; and

(l) A statement of the hospital's right to a hearing.

Stat. Auth.: ORS 409.050, 410.070 & 411.060

Stats. Implemented: ORS 409.750 & 2003 OL Ch. 736 § 2

Hist.: OMAP 86-2004(Temp), f. & cert. ef. 11-9-04 thru 5-7-05; OMAP 25-2005, f. 4-15-05, cert. ef. 5-7-05; DMAP 3-2008, f. & cert. ef. 1-25-08; DMAP 29-2008, f. 8-29-08, cert. ef. 9-1-08

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Rule Caption: CMS regulations about payment to and from certain public entities.

Adm. Order No.: DMAP 30-2008

Filed with Sec. of State: 9-12-2008

Certified to be Effective: 9-15-08

Notice Publication Date: 7-1-2008

Rules Adopted: 410-120-0035

Rules Repealed: 410-120-0035(T)

Subject: The General Rules Program administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to clients. Having temporarily adopted 410-120-0035, DMAP permanently adopted the rule for coordination and consistency of the payment obligations between DHS and public providers responsible for public funds (called the local match) to match federal funds that reimburse covered services. OAR 410-120-

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0035 informs current and potential public providers that participate in providing local match funds about the public entity payment process and the timing of public fund payments. Text is revised for readability and “housekeeping” corrections.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-120-0035

Public Entity

(1) This rule pertains to Centers for Medicare and Medicaid (CMS) regulations for payments to and from Department of Human Services (DHS) and public entities.

(2) Effective July 1, 2008, unit of government providers responsible by rule or contract for the local match share portion for claims eligible for Federal Financial Participation (FFP) submitted to Medicaid for reimbursement must submit the local match payment prior to DHS claiming the federal share from CMS:

(a) Before the provider submits its claims to DHS, the provider must transfer funds from allowable sources to DHS representing the local match share of the total allowable cost for claimed services;

(b) Upon receipt of provider’s transfer of the local match share and the DHS receipt of claims in the Medical Management Information System (MMIS) that are reimbursable to the extent of the transferred local match share amount, DHS will claim FFP from CMS and reimburse the provider for the total reimbursable allowable claimed amount for the services;

(c) Transfer of the local match share to DHS means that the provider certifies that for the purposes of 42 CFR 433.51, the funds it transfers to DHS for the local match share are public funds that are not federal funds, or are federal funds authorized by federal law to be used to match other federal funds; and that all sources of funds are allowable under 42 CFR 433 Subpart B.

Stat. Auth.: ORS 409.010, 409.110 & 409.050

Stats. Implemented: ORS 414.065

Hist.: DMAP 27-2008(Temp), f. 6-13-08, cert. ef. 7-1-08 thru 12-28-08; DMAP 30-2008, f. 9-12-08, cert. ef. 9-15-08

Department of Human Services, Public Health Division Chapter 333

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

Adm. Order No.: PH 14-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 9-15-08

Notice Publication Date: 6-1-2008

Rules Adopted: 333-120-0340, 333-120-0800

Rules Amended: 333-100-0005, 333-100-0020, 333-100-0080, 333-102-0010, 333-102-0103, 333-102-0115, 333-102-0125, 333-102-0130, 333-102-0190, 333-102-0203, 333-102-0235, 333-102-0245, 333-102-0247, 333-102-0285, 333-102-0293, 333-102-0310, 333-102-0330, 333-102-0335, 333-102-0340, 333-102-0345, 333-102-0350, 333-102-0355, 333-102-0900, 333-103-0003, 333-103-0005, 333-103-0010, 333-103-0015, 333-103-0020, 333-103-0025, 333-103-0050, 333-106-0005, 333-106-0010, 333-106-0035, 333-106-0040, 333-106-0045, 333-106-0050, 333-106-0055, 333-106-0101, 333-106-0105, 333-106-0110, 333-106-0130, 333-106-0201, 333-106-0210, 333-106-0215, 333-106-0230, 333-106-0301, 333-106-0305, 333-106-0315, 333-106-0320, 333-106-0325, 333-106-0350, 333-106-0355, 333-106-0365, 333-106-0370, 333-106-0601, 333-106-0700, 333-106-0720, 333-106-0730, 333-106-0750, 333-111-0001, 333-111-0005, 333-111-0010, 333-111-0015, 333-111-0020, 333-111-0025, 333-111-0030, 333-111-0035, 333-116-0020, 333-116-0027, 333-116-0035, 333-116-0040, 333-116-0050, 333-116-0055, 333-116-0057, 333-116-0090, 333-116-0100, 333-116-0105, 333-116-0107, 333-116-0110, 333-116-0120, 333-116-0123, 333-116-0125, 333-116-0130, 333-116-0150, 333-116-0160, 333-116-0165, 333-116-0170, 333-116-0180, 333-116-0190, 333-116-0200, 333-116-0250, 333-116-0255, 333-116-0260, 333-116-0280, 333-116-0290, 333-116-0300, 333-116-0320, 333-116-0330, 333-116-0370, 333-116-0405, 333-116-0425, 333-116-0430, 333-116-0440, 333-116-0445, 333-116-0447, 333-116-0450, 333-116-0460, 333-116-0475, 333-116-0495, 333-116-0570, 333-116-0573, 333-116-

0577, 333-116-0580, 333-116-0583, 333-116-0585, 333-116-0587, 333-116-0590, 333-116-0600, 333-116-0610, 333-116-0640, 333-116-0660, 333-116-0670, 333-116-0680, 333-116-0683, 333-116-0687, 333-116-0690, 333-116-0700, 333-116-0715, 333-116-0720, 333-116-0740, 333-116-0760, 333-116-0830, 333-116-0840, 333-116-0870, 333-116-0880, 333-116-0905, 333-116-0910, 333-116-0915, 333-116-1015, 333-116-1030, 333-118-0010, 333-118-0020, 333-118-0050, 333-118-0070, 333-118-0080, 333-118-0110, 333-118-0150, 333-119-0001, 333-119-0010, 333-119-0020, 333-119-0030, 333-119-0040, 333-119-0050, 333-119-0060, 333-119-0070, 333-119-0080, 333-119-0090, 333-119-0100, 333-119-0110, 333-119-0120, 333-119-0130, 333-119-0140, 333-119-0200, 333-120-0015, 333-120-0017, 333-120-0020, 333-120-0100, 333-120-0110, 333-120-0120, 333-120-0130, 333-120-0160, 333-120-0170, 333-120-0180, 333-120-0200, 333-120-0210, 333-120-0215, 333-120-0230, 333-120-0240, 333-120-0320, 333-120-0420, 333-120-0450, 333-120-0520, 333-120-0540, 333-120-0600, 333-120-0610, 333-120-0620, 333-120-0650, 333-120-0680, 333-120-0710, 333-120-0720, 333-120-0740

Subject: The Department of Human Services, Public Health Division is permanently adopting and amending Oregon Administrative Rules relating to Radiation Protection Services to meet Title 10 Code of Federal Regulations Parts 20, 32, 69, 71, as well as to Amend Table 1 of OAR 333-106-0045. In addition, increases in licensee ad registration fees outlined in division 103 are being made, as approved by HB 2193, passed in the 2007 Legislative Session.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-100-0005

Definitions

The following definitions apply to OAR chapter 333 divisions 100, 102, 103, 106, 111, 116, 118, 119, and 120. Additional definitions used only in a certain division will be found in that division.

(1) “Absorbed dose” means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

(2) “Accelerator” means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV. For purposes of this definition, “particle accelerator” is an equivalent term.

(3) “Accelerator-produced material” means any material made radioactive by a particle accelerator.

(4) “Act” means Oregon Revised Statutes 453.605 through 453.807.

(5) “Activity” means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the becquerel (Bq), defined as one disintegration per second, and the curie (Ci), defined as 3.7 x 10¹⁰ disintegrations per second.

(6) “Adult” means an individual 18 or more years of age.

(7) “Agreement State” means any state with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

(8) “Airborne radioactive material” means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors, or gases.

(9) “Airborne radioactivity area” means a room, enclosure, or area in which airborne radioactive material, composed wholly or partly of licensed material, exist in concentrations:

(a) In excess of the derived air concentrations (DACs) specified in Appendix B, Table I, to 10 CFR Part 20.1001 to 20.2401; or

(b) To such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

(10) “ALARA” (acronym for “As Low As Reasonably Achievable”) means making every reasonable effort to maintain exposures to radiation as far below the dose limits in this part as is practical consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considera-

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tions, and in relation to utilization of nuclear energy and licensed materials in the public interest.

(11) "Alert" means events may occur, are in progress, or have occurred that could lead to a release of radioactive material but that the release is not expected to require a response by offsite response organizations to protect persons offsite.

(12) "Annual" means occurring every year or within a consecutive twelve month cycle.

(13) "Annual Limit on Intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the Reference Man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table I, Columns 1 and 2, of Appendix B to 10 CFR Part 20.1001 to 20.2401.

(14) "As Low As Reasonably Achievable" see "ALARA."

(15) "Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include sources of radiation from radioactive or special nuclear materials regulated by the Department.

(16) "Becquerel" (Bq) means the International System of Units (SI) unit of activity. One becquerel is equal to one disintegration or transformation per second (dps or tps).

(17) "Bioassay" means the determination of kinds, quantities or concentrations, and, in some cases, the locations, of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body. For purposes of these rules, "radiobioassay" is an equivalent term.

(18) "Brachytherapy" means a method of radiation therapy in which sealed sources are utilized to deliver dose at a distance of up to a few centimeters, by surface, intracavitary, or interstitial application.

(19) "Byproduct material" means:

(a) Any radioactive material, except special nuclear material, yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or utilizing special nuclear material; and

(b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction process. Underground ore bodies depleted by such solution extraction operations do not constitute "byproduct material" within this definition.

(20) "Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year must begin in January and subsequent calendar quarters must be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant may change the method observed for determining calendar quarters except at the beginning of a calendar year.

(21) "Calibration" means the determination of:

(a) The response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or

(b) The strength of a source of radiation relative to a standard.

(22) "CFR" means Code of Federal Regulations.

(23) "Chelating agent" means amine polycarboxylic acids, hydroxycarboxylic acids, gluconic acid, and polycarboxylic acids.

(24) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. For purposes of these rules, "lung class" or "inhalation class" are equivalent terms. Materials are classified as D, W, or Y, which applies to a range of clearance half-times:

(a) For Class D, Days, of less than 10 days;

(b) For Class W, Weeks, from 10 to 100 days; and

(c) For Class Y, Years, of greater than 100 days.

(25) "Clinical laboratory" means a laboratory licensed pursuant to ORS 438.110 through 438.140.

(26) "Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

(27) "Committed dose equivalent" (HT, 50) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

(28) "Committed effective dose equivalent" (HE, 50) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues (HE, 50 = WT_HHT,50).

(29) "Contamination" (Radioactive) means deposition or presence of radioactive material in any place where it is not desired, and particularly in any place where its presence can be harmful. The harm may be in compromising the validity of an experiment or a procedure, or in being a source of danger to persons. Contamination may be divided into two types: Fixed and removable. Removable contamination may be transferred easily from one object to another by light rubbing or by the use of weak solvents such as water or alcohol. Removable contamination is evaluated and recorded in units of microcuries or dpm. Fixed contamination is not easily transferred from one object to another and requires mechanical or strong chemicals to remove it from its current location. Fixed contamination is evaluated and recorded in units of mR/hr.

(30) "Curie" means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material that decays at the rate of 3.7×10^{10} disintegrations or transformations per second (dps or tps).

(31) "Declared pregnant woman" means a woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

(32) "Decommission" means to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits:

(a) Release of the property for unrestricted use and termination of license; or

(b) Release of the property under restricted conditions and termination of the license.

(33) "Deep dose equivalent" (Hd) which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm²).

(34) "Department" means the Department of Human Services.

(35) "Depleted uranium" means source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

(36) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by Reference Man for a working year of 2,000 hours under conditions of light work, results in an intake of one ALI. For purposes of these rules, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for 2,000 hours in a year. DAC values are given in Table I, Column 3, of Appendix B to 10 CFR Part 20.1001 to 20.2401.

(37) "Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

(38) "Dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent. For purposes of these rules, "radiation dose" is an equivalent term.

(39) "Dose equivalent" (HT) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem (see "Rem"). (See OAR 333-100-0070(2) for SI equivalent sievert.)

(40) "Dose limits" means the permissible upper bounds of radiation doses established in accordance with these rules. For purposes of these rules, "limits" is an equivalent term.

(41) "Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring equipment in order to determine the radiation dose delivered to the equipment.

(42) "Effective dose equivalent" (HE) means the sum of the products of the dose equivalent to the organ or tissue (HT) and the weighting factor (WT) applicable to each of the body organs or tissues that are irradiated (HE = WT HT).

(43) "Electronic product" means any manufactured product or device or component part of such a product or device that is capable of generating

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or emitting electromagnetic or sonic radiation such as, but not limited to, X-rays, ultrasonic waves, microwaves, laser light or ultraviolet light.

(44) "Embryo/fetus" means the developing human organism from conception until the time of birth.

(45) "Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed or registered radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

(46) "Exclusive use" (also referred to in other regulations as "sole use" or "full load") means the sole use of a conveyance by a single consignor and for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee.

(47) "Explosive material" means any chemical compound, mixture, or device that produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

(48) "Exposure" means:

(a) The quotient of dQ by dm where " dQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " dm " are completely stopped in air. The SI unit of exposure is the coulomb per kilogram.

(b) Being exposed to ionizing radiation or to radioactive material.

(49) "Exposure rate" means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

(50) "External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

(51) "Extremity" means hand, elbow, arm below the elbow, foot, knee, or leg below the knee.

(52) "Eye dose equivalent" means the external dose equivalent to the lens of the eye at a tissue depth of 0.3 centimeter (300 mg/cm²).

(53) "Fixed gauge" means a measuring or controlling device that is intended to be mounted at a specific location, stationary, not to be moved, and is not portable.

(54) "Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

(55) "General license" means a license granted by rule, in contrast to an issued license, to acquire, own, possess, use, or transfer radioactive material or a device that contains radioactive material.

(56) "Generally applicable environmental radiation standards" means standards issued by the U.S. Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(57) "Gray" (Gy) means the International System of Units (SI), unit of absorbed dose. One gray is equal to an absorbed dose of one joule per kilogram (100 rad). (See OAR 333-100-0070(2))

(58) "Hazardous waste" means those wastes designated as hazardous by U.S. Environmental Protection Agency regulations in 40 CFR Part 261.

(59) "Healing arts" means:

(a) The professional disciplines authorized by the laws of this state to use X-rays or radioactive material in the diagnosis or treatment of human or animal disease. For the purposes of this Department they are Medical Doctors, Osteopaths, Dentists, Veterinarians, Chiropractors, and Podiatrists; or

(b) Any system, treatment, operation, diagnosis, prescription, or practice for the ascertainment, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.

(60) "Human use" means the internal or external administration of radiation or radioactive material to human beings.

(61) "Individual" means any human being.

(62) "Individual monitoring" means:

(a) The assessment of dose equivalent by the use of devices designed to be worn by an individual;

(b) The assessment of committed effective dose equivalent by bioassay (see Bioassay) or by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours; or

(c) The assessment of dose equivalent by the use of survey data.

(63) "Individual monitoring devices" means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal ("lapel") air sampling devices.

(64) "Inhalation class" (see "Class").

(65) "Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Department.

(66) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

(67) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

(68) "Ionizing radiation" means any electromagnetic or particulate radiation capable of producing ions, directly or indirectly, in its passage through matter. It includes any or all of the following: Alpha particles, beta particles, electrons, positrons, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, fission fragments and other atomic and subatomic particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(69) "Laser" means any device which, when coupled with an appropriate laser energy source, can produce or amplify electromagnetic radiation by the process of controlled stimulated emission.

(70) "License" means a license issued by the Department in accordance with rules adopted by the Department.

(71) "Licensed material" means radioactive material received, possessed, used, transferred or disposed of under a general or specific license granted or issued by the Department. For the purpose of meeting the definition of a Licensing State by the Conference of Radiation Control Program Directors, Inc. (CRCPD), Naturally Occurring and Accelerator Produced Radioactive Material (NARM) refers only to discrete sources of NARM. Diffuse sources of NARM are excluded from consideration by the CRCPD for Licensing State designation purposes.

(72) "Licensee" means any person who is licensed by the Department in accordance with these rules and the Act.

(73) "Licensing state" means any state with rules or regulations equivalent to the Suggested State Regulations for Control of Radiation relating to, and having an effective program for, the regulatory control of NARM.

(74) "Limits" (dose limits) means the permissible upper bounds of radiation doses.

(75) "Lost or missing licensed or registered source of radiation" means licensed or registered source(s) of radiation whose location is unknown. This definition includes licensed material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

(76) "Lung class" (see "Class").

(77) "Major processor" means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding four times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs. Type A and B quantities are defined in division 118 of this chapter.

(78) "Member of the public" means an individual, except when that individual is receiving an occupational dose.

(79) "Minor" means an individual less than 18 years of age.

(80) "Monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of these rules, "radiation monitoring" and "radiation protection monitoring" are equivalent terms.

(81) "NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include byproduct, source, or special nuclear material.

(82) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

(83) "Naturally-occurring radioactive material" (NORM) means any nuclide that is found in nature as a radioactive material (i.e., not technologically produced).

(84) "Natural thorium" means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

(85) "Natural uranium" means a mixture of the uranium isotopes 234, 235 and 238 (approximately 0.7 weight percent uranium-235 and the

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remainder by weight essentially uranium-238), found in nature, that is neither enriched nor depleted in the isotope uranium 235.

(86) "Nonstochastic effect" means a health effect that varies with the dose and a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of these rules, "deterministic effect" is an equivalent term.

(87) "Normal form radioactive material" means radioactive material that has not been demonstrated to qualify as "special form radioactive material". See "Special form."

(88) "NRC" is the acronym for Nuclear Regulatory Commission.

(89) "Nuclear Regulatory Commission" (NRC) means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

(90) "Package" means packaging together with its radioactive contents as presented for transport.

(91) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of one MeV.

(92) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.

(93) "Personnel monitoring equipment" means devices such as film badges, pocket dosimeters, and thermoluminescent dosimeters designed to be worn or carried by an individual for the purpose of estimating the dose received by the individual. See "Individual monitoring devices."

(94) "Pharmacist" means an individual licensed by a state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico to practice pharmacy.

(95) "Physician" means an individual licensed by the Oregon State Board of Medical Examiners to dispense drugs in the practice of medicine.

(96) "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

(97) "Portable gauge" means a measuring or controlling device that is intended to be portable and is not fixed to a specific location. All portable gauges require a specific license (there is no general license granted for portable generally licensed devices in the State of Oregon).

(98) "Program" means the Radiation Protection Services section of the Public Health Division of the Department of Human Services.

(99) "Pyrophoric liquid" means any liquid that ignites spontaneously in dry or moist air at or below 130 %F (54.4 %C).

(100) "Pyrophoric solid" means any solid material, other than one classed as an explosive, which under normal conditions is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and, when ignited, burns so vigorously and persistently as to create a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.

(101) "Qualified expert" means an individual, approved by the Department, who has demonstrated, pursuant to these rules, that he/she possesses the knowledge, skills, and training to measure ionizing radiation, to evaluate radiation parameters, to evaluate safety techniques, and to advise regarding radiation protection needs. The individual must:

(a) Be certified in the appropriate field by the American Board of Radiology, the American Board of Health Physics, the American Board of Medical Physics or the American Board of Nuclear Medicine Science; or

(b) Hold a master's or doctor's degree in physics, biophysics, radiological physics, health physics, or medical physics and have completed one year of documented, full time training in the appropriate field and also one year of documented, full time work experience under the supervision of a qualified expert in the appropriate field. To meet this requirement, the individual must have performed the tasks required of a qualified expert during the year of work experience; or

(c) Receive approval from the Department for specific activities.

(102) "Quality factor" (Q) means the modifying factor (listed in Tables 1004(b).1 and 1004(b).2 of 10 CFR Part 20.1004 provided at the end of this division) that is used to derive dose equivalent from absorbed dose.

(103) "Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately 13 consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

(104) "Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 erg per gram or 0.01 joule per kilogram (0.01 gray). See OAR 333-100-0070(2) for SI equivalent gray.

(105) "Radiation" means:

(a) Ionizing radiation including gamma rays, X-rays, alpha and beta particles, protons, neutrons, and other atomic or nuclear particles or rays;

(b) Any electromagnetic radiation which can be generated during the operations of electronic products and which the Department has determined to present a biological hazard to the occupational or public health and safety but does not include electromagnetic radiation which can be generated during the operation of an electronic product licensed by the Federal Communications Commission;

(c) Any sonic, ultrasonic or infrasonic waves which are emitted from an electronic product as a result of the operation of an electronic circuit in such product and which the Department has determined to present a biological hazard to the occupational or public health and safety.

(106) "Radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

(107) "Radiation machine" means any device capable of producing radiation except those which produce radiation only from radioactive material.

(108) "Radiation safety officer" means:

(a) An individual who has the knowledge, responsibility, and authority to apply appropriate radiation protection rules; or

(b) The representative of licensee management, authorized by the Department, and listed on the specific license as the radiation safety officer, who is responsible for the licensee's radiation safety program.

(109) "Radioactive material" means any solid, liquid, or gas that emits radiation spontaneously.

(a) Radioactive material, as used in these rules, includes: byproduct material, naturally occurring radioactive material, accelerator produced material, and source material, as defined in this rule.

(b) Radioactive material, as used in these rules, does not include special nuclear material.

(110) "Radioactive waste" means radioactive material that is unwanted or is unusable, as defined in division 50 of chapter 345. No radioactive material may be disposed of in Oregon except as provided in division 50 of chapter 345.

(111) "Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

(112) "Reference Man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base. A description of the Reference Man is contained in the International Commission on Radiological Protection report, ICRP Publication 23, "Report of the Task Group on Reference Man."

(113) "Registrant" means any person who is registered with the Department and is legally obligated to register with the Department pursuant to these rules and the Act.

(114) "Registration" means the identification of any material or device emitting radiation, and the owner of such material or device must furnish information to the Department in accordance with the rules adopted by the Department.

(115) "Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 100-189 and Parts 390-397.

(116) "Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 sievert).

(117) "Research and development" means:

(a) Theoretical analysis, exploration, or experimentation; or

(b) The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

(118) "Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

(119) "Restricted area" means an area to which access is limited by the licensee or registrant for the purpose of protecting individuals against undue risks from exposure to sources of radiation. A restricted area does not

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include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

(120) "Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58×10^{-4} Coulombs/kilogram of air (see "Exposure" and division 120).

(121) "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee.

(122) "Screening" means the use of a systematic approach to obtain cursory examinations of a person or group of persons without regard to specific clinical indications.

(123) "Sealed source" means radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

(124) "Sealed Source and Device Registry" means the national registry that contains all the registration certificates, generated by both the U.S. Nuclear Regulatory Commission and Agreement States, that summarize the radiation safety information for sealed sources and devices and describe the licensing and use conditions approved for the product.

(125) "Shallow dose equivalent" (Hs), which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm²) averaged over an area of one square centimeter.

(126) "SI" means the abbreviation for the International System of Units.

(127) "Sievert" means the International System of Units (SI), unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem). (See OAR 333-100-0070(2).)

(128) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

(129) "Source material" means:

(a) Uranium or thorium or any combination of uranium and thorium in any physical or chemical form; or

(b) Ores that contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.

(130) "Source material milling" means any activity that results in the production of byproduct material, as defined by this rule.

(131) "Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation. Source of radiation, pursuant to this rule, includes, but is not limited to, radiation facilities, radiation producing machines, radiation producing devices, radioactive material sealed and unsealed form (normal form and special form), and radioactive material uses.

(132) "Special form radioactive material" means radioactive material that satisfies the following conditions:

(a) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

(b) The piece or capsule has at least one dimension not less than five millimeters (0.2 inch); and

(c) It satisfies the test requirements specified by the U.S. Nuclear Regulatory Commission. A special form encapsulation designed in accordance with the U.S. Nuclear Regulatory Commission requirements in effect on June 30, 1983, and constructed prior to July 1, 1985, and a special form encapsulation designed in accordance with the Nuclear Regulatory Commission requirements in effect on March 31, 1996, and constructed prior to April 1, 1998, may continue to be used. Any other special form encapsulation either designed or constructed after April 1, 1998, must meet requirements of this definition applicable at the time of its design or construction.

(133) "Special nuclear material" means:

(a) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the U.S. Nuclear Regulatory Commission, pursuant to the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, but does not include source material; or

(b) Any material artificially enriched by any of the foregoing but does not include source material.

(134) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quan-

tity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination must not exceed one. For example, the following quantities in combination would not exceed the limitation and are within the formula: * * 175 (grams contained U-235) + 50 (grams U-233) + 50 (grams Pu) = 1 350 200 200

(135) "Specific activity of a radionuclide" means the radioactivity of the radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the radioactivity per unit mass of the material.

(136) "Stochastic effect" means health effects that occur randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

(137) "Supervision" as used in these rules, means the responsibility for, and control of, the application, quality, radiation safety and technical aspects of all sources of radiation possessed, used and stored through authorization granted by the Department.

(138) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations, and measurements of levels of radiation or concentrations of radioactive material present.

(139) "Termination" means:

(a) The end of employment with the licensee or registrant or, in the case of individuals not employed by the licensee or registrant, the end of work assignment in the licensee's or registrant's restricted area in a given calendar quarter, without expectation or specific scheduling of re-entry into the licensee's or registrant's restricted area during the remainder of that calendar quarter; or

(b) The closure of a registered or licensed facility and conclusion of licensed or registered activities, pursuant to a registration or specific license.

(140) "Test" means the process of verifying compliance with an applicable rule.

(141) "These rules," mean all parts of the Oregon Administrative Rules promulgated under ORS 453.605 through 453.807.

(142) "Total effective dose equivalent" (TEDE) means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

(143) "Total organ dose equivalent" (TODE) means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in OAR 333-120-650(1)(d).

(144) "Transport index" means the dimensionless number (rounded up to the first decimal place) placed on the label of a package to designate the degree of control to be exercised by the carrier during transportation. The transport index is the number expressing the maximum radiation level in millirem per hour at one meter from the external surface of the package.

(145) "U.S. Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the Department exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237 42 U.S.C. 5814, effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977).

(146) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

NOTE: "Ore" refers to fuel cycle materials pursuant to 10 CFR Part 150.

(147) "Unrestricted area" means an area, access to which is neither limited nor controlled by the licensee or registrant. For purposes of these rules, "uncontrolled area" is an equivalent term.

(148) "Uranium — depleted, enriched" means:

(a) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(b) "Enriched uranium" means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

(149) "Validation certificate" means the official document issued upon payment to the Department of the appropriate fee listed in division

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103 of this chapter. The license or registration is subject and void without the annual validation certificate.

(150) "Waste" means radioactive waste.

(151) "Week" means seven consecutive days starting on Sunday.

(152) "Weighting factor" (WT) for an organ or tissue (T) means:

(a) The proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of WT are:

(A) Gonads 0.25

(B) Breast 0.15

(C) Red Bone Marrow 0.12

(D) Lung 0.12

(E) Thyroid 0.03

(F) Bone Surfaces 0.03

(G) Remainder 0.30 (see note below)

(H) Whole Body 1.00

Note: Assignment of 0.30 for the remaining organs results from a weighting factor of 0.06 for each of five "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

(b) For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, WT = 1.0, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

(153) "Whole body" means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

(154) "Worker" means an individual engaged in work under a license or registration issued by the Department and controlled by a licensee or registrant, but does not include the licensee or registrant.

(155) "Working level" (WL) means any combination of short-lived radon progeny in one liter of air that will result in the ultimate emission of 1.3 x 10⁵ MeV of potential alpha particle energy. The short-lived radon-222 progeny are: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220 the progeny are: polonium-216, lead-212, bismuth-212, and polonium-212.

(156) "Working level month" (WLM) means an exposure to one working level for 170 hours (2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month.)

(157) "Year" means the period of time beginning in January used to determine compliance with the provisions of these rules. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

[ED. NOTE: Tables and Appendices referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 10-1987, f. & ef. 7-28-87; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; Administrative Reformatting 12-8-97; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-100-0020

Prohibited Uses

(1) Hand-held fluoroscopic screens shall not be used unless they have been listed in the Registry of Sealed Source and Devices or accepted for certification by the U.S. Food and Drug Administration, Center for Devices and Radiological Health.

(2) Shoe-fitting fluoroscopic devices shall not be used.

(3) Sources of radiation shall not be used to expose any individual solely for training or demonstration purposes.

(4) Sources of radiation shall not be used for the purpose of screening or inspecting individuals for concealed weapons, hazardous materials, stolen property, illegal goods or contraband.

(5) No person shall intentionally apply or allow to be applied, either directly or indirectly, ionizing radiation to human beings except by, or under the supervision of, persons licensed by the State of Oregon to practice the healing arts and who are authorized to use radiation on humans. Notwithstanding this restriction, the Department recognizes practitioners of the healing arts to be as outlined in ORS 676.110, that is:

(a) Podiatrists, Chiropractors, Dentists, Naturopath, Osteopaths, Medical Doctors, and Veterinarians;

(b) Nurse Practitioners and Physician Assistants may prescribe X-ray when doing so within the bounds of their independent rules;

(c) No person will be allowed to use X-ray producing equipment without first meeting the requirements of OAR 333-106-0045(15) or 333-106-0055.

(6) No person shall intentionally or unintentionally expose another individual to radiation other than ionizing radiation in such a way as to adversely affect the health or safety of that individual. Notwithstanding this restriction, the use of radiation other than ionizing radiation by persons licensed by the State of Oregon to practice the healing arts and who are authorized to use radiation will be allowed.

(7) Dental units which are 50 kVp and below are prohibited from being sold, leased, transferred or lent.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-100-0080

Deliberate Misconduct

(1) Any licensee or any employee of a licensee; and any contractor (including a supplier or consultant), subcontractor, or any employee of a contractor or subcontractor, of any licensee, who knowingly provides to any licensee, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's activities subject to this part; may not:

(a) Engage in deliberate misconduct that causes or, but for detection, would have caused, a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation of any license, issued by the Department; or

(b) Deliberately submit to the Department, a licensee, or a licensee's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the Department.

(2) A person who violates subsection (1)(a) or (1)(b) of this rule may be subject to enforcement action in accordance with OAR 333-100-0035.

(a) For purposes of subsection (1)(a) of this rule, deliberate misconduct by a person means an intentional act or omission that the person knows:

(A) Would cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Department; or

(B) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order or policy of a licensee, contractor, or subcontractor.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.625 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0010

Exempt Concentrations

(1) Except as provided in sections (3) or (4) of this rule, any person is exempt from this division to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in 10 CFR Part 30.70 Schedule A.

(2) This section shall not be deemed to authorize the import of byproduct material or products containing byproduct material.

(3) A manufacturer, processor, or producer of a product or material is exempt from the requirements for a license to the extent that he transfers radioactive material contained in a product or material in concentrations not in excess of those specified in 10 CFR Part 30.70 Schedule A and introduced into the product or material by a licensee holding a specific license issued by an Agreement State, or the Nuclear Regulatory Commission, expressly authorizing such introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

(4) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under section (1) of this rule or equivalent regulations of the U.S. Nuclear Regulatory Commission, any Agreement State, or Licensing State except in accordance with a specific license issued pursuant to OAR 333-102-0245 or the general license granted by OAR 333-102-0340.

NOTE: 10 CFR Part 30.70 Schedule A is available from the Agency.

Health Services, Radiation Protection Services.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

ADMINISTRATIVE RULES

Hist.: HD 4-1985, f. & cert. ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

Stats. Implemented: ORS 453.605 - 453.607

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0103

General Licenses — Depleted Uranium in Industrial Products and Devices

(1) A general license is hereby granted to receive, acquire, possess, use or transfer, in accordance with the provisions of sections (2), (3), (4) and (5), depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

(2) The general license in section (1) of this rule applies only to industrial products or devices that have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to OAR 333-102-0235 or in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission or an Agreement State that authorizes manufacture of the products or devices for distribution to persons granted a general license by the U.S. Nuclear Regulatory Commission or an Agreement State.

(3) Persons who receive, acquire, possess or use depleted uranium pursuant to the general license established by section (1) of this rule must apply for registration of the general license pursuant to OAR 333-101-0007, and submit the required fee pursuant to 333-103-0015. Applicants will receive a validation certificate from the Department. Application for registration must be submitted within 30 days after the first receipt or acquisition of such depleted uranium.

(4) The general licensee must provide the following information in accordance with the registration application required by OAR 333-101-0007 and such other information as may be required by that form:

(A) Name and address of the general licensee;

(B) A statement that the general licensee has developed and will maintain procedures designed to establish physical control over the depleted uranium described in section (1) of this rule and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

(C) Name and title, address, and telephone number of the individual duly authorized to act for and on behalf of the general licensee in supervising the procedures identified in subsection (3)(b) of this rule.

(b) The general licensee possessing or using depleted uranium under the general license established by section (1) of this rule must report any changes in information in writing to the Department within 30 days after the effective date of such change.

(4) A person who receives, acquires, possesses or uses depleted uranium pursuant to the general license established by section (1) of this rule:

(a) Must not introduce such depleted uranium, in any form, into a chemical, physical or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;

(b) Must not abandon such depleted uranium;

(c) Must transfer or dispose of such depleted uranium only by transfer in accordance with the provisions of OAR 333-102-0330. In the case where the transferee receives the depleted uranium pursuant to the general license granted by section (1) of this rule, the transferor must furnish the transferee a copy of this rule and a copy of the general license registration application required by OAR 333-101-0007. In the case where the transferee receives the depleted uranium pursuant to a general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to section (1) of this rule, the transferor must furnish the transferee a copy of this rule and a copy of the general license registration application required by OAR 333-101-0007 accompanied by a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or Agreement State under requirements substantially the same as those in this rule;

(d) Must report in writing to the Department, within 30 days of any transfer, the name and address of the person receiving the depleted uranium pursuant to such transfer; and

(e) Must not export such depleted uranium except in accordance with a license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR Part 110.

(5) Any person receiving, acquiring, possessing, using or transferring depleted uranium pursuant to the general license established by section (1) of this rule is exempt from the requirements of divisions 111 and 120 of this chapter with respect to the depleted uranium covered by that general license.

Stat. Auth.: ORS 453.635, 453.665

333-102-0115

Certain Measuring, Gauging and Controlling Devices

(1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business, and state or local government agencies to own, receive, acquire, possess, use or transfer in accordance with the provisions of OAR 333-103-0015 and sections (2), (3) and (4) of this rule, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(2) The general license in section (1) of this rule applies only to radioactive material contained in devices that have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Department pursuant to OAR 333-102-0200 or in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State, that authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

(3) The devices must have been received from one of the specific licensees described in section (2) of this rule or through a transfer made in accordance with subsection (4)(h) of this rule.

NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in 21 CFR 179.21.

(4) Any person who owns, receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license in section (1) of this rule:

(a) Must assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained thereon and must comply with all instructions and precautions provided by such labels;

(b) Must assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label; however:

(A) Devices containing only krypton need not be tested for leakage of radioactive material; and

(B) Devices containing only tritium or not more than 100 microcuries (0.37 MBq) of other beta and/or gamma emitting material or 10 microcuries (0.37 MBq) of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose.

(c) Must assure that tests required in subsection (4)(b) of this rule and other testing, installation servicing and removing from installation involving the radioactive materials, its shielding or containment, are performed:

(A) In accordance with the instructions provided by the labels; or

(B) By a person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such activities.

(d) Must maintain records showing compliance with the requirements of subsections (4)(b) and (4)(c) of this rule. The records must show the results of tests. The records also must show the dates of performance of, and the names of persons performing, testing, installation servicing and removal from installation concerning the radioactive material, its shielding or containment. The licensee must retain these records as follows:

(A) Records of tests for leakage of radioactive material required by subsection (4)(b) of this rule must be maintained as required in OAR 333-100-0057.

(B) Records of tests of the on-off mechanism and indicator required by subsection (4)(b) of this rule must be maintained as required in OAR 333-100-0057.

(C) Records which are required by subsection (4)(c) of this rule must be maintained as required in OAR 333-100-0057;

(e) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie (185 Bq) or more of removable radioactive material, the licensee must immediately suspend operation of the device until it has been

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repaired by the manufacturer or other person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to repair such devices. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by a specific license to receive the radioactive material in the device or as otherwise approved by the Department. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 0.005 microcurie or more removable radioactive material or failure of or damage to a source likely to result in contamination of the premises or the environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use, must be submitted to the Department within 30 days. Under these circumstances, the criteria set out in OAR 333-120-0190, as determined by the Department, on a case-by-case basis;

(f) Must not abandon the device containing radioactive material;

(g) Except as provided in subsection (4)(h) of this rule, must transfer or dispose of the device containing radioactive material only by export as provided by subsection (4)(k) of this rule, by transfer to another general licensee as authorized in subsection (4)(h) of this rule, or by transfer to a specific licensee of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State whose specific license authorizes the individual to receive the device; and

(A) Must furnish to the Department, within 30 days after transfer of a device to a specific licensee or export, a report containing identification of the device by manufacturer's name, model number, serial number, the date of transfer, and the name, address and license number of the person receiving the device;

(B) The general licensee must obtain written Department approval before transferring the device to any other specific licensee not specifically identified in subsection (4)(g) of this rule.

(h) Must transfer the device to another general licensee only:

(A) Where the device remains in use at a particular location. In such case the transferor must give the transferee a copy of this rule and any safety documents identified in the label on the device and within 30 days of the transfer, report to the Department the manufacturer's (or initial transferor's) name, model number, serial number of the device transferred, the date of transfer, the name and address of the transferee and the location of use, and the name, title and phone number of the individual who is a point of contact between the Department and the transferee. This individual must have the knowledge and authority to take actions to ensure compliance with the appropriate rules and requirements concerning the possession and use of these devices; or

(B) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee.

(i) Must comply with the provisions of OAR 333-120-0700 and 333-120-0710 for reporting radiation incidents, theft or loss of licensed material but shall be exempt from the other requirements of divisions 111 and 120 of this chapter;

(j) Must submit the required Department form and receive from the Department a validated registration certificate acknowledging the general license and verifying that all provisions of these rules have been met. The form must be submitted within 30 days after the first receipt or acquisition of such device. The general licensee must develop and maintain procedures designed to establish physical control over the device as described in this rule and designed to prevent transfer of such devices in any form, including metal scrap, to persons not authorized to receive the devices.

(k) Shall not export a device containing radioactive material except in accordance with 10 CFR Part 110.

(5) The general license in section (1) of this rule does not authorize the manufacture of devices containing radioactive material.

(6) The general license provided in section (1) of this rule is subject to the provisions of OAR 333-100-0040 through 333-100-0055, 333-102-0335, 333-103-0015 and 333-118-0050.

(7) The general licensee possessing or using devices licensed under the general license established by section (1) of this rule must report in writing to the Department any changes in information furnished by the licensee on the required Department form. The report must be submitted within 30 days after the effective date of such change.

(8) The licensee must appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, must ensure the day-to-day compliance with appropriate regulations and requirements. This

appointment does not relieve the general licensee of any of its responsibility in this regard.

(9)(a) A device distributed or otherwise received as a generally licensed device must be registered with the Department. Devices containing more than 37 MBq (1 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, any quantity of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), are required to have a specific license. Each address for a location of use, as described under subsection (9)(b) of this rule, represents a separate general licensee and requires a separate registration and fee.

(b) In registering devices, the general licensee must furnish the following information and any other information specifically requested by the Department:

(A) Name and mailing address of the general licensee;

(B) Information about each device. The manufacturer (or initial transferor), model number, serial number, the radioisotope and activity (as indicated on the label);

(C) Name, title, and telephone number of the responsible person designated as a representative of the general licensee under section (8) of this rule.

(D) Address or location at which the device(s) are used and/or stored. For portable devices, the address of the primary place of storage.

(E) Certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information.

(F) Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.

(10) General licensees must report changes to their mailing address or the location of use (including a change in name of general licensee) to the Department within 30 days of the effective date of the change.

(11) Generally licensed devices that are not in use for longer than two years must be transferred to an authorized recipient or disposed of as radioactive waste. Shutters must be locked in the closed position on devices that are not being used or are in storage. The testing required by subsection (4)(b) of this rule need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use.

(12) Persons generally licensed by an Agreement State with respect to devices meeting the criteria in subsection (9)(a) of this rule are not subject to registration requirements if the devices are used in areas subject to NRC jurisdiction for a period less than 180 days in any calendar year. The Nuclear Regulatory Commission does not require registration information from such licensees.

(13) The general license in section (1) of this rule does not authorize the manufacture or import of devices containing radioactive material.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0125

Calibration and Reference Sources

(1) A general license is hereby granted to those persons listed in subsections (1)(a) and (1)(b) of this rule to own, receive, acquire, possess, use, and transfer, in accordance with the provisions of sections (4) and (5) of this rule, americium-241, plutonium, and/or radium-226, in the form of calibration or reference sources:

(a) Any person who holds a specific license issued by the Department that authorizes receipt, possession, use, and transfer of radioactive material; and

(b) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission that authorizes receipt, possession, use, and transfer of special nuclear material.

(2) A general license is hereby granted to own, receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of sections (4) and (5) of this rule to any person who holds a specific license issued by the Department that authorizes receipt, possession, use, and transfer of radioactive material.

(3) A general license is hereby granted to own, receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of sections (4) and (5) of this rule to any person who holds a specific license issued by the Department that authorizes receipt, possession, use, and transfer radioactive material.

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(4) The general licenses in sections (1), (2), and (3) of this rule apply only to calibration or reference sources that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to section 32.57 of 10 CFR Part 32 or section 70.39 of 10 CFR Part 70 or that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer by the Department, any Agreement State or Licensing State pursuant to licensing requirements equivalent to those contained in section 32.57 of 10 CFR Part 32, or section 70.39 of 10 CFR Part 70.

(5) The general licenses provided in sections (1), (2) and (3) of this rule are subject to the provisions of OAR 333-100-0005 (Definitions), 333-100-0025 (Exemptions), 333-100-0030 (Additional Requirements), 333-100-0055 (Records), 333-100-0060(1) and 333-100-0060(2) (Inspections), 333-100-0065 (Tests), 333-102-0305(1) through 333-102-0305(8) (Terms and Conditions of Licenses), 333-102-0330 (Transfers), 333-102-0335 (Modification, Revocation, and Termination of Licenses), and divisions 111, and 120 of this chapter. In addition, persons who own, receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

(a) Must not possess at any one time, at any one location of storage or use, more than five microcuries (185 kBq) each of americium-241, of plutonium-238, plutonium-239, or of radium-226 in such sources; and

(b) Must not receive, possess, use or transfer such source unless the source or the storage container, bears a label which includes one of the following statements, as appropriate, or a substantially similar statement that contains the information called for in one of the following statements, as appropriate:

(A) The receipt, possession, use, and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL -THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM) DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE. _____ Name of manufacturer or importer

NOTE: Show only the name of the appropriate material.

(B) The receipt, possession, use, and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of any Licensing State. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL -THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE. _____ Name of manufacturer or importer

(c) Must not transfer, abandon or dispose of such source except by transfer to a person authorized by a specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to receive the source;

(d) Must store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 that might otherwise escape during storage; and

(e) Must not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium, or radium-226.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1085, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0130

General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing

(1) A general license is hereby granted to any physician, veterinarian, clinical laboratory, or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with sections (2), (3), (4), (5) and (6) of this rule, the following radioactive materials in prepackaged units for use in In Vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:

(a) Iodine-125 in units not exceeding ten microcuries (370 kBq) each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals;

(b) Iodine-131, in units not exceeding ten microcuries (370 kBq) each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings or animals;

(c) Carbon-14, in units not exceeding ten microcuries (370 kBq) each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings or animals;

(d) Hydrogen-3 (tritium) in units not exceeding 50 microcuries (1.85 MBq) each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals;

(e) Iron-59 in units not exceeding 20 microcuries (740 kBq) each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals;

(f) Selenium-75, in units not exceeding ten microcuries (370 kBq) each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings or animals;

(g) Mock iodine-125 reference or calibration sources, in units not exceeding 0.05 microcuries (1.85 kBq) of iodine-129 and 0.005 microcuries (185 Bq) of americium-241 each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(2) A person may not receive, acquire, possess, use or transfer radioactive material under the general license granted by section (1) of this rule unless that person:

(a) Has filed the required Department application for registration pursuant to OAR 333-101-0007 and submitted the registration fee pursuant to OAR 333-103-0015 and received from the Department a validated license with certification number assigned; or

(b) Has a license that authorizes the medical use of radioactive material that was issued under OAR chapter 333 division 116.

(3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by section (1) of this rule must comply with the following:

(a) The general licensee must not possess at any one time, at any one location of storage or use a total amount of iodine-125, iodine-131, selenium-75, cobalt-57 and/or iron-59 in excess of 200 microcuries (7.4 MBq);

(b) The general licensee must store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection;

(c) The general licensee must use the radioactive material only for the uses authorized by section (1) of this rule;

(d) The general licensee must dispose of the mock iodine-125 reference or calibration sources described in subsection (1)(g) of this rule as required by OAR 333-120-0500 and section (6);

(e) The general licensee must not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Department, the U.S. Nuclear Regulatory Commission, any Agreement State or Licensing State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

(4) The general licensee must not receive, acquire, possess or use radioactive material pursuant to section (1) of this rule:

(a) Except as prepackaged units that are labeled in accordance with the provisions of an applicable specific license issued by the U.S. Nuclear Regulatory Commission, any Agreement State or any Licensing State that authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), selenium-75, cobalt-57, iron-59 or mock iodine-125 for distribution to persons generally licensed under section (1) of this rule or its equivalent; and

(b) Unless one of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

(A) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

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(B) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

Name of Manufacturer

(5) The registrant possessing or using radioactive material granted by the general license of section (1) of this rule must report in writing to the Department any changes in the information furnished on the required Department form. The report must be furnished within 30 days after the date of such change.

(6) Any person using radioactive material pursuant to the general license granted by section (1) of this rule is exempt from the requirements of divisions 111 and 120 of this chapter with respect to radioactive material covered by that general license, except that such persons using mock iodine-125 described in subsection (1)(g) of this rule must comply with provisions of OAR 333-120-0500, 333-120-0700 and 333-120-0710.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0190

Application for Specific Licenses.

(1) Applications for specific licenses must be filed on a form prescribed by the Department. Information contained in previous applications, statements or reports filed with the Department, the US Nuclear Regulatory Commission, or an Agreement State or a Licensing State or the Atomic Energy Commission may be incorporated by reference, provided that the reference is clear and specific.

(2) The Department may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Department to determine whether the application should be granted or denied or whether a license should be modified or revoked.

(3) Each application must be signed by the applicant or licensee or a person duly authorized to act for and on the applicant's or licensee's behalf.

(4) An application for a license filed pursuant to the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter will be considered also as an application for licenses authorizing other activities for which licenses are required by the Act, provided that the application specifies the additional activities for which licenses are requested and complies with rules of the Department and the US Nuclear Regulatory Commission as to applications for such licenses.

(5) Each new application for a radioactive material license must be accompanied by the fee prescribed by OAR 333-103-0010. No fee will be required to accompany an application for renewal or amendment of a license, except as provided in OAR 333-103-0010.

(6) An application for a license to receive and possess radioactive material for the conduct of any activity that the Department has determined, pursuant to Subpart A of Part 51 of 10 CFR (Environmental Protection Regulations applicable to materials licensing), will significantly affect the quality of the environment, must be filed at least nine months prior to commencement of construction of the plant or facility in which the activity will be conducted and must be accompanied by any Environmental Report required pursuant to Subpart A of 10 CFR Part 51.

(7) An application for a specific license to use radioactive material in the form of a sealed source or in a device that contains the sealed source must either:

(a) Identify the source or device by manufacturer and model number as registered with the US Nuclear Regulatory Commission under 10 CFR Part 32.210 or with an Agreement State; or

(b) Contain the information identified in 10 CFR Part 32.210(c).

(8) As provided by OAR 333-102-0200, certain applications for specific licenses filed under this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter must contain a proposed decommissioning funding plan or a certification of financial assurance for decommissioning as follows:

NOTE: If a renewal application was submitted on or before July 27, 1990, the decommissioning information may follow the renewal application but must be submitted prior to the license being issued.

(9)(a) Each application to possess radioactive materials in unsealed form, on foils or plated sources, or sealed in glass in excess of the quantities in 10 CFR 30.72, "Schedule C — Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release," must contain either:

(A) An evaluation showing that the maximum dose to a person offsite due to a release of radioactive materials would not exceed one rem effective dose equivalent or five rems to the thyroid; or

(B) An emergency plan for responding to a release of radioactive material.

(b) One or more of the following factors may be used to support an evaluation submitted under paragraph (9)(a)(A) of this rule:

(A) The radioactive material is physically separated so that only a portion could be involved in an accident;

(B) All or part of the radioactive material is not subject to release during an accident because of the way it is stored or packaged;

(C) The release fraction in the respirable size range would be lower than the release fraction shown in 10 CFR Part 30.72 (Schedule C — Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release) due to the chemical or physical form of the material;

(D) The solubility of the radioactive material would reduce the dose received;

(E) Facility design or engineered safety features in the facility would cause the release fraction to be lower than shown in 10 CFR Part 30.72;

(F) Operating restrictions or procedures would prevent a release fraction as large as that shown in 10 CFR Part 30.72; or

(G) Other factors appropriate for the specific facility.

(c) An emergency plan for responding to a release of radioactive material submitted under paragraph (9)(a)(B) of this rule must include the following information:

(A) Facility description. A brief description of the licensee's facility and area near the site.

(B) Types of accidents. An identification of each type of radio-active materials accident for which protective actions may be needed.

(C) Classification of accidents. A classification system for classifying accidents as alerts or site area emergencies.

(D) Detection of accidents. Identification of the means of detecting each type of accident in a timely manner.

(E) Mitigation of consequences. A brief description of the means and equipment for mitigating the consequences of each type of accident, including those provided to protect workers onsite, and a description of the program for maintaining the equipment.

(F) Assessment of releases. A brief description of the methods and equipment to assess releases of radioactive materials.

(G) Responsibilities. A brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations and the Department; also responsibilities for developing, maintaining, and updating the plan.

(H) Notification and coordination. A commitment to and a brief description of the means to promptly notify offsite response organizations and request offsite assistance, including medical assistance for the treatment of contaminated injured onsite workers when appropriate. A control point must be established. The notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee also must commit to notify the Department immediately after notification of the appropriate offsite response organizations and not later than one hour after the licensee declares an emergency.

NOTE: These reporting requirements do not supercede or release licensees of complying with the requirements under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L. 99-499 or other state or federal reporting requirements.

(I) Information to be communicated. A brief description of the types of information on facility status, radioactive releases, and recommended protective actions, if necessary, to be given to offsite response organizations and to the Department.

(J) Training. A brief description of the frequency, performance objectives and plans for the training that the licensee will provide workers on how to respond to an emergency including any special instructions and orientation tours the licensee would offer to fire, police, medical and other emergency personnel. The training must familiarize personnel with site-specific emergency procedures. Also, the training must thoroughly prepare site personnel for their responsibilities in the event of accident scenarios

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postulated as most probable for the specific site, including the use of team training for such scenarios.

(K) Safe shutdown. A brief description of the means of restoring the facility to a safe condition after an accident.

(L) Exercises. Provisions for conducting quarterly communications checks with offsite response organizations and biennial onsite exercises to test response to simulated emergencies. Quarterly communications checks with offsite response organizations must include the check and update of all necessary telephone numbers. The licensee must invite offsite response organizations to participate in the biennial exercises. Participation of offsite response organizations in biennial exercises although recommended is not required. Exercises must use accident scenarios postulated as most probable for the specific site and the scenarios must not be known to most exercise participants. The licensee must critique each exercise using individuals not having direct implementation responsibility for the plan. Critiques of exercises must evaluate the appropriateness of the plan, emergency procedures, facilities, equipment, training of personnel, and overall effectiveness of the response. Deficiencies found by the critiques must be corrected.

(M) Hazardous chemicals. A certification that the applicant has met its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986, title III, Pub. L. 99-499, if applicable to the applicant's activities at the proposed place of use of the byproduct material.

(d) The licensee must allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the licensee's emergency plan before submitting it to the Department. The licensee must provide any comments received within the 60 days to the Department with the emergency plan.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0203

Definitions

The following definitions apply for Radioactive Material Licenses issued pursuant to this division and divisions 105, 113, 115, 117, and 121 of this chapter:

NOTE: Unless otherwise specified in this rule, the licenses described in this rule are limited by conditions of the radioactive materials license issued pursuant to OAR 333-102-0200, and other applicable rules in this chapter.

(1) "Analytical Leak Test" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(a), authorizing possession of environmental samples, sealed source leak-test, contamination wipe, etc. samples for radioanalytical measurements. This license does not authorize collection of samples, or decommissioning or decontamination activities.

(2) "Assets" means anything of material value or usefulness. In the context of a materials license, assets include all existing capital, effects, possessions, and belongings and all probable future economic benefits obtained or controlled by a particular entity.

(3) "Basic License" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(b) authorizing the receipt, possession, use, transfer, and disposal of sources of radiation or radioactive materials incident to gauge service, teletherapy service, medical afterloader service, and other licensed service activities; pre-packaged waste pickup (not packaging), storage of materials prior to license termination, instrument quality control servicing or calibration (excluding activities authorized by OAR 333-103-0010(2)(m)), or other minor activities not otherwise specified in these rules, such as authorization for "systems," as defined in these rules, pursuant to that definition.

(4) "Beneficiating" means subjecting a product to any process that will increase or concentrate any component (including the radioactive materials) to benefit the product.

(5) "Brachytherapy" means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(c) authorizing the use of brachytherapy sources for in vivo application of radiation in accordance with OAR 333-116-0420. Brachytherapy includes radioactive material sealed sources in seeds, needles, plaques, or other localized medical devices, but excludes remote afterloaders.

(6) "Broad Scope A" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(d), authorizing activities in 333-102-0900(1)(a), under the authority of a Radiation Safety Committee.

(7) "Broad Scope B" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(e) authorizing activities described in 333-102-0900(1)(b), under the authority of a Radiation Safety Officer.

(8) "Broad Scope C" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(f) authorizing activities described in 333-102-0900(1)(c), under the authority of an authorized user.

(9) "Commencement of construction" means any clearing of land, excavation or other substantial action related to a proposed activity for specific licensing that would adversely affect the natural environment of a site.

(10) "Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

(11) "Decontamination and Decommissioning" means:

(a) A facility specific license issued pursuant to OAR 333-103-0010(2)(w) authorizing activities that result in returning a site to its original pre-license condition prior to termination of licensed activities; and

(b) Activities performed pursuant to OAR 333-102-0335 on any portion of a site prior to license termination.

(12) "Diagnosis" means examination, determination, identification, study, or analysis of a medical condition.

(13) "Distribution" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(g), authorizing transfer or distribution (sale) of general or specific license radioactive material to persons granted a general license or issued a specific license, or, in the case of NARM, to persons exempt from the rules in this chapter.

(14) "Exempt Source" means radioactive material, exempt from the rules in this chapter.

(15) "Facility" means location of licensed activities under the direct control of licensee management. If a "facility," as used in this division, includes multiple separate addresses, the Department may determine how the scope of licensed activities, pursuant to OAR 333-102-0190, 333-102-0300, 333-102-0305, 333-102-0315, 333-102-0320, or 333-102-0325, is authorized.

(16) "Fixed Gauge" means a source-specific license for measuring, gauging, or controlling devices pursuant to OAR 333-103-0010(2)(h). The fixed gauge license also includes X-ray & Hybrid Gauges pursuant to division 115 of this chapter, that contain either an X-ray source or a radioactive sealed source.

(17) "General License" means a granted license, as opposed to an issued license, effective under these rules, to acquire, own, possess, use, or transfer radioactive material or a device that contains radioactive material.

(18) "General License Depleted Uranium" means the general license granted subject to receipt of the registration application pursuant to OAR 333-101-0007, and fee, pursuant to 333-103-0015, for depleted uranium used for shielding or counter weights and issued pursuant to 333-102-0103.

(19) "General License Device" means the general license for in vitro materials granted subject to receipt of the registration application pursuant to OAR 333-101-0007, and fee, pursuant to 333-103-0015, for measuring, gauging.

(20) "General License In Vitro Laboratory" means the general license granted by OAR 333-102-0130, subject to receipt of the registration application pursuant to OAR 333-101-0007, and fee, pursuant to 333-103-0015, for in vitro materials granted a general license by 333-102-0130.

(21) "General License Source Material" means the general license granted for use and possession of source material pursuant to OAR 333-102-0101.

(22) "General License for Certain Devices and Equipment" means the general license granted for use and possession of devices consisting of not more than 500 microcuries of polonium-210 or not more than 50 millicuries of tritium (H-3) per device, pursuant to 10 CFR 31.3.

(23) "General License for Luminous Devices for Aircraft" means the general license granted for use and possession of devices containing not more than ten curies of tritium or not more than 300 millicuries of promethium-147.

(24) "General License for Ownership of Radioactive Material and Limits of Possession" means the general license granted to own material that is not necessarily possessed; conversely, material that is possessed is, by grant of general license, not necessarily owned, pursuant to the general license in OAR 333-102-0120.

(25) "General License for Calibration and Reference Sources" means the general license granted to possess not more than five microcuries (185 kBq) of americium-241, plutonium-238, plutonium-239, or radium-226, pursuant to the general license in OAR 333-102-0125.

(26) "General License for Ice Detection Devices" means the general license granted to possess not more than 50 microcuries (1.85 MBq) of strontium-90, pursuant to the general license in OAR 333-102-0135.

(27) "Generators and Kits" means "Imaging and Localization."

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(28) "Healing Arts Specific License" means a specific license authorizing activities in division 116 of this chapter.

(29) "High Doserate Remote Afterloader" means a source-specific license issued pursuant to OAR 333-103-0010(2)(i) authorizing the use of sources in accordance with 333-116-0475, which may be either mobile or stationary, and which deliver a doserate in excess of two Gray (200 rad) per hour at the point or surface where the dose is prescribed. A device may be designated as being high, medium, or pulsed dose remote afterloader or mobile high, medium, or pulsed doserate remote afterloader.

(30) "Hybrid Gauge" means a fixed gauging device that contains both a sealed source and an X-ray source, pursuant to division 115 of this chapter.

(31) "In Vitro Laboratory" means a Healing Arts facility-specific license, under management of a physician or Healing Arts specialist, issued pursuant to OAR 333-103-0010(2)(k) authorizing the use of prepackaged radioactive materials in quantities greater than those authorized by the General License granted by OAR 333-102-0130(2).

(32) Imaging and Localization means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(j) authorizing the use of generators and kits for nuclear medicine imaging and localization in accordance with OAR 333-116-0320 or positron emission tomography studies in accordance with OAR 333-116-0800 through 333-116-0880.

(33) "Industrial Radiography" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(l) authorizing activities in division 105 of this chapter.

(34) "Instrument Calibration" means a source-specific radioactive materials license issued pursuant to OAR 333-103-0010(2)(m) for sources of radiation used to calibrate instruments.

(35) "Investigational New Drug" means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(n) authorizing the use of any investigational product or device approved by the US Food and Drug Administration (FDA) for human use research, diagnosis, or therapy, in accordance with the rules in this chapter.

(36) "Irradiator-Other" means an irradiator with greater than 10,000 curies (370 TBq) licensed pursuant to OAR 333-103-0010(2)(w) and 333-103-0010(7), designed to produce extremely high dose rates as authorized by division 121 of this chapter.

(37) "Irradiator Self-shielded or Other — Less than 10,000 Curies" means a source-specific license issued pursuant to OAR 333-103-0010(2)(o) authorizing self-shielded irradiators, including blood irradiators, panoramic irradiators, and converted teletherapy units, with less than 10,000 Ci (370 TBq) activity.

(38) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

(39) "Lot Tolerance Percent Defective" means, expressed in percent defective, the poorest quality in an individual inspection lot that should be accepted.

(40) "Low Doserate Remote Afterloader Device" means a Healing Arts source-specific license issued pursuant to OAR 333-103-0010(2)(b) authorizing devices 333-116-0475, which remotely deliver a doserate of less than two Gray (200 rad) per hour at the point or surface where the dose is prescribed.

(41) "Manufacturing or Compounding" means a facility-specific radioactive materials license issued pursuant to OAR 333-103-0010(2)(p) authorizing manufacture, fabrication, assembly, construction, combining, processing, concentrating, beneficiating, or processing items or products using or containing radioactive materials into a finished product containing radioactive material in accordance with applicable requirements in division 102 of this chapter.

(42) "Manufacturing or Compounding and Distribution" means activities performed as defined in sections (13) and (41) of this rule and require separate specific licenses for each activity.

(43) "Mobile Nuclear Medicine Service" means a facility-specific Healing Arts license issued pursuant to OAR 333-116-0120 authorizing the medical use of radioactive material at specified temporary locations.

(44) "Nationally Tracked Source" means a sealed source containing a quantity equal to or greater than Category 1 or 2 levels of any radioactive material listed in 10 CFR part 32 Appendix E.

(45) "Naturally occurring radioactive material (NORM)" means radioactive material in the uranium or thorium decay series existing in nature in concentrations less than 0.05% source material.

(46) "Net working capital" means current assets minus current liabilities.

(47) "Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

(48) "Neutron Howitzer" means a device that contains a sealed source containing Special Nuclear Material (see definition in OAR 333-100-0005) that generates neutrons that are used for analytical, teaching, or research purposes.

(49) "Neutron Production" denotes a process in which neutrons are produced, either by natural or artificial means.

(50) "NORM (no processing)" means a facility-specific license pursuant to OAR 333-103-0010(2)(n) authorizing possession, use, and transfer of NORM in accordance with division 117 of this chapter.

NOTE: NORM licenses authorize licensable quantities of radioactive material in the uranium or thorium decay series. Licensable quantities of NORM are derived from disposal limits in OAR 345-050. Any material that contains NORM requires a specific license unless exempted in OAR 345-050. Zircon sand is used as the NORM model for licensing purposes. Quantities of zircon sand in excess of 20,000 pounds in a year constitute a licensable quantity of NORM. NORM materials that are not zircon are based on the zircon model.

(51) "Nuclear Laundry" means a laundry facility designed specifically to clean or launder clothing contaminated with licensed radioactive materials. Nuclear Laundry facilities must have process and waste management control procedures to prevent reconcentrating of licensed materials in sewers, drains, premises, and the environment. Nuclear Laundry activities are authorized pursuant to OAR 333-103-0010(2)(w), "Radioactive Material Not Otherwise Specified Facility," see 333-102-0203(61).

(52) "Nuclear Pharmacy" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(s) for activities authorized by 333-102-0285 and the Oregon Board of Pharmacy rules, to compound Radiopharmaceutical and distribute (sell or transfer) to persons specifically licensed to receive such compounds or products.

NOTE: Nuclear Pharmacies, pursuant to policy provisions of chapter 345 division 50 may collect syringes containing residual licensed material from spent patient doses, since the syringe is considered to be a transport device under the administrative control of the pharmacy rather than the licensed material transferred as the dose. Residual licensed material may be considered either to be exempt pursuant to Table 1 of division 50 or under the authority of a division license if the receding licensee stores syringes for decay. In either case, the division license should specify which disposal method is being used by the pharmacy and licensee to avoid compatibility conflicts with division 50 requirements.

(53) "Other Measuring Device" means a source-specific license issued pursuant to OAR 333-103-0010(2)(t), authorizing analytical instruments, gas chromatograph electron capture detectors, and other non-portable analytical instruments, including those devices that contain multiple sources but are configured and used as a "system," in accordance with the definition in this rule.

NOTE: General license gas chromatograph detectors that formerly were granted a general license by OAR 333-102-0115, but which required a registration fee pursuant 333-103-0015(2)(b), now are subject to the specific license in 333-103-0010(2)(t).

(54) "Pool-type Irradiator" means an irradiator with greater than 10,000 curies (370 TBq) in which water provides the radiation shielding, authorized in accordance with division 121 of this chapter.

(55) "Portable Gauge" means a source-specific license issued pursuant to OAR 333-103-0010(2)(u) for sources used in devices that can be transported and used at temporary job sites.

NOTE: Any device that meets the definition of "portable gauge" and is transported or used at temporary job sites within the state of Oregon, requires an application for and issuance of an Oregon specific license subject to OAR 333-103-0010(2)(u).

(56) "Positron Emission Tomography" (PET) means a licensed healing arts activity authorized by OAR 333-116-0800 and included in the facility specific license issued pursuant to OAR 333-103-0010(2)(j). PET nuclides, which are NARM, are subject to all Oregon rules.

(57) "Possession or Storage of Industrial Wastes Containing Radioactive Material" means activities subject to division 110 of this chapter for the production or storage of wastes that are exempt from division 50 of chapter 345 facility siting requirements, and were generated under a current NRC, Agreement State, or Licensing State specific radioactive materials license.

(58) "Possession or Storage of Uranium Tailings" means activities incident to uranium processing or milling operations resulting in the production of tailings.

(59) "Principal Activities" means activities authorized by the license that are essential to achieving the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

(60) "Processing" means chemically or physically changing a licensed material from one physical form to another form or specie (e.g., breaking an ore down into its components resulting in "tailings"; milling a raw licensed material and combining to form another product or material. See "Beneficiating"; "Manufacturing or Compounding").

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(61) "Radiation Source" means source of radiation (see definition of "Source of radiation" in OAR 333-100-0005).

(62) "Radioactive Material Not Otherwise Specified Facility" means a license issued pursuant to OAR 333-103-0010(2)(w) authorizing activities that includes, but are not limited to, complex licensable activities such as facility decontamination and decommissioning, nuclear laundry activities, uranium mill tailings storage, storage of industrial wastes containing radioactive materials, large irradiator management, and other complex activities not otherwise specified in these rules.

(63) "Radioactive Materials License" means the document, pursuant to OAR 333-102-0300, issued after an application, pursuant to OAR 333-102-0190, has been accepted as adequate, that specifies radioactive materials, use authorizations, safety procedures, and use locations.

(64) "Radiopharmaceutical Therapy" means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(v) authorizing the use of Radiopharmaceutical for therapy in accordance with OAR 333-116-0360.

(65) "Remote Afterloader" means a medical device that moves a sealed source to an interstitial (in vivo) location without exposing the practitioner to the radiation dose. Remote afterloader sources may be manipulated using computer software and engineering techniques.

(66) "Research & Development" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(x) authorizing research and development activities, as defined in OAR 333-100-0005, but does not authorize additional specific sources of radiation, which must be licensed separately pursuant to OAR 333-103-0010 and 333-103-0015.

(67) "Responsible Representative" means

(a) The person designated as having responsibility for general license device or general license material;

(b) The person management has selected to certify general license inventory; and

(c) The individual responsible to the Department and to management to ensure that all regulatory elements are adequate.

(68) "Sealed Source/Device Evaluation" means the review of a licensee's prototype source or device prior to registration by the Nuclear Regulatory Commission in the Sealed Source and Device Catalog.

NOTE: The Department no longer has authority to review sources or devices. All source or device reviews must be forwarded to the NRC for review. Authority to conduct device or source evaluations was rescinded by the NRC in 1998.

(69) "Site Area Emergency" means events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by offsite response organizations to protect persons offsite.

(70) "Sealed Sources for Diagnosis" means a Healing Arts source-specific license issued pursuant to OAR 333-103-0010(2)(y) authorizing the use of sealed sources for diagnosis in accordance with OAR 333-116-0400.

(71) "Special Nuclear Material" means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the NRC, pursuant to the provisions of section 51 of the act, determines to be special nuclear material, but does not include source material; or

(b) Any material artificially enriched by any of the foregoing but does not include source material.

(72) "Specific License Radioactive Material" means radioactive material that requires authorization in a specific license document pursuant to OAR 333-102-0075(2) where materials must be annotated on the specific license, and validated with a specific license fee pursuant to OAR 333-103-0010(2)(a) through 333-103-0010(2)(hh) (see "Radioactive Materials License").

(73) "System," as used in this division, means multiple separate (individual) sources of radiation (sealed radioactive sources), which together, rather than independently, achieve a desired functionality. Such "system" is subject to one specific license fee or general license registration fee, as the case may be.

(74) "Tangible Net Worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

(75) "Teletherapy" means a Healing Arts source-specific license issued pursuant to OAR 333-103-0010(2)(cc) authorizing teletherapy procedures in accordance with OAR 333-116-0480. This license also includes other high dose rate external beam therapy devices such as the "gamma knife."

(76) "Temporary Job Site" means any location, where specific license material is used that is either:

(a) Not the specific location of the licensee if an in-state licensee; or

(b) Any location in the State if an out-of-state specific licensee pursuant to a specific radioactive materials license.

NOTE: Persons authorized for temporary jobsites in Oregon must have a specific license for such activities.

(77) "Therapy" means a process that is meant to be restorative, promotes healing, or is beneficial to a patient in a healing arts context.

(78) "Unique" means a specific license issued pursuant to OAR 333-103-0010(2)(dd) to Agencies in the Department of Human Services.

(79) "Uptake and Dilution" means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(ee) authorizing activities in OAR 333-116-0300 for uptake, dilution, and excretion studies.

(80) "Use and Possession of Source Material" means a facility-specific radioactive materials license issued pursuant to OAR 333-103-0010(2)(z) to possess, use, process, or transfer source material, as defined in OAR 333-100-0005, in quantities greater than general license quantities or in concentrations greater than 0.05 percent source material.

NOTE: This definition was amended to avoid confusion between the definition of "source material" in division 100 of this chapter and the specific license (billable object) in division 103 of this chapter.

(81) "Use of Xenon Gas" means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(ff) authorizing the use of Xe-133 for diagnosis pursuant to OAR 333-116-0280;

(82) "Waste Packaging" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(gg), authorizing packaging, collection, storage, and transfer of radioactive waste. This specific license does not authorize storage of radioactive wastes, but does authorize temporary job sites.

(83) "Well Logging" means a license issued pursuant to OAR 333-103-0010(2)(hh) authorizing the possession, use, transfer, or disposal of sources of radiation used for well logging activities authorized by division 113 of this chapter.

NOTE: Unless specifically authorized in this rule or in a radioactive materials license that authorizes temporary job sites, specific licenses must be used only at one authorized site.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1995, f. & cert. ef. 4-26-95; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0235

Requirements for License to Manufacture, or Initially Transfer Radioactive Material Contained in Devices Granted a General License Under OAR 333-102-0115

(1) An application for a specific license to manufacture, or initially transfer devices containing radioactive material, excluding special nuclear material, to persons granted a general license by OAR 333-102-0115 or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State will be approved if:

(a) The applicant satisfies the general requirements of OAR 333-102-0200;

(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

(A) The device can be safely operated by persons not having training in radiological protection;

(B) Under ordinary conditions of handling, storage, and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device; and it is unlikely that any person will receive in one year a dose in excess of ten percent of the annual limits specified in OAR 333-120-0100; and

(C) Under accident conditions (such as fire and explosion) associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the dose to the appropriate organ as specified in Column IV of the table in 10 CFR Part 32.24:

(i) Whole body, head and trunk, active blood-forming organs, gonads, or lens of eye 150 mSv (15 rem);

(ii) Hands and forearms, feet and ankles, localized areas of skin averaged over areas no larger than one square centimeter two Sv (200 rem);

(iii) Other organs 500 mSv (50 rem).

(c) Each device bears a durable, legible, clearly visible label or labels approved by the Department, which contain in a clearly identified and separate statement:

(A) Instructions and precautions necessary to assure safe installation, operation and servicing of the device (documents such as operating and

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service manuals may be identified in the label and used to provide this information);

(B) The requirements, or lack of requirement, for leak testing, or for testing of any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by isotope, quantity of radioactivity, and date of determination of the quantity; and

(C) The information called for in the following statement in the same or substantially similar form:

The receipt, possession, use and transfer of this device, Model _____, Serial No. _____, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or of a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label must be maintained on the device in a legible condition. Removal of this label is prohibited.

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(Name of manufacturer or initial transferor)

NOTE: Devices licensed under 10 CFR Part 32.51 prior to January 19, 1975 may bear labels authorized by the regulations in effect on January 1, 1975. The model, serial number, and name of manufacturer, or initial transferor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

(D) Each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words, "Caution-Radioactive Material," the radiation symbol described in OAR 333-120-0400, and the name of the manufacturer or initial distributor.

(E) Each device meeting the criteria of OAR 333-102-0115(9)(a), bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing if separable, or the device if the source housing is not separable, that includes the words, "Caution-Radioactive Material," and, if practicable, the radiation symbol described in OAR 333-120-0400.

(2) In the event the applicant desires that the device be required to be tested at intervals longer than six months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or both, the applicant must include in this application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices, and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the Department will consider information that includes, but is not limited to:

- (a) Primary containment (source capsule);
- (b) Protection of primary containment;
- (c) Method of sealing containment;
- (d) Containment construction materials;
- (e) Form of contained radioactive material;
- (f) Maximum temperature withstood during prototype tests;
- (g) Maximum pressure withstood during prototype tests;
- (h) Maximum quantity of contained radioactive material;
- (i) Radiotoxicity of contained radioactive material; and
- (j) Operating experience with identical devices or similarly designed and constructed devices.

(3) In the event the applicant desires that the general licensee under OAR 333-102-0115, or under equivalent rules of the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, the applicant must include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and the bases for these estimates. The submitted information must demonstrate that performance of this activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a dose in excess of ten percent of the annual limits specified in OAR 333-120-0100.

(4) Prior to transfer of a device to a person granted a general license by OAR 333-102-0115(1), the licensee must:

(a) Furnish a copy of the general license contained in OAR 333-102-0115 to each person to whom the licensee directly, or through an intermediate person, transfers radioactive material in a device for use pursuant to the general license contained in OAR 333-102-0115;

(b) Furnish a copy of the general license contained in the U.S. Nuclear Regulatory Commission, Agreement State or Licensing State's rules equiv-

alent to OAR 333-102-0115. Alternatively, a copy of the general license contained in OAR 333-102-0115 must be furnished to each person to whom directly, or through an intermediate person, is transfers radioactive material in a device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission, the Agreement State or the Licensing State. If a copy of the general license in OAR 333-102-0115 is furnished to such person, it must be accompanied by a note explaining that the use of the device is regulated by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State under requirements substantially the same as those in OAR 333-102-0115;

(c) Report to the Department all transfers of such devices to persons for use under the general license in OAR 333-102-0115. Such report must identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report must include identification of each intermediate person by name, address, contact and relationship to the intended user. If no transfers have been made to persons granted a general license by OAR 333-102-0115 during the reporting period, the report must so indicate. The report must cover each calendar quarter and must be filed within 30 days after the end of each quarter;

(d) Furnish reports to other agencies

(A) Report to the U.S. Nuclear Regulatory Commission all transfers of such devices to persons for use under the U.S. Nuclear Regulatory Commission general license in section 31.5 of 10 CFR Part 31. Reports must be submitted on the NRC form "Transfers of Industrial Devices Report" or on a clear and legible report containing all of the data required by the form. The required information includes:

- (i) The identity of each general licensee by name and address;
- (ii) The name and phone number of the person designated by the general licensee to be responsible for ensuring compliance with the appropriate regulations and requirements;
- (iii) The date of transfer;
- (iv) The type, model number, and serial number of the device transferred; and
- (v) The quantity and type of byproduct material contained in the device.

(B) If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report must include the same information for each intermediate person, and clearly designate that person as an intermediate person.

(C) If the device transferred replaced another returned by the general licensee, report also the type, model number, and serial number of the one returned.

(D) If no transfers have been made to persons generally licensed under 10 CFR 31.5 or OAR 333-102-0115 during the reporting period, the report must so indicate.

(E) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

(F) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

(e) Report to the responsible Agreement or Licensing State Agency all transfers of such devices to persons for use under a general license in an Agreement State's regulations equivalent to OAR 333-102-0115. Such reports must identify all of the information in OAR 333-102-0235(4)(d) of this rule, including each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Department and the general licensee, the type and model of the device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report must include identification of each intermediate person by name, address, contact and relationship to the intended user. The report must be submitted within 30 days after the end of each calendar quarter in which such device is transferred to the person granted a general license;

(f) If no transfers have been made to U.S. Nuclear Regulatory Commission's licensees during the reporting period, this information must be reported to the U.S. Nuclear Regulatory Commission;

(g) If no transfers have been made to persons granted a general license within a particular Agreement State during the reporting period, this infor-

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mation must be reported to the responsible Agreement State Agency upon request of the Department;

(h) Keep records showing the name, address and the point of contact for each general licensee to whom directly, or through an intermediate person is transferred radioactive material in devices for use pursuant to the general license provided in OAR 333-102-0115 or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The records should show the date of each transfer, the isotope and the quantity of radioactive material in each device transferred, the identity of any intermediate person and compliance with the reporting requirements of subsection (4)(h) of this rule. Records required by this rule must be maintained for a period of three years following the estimated useful life of the device or the date of final disposition, if known;

(i) Furnish a list of the services that only can be performed by a specific licensee, and information on acceptable disposal options, including estimated costs of disposal, to each person to whom he directly, or through an intermediate person, transfers radioactive material in a device for use under the general license granted in OAR 333-102-0115;

(j) Furnish the name, address, and phone number of the contact at the Agreement State regulatory agency from which additional information may be obtained. If a copy of the general license in OAR 333-102-0115 is furnished to such person, it must be accompanied by a note explaining that use of the device is regulated by the Agreement State.

(k) Label each device transferred if more than one year after the effective date of this rule in accordance with the labeling requirements in 10 CFR Part 32.51(a)(3) through (5).

(l) If a notification of bankruptcy has been made under 10 CFR Part 30.34(h) or the license is to be terminated, provide, upon request, to the NRC and to any appropriate Agreement State, records of final disposition required under 10 CFR Part 32.52(c).

(5) License Conditions.

(a) If a device containing radioactive material is to be transferred for use under the general license contained in OAR 333-102-0115, each person that is licensed under this rule must provide the information specified in this section to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

(A) A copy of the general license contained in OAR 333-102-0115; if 333-102-0115(4)(b) through (d) or 333-102-0115(8) do not apply to the particular device, those sections may be omitted;

(B) A copy of OAR 333-102-0115, 333-100-0055, 333-100-0057, 333-120-0700 and 333-120-0710;

(C) A list of the services that can only be performed by a specific licensee;

(D) Information on acceptable disposal options including estimated costs of disposal; and

(b) If radioactive material is to be transferred in a device for use under an equivalent general license of an Agreement State, each person that is licensed under this rule must provide the information specified in this section to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

(A) A copy of the Agreement State's regulations equivalent to OAR 333-102-0115, 333-100-0055, 333-100-0057, 333-120-0700 and 333-120-0710 or a copy of 10 CFR Secs. 31.5, 31.2, 30.51, 20.2201, and 20.2202. If a copy of the Nuclear Regulatory Commission regulations is provided to a prospective general licensee in lieu of the Agreement State's regulations, it must be accompanied by a note explaining that use of the device is regulated by the Agreement State. If certain sections of the regulations do not apply to the particular device, those sections may be omitted;

(B) A list of the services that can only be performed by a specific licensee;

(C) Information on acceptable disposal options including estimated costs of disposal; and

(D) The name or title, address, and phone number of the contact at the Agreement State regulatory agency or the Nuclear Regulatory Commission from which additional information may be obtained.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-

2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0245

Introduction of Radioactive Material in Exempt Concentrations into Products or Materials, and Transfer of Ownership or Possession: Requirements for License

An application for a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the radioactive material: will be approved if the applicant:

(1) Satisfies the general requirements specified in OAR 333-102-0200;

(2) Provides a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material, and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioisotopes in the product or material at the time of transfer;

(3) Provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in 10 CFR Part 30.70 Schedule A, that reconcentrating of the radioactive material in concentrations exceeding those in 10 CFR Part 30.70 Schedule A is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

(4) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under 10 CFR Part 30.14 or equivalent regulations of an Agreement State, except in accordance with a license issued pursuant to 10 CFR Part 32.11 or the general license provided in 10 CFR Part 150.20 (reciprocity).

(5) Each person licensed under this rule must maintain records of transfer of material and file reports with the Department as required in OAR 333-102-0247.

(6) Each licensee who manufactures a nationally tracked source shall assign a unique serial number to each nationally tracked source. Serial numbers must be composed only of alpha-numeric characters.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0247

Records and Material Transfer Reports

Each person licensed under OAR 333-102-0235 to initially transfer devices to generally licensed persons must comply with the requirements of this rule.

(1) The licensee must report on a quarterly basis all transfers of devices to persons for use under the general license in OAR 333-102-0115 and all receipts of devices from persons licensed under OAR 333-102-0115 to the Department.

(a) The required information for transfers to general licensees includes:

(A) The identity of each general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee must be submitted along with information on the actual location of use;

(B) The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(C) The date of transfer;

(D) The type, model number, and serial number of the device transferred; and

(E) The quantity and type of byproduct material contained in the device.

(b) If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the

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report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).

(c) For devices received from an OAR 333-102-0115 general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(d) If the licensee makes changes to a device possessed by an OAR 333-102-0115 general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

(e) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

(f) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

(g) If no transfers have been made to or from persons generally licensed under OAR 333-102-0115 during the reporting period, the report must so indicate.

(2) The licensee must report all transfers of devices to persons for use under a general license in an Agreement State's regulations that are equivalent to OAR 333-102-0115 and all receipts of devices from general licensees in the Agreement State's jurisdiction to the responsible Agreement State Agency.

(a) The required information for transfers to general licensees includes:

(A) The identity of each general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee must be submitted along with information on the actual location of use.

(B) The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(C) The date of transfer;

(D) The type, model number, and serial number of the device transferred; and

(E) The quantity and type of byproduct material contained in the device.

(b) If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).

(c) For devices received from a general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(d) If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

(e) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

(f) The report must clearly identify the specific licensee submitting the report and must include the license number of the specific licensee.

(g) If no transfers have been made to or from a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State Agency upon request of the Department.

(3) The licensee must maintain all information concerning transfers and receipts of devices that supports the reports required by this section. Records required by this section must be maintained in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0285

Manufacture, Preparation, or Transfer for Commercial Distribution of Radioactive Drugs Containing Radioactive Material for Medical Use Under Division 116

(1) An application for a specific license to manufacture, prepare, or transfer for commercial distribution radioactive drugs containing radioac-

tive material for use by persons authorized pursuant to division 116 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in OAR 333-102-0200;

(b) The applicant submits evidence that the applicant is at least one of the following:

(A) Registered or licensed with the U.S. Food and Drug Administration (FDA) as a drug manufacturer;

(B) Registered or licensed with a state agency as a drug manufacturer;

(C) Licensed as a pharmacy by a State Board of Pharmacy; or

(D) Operating as a nuclear pharmacy within a Federal medical institution.

(c) The applicant submits information on the radionuclide, chemical and physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the shielding provided by the packaging to show it is appropriate for the safe handling and storage of the radioactive drugs by medical use licensees; and

(d) The applicant satisfies the following labeling requirements:

(A) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words CAUTION, RADIOACTIVE MATERIAL or DANGER, RADIOACTIVE MATERIAL; the name of the radioactive drug or its abbreviation; and the quantity of radioactivity at a specified date and time. For radioactive drugs with a half life greater than 100 days, the time may be omitted.

(B) A label is affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words CAUTION, RADIOACTIVE MATERIAL or DANGER, RADIOACTIVE MATERIAL" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label.

(2) A licensee described by paragraphs (1)(b)(C) or (D) of this rule:

(a) May prepare radioactive drugs for medical use, as defined in OAR 333-116-0020, provided that the radioactive drug is prepared either by an authorized nuclear pharmacist, as specified in subsections (2)(b) and (2)(c) of this rule, or an individual under the supervision of an authorized nuclear pharmacist as specified in OAR 333-116-0100.

(b) May allow a pharmacist to work as an authorized nuclear pharmacist if:

(A) This individual qualifies as an authorized nuclear pharmacist as defined in OAR 333-116-0020;

(B) This individual meets the requirements specified in OAR 333-116-0910 and 333-116-0915 and the licensee has received an approved license amendment identifying this individual as an authorized nuclear pharmacist; or

(C) This individual is designated as an authorized nuclear pharmacist in accordance with subsection (2)(c) of this rule.

(c) The actions authorized in subsections (2)(a) and (2)(b) of this rule are permitted in spite of more restrictive language in license conditions.

(d) May designate a pharmacist (as defined in OAR 333-116-0020 as an authorized nuclear pharmacist if the individual is identified as of December 2, 1994, as an authorized user on a nuclear pharmacy license issued by the Department pursuant to this division.

(e) Must provide to the Department a copy of each individual's certification by the Board of Pharmaceutical Specialties, the Commission or Agreement State license, or the permit issued by a licensee of broad scope, and a copy of the state pharmacy licensure or registration, no later than 30 days after the date that the licensee allows, pursuant to paragraphs (2)(b)(A) and (C) of this rule, the individual to work as an authorized nuclear pharmacist.

(3) A licensee must possess and use instrumentation to measure the radioactivity of radioactive drugs. The licensee must have procedures for use of the instrumentation. The licensee must measure, by direct measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radioactive drugs prior to transfer for commercial distribution. In addition, the licensee must:

(a) Perform tests before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument and make adjustments when necessary; and

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(b) Check each instrument for constancy and proper operation at the beginning of each day of use.

(4) Nothing in this rule relieves the licensee from complying with applicable FDA, other Federal, and State requirements governing radioactive drugs.

NOTE: Although the Agency does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of such reagent kits for the preparation of radio pharmaceuticals containing radioactive material as a part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material, who desires to have the reagent kits approved by the Agency for use by persons licensed for medical use pursuant to OAR 333-116 or by persons authorized under a group license, or equivalent, by the U.S. Nuclear Regulatory Commission or any other Agreement State, may submit the pertinent information specified in this rule.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0293

Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications

(1) An application for a specific license to manufacture industrial products or devices containing depleted uranium for use pursuant to OAR 333-102-0103 or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State will be approved if:

(a) The applicant satisfies the general requirements specified in OAR 333-102-0200;

(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to provide reasonable assurance that possession, use or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in any period of one calendar quarter a radiation dose in excess of ten percent of the limits specified in OAR 333-120-0100; and

(c) The applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.

(2) In the case of an industrial product or device whose unique benefits are questionable, the Department will approve an application for a specific license under this rule only if the product or device is found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.

(3) The Department may deny any application for a specific license under this rule if the end use(s) of the industrial product or device cannot be reasonably foreseen.

(4) Each person licensed pursuant to section (1) of this rule must:

(a) Maintain the level of quality control required by the license in the manufacture of the industrial product or device; and in the installation of the depleted uranium into the product or device;

(b) Label or mark each unit to:

(A) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium and the quantity of depleted uranium in each product or device; and

(B) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or an Agreement State.

(c) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: Depleted Uranium.

(A) Furnish a copy of the general license contained in OAR 333-102-0103 to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license contained in OAR 333-102-0103; or

(B) Furnish a copy of the general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to OAR 333-102-0103 and a copy of the U.S. Nuclear Regulatory Commission's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in OAR 333-102-0103 to each person to whom depleted uranium in a product or device is transferred for use pur-

suant to the general license of the U.S. Nuclear Regulatory Commission or an Agreement State, with a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or Agreement State under requirements substantially the same as those in OAR 333-102-0103.

(d) Report to the Department all transfers of industrial products or devices to persons for use under the general license in OAR 333-102-0103. Such report must identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Department and the general licensee, the type and model number of device transferred and the quantity of depleted uranium contained in the product or device. The report must be submitted within 30 days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons granted a general license by OAR 333-102-0103 during the reporting period, the report must so indicate.

(e) Report to the U.S. Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the U.S. Nuclear Regulatory Commission general license in section 40.25 of 10 CFR Part 40.

(A) Report to the responsible state agency all transfers of devices manufactured and distributed pursuant to OAR 333-102-0115 for use under a general license in that state's regulations equivalent to OAR 333-102-0103.

(B) Such report must identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Department and the general licensee, the type and model number of the device transferred and the quantity of depleted uranium contained in the product or device. The report must be submitted within 30 days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person.

(C) If no transfers have been made to U.S. Nuclear Regulatory Commission licensees during the reporting period, this information must be reported to the U.S. Nuclear Regulatory Commission.

(f) If no transfers have been made to general licensees within a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State Agency upon the request of that Agency.

(g) Keep records showing the name, address and point of contact for each general licensee to whom he transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in OAR 333-102-0101(4) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The records must be maintained until inspection by the Department and must show the date of each transfer, the quantity of depleted uranium in each product or device transferred and compliance with the report requirements of section (9) of this rule.

(h) Licensees required to submit emergency plans by OAR 333-102-0190(9) must follow the emergency plan approved by the Commission. The licensee may change the plan without Commission approval if the changes do not decrease the effectiveness of the plan. The licensee must furnish the change to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to affected offsite response organizations within six months after the change is made. Proposed changes that decrease the effectiveness of the approved emergency plan may not be implemented without application to and prior approval by the Department.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0310

Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas

(1)(a) Except as provided in subsection (1)(b) of this rule, each specific license must expire at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal under OAR 333-102-0315 before the expiration date stated in the existing license (or, for those licenses subject to subsection (1)(b) of this rule, before the deemed expiration date in that section). If an application for renewal has been filed before the expiration date stated in the existing license (or, for those licenses subject to subsection (2)(a) of this rule, before the deemed expiration date in that section), the existing license expires at the end of the day on which the Department makes a final determination to deny the renewal application or, if the determination states an expiration date, the expiration date stated in the determination.

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(b) Each specific license that has an expiration date after July 1, 1995, and is not one of the licenses described in subsection (1)(c) of this rule, shall be deemed to have an expiration date that is five years after the expiration date stated in the current license.

(c) The following specific licenses are not subject to, or otherwise affected by, the provisions of subsection (1)(b) of this rule:

(A) Specific licenses for which, on February 15, 1996, an evaluation or an emergency plan is required in accordance with OAR 333-102-0190(9);

(B) Specific licenses whose holders are subject to the financial assurance requirements specified in OAR 333-102-0200(6), and on February 15, 1996, the holders either:

(i) Have not submitted a decommissioning funding plan or certification of financial assurance for decommissioning; or

(ii) Have not received written notice that the decommissioning funding plan or certification of financial assurance for decommissioning is acceptable;

(C) Specific licenses whose holders are listed in the SDMP List published in NUREG 1444, Supplement 1 (November 1995);

(D) Specific licenses who need an environmental assessment or environmental impact statement pursuant to Subpart A of Part 51 and OAR 333-102-0200(5);

(E) Specific licenses whose holders have not had at least one Department inspection of licensed activities before February 15, 1996;

(F) Specific licenses whose holders, as the result of the most recent Department inspection of licensed activities conducted before February 15, 1996, have been:

(i) Cited for a serious health and safety noncompliance;

(ii) Subject to an Order issued by the Department; or

(iii) Subject to a Confirmatory Action Letter issued by the Department.

(G) Specific licenses with expiration dates before July 1, 1995, for which the holders have submitted applications for renewal under OAR 333-102-0315.

(2) Each specific license revoked by the Department expires at the end of the day on the date of the Commission's final determination to revoke the license, or on the expiration date stated in the determination, or as otherwise provided by Department Order.

(3) Each specific license continues in effect, beyond the expiration date if necessary, with respect to possession of radioactive material or source material until the Department notifies the licensee in writing that the license is terminated. During this time, the licensee must:

(a) Limit actions involving material to those related to decommissioning; and

(b) Continue to control entry to restricted areas until they are suitable for release in accordance with Department requirements.

(4) Within 60 days of the occurrence of any of the following, consistent with the administrative directions in OAR 333-100-0045, each licensee must provide notification to the Department in writing of such occurrence, and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is suitable for release in accordance with Department requirements, or submit within 12 months of notification a decommissioning plan, if required by subsection (7)(a) of this rule, and begin decommissioning upon approval of that plan if:

(a) The license has expired pursuant to sections (1) or (2) of this rule; or

(b) The licensee has decided to permanently cease principal activities, as defined in OAR 333-102-0203, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with Department requirements; or

(c) No principal activities under the license have been conducted for a period of 24 months; or

(d) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with Department requirements.

(5) Coincident with the notification required by section (4) of this rule, the licensee must maintain in effect all decommissioning financial assurances established by the licensee pursuant to OAR 333-102-0200(6) in conjunction with a license issuance or renewal or as required by this rule. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (7)(d)(E) of this rule.

(a) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan must do so when this rule becomes effective November 24, 1995.

(b) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Department.

(6) The Department may grant a request to extend the time periods established in section (4) of this rule if the Department determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted no later than 30 days before notification pursuant to section (4) of this rule. The schedule for decommissioning set forth in section (4) of this rule may not commence until the Department has made a determination on the request.

(7)(a) A decommissioning plan must be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the Department and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of the following cases:

(A) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;

(B) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;

(C) Procedures could result in significantly greater airborne concentrations of radioactive material or source material than are present during operation; or

(D) Procedures could result in significantly greater releases of radioactive material or source material to the environment than those associated with operation.

(b) The Department may approve an alternate schedule for submittal of a decommissioning plan required pursuant to section (4) of this rule if the Department determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.

(c) Procedures such as those listed in subsection (7)(a) of this rule with potential health and safety impacts may not be carried out prior to approval of the decommissioning plan.

(d) The proposed decommissioning plan for the site or separate building or outdoor area must include:

(A) A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;

(B) A description of planned decommissioning activities;

(C) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;

(D) A description of the planned final radiation survey; and

(E) An updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning.

(F) For decommissioning plans calling for completion of decommissioning later than 24 months after plan approval, the plan must include a justification for the delay based on the criteria in section (9) of this rule.

(e) The proposed decommissioning plan will be approved by the Department if the information therein demonstrates that the decommissioning will be completed as soon as practicable and that the health and safety of workers and the public will be adequately protected.

(8)(a) Except as provided in section (9) of this rule, licensees must complete decommissioning of the site or separate building or outdoor area as soon as practicable but no later than 24 months following the initiation of decommissioning.

(b) Except as provided in section (9) of this rule, when decommissioning involves the entire site, the licensee must request license termination as soon as practicable but no later than 24 months following the initiation of decommissioning.

(9) The Department may approve a request for an alternative schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the Department determines that the alternative is warranted by consideration of the following:

(a) Whether it is technically feasible to complete decommissioning within the allotted 24-month period;

(b) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted 24-month period;

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(c) Whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;

(d) Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and

(e) Other site-specific factors which the Department may consider appropriate on a case-by-case basis, such as the regulatory requirements of other government agencies, lawsuits, ground-water treatment activities, monitored natural ground-water restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

(10) As the final step in decommissioning, the licensee must:

(a) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed NRC Form 314 or equivalent information; and

(b) Conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey, unless the licensee demonstrates in some other manner that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR Part 20, Subpart E. The licensee must, as appropriate:

(A) Report levels of gamma radiation in units of millisieverts (micro-roentgen) per hour at one meter from surfaces, and report levels of radioactivity, including alpha and beta, in units of megabecquerels (disintegrations per minute or microcuries) per 100 square centimeters — removable and fixed — for surfaces, megabecquerels (microcuries) per milliliter for water, and becquerels (picocuries) per gram for solids such as soils or concrete; and

(B) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

(11) Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the Department determines that:

(a) Radioactive material or source material has been properly disposed;

(b) Reasonable effort has been made to eliminate residual radioactive contamination, if present; and

(c)(A) A radiation survey has been performed that demonstrates that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR Part 20, Subpart E; or

(B) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR Part 20, Subpart E.

(d) The licensee has kept records of receipt, transfer, and disposal of radioactive material or source material, pursuant to OAR 333-100-0055 that meet the following criteria:

(A) The licensee must retain each record of receipt of radioactive material or source material as long as the material is possessed and for three years following transfer or disposal of the material.

(B) The licensee who transferred the material must retain each record of transfer for three years after each transfer unless a specific requirement in another part of the rules in this chapter dictates otherwise.

(C) The licensee who disposed of the material must retain each record of disposal of byproduct material until the Department terminates each license that authorizes disposal of the material.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0330

Transfer of Material

(1) No licensee may transfer radioactive material except as authorized pursuant to this rule.

(2) Except as otherwise provided in the license and subject to the provisions of sections (3) and (4) of this rule, any licensee may transfer radioactive material:

(a) To the Department;

NOTE: A licensee may transfer radioactive material to the Department only after receiving prior approval in writing from the Department.

(b) To the U.S. Department of Energy;

(c) To any person exempt from the rules in this division to the extent permitted under such exemption;

(d) To any person authorized to receive such material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Department, the U.S. Nuclear Regulatory Commission, any Agreement State or any Licensing State, or to any person otherwise authorized to receive such material by the Federal Government

or any agency thereof, the Department, an Agreement State or a Licensing State; or

(e) As otherwise authorized by the Department in writing.

(3) Before transferring radioactive material to a specific licensee of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, or to a general licensee who is required to register with the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State prior to receipt of the radioactive material, the licensee transferring the material must verify that the transferee's license authorizes the receipt of the type, form and quantity of radioactive material to be transferred.

(4) Any of the following methods for the verification required by section (3) of this rule are acceptable:

(a) The transferor may possess and read a current copy of the transferee's specific license or registration certificate;

(b) The transferor may possess a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date;

(c) For emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date; provided, that the oral certification is confirmed in writing within 10 days;

(d) The transferor may obtain other information compiled by a reporting service from official records of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State regarding the identity of licensees and the scope and expiration dates of licenses and registration;

(e) When none of the methods of verification described in subsections (4)(a) through (4)(d) of this rule are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the Department, the U.S. Nuclear Regulatory Commission, the licensing agency of an Agreement State or a Licensing State that the transferee is licensed to receive the radioactive material.

(5) Shipment and transport of radioactive material must be in accordance with the provisions of division 118 of this chapter.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0335

Modification, Revocation and Termination of Licenses

(1) The terms and conditions of each license issued pursuant to the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter shall be subject to amendment, revision or modification or by reason of amendments to the Act, or by reason of rules, regulations and orders issued in accordance with the terms of the Act by the Department.

(2) Any license may be revoked, suspended or modified, in whole or in part, for any material false statement in the application or any statement of fact required under section 182 of the Act, or because of conditions revealed by such application or statement of fact or any report, record or inspection or other means that would warrant the Department to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and conditions of the Act or of any rule, regulation or order of the US Nuclear Regulatory Commission or the Department.

(3) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended or revoked unless, prior to the institution of proceedings therefore, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

(4) The Department may terminate a specific license upon request submitted by the licensee to the Department in writing.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

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333-102-0340

Reciprocal Recognition of Licenses

(1) Subject to these rules, any person who holds a specific license from the U.S. Nuclear Regulatory Commission, an Agreement State, or a licensing state, and issued by the Department having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this state for a period not in excess of 180 days in any calendar year, provided that:

(a) The licensing document does not limit the activity authorized by such document to specified installations or locations;

(b) The out-of-state licensee has notified the Department using the Agency Reciprocity Application form at least three days prior to engaging in such activity and has paid the applicable registration fee pursuant to OAR 333-103-0030. Such notification shall indicate the location, period and type of proposed possession and use within the state, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the Department, obtain permission to proceed sooner. The Department may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license granted by subsection (1)(a) of this rule;

(c) The out-of-state licensee complies with all applicable rules of the Department and with all the terms and conditions of the licensing document, except any such terms and conditions that may be inconsistent with applicable rules of the Department or laws of the State of Oregon;

(d) The out-of-state licensee supplies such other information as the Department may request; and

(e) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in subsection (1)(a) of this rule except by transfer to a person:

(A) Specifically licensed by the Department or by the U.S. Nuclear Regulatory Commission to receive such material; or

(B) Exempt from the requirements for a license for such material under OAR 333-102-0010(2).

(2) Notwithstanding the provisions of section (1) of this rule, any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission, pursuant to 10 CFR 31.6 or equivalent regulations of an Agreement State, authorizing the holder of the license to manufacture, transfer, install or service a device described in OAR 333-102-0115(1) within the State of Oregon is hereby granted a general license to install, transfer, demonstrate or service such a device in this state provided that:

(a) Such person shall register the general license pursuant to OAR 333-101-0007;

(b) File a report with the Department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred and the quantity and type of radioactive material contained in the device;

(c) Ensure that the device has been manufactured, labeled, installed and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an Agreement State;

(d) Ensure that any labels required to be affixed to the device under rules of the licensing authority also include the statement "Removal of this label is prohibited"; and

(e) The holder of the specific license shall furnish to each general licensee to whom such device is transferred, or on whose premises such a device is installed, a copy of the general license contained in OAR 333-102-0115 or in equivalent rules of the Department having jurisdiction over the manufacture and distribution of the device.

(3) The Department may withdraw, limit or qualify its acceptance of any specific license or equivalent licensing document issued by the U.S. Nuclear Regulatory Commission or an Agreement State, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or property.

(4) The out-of-state licensee shall at all times during work at any work location within the state have available the pertinent licensing document, the applicable sections of the State of Oregon radiation regulations, a complete source inventory, pertinent U.S. Department of Transportation docu-

mentation, leak test records, instrument calibration records, personnel training records, and necessary documentation required by applicable special requirements of these regulations.

(5) While working in Oregon, the out-of-state licensee shall notify the Department (in writing, indicating date and court) immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title II (bankruptcy) of the United States code by or against:

(a) The licensee;

(b) An entity (as that term is defined in II U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or

(c) An affiliate (as that term is defined in II U.S.C. 101(2)) of the licensee.

(6) The out-of-state licensee shall notify the Department within one hour after arrival at the actual work location within the state and notification within one hour after any change of work location within the state.

(7) If multiple work crews or persons work concurrently at more than one work location under a general license granted pursuant to this rule, each day worked at each location shall count toward the limit of 180 days in a calendar year.

(8) The Department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by the U. S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or property.

(9) Each general licensee granted authorization to conduct activities within the State of Oregon pursuant to this rule, based upon an acceptable licensing document, will receive acknowledgment from the Department. This acknowledgment shall be kept at the site of use.

(10) Each general licensee granted authorization to conduct activities within the state of Oregon pursuant to this rule based upon an acceptable licensing document is subject to the reciprocity fee and may be inspected by the Department. The fee for the general license granting reciprocity shall:

(a) Be charged as provided by division 103 of this chapter; and

(b) Shall not be charged more often than once during each calendar year.

(11) Each general licensee operating within the state under reciprocity in areas of exclusive federal jurisdiction shall comply with the applicable provisions of 10 CFR 150.20.

Stat. Auth.: ORS 453.635, 453.665
Stats. Implemented: ORS 453.605 - 453.807
Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0345

Special Procedures in Regulatory Review

(1) The provisions of ORS chapter 183 governing contested cases are applicable in any case where the Department proposes to refuse to issue, renew, modify, amend, revise, revoke or suspend a general or specific license or to find noncompliance with or to refuse to grant exemption from a regulation of the Department.

(2) In any case where the Department proposes to grant, issue, renew, modify, amend or revise a general or specific license, or to find compliance or to grant exemption from a regulation of the Department and the Assistant Director of the Public Health Division determines that such action would first merit public notice and opportunity for hearing, the following procedures shall be applicable:

(a) Notice of the proposed action shall be published in the Secretary of State's bulletin or a newspaper of general circulation in the state, which notice shall provide that within 15 days of the day of publication of the notice, any person whose interest may be affected by the outcome of the proceeding, or who represents a public interest in the results of the proceeding, may file a petition to be made a party and given an opportunity for hearing in the matter. The notice of proposed action shall set forth:

(A) The nature of the action proposed;

(B) The manner in which and the location at which inspection may be made of the Department records pertaining to the proposed action; and

(C) A reference of the Department's rules governing institution and conduct of hearings in radiation control proceedings.

(b) If no request for hearing is filed within the time prescribed in the notice, the proposed action shall be taken;

(c) If a hearing is requested, the person requesting to participate as a party must file a petition requesting party status and opportunity for hearing, setting forth the same information required of a person requesting party

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status in a contested case when the Department has given notice that it intends to hold a contested case hearing pursuant to OAR 137-003-0005(6). The same procedures for determining party status under OAR 137-003-0005 shall be followed upon receipt of the petition;

(d) If the Department allows party status, it shall in the same order set the time for a contested case hearing and provide notice of the order to the petitioner and all parties;

(e) A contested case shall proceed in accordance with the provisions of ORS chapter 183 governing contested cases.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0350

Reporting Requirements

(1) Immediate report. Each licensee must notify the Department as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (events may include fires, explosions, toxic gas releases, etc.).

(2) Twenty-four hour report. Each licensee must notify the Department within 24 hours after the discovery of any of the following events involving licensed material:

(a) An unplanned contamination event that:

(A) Requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

(B) Involves a quantity of material greater than five times the lowest annual limit on intake specified in appendix B of Secs. 20.1001-20.2401 of 10 CFR part 20 for the material; and

(C) Has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.

(b) An event in which equipment is disabled or fails to function as designed when:

(A) The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

(B) The equipment is required to be available and operable when it is disabled or fails to function; and

(C) No redundant equipment is available and operable to perform the required safety function.

(c) An event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body.

(d) An unplanned fire or explosion damaging any licensed material or any device, container, or equipment containing licensed material when:

(A) The quantity of material involved is greater than five times the lowest annual limit on intake specified in appendix B of Secs. 20.1001-20.2401 of 10 CFR part 20 for the material; and

(B) The damage affects the integrity of the licensed material or its container.

(3) Preparation and submission of reports. Reports made by licensees in response to the requirements of this rule must be made as follows:

(a) Licensees must make reports required by sections (1) and (2) of this rule by telephone to the Department. To the extent that the information is available at the time of notification, the information provided in these reports must include:

NOTE: The 24-hour telephone number for the Department is 971-673-0490.

(A) The caller's name and call back telephone number;

(B) A description of the event, including date and time;

(C) The exact location of the event;

(D) The isotopes, quantities, and chemical and physical form of the licensed material involved; and

(E) Any personnel radiation exposure data available.

(b) Written report. Each licensee who makes a report required by sections (1) or (2) of this rule must submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other regulations may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports must be faxed or sent to the Department with Attention to Manager, Radiation Protection Services, Office of Environmental Public Health, 800 NE Oregon Street, Suite 640, Portland, OR 97232. The reports must include the following:

(A) A description of the event, including the probable cause and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;

(B) The exact location of the event;

(C) The isotopes, quantities, and chemical and physical form of the licensed material involved;

(D) Date and time of the event;

(E) Corrective actions taken or planned and the results of any evaluations or assessments; and

(F) The extent of exposure of individuals to radiation or to radioactive materials without identification of individuals by name.

(4) The provisions of this rule apply to licensees subject to the notification requirements in OAR 333-102-0200(5).

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0355

Records

(1) Each person who receives radioactive material pursuant to a license issued in accordance with the rules in this division and divisions 103, 105, 113, 115, 116, 117, 120 and 121 of this chapter must keep records showing the receipt, transfer, and disposal of the radioactive material as follows:

(a) The licensee must retain each record of receipt of radioactive material as long as the material is possessed and for three years following transfer or disposal of the material.

(b) The licensee who transferred the material must retain each record of transfer for three years after each transfer unless a specific requirement in another division of the rules in this chapter dictates otherwise.

(c) The licensee who disposed of the material must retain each record of disposal of radioactive material until the Department terminates each license that authorizes disposal of the material.

(2) The licensee must retain each record that is required by the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter or by license condition for the period specified by the appropriate rule or license condition. If a retention period is not otherwise specified by rule or license condition, the record must be retained until the Department terminates each license that authorizes the activity that is subject to the record-keeping requirement.

(3)(a) Records that must be maintained pursuant to this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter may be the original or a reproduced copy or microform if such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by Department rules. The record also may be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, or specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee must maintain adequate safeguards against tampering with and loss of records.

(b) If there is a conflict between the Department's rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter, license condition, or other written Department approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the rules in this division and divisions 105, 113, 115, 116, 117, and 121 of this chapter for such records must apply unless the Department, pursuant to OAR 333-102-0003, has granted a specific exemption from the record retention requirements specified in the rules in this division or divisions 105, 113, 115, 116, 117, and 121 of this chapter.

(4) Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in an unsealed form, must forward the following records to the program office:

(a) Records of disposals of licensed material made prior to January 28, 1981; and

(b) Records required by OAR 333-120-0620(2)(d).

NOTE: Prior to Oregon Department of Energy's Energy Facility Siting Council rules for burial of small quantities of licensed materials in soil was permitted without specific Department authorization.

(5) If licensed activities are transferred or assigned in accordance with OAR 333-102-0305(2), each licensee authorized to possess radioactive material, with a half-life greater than 120 days, in an unsealed form, must transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

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(a) Records of disposal of licensed material made under OAR 333-120-0510 (including burials authorized before January 28, 1981), 333-120-0520, 333-120-0530, 333-120-0540; and

(b) Records required by OAR 333-120-0620(2)(d).

(6) Prior to license termination, each licensee must forward the records required by OAR 333-102-0200(6) to the Department.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-102-0900

Special Requirements for Specific Licenses of Broad Scope

This rule prescribes requirements for the issuance of specific licenses of broad scope for radioactive material and certain rules governing holders of such licenses.

(1) The different types of broad scope licenses are set forth below:

(a) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the multicurie range;

(b) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in 10 CFR, Part 30.100, Schedule A, for any authorized purpose. The possession limit for a Type B license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in 10 CFR, Part 30.100, Schedule A, Column I. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in 10 CFR, Part 30.100, Schedule A Column I, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license must not exceed unity;

(c) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in 10 CFR, Part 30.100, Schedule A, for any authorized purpose. The possession limit for a Type C license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in 10 CFR, Part 30.100, Schedule A, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in 10 CFR, Part 30.100, Schedule A, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license must not exceed unity.

(2) An application for a Type A specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in OAR 333-102-0200;

(b) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and

(c) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting and management review that are necessary to assure safe operations, including:

(A) The establishment of a radiation safety committee composed of such persons as a radiation safety officer, a representative of management and persons trained and experienced in the safe use of radioactive material;

(B) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(C) The establishment of appropriate administrative procedures to assure:

(i) Control of procurement and use of radioactive material;

(ii) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

(iii) Review, approval and recording by the radiation safety committee of safety evaluations of proposed uses prepared in accordance with subparagraph (2)(c)(C)(ii) of this rule prior to use of the radioactive material.

(3) An application for a Type B specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in OAR 333-102-0200; and

(b) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(A) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(B) The establishment of appropriate administrative procedures to assure:

(i) Control of procurement and use of radioactive material;

(ii) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

(iii) Review, approval and recording by the radiation safety officer of safety evaluations of proposed uses prepared in accordance with subparagraph (3)(b)(B)(ii) of this rule prior to use of the radioactive material.

(4) An applicant for a Type C specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in OAR 333-102-0200;

(b) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:

(A) A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and

(B) At least 40 hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used.

(c) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, record keeping, material control and accounting, and management review necessary to assure safe operations.

(5) Specific licenses of broad scope are subject to the following conditions:

(a) Unless specifically authorized, persons licensed pursuant to this rule must not:

(A) Conduct tracer studies in the environment involving direct release of radioactive material;

(B) Receive, acquire, own, possess, use or transfer devices containing 100,000 curies (3.7 PBq) or more of radioactive material in sealed sources used for irradiation of materials;

(C) Conduct activities for which a specific license issued by the Department under OAR 333-102-0235, 333-102-0245, 333-102-0250, 333-102-0255, 333-102-0260, 333-102-0265, 333-102-0270, 333-102-0275, 333-102-0285, 333-102-0290, 333-102-0293, or chapter 333 divisions 105, 110, 113, 115, 116, or 117 is required; or

(D) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

(b) Each Type A specific license of broad scope issued under this division shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee;

(c) Each Type B specific license of broad scope issued under this division shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety officer;

(d) Each Type C specific license of broad scope issued under this division shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of section (4) of this rule.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 13-1988, f. 6-7-88, cert. ef. 7-1-88; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-103-0003

Definitions

As used in this division, the following definitions apply:

(1) "License" ("Acknowledgment of Validation," "Validation Certificate," "Certificate of Validation") means the document issued that validates receipt of payment for a specific license or registration fee.

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(2) "Registration Fee" means:

(a) The fee paid to the Department for a license for Radiation Producing Machines; or

(b) The fee paid to the Department to validate a general license registration issued pursuant to OAR 333-102-0101, 333-102-0103, 333-102-0115, 333-102-0130, or 333-102-0340

(3) "Specific License Fee" means:

(a) The annual fee payable October 1 of each year, to validate specific licenses for sources of radiation; or

(b) The fee paid upon application to the Department for a Oregon Radioactive Materials License to license specific licensed sources of radiation pursuant to OAR 333-103-0010; or

(c) The fee paid to license additional sources of radiation pursuant to OAR 333-103-0010.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; HD 3-1996, f. & cert. ef. 8-9-96; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-103-0005

Biennial Fee for Radiation Machines

(1) For the purpose of this division, a radiation machine is defined under OAR 333-100-0005.

(2) Each radiation machine shall be validated biennially by a radiation machine fee in the following amounts:

(a) Hospital, radiologist, chiropractic, osteopathic or medical X-ray machine, \$228;

(b) Hospital X-ray machine when x-ray machine inspection is performed by an accredited hospital radiology inspector rather than a Department inspector, \$116;

(c) Industrial or podiatry X-ray machine, \$152;

(d) Dental, academic or veterinary X-ray machine, \$112.

(3) The radiation machine fee shall be due and payable for each radiation machine on or before October 1 of each biennium.

(4) A certificate of validation or acknowledgment of validation for the current biennium must be posted on or near the radiation machine by the registrant.

(5) In any case in which a registrant has submitted the proper fee prior to the expiration of a validation certificate, such existing validation certificate shall not expire until the issuance of a new validation certificate for the current biennium.

(6) Upon written request and approval by the Department, fees for new licenses or additional machines may be prorated on a biennial quarterly basis for the current biennium.

Stat. Auth.: ORS 453.757, 453.761

Stats. Implemented: ORS 453.757, 453.761

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 13-1988, f. 6-7-88, cert. ef. 7-1-88; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; HD 3-1996, f. & cert. ef. 8-9-96; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-103-0010

Annual Fee for Specific Licenses

(1)(a) Each specific license listed in section (2) of this rule, as defined in OAR 333-102-0203, shall be licensed pursuant to sections (2), (3), (4), (5), and (6) of this rule by a specific license fee.

(b) Upon written request and approval by the Department, fees for new licenses or additional sources may be prorated on a quarterly basis for the current fiscal year.

(2) Each specific license type appearing in the following fee schedule shall be licensed separately with a specific license fee as indicated:

(a) Analytical/Leak Test/Fixed X-ray Fluorescence, \$458(F);

(b) Basic License, \$812(F);

(c) Brachytherapy, \$1,836(F);

(d) Broad Scope A, \$3,000(F);

(e) Broad Scope B, \$1,836(F);

(f) Broad Scope C, \$916(F);

(g) Distribution, \$916 (F);

(h) Fixed Gauge, \$228(S);

(i) High, medium and low dose rate brachytherapy, \$2,296(S);

(j) Imaging and Localization, \$916(F);

(k) In Vitro Laboratory, \$304(F);

(l) Industrial Radiography:

(A) Fixed Facility, \$3,000(F);

(B) Field Use, \$3,000(F);

(m) Instrument Calibration, \$688(S);

(n) Investigational New Drug, \$1,376(F);

(o) Irradiator Self-Shielded, \$916 (S);

(p) Manufacturing/Compounding, \$2,448(F);

(q) Mobile Nuclear Medicine, \$2,448(F);

(r) NORM (no processing), \$612(F);

(s) Nuclear Pharmacy, \$3,000(F);

(t) Other Measuring Device, \$132(S);

(u) Portable Gauge:

(A) X-ray Fluorescence, \$458(S);

(B) All other portable gauges, \$612(S);

(v) Radiopharmaceutical Therapy, \$1,376(F);

(w) RAM/NOS Facility, \$3,000(F);

(x) Research & Development, \$1,376(F);

(y) Sealed Sources for Diagnosis, \$458(S);

(z) Source Material, \$3,000(F);

(aa) Special Nuclear Material (sealed), \$916(S);

(bb) Special Nuclear Material (unsealed), \$2,296(F);

(cc) Teletherapy (external beam), \$3,000(S);

(dd) Unique, \$No Fee;

(ee) Uptake and Dilution, \$612(F);

(ff) Use of Xenon Gas, \$612(F);

(gg) Waste Packaging, \$3,000(F);

(hh) Well Logging, \$1,376(S).

(NOTE: (F) means facility; (S) means source.)

(3) Each specific license validation fee shall be due and payable:

(a) On or before October 1 of each year;

(b) For each specific license source of radiation listed in section (2) of this rule for which application pursuant to OAR 333-102-0190 for an Oregon Radioactive Materials License has been made;

(c) For each additional specific license source of radiation in an amendment to an existing Oregon Radioactive Materials License pursuant to OAR 333-102-0320.

(4) A license for each specific license issued pursuant to section (3) of this rule for the then or current fiscal year shall be provided by the Department. The certificate of validation for the then or current fiscal year shall be retained by the licensee and attached to the license pursuant to requirements in OAR 333-111-0005.

(5) The specific license fee that validates specific sealed sources also validates possession of one additional sealed source during source exchange (one new source and one spent source) for a period not to exceed ten working days.

(6) Sealed sources manufactured and distributed as reference sources that do not exceed 100 times the quantity in 30.71 Schedule B of 10 CFR Part 30 are exempt from specific license fees and validation if used pursuant to a specific license listed in section (2) of this rule. The license validation fee for reference sources that exceed 100 times the quantity in 30.71 Schedule B of 10 CFR Part 30 or reference sources authorized alone without additional licensed radioactive material shall be \$916, pursuant to subsection (2)(b) of this rule.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 13-1988, f. 6-7-88, cert. ef. 7-1-88; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; HD 3-1996, f. & cert. ef. 8-9-96; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-103-0015

Annual Registration Fee for General Licenses and Devices

(1) Any general license granted by the Department must be validated annually by the general license registration fee listed in section (2) of this rule, unless otherwise exempted by subsection (2)(e) of this rule. Validation must be confirmed by verifying, correcting, and/or adding to the information provided in a request for registration received from the Department. General License registration fees as defined in OAR 333-103-0003 shall:

(a) Validate each general licensed source of radiation due October 1 of each year for sources of radiation; and

(b) Validate each new application to register general license material pursuant to OAR 333-101-0007; and

(c) Registration

(2) The general licenses appearing in the following fee schedule shall be registered on the appropriate Department form and shall be validated annually by a general license registration fee:

(a) Each healing arts facility that uses radioactive material for In Vitro laboratory or clinical testing authorized by OAR 333-102-0130, \$132;

(b) Each radiation source in a generally licensed measuring, gauging or controlling device authorized pursuant to OAR 333-102-0115(1), \$132;

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(c) For radioactive material contained in devices designed and manufactured for the purpose of producing light, except Tritium exit signs, or an ionized atmosphere that exceed the limits in OAR 333-102-0105, \$132 per device for the first six devices after which a Basic Specific License is required.

(d) Each general licensee possessing or using depleted uranium for the purpose of providing a concentrated mass in a small volume of the product or device pursuant to OAR 333-102-0103, \$132;

(e) Each General Licensee possessing or using source material for research, development, educational, commercial or operational purposed pursuant to OAR 333-102-0101, \$200;

(f) General licenses not specifically identified in subsections (2)(a), (2)(b), (2)(c) and (2)(d) of this rule are exempt from the payment of an annual general license registration fee.

(g) Each out-of-state or NRC specific licensee granted a general license pursuant to OAR 333-102-0340 to conduct activities within the state of Oregon for a period not to exceed 180 days in a calendar year must pay a registration validation fee as required by OAR 333-103-0030(6).

(h) State and local government agencies are required to register each generally licensed device but are exempt from the fees required in this rule.

(3) Notwithstanding subsection (2)(g) of this rule, the general license fee shall be due and payable on or before October 1 of each year.

(4) A certificate of validation for the then current fiscal year shall be provided by the Department. The certificate for the then current fiscal year must be retained by the licensee and attached to the general license.

(5) Upon written request and approval by the Department, fees for new licenses or additional sources may be prorated on a quarterly basis for the fiscal year.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 13-1988, f. 6-7-88, cert. ef. 7-1-88; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1991, f. & cert. ef. 10-1-91; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-103-0020

Biennial Fee for Microwave Oven Service Licensees

(1) Each license issued by the Department for microwave oven service shall be subject to a biennial \$112 specific license fee.

(2) The license fee shall be due and payable on or before October 1 of each biennium.

(3) A certificate of validation or acknowledgement of validation for the then current fiscal biennium shall be provided by the Department. The current certificate of validation must be retained by the licensee.

(4) Unless validated by the biennial fee, each license shall be deemed to expire on September 30 of each biennium.

(5) Upon written request and approval by the Department, fees for new licenses may be prorated on a biennial quarterly basis for the current biennium.

Stat. Auth.: ORS 453.757, 453.761

Stats. Implemented: ORS 453.757, 453.761

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 15-1994, f. & cert. ef. 6-5-94; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-103-0025

Annual Fee for Tanning Devices

(1) Each tanning device must be validated annually by a tanning device fee of \$100.

(2) The tanning device fee shall be due and payable for each tanning device on or before January 1 of each year.

(3) A certificate of validation or acknowledgment of validation for the then current fiscal year must be posted on or near the tanning device, by the registrant.

(4) In any case in which a registrant has submitted the proper fee prior to the expiration of a validation certificate, such existing validation certificate shall not expire until the issuance of a new validation certificate for the then current fiscal year.

(5) Upon written request and approval by the Department, fees for new licenses or additional tanning devices may be prorated on a quarterly basis for the current fiscal year.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 13-1993, f. & cert. ef. 9-27-93; HD 15-1994, f. & cert. ef. 5-6-94; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-103-0050

Fees for Accredited Hospital Radiology Inspectors

(1) Each accreditation for a radiology inspector shall be subject to an accreditation fee of \$264.

(2) Each accreditation issued by the Department for a radiology inspector shall be subject to a biennial renewal fee of \$264.

(3) Each accreditation shall expire in the second year on the last day of the month of issuance unless renewed.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 3-1996, f. & cert. ef. 8-9-96; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0005

Definitions

As used in this division, the following definitions apply:

(1) "Accessible Surface" means the external surface of the enclosure or housing provided by the manufacturer.

(2) "Added Filtration" means any filtration that is in addition to the inherent filtration.

(3) "Aluminum Equivalent" means the thickness of type 1100 aluminum alloy affording the same attenuation, under specified conditions, as the material in question.

NOTE: The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper.

(4) "Agency approved instructor," means an individual who has been evaluated and approved by the Department to teach Radiation Safety.

(5) "Agency approved training course" means a course of training that has been evaluated and approved by the Department.

(6) "A.R.R.T." means the American Registry of Radiologic Technologists.

(7) "Assembler" means any person engaged in the business of assembling, replacing, or installing one or more components into an X-ray system or subsystem. The term includes the owner of an X-ray system or his or her employee or agent who assembles components into an X-ray system that is subsequently used to provide professional or commercial services.

(8) "Attenuation Block" means a block or stack, having dimensions 20 centimeters (cm) by 20 cm by 3.8 cm, of type 1100 aluminum alloy or other materials having equivalent attenuation.

(9) "Automatic Exposure Control (AEC)" means a device that automatically controls one or more technique factors in order to obtain at a pre-selected location(s) a required quantity of radiation. (See also "Photo timer".)

(10) "Barrier" (see "Protective Barrier").

(11) "Beam Axis" means a line from the source through the centers of the X-ray fields.

(12) "Beam-Limiting Device" means a device that provides a means to restrict the dimensions of the X-ray field.

(13) "Beam Monitoring System" means a system designed to detect and measure the radiation present in the useful beam.

(14) "C-arm X-ray system" means an X-ray system in which the image receptor and X-ray tube housing are connected by a common mechanical support system in order to maintain a desired spatial relationship. This system is designed to allow a change in the projection of the beam through the patient without a change in the position of the patient.

(15) "Cephalometric Device" means a device intended for the radiographic visualization and measurement of the dimensions of the human head.

(16) "Certified Components" means components of X-ray systems that are subject to the X-ray Equipment Performance Standards promulgated under Public Law 90-602, the Radiation Control Agency for Health and Safety Act of 1968.

(17) "Certified System" means any X-ray system that has one or more certified component(s).

(18) "Changeable Filters" means any filter, exclusive of inherent filtration, which can be removed from the useful beam through any electronic, mechanical or physical process.

(19) "Coefficient of Variation (C)" means the ratio of the standard deviation to the mean value of a set of observations.

(20) "Computed tomography (CT)" means the production of a tomogram by the acquisition and computer processing of X-ray transmission data.

(21) "Contact Therapy System" means an X-ray system used for therapy with the tube port placed in contact with or within five centimeters of the surface being treated.

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(22) "Control Panel" means that part of the X-ray control upon which are mounted the switches, knobs, pushbuttons and other hardware necessary for manually setting the technique factors.

(23) "Cooling Curve" means the graphical relationship between heat units stored and cooling time.

(24) "Dead-Man Switch" means a switch so constructed that a circuit closing contact can be maintained only by continuous pressure on the switch by the operator.

(25) "Detector" (see "Radiation detector").

(26) "Diagnostic X-ray imaging system" means an assemblage of components for the generation, emission, and reception of X-rays and the transformation, storage, and visual display of the resultant X-ray image.

(27) "Diagnostic Source Assembly" means the tube housing assembly with a beam-limiting device attached.

(28) "Diagnostic-Type Protective Tube Housing" means a tube housing so constructed that the leakage radiation measured at a distance of one meter from the source does not exceed 100 milliroentgens (mR) in one hour when the tube is operated at its leakage technique factors.

(29) "Diagnostic X-ray System" means an X-ray system designed for irradiation of any part of the human body or animal body for the purpose of diagnosis or visualization.

(30) "Direct Scattered Radiation" means that scattered radiation which has been deviated in direction only by materials irradiated by the useful beam (see "Scattered radiation").

(31) "Direct supervision" means that the person who directs the X-ray or fluoroscopic equipment operator(s) shall be present in the room while the individual operates the equipment.

(32) "Entrance Exposure Rate" means the exposure free in air per unit of time.

(33) "Field Emission Equipment" means equipment which uses a tube in which electron emission from the cathode is due solely to the action of an electric field.

(34) "Filter" means material placed in the useful beam to absorb preferentially selected radiations.

(35) "Fluoroscopic Benchmark" means a standard based upon the average cumulative fluoroscopic on-time normally found to be used for a specific fluoroscopic procedure at the site.

(36) "Fluoroscopic Imaging Assembly" means a subsystem in which X-ray photons produce a visible image. It includes the image receptor(s) such as the image intensifier and spot-film device, electrical interlocks, if any, and structural material providing linkage between the image receptor and diagnostic source assembly.

(37) "Fluoroscopic X-ray equipment operator" means any individual who, adjusts technique factors, activates the exposure switch or button of a fluoroscopic X-ray machine or physically positions patients or animals. Human holders, used solely for immobilization purposes (i.e. veterinarian human holders) are excluded from this rule.

(38) "Focal Spot" means the area projected on the anode of the tube by the electrons accelerated from the cathode and from which the useful beam originates.

(39) "General Purpose Radiographic X-ray System" means any radiographic X-ray system which, by design, is not limited to radiographic examination of specific anatomical regions.

(40) "General supervision" means that the person who directs the X-ray or fluoroscopic equipment operator(s), must be immediately available by telephone, pager, or other mode of communication, to provide direction if needed or requested.

(41) "Gonad Shield" means a protective barrier for the testes or ovaries.

(42) "Half-Value Layer (HVL)" means the thickness of specified material which attenuates the beam of radiation to an extent such that the exposure rate is reduced to one-half of its original value. In this definition, the contribution of all scattered radiation, other than any which might be present initially in the beam concerned, is deemed to be excluded.

(43) "Healing arts screening" means the testing of human beings using X-ray machines for the detection or evaluation of health indications when such tests are not specifically and individually ordered by an Oregon licensed practitioner of the healing arts legally authorized to prescribe such X-ray tests for the purpose of diagnosis or treatment.

(44) "Heat Unit" means a unit of energy equal to the product of the peak kilovoltage, milliamperes and seconds, i.e., $kVp \times mA \times second$.

(45) "HVL" (see "Half-value layer").

(46) "Image Intensifier" means a device, installed in its housing, which instantaneously converts an X-ray pattern into a corresponding light image of higher energy density.

(47) "Image Receptor" means any device, such as a fluorescent screen or radiographic film, which transforms incident photons either into a visible image or into another form which can be made into a visible image by further transformations.

(48) "Indirect supervision" means that the person who directs the X-ray or fluoroscopic equipment operator(s) be readily available on facility premises when the X-ray or fluoroscopic equipment is operated.

(49) "Inherent Filtration" means the filtration of the useful beam provided by the permanently installed components of the tube housing assembly.

(50) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

(51) "Irradiation" means the exposure of matter to ionizing radiation.

(52) "Kilovolt-Peak" (see "Peak tube potential").

(53) "kV" means kilovolts.

(54) "kVp" (see "Peak tube potential").

(55) "kWs" means kilowatt second.

(56) "Lead Equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

(57) "Leakage Radiation" means radiation emanating from the diagnostic or therapeutic source assembly except for:

(a) The useful beam; and

(b) Radiation produced when the exposure switch or timer is not activated.

(58) "Leakage Technique Factors" means the technique factors associated with the diagnostic or therapeutic source assembly which are used in measuring leakage radiation. They are defined as follows:

(a) For diagnostic source assemblies intended for capacitor energy storage equipment, the maximum rated peak tube potential and the maximum-rated number of exposures in an hour for operation at the maximum rated peak tube potential with the quantity of charge per exposure being 10 millicoulombs, i.e., 10 milliampere seconds (mAs), or the minimum obtainable from the unit, whichever is larger.

(b) For diagnostic source assemblies intended for field emission equipment rated for pulsed operation, the maximum-rated peak tube potential and the maximum-rated number of X-ray pulses in an hour for operation at the maximum-rated peak tube potential.

(c) For all other diagnostic or therapeutic source assemblies, the maximum-rated peak tube potential and the maximum-rated continuous tube current for the maximum-rated peak tube potential.

(59) "Light Field" means that area of the intersection of the light beam from the beam-limiting device and one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the illumination is one-fourth of the maximum in the intersection.

(60) "Line-Voltage Regulation" means the difference between the no-load and the load line potentials expressed as a percent of the load line potential.

(61) "mA" means milliamperere.

(62) "mAs" means milliamperere second.

(63) "Maximum Line Current" means the root-mean-square current in the supply line of an X-ray machine operating at its maximum rating.

(64) "Mobile Equipment" (see "X-ray Equipment").

(65) "Non-radiologist practitioner" means an individual who practices medicine as a medical doctor (M.D.), doctor of osteopathic medicine (D.O), doctor of chiropractic medicine (D.C.), doctor of podiatric medicine (D.P.M.) or doctor of veterinary medicine (D.V.M.); and

(a) Are not specifically certified in diagnostic and/or therapeutic use of X-rays; and

(b) Are currently licensed by their respective Oregon licensing board.

(66) "Operator" means an individual who, under the supervision of a practitioner of the healing arts, handles ionizing radiation equipment, physically positions patients or animals, determines exposure parameters or applies the radiation for the diagnostic or therapeutic purposes intended.

(67) "Patient" means an individual subjected to healing arts examination, diagnosis, or treatment.

(68) "Peak Tube Potential" means the maximum value of the potential difference across the X-ray tube during an exposure.

(69) "Phantom" means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation. This requires that both the atomic number (Z) and the density of the material be similar to that of tissue.

(70) "Photo timer" means a method for controlling radiation exposures to image receptors by measuring the amount of radiation which reach-

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es a radiation monitoring device(s). The radiation monitoring device(s) is a part of an electronic circuit which controls the duration of time the tube is activated (see also "Automatic exposure control").

(71) "PID" (see "Position indicating device").

(72) "Portable Equipment" (see "X-ray Equipment").

(73) "Position Indicating Device" means a device on dental X-ray equipment used to indicate the beam position and to establish a definite source-surface (skin) distance. It may or may not incorporate or serve as a beam-limiting device.

(74) "Primary Dose Monitoring System" means a system which will monitor useful beam during irradiation and which will terminate irradiation when a pre-selected number of dose monitor units have been acquired.

(75) "Primary Protective Barrier" (see "Protective barrier").

(76) "Protective Apron" means an apron made of radiation absorbing materials used to reduce radiation exposure.

(77) "Protected Area" means an area shielded with primary or secondary protective barriers or an area removed from the radiation source such that the exposure rate within the area due to normal operating procedures and workload does not exceed any of the following limits:

(a) 2 milliroentgens (mR) in any one hour; or

(b) 100 mR in any one year.

(c) See OAR 333-120-0180 for additional information.

(78) "Protective Barrier" means a barrier of radiation absorbing material(s) used to reduce radiation exposure. The types of protective barriers are as follows:

(a) "Primary protective barrier" means the material, excluding filters, placed in the useful beam, for protection purposes, to reduce the radiation exposure;

(b) "Secondary protective barrier" means a barrier sufficient to attenuate the stray radiation to the required degree.

(79) "Protective Glove" means a glove made of radiation absorbing materials used to reduce radiation exposure.

(80) "Qualified Expert" means an individual, approved by the Department, who has demonstrated, pursuant to these rules, that he/she possesses the knowledge, skills, and training to measure ionizing radiation, to evaluate radiation parameters, to evaluate safety techniques, and to advise regarding radiation protection needs. The individual shall:

(a) Be certified in the appropriate field by the American Board of Radiology, the American Board of Health Physics, the American Board of Medical Physics or the American Board of Nuclear Medicine Science; or

(b) Hold a master's or doctor's degree in physics, biophysics, radiological physics, health physics, or medical physics and have completed one year of documented, full time training in the appropriate field and also one year of documented, full time work experience under the supervision of a qualified expert in the appropriate field. To meet this requirement, the individual shall have performed the tasks required of a qualified expert during the year of work experience; or

(c) Receive approval from the Department for specific activities.

(81) "Quality Control Program" means a program directed at film processing and radiographic image quality whereby periodic monitoring of film processing is performed. Test films are compared against control film, either visually or by use of a densitometer, to determine if density or contrast have changed. Steps can then be taken to investigate such change and correct the problem. The X-ray machine itself can also be involved in the quality control program, as can other components of the imaging chain.

(82) "Radiation Detector" means a device which in the presence of radiation provides a signal or other indication suitable for use in measuring one or more quantities of incident radiation.

(83) "Radiation Therapy Simulation System" means a radiographic or fluoroscopic system intended for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

(84) "Radiograph" means an image receptor on which the image is created directly or indirectly by a pattern and results in a permanent record.

(85) "Radiographic Imaging System" means any system whereby a permanent or semipermanent image is recorded on an image receptor by the action of ionizing radiation.

(86) "Radiological Physicist" means an individual who:

(a) Is certified by the American Board of Radiology in therapeutic radiological physics, radiological physics, or x- and gamma-ray physics; or

(b) Has a bachelor's degree in one of the physical sciences or engineering and three years full-time experience working in therapeutic radiological physics under the direction of a physicist certified by the American Board of Radiology. The work duties must include duties involving the cal-

ibration and spot checks of a medical accelerator or a sealed source teletherapy unit; or

(c) Has a Master's or a Doctor's degree in physics, biophysics, radiological physics, health physics, or engineering; has had one year's full-time training in therapeutic radiological physics; and has had one year's full-time work experience in a radiotherapy facility where the individual's duties involve calibration and spot checks of a medical accelerator or a sealed source teletherapy unit.

(87) "Radiologist" or "Oral Radiologist" means a physician or dentist trained in the diagnostic and/or therapeutic use of X-rays and who is;

(a) Currently licensed by their respective Oregon licensing board; and

(b) Board certified by the American Board of Radiology (ABR) or American Osteopathic Board of Radiology (AOBR) or American Chiropractic Board of Radiology (DACBR) or Royal College of Physicians and Surgeons of Canada (RCPS) or the American Board of Oral and Maxillo-Facial Radiology (ABOMFR) and currently licensed to practice medicine or dentistry in Oregon.

(88) "Radiology Physician's Assistant" (R.P.A.)/ "Registered Radiology Assistant" (R.R.A.).

(a) An R.P.A. means an American Registry of Radiologic Technologists (A.R.R.T.) technologist who has successfully completed an advanced training program and is certified by the Certification Board for Radiology Practitioner Assistants (CBRPA).

(b) An R.R.A. means an A.R.R.T. technologist who has successfully completed an advanced training program and is certified by A.R.R.T.

(89) "R.T." means a radiologic technologist certified in radiography and currently licensed by the Oregon Board of Radiologic Technology (OBRT).

(90) "Rating" means the operating limits as specified by the component manufacturer.

(91) "Recording" means producing a permanent form of an image resulting from X-ray photons.

(92) "Registrant," as used in this division, means any person who owns or possesses and administratively controls an X-ray system which is used to deliberately expose humans, animals or materials to the useful beam of the system and is required by the provisions contained in divisions 100 and 101 of this chapter to register with the Department.

(93) "Response Time" means the time required for an instrument system to reach 90 percent of its final reading when the radiation-sensitive volume of the instrument system is exposed to a step change in radiation flux from zero, sufficient to provide a steady state midscale reading.

(94) "Scattered Radiation" means radiation that, during passage through matter, has been deviated in direction (see "Direct Scattered Radiation").

(95) "Screening" means the use of a systematic approach to obtain cursory examinations of a person or group of persons without regard to specific clinical indications.

(96) "Secondary Dose Monitoring System" means a system which will terminate irradiation in the event of failure of the primary system.

(97) "Secondary Protective Barrier" (see "Protective barrier").

(98) "Shutter" means a device attached to the tube housing assembly which can totally intercept the useful beam and which has a lead equivalency not less than that of the tube housing assembly.

(99) "SID" (see "Source-image receptor distance").

(100) "Source" means the focal spot of the X-ray tube.

(101) "Source-Image Receptor Distance" means the distance from the source to the center of the input surface of the image receptor.

(102) "Spot Check" means a procedure which is performed to assure that a previous calibration continues to be valid.

(103) "Spot Film" means a radiograph which is made during a fluoroscopic examination to permanently record conditions which exist during that fluoroscopic procedure.

(104) "Spot-Film Device" means a device intended to transport and/or position a radiographic image receptor between the X-ray source and fluoroscopic image receptor. It includes a device intended to hold a cassette over the input end of an image intensifier for the purpose of making a radiograph.

(105) "SSD" means the distance between the source and the skin of the patient.

(106) "Stationary Equipment" (see "X-ray Equipment").

(107) "Stray Radiation" means the sum of leakage and scattered radiation.

(108) "Technique Factors" means the conditions of operation. They are specified as follows:

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(a) For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs;

(b) For field emission equipment rated for pulsed operation, peak tube potential in kV and number of X-ray pulses;

(c) For all other equipment, peak tube potential in kV and either tube current in mA and exposure time in seconds, or the product of tube current and exposure time in mAs.

(109) "Termination of Irradiation" means the stopping of irradiation in a fashion which will not permit continuance of irradiation without the resetting of operating conditions at the control panel.

(110) "Traceable to a National Standard" means that a quantity or a measurement has been compared to a national standard directly or indirectly through one or more intermediate steps and that all comparisons have been documented.

(111) "Tube" means an X-ray tube, unless otherwise specified.

(112) "Tube Housing Assembly" means the tube housing with tube installed. It includes high-voltage and/or filament transformers and other appropriate elements when such are contained within the tube housing.

(113) "Tube Rating Chart" means the set of curves which specify the rated limits of operation of the tube in terms of the technique factors.

(114) "Unprotected Area" means any area in which the exposure rate, due to the use of the radiation machine under normal operating procedures and workload, exceeds any of the following limits:

(a) 2 mR in any one hour; or

(b) 100 mR in any 7 consecutive days; or

(c) 500 mR in any one year.

(115) "Useful Beam" means the radiation emanating from the tube housing port or the radiation head and passing through the aperture of the beam limiting device when the exposure controls are in a mode to cause the system to produce radiation.

(116) "Variable-Aperture Beam-Limiting Device" means a beam-limiting device which has capacity for stepless adjustment of the X-ray field size at a given SID.

(117) "Visible Area" means that portion of the input surface of the image receptor over which the incident X-ray photons are producing a visible image.

(118) "Wedge Filter" means an added filter effecting continuous progressive attenuation on all or part of the useful beam.

(119) "X-ray Control" means a device which controls input power to the X-ray high-voltage generator and/or the X-ray tube. It includes equipment such as exposure switches (control), timers, photo timers, automatic brightness stabilizers and similar devices, which control the technique factors of an X-ray exposure.

(120) "X-ray Equipment" means an X-ray system, subsystem, or component thereof. Types of equipment are as follows:

(a) "Mobile equipment" means X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled;

(b) "Portable equipment" means X-ray equipment designed to be hand-carried;

(c) "Stationary equipment" means X-ray equipment which is installed in a fixed location;

(d) "Transportable" means X-ray equipment installed in a vehicle or trailer.

(121) "X-ray equipment operator" means any individual who handles, adjusts technique factors, activates the exposure switch/ or button of an X-ray machine, or physically positions patients or animals for a radiograph (see "Operator").

(122) "X-ray Field" means that area of the intersection of the useful beam and any one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the exposure rate is one-fourth of the maximum in the intersection.

(123) "X-ray High-Voltage Generator" means a device which transforms electrical energy from the potential supplied by the X-ray control to the tube operating potential. The device may also include means for transforming alternating current to direct current, filament transformers for the X-ray tube(s), high-voltage switches, electrical protective devices and other appropriate elements.

(124) "X-ray System" means an assemblage of components for the controlled production of X-rays. It includes minimally an X-ray high-voltage generator, an X-ray control, a tube housing assembly, a beam-limiting device and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

(125) "X-ray Subsystem" means any combination of two or more components of an X-ray system for which there are requirements specified in this division.

(126) "X-ray Tube" means any electron tube which is designed to be used primarily for the production of X-rays.

[ED. NOTE: Equations referenced are available from the agency.]

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0010

Administrative Controls

(1) Registrants shall be responsible for directing the operation of the X-ray system(s) under their administrative control. The registrant or the registrant's agent shall assure that the requirements of this rule are met in the operation of the X-ray system(s).

(2) An X-ray system and/or the operation of the X-ray system which does not meet the provisions of these rules shall not be operated for diagnostic or therapeutic purposes.

(3) For X-ray equipment manufactured after July 31, 1974, the registrant shall assure that the equipment will remain in compliance with the

Code of Federal Regulations, Title 21.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.605 - 453.755

Stats. Implemented: ORS 453.605 - 453.755

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0035

Deliberate Exposures Restricted

Persons shall not be exposed to the useful beam except for healing art purposes until the patient has been evaluated, and a medical need for the X-ray/s is determined, and has been authorized by a physician licensed to practice the healing arts in Oregon. Any useful diagnostic information obtained from each exposure shall be reviewed by a practitioner of the healing arts. This provision specifically prohibits deliberate exposure for the following purposes:

(1) Exposure of an individual for training, demonstration or other purposes unless there are also healing arts requirements and proper prescription has been provided.

(2) Exposure of an individual for the purpose of healing arts screening:

(a) Any person proposing to conduct a healing arts screening program shall not initiate such a program without prior approval of the Department;

(b) When requesting such approval, that person shall submit the following information. If any information submitted to the Department becomes invalid or outdated, the Department shall be immediately notified: (A) Name and address of the applicant and, where applicable, the names and addresses of agents within this state;

(B) Diseases or conditions for which the X-ray examinations are to be used in diagnoses;

(C) A detailed description of the X-ray examinations proposed in the screening program;

(D) Description of the population to be examined in the screening program, i.e., age, sex, physical conditions, and other appropriate information;

(E) An evaluation of any known alternate methods not involving ionizing radiation which could achieve the goals of the screening program and why these methods are not used instead of the X-ray examinations;

(F) An evaluation by a qualified expert of the X-ray system(s) to be used in the screening program. The evaluation by the qualified expert shall show that such system(s) do satisfy all requirements of these rules;

(G) A description of the diagnostic film quality control program;

(H) A copy of the technique chart for the X-ray examination procedures to be used;

(I) The qualifications of each individual who will be operating the X-ray system(s);

(J) The qualifications of the individual who will be supervising the operators of the X-ray system(s). The extent of supervision and the method of work performance evaluation shall be specified;

(K) The name and address of the individual who will interpret the radiograph(s);

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(L) A description of the procedures to be used in advising the individuals screened and their private practitioners of the healing arts of the results of the screening procedure and any further medical needs indicated;

(M) A description of the procedures for the retention or disposition of the radiographs and other records pertaining to the X-ray examinations.

(3) Mammography screening shall be exempt from the requirements of section (2) of this rule if the following conditions are met:

(a) The requirements set forth in OAR 333-106-0700 to 333-106-0750 of these rules are satisfied.

(b) All other applicable rules are met.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0040

Patient Holding and Restraint

When a patient or film must be provided with auxiliary support during a radiation exposure:

(1) Mechanical holding devices shall be provided and used when the technique permits. The safety rules, required by OAR 333-106-0020 of these rules, shall list individual projections where holding devices cannot be used.

(2) Written safety procedures, as required by OAR 333-106-0020 of these rules, shall indicate the requirements for selecting a holder and the procedure the holder shall follow.

(3) The human holder shall be protected, as required by OAR 333-106-0025(1) and (2) of these rules.

(4) No individual shall be used routinely to hold film or patients.

(5) Occupationally exposed personnel are prohibited from holding human patients during radiographic examination.

(6) The Department may require a separate record to be maintained which would include the name of the human holder, date of the examination, number of exposures and technique factor used for the exposure(s).

(7) In those cases where the patient must hold the film, except during intraoral examinations, any portion of the body other than the area of clinical interest exposed to the useful beam shall be protected by not less than 0.5 mm lead equivalent material.

(8) Holding of patients shall be permitted only when it is otherwise impossible to obtain the necessary radiograph.

(9) Individuals stressing joints shall be exempt from section (5) of this rule.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0045

Use of Best Procedures and Equipment

Procedures and auxiliary equipment designed to minimize patient and personnel exposure commensurate with the needed diagnostic information shall be utilized. This is interpreted to include, but is not limited to:

(1) The speed of film or screen and film combinations shall be the fastest speed consistent with the diagnostic objective of the examinations.

(2) The radiation exposure to the patient shall be the minimum exposure required to produce images of good diagnostic quality, see Tables 1, 2 and 3. The referenced tables are available on the Program's website: <http://oregon.gov/DHS/ph/rps/index.shtml>.

(3) Portable or mobile X-ray equipment shall be used only for examinations where it is impractical to transfer the patient(s) to a stationary X-ray installation.

(4) X-ray systems subject to OAR 333-106-0301(1) shall not be utilized in procedures where the source to patient distance is less than 30 centimeters (cm).

(5) Cardboard cassettes without screens shall not be used (dental intraoral excluded).

(6) The number of radiographs taken for any radiographic examination should be the minimum number needed to adequately diagnose the clinical condition.

(7) Use of techniques designed to compensate for anatomical thickness variations after the primary beam has exited the patient is specifically prohibited. This includes "split screen" imaging techniques whereby multiple speed intensifying screens are placed in the same cassette, or any techniques which rely on attenuation of secondary (remnant) radiation for compensatory purposes. Lead lined grids, which are designed to reduce scattered radiation are excluded from this provision.

(8) Filter slot covers shall be provided for the X-ray operator's protection.

(9) Facilities shall determine or cause to be measured the typical patient exposure for their most common radiographic examinations. The exposures shall be recorded as milliroentgens measured in free air at the point of skin entrance for an average patient. These exposure amounts must then be compared to existing guidelines and rules, and if they exceed such guidelines or rules, action must be taken to reduce the exposure while at the same time maintaining or improving diagnostic image quality. In addition, typical patient exposure values shall be posted in the radiographic examination rooms so that they are readily available to administrators, X-ray operators, patients and practitioners.

(10) Protective equipment including aprons, gloves and shields shall be checked annually for defects, such as holes, cracks and tears to assure reliability and integrity. A record of this test shall be made and maintained for inspection by the Department. If such defect is found, equipment shall be replaced or removed from service until repaired. Fluoroscopy shall only be used for this purpose if a visual and manual check indicated a potential problem.

(11) Dental X-ray machines designed and manufactured to be used for dental purposes shall be restricted to dental use only.

(12) An X-ray quality control program shall be implemented when required by the Department.

(13) All X-ray equipment must be capable of functioning at the manufacturer's intended specifications.

(14) All patients' radiographic images or copies shall be made available for review by any practitioner of the healing arts, currently licensed by the appropriate Oregon licensing board, upon request of the patient.

(15) Requirements for the operation of fluoroscopic X-ray equipment. The operation of fluoroscopic equipment shall be restricted to the following categories of properly trained operators:

(a) Radiologists;

(b) Non-Radiologist practitioners with proper training in the operation and use of fluoroscopic X-ray equipment;

(c) R.T.s, must be ARRT registered and in good standing with the OBRT;

(d) R.P.A.s and R.R.A.s;

(e) Technologists, who have successfully completed an OBRT approved program in radiologic technology as defined in ORS 688.405, may temporarily operate fluoroscopic equipment while waiting to take the A.R.R.T. registry examination:

(A) The temporary period will expire when the individual has passed the registry examination and is considered an R.T.; or

(B) One year from the date when the technologist completed his/ her training, provided; and

(C) The technologist, while in the temporary status referred to in subsection (15)(e) of this rule, has a current temporary license issued by the OBRT.

(f) The operation of fluoroscopic equipment by R.T.s, or R.P.A.s or R.R.A.s shall be performed under the supervision of a radiologist and is restricted to the healing arts exclusively for the purpose of localization and/or to assist physicians in obtaining images for diagnostic purposes.

(g) Where direct or indirect supervision by a radiologist is impractical, a non-radiologist practitioner who has had proper training in the use and operation of fluoroscopic X-ray equipment is permitted to supervise an R.T. operating fluoroscopic equipment provided that the registrant arranges to have a radiologist or Medical or Health physicist to assist in;

(A) Developing fluoroscopic and radiation safety policies and procedures;

(B) Conducting an on-site practical evaluation of the Non-Radiologist practitioner's knowledge of radiation safety practices and ability to operate the fluoroscopic equipment; and

(C) At least annually, review the registrant's fluoroscopy program. The review should include an evaluation of the fluoroscopic on-times Quality Assurance reports, condition of fluoroscopic equipment and compliance with current rules. The registrant shall correct any deficiencies noted by the review.

(h) The operation of fluoroscopic equipment by a R.T. is restricted to the healing arts exclusively for the purpose of localization and/or to assist physicians in obtaining images for diagnostic purposes.

(i) Students currently enrolled in an approved school of Radiologic Technology as defined in ORS 688.405, may only operate fluoroscopic equipment under the direct supervision of a Radiologist or a R.T. while in the clinical phase of training.

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(j) Students currently enrolled in a Department approved R.P.A. or R.A. training program, may only operate fluoroscopic equipment under the direct or in-direct supervision of a Radiologist during their clinical phase of training.

(k) Overhead fluoroscopy is not to be used as a positioning tool for radiographic examinations except for those fluoroscopic examinations specified in the registrant's written policies/procedures for fluoroscopy.

(l) Proper training in the operation of fluoroscopic X-ray equipment shall include but not be limited to the following:

(A) Principles and operation of the fluoroscopic X-ray machine;

(i) Generating X-rays;

(ii) kVp and mA;

(iii) Image intensification;

(iv) High level control versus standard operating mode;

(v) Magnification (multi-field);

(vi) Automatic Brightness Control (ABC);

(vii) Pulsed versus Continuous X-ray Dose Rates;

(viii) Image recording modes;

(ix) Imaging Systems (TV and Digital);

(x) Contrast, noise and resolution;

(B) Radiation units;

(i) Traditional units;

(ii) SI units;

(iii) Dose Area Product;

(C) Typical fluoroscopic outputs;

(i) Patient skin entrance dose;

(ii) Standard Roentgen per minute (R/min) dose rates;

(iii) High level/Boost enable Roentgen per minute (R/min) dose rates;

(D) Dose reduction techniques for fluoroscopy;

(i) The use of collimation;

(ii) X-ray tube and Image intensifier placement;

(iii) Patient size versus Technique selection;

(iv) Use of grid;

(v) Use of last image hold;

(vi) Additional beam filtration;

(vii) Alternate gantry angles;

(viii) Use of spacer cone;

(ix) Pulsed fluoroscopy;

(E) Factors affecting personnel dose;

(i) Patient dose;

(ii) Scatter radiation;

(iii) Tube and Image intensifier placement;

(iv) Time, distance and shielding;

(F) Protective devices;

(i) Lead aprons and gloves;

(ii) Thyroid collars;

(iii) Protective glasses;

(iv) Leaded drapes;

(v) Bucky slot cover;

(vi) Protective shields/barriers;

(G) Radiation exposure monitoring;

(i) Personnel monitors;

(ii) Placement of personnel monitors;

(iii) Occupational and non-occupational dose limits;

(H) Biological effects of X-ray radiation;

(i) X-rays and particulate matter;

(ii) Absorption variables (field size, dose rate, etc.);

(iii) Scatter radiation;

(iv) Cell sensitivity;

(v) Acute effects;

(vi) Latent effects;

(I) Applicable regulations;

(i) Federal; and

(ii) Oregon Rules for the Control of Radiation to include, but not limited to, divisions 101, 103, 106, 111 and 120.

(16) Radiologists, R.A.s or R.P.A.s and R.T.s currently licensed in Oregon are considered to have met the training requirements in subsection (15)(l) of this rule.

(17) Fluoroscopic equipment operators who qualified to operate fluoroscopic X-ray equipment prior to April 11, 2005, will be considered as having met the training requirements in subsection (15)(l) of this rule.

(18) All images formed by the use of fluoroscopy shall be viewed, directly or indirectly, and interpreted by a radiologist, cardiologist, non-radiologist practitioner or other qualified specialist. R.As and R.P.As may

issue a preliminary report, however, the final report must be issued by their supervising radiologist.

(19) Written procedures for fluoroscopic X-ray equipment operators shall be available at the worksite and include:

(a) A list of all individuals who are permitted to operate fluoroscopic X-ray equipment at the facility;

(b) A list of the fluoroscopic X-ray equipment that each operator is qualified to operate;

(c) Written procedures regarding the set up and operation of each fluoroscopic X-ray machine registered to the facility;

(d) Written radiation safety procedures pertaining to the use and operation of fluoroscopy; and

(e) The name and title of the individual who is responsible for the direction of R.T.s who operate fluoroscopic equipment.

(20) Facilities shall determine, or cause to be determined, the typical patient entrance exposure rate for their most common fluoroscopic examinations. The determination shall be made using an attenuation block as described in OAR 333-106-0005(8) of these rules using measurement protocol in compliance with OAR 333-106-0210 of these rules and expressed in Roentgens per minute (R/min.) or milliRoentgens per minute (mR/min.). In addition, these entrance exposure rates shall be posted in the room where fluoroscopic examinations are conducted so that they are readily available to administrators, X-ray operators, patients and practitioners.

(21) Facilities that utilize fluoroscopy shall maintain a record of the cumulative fluoroscopic exposure time used for each examination. The record must indicate the patients name, the type of examination, the date of the examination, the fluoroscopists name, the fluoroscopic room in which the examination was done and the total cumulative fluoroscopic on time for each fluoroscopic examination and:

(a) No later than May 1, 2006, establish cumulative fluoroscopic on-time benchmarks for at least two (if applicable) of the most common types of fluoroscopic examinations performed at the facility's site in each of the following categories:

(A) Routine procedures performed on adults;

(B) Routine procedures performed on children;

(C) Orthopedic procedures performed in surgery;

(D) Urologic procedures performed in surgery;

(E) Angiographic procedures performed;

(F) Interventional cardiac studies.

(b) Develop and perform periodic (not to exceed 12 month intervals) quality assurance studies to determine the status of each individual fluoroscopist's cumulative on-time in relation to the fluoroscopic benchmarks established for individual fluoroscopic examinations;

(c) Take appropriate action, when the established benchmarks are consistently exceeded. The Radiation Safety Committee (RSC) must review the results of the cumulative fluoroscopic on-time Quality Assurance Study and take corrective action regarding those individuals who have exceeded the benchmarks established by the facility for a particular procedure more than ten percent of the total times the individual performed the procedure during the study period. Documentation of the RSC review, as well as any corrective actions taken, must be available for Department review. Corrective actions should, at a minimum, include;

(A) Notification of the individual; and

(B) Recommendation that the individual undergo additional coaching, training, etc. in the safe use of fluoroscopic equipment in order to assist them in reducing their cumulative fluoroscopic on-times.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0050

Personnel Monitoring

All individuals who are associated with the operation of an X-ray system are subject to the requirements of OAR 333-120-0100 and 333-120-0210. In addition:

(1) When protective clothing or devices are worn on portions of the body and a personnel monitoring device(s) is required, at least one such monitoring device shall be utilized as follows:

(a) When an apron is worn, the monitoring device shall be worn at the collar outside of the apron;

(b) The dose to the whole body based on the maximum dose attributed to the most critical organ (which are the gonads, the blood-forming

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organs, head and trunk or lens of the eye), shall be recorded in the reports required by OAR 333-120-0650(3). If more than one device is used and a record is made of the data, each dose shall be identified with the area where the device was worn on the body.

(2) Exposure of a personnel monitoring device to deceptively indicate a dose delivered to an individual is prohibited.

Stat. Auth.: ORS 453.605 - 453.755

Stats. Implemented: ORS 453.605 - 453.755

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0055

X-ray Operator Training

(1) The registrant shall assure that individuals who will be operating the X-ray equipment shall have adequate training in radiation safety. Adequate training in radiation safety means a minimum of 40 hours of didactic instruction for diagnostic medical X-ray equipment operators, eight hours for Grenz ray X-ray equipment operators and 20 hours for veterinary X-ray equipment operators from an Agency approved training course covering the following subjects:

- (a) Nature of X-rays;
- (b) Interaction of X-rays with matter;
- (c) Radiation units;
- (d) Principles of the X-ray machine;
- (e) Biological effects of X-ray;
- (f) Principles of radiation protection;
- (g) Low dose techniques;
- (h) Applicable Federal and State radiation regulations including those portions of divisions 100, 101, 103, 106, 111 and 120 of chapter 333;
- (i) Darkroom and film processing;
- (j) Film critique; and
- (k) Animal restraint training (for veterinary technologists or assistants only).

NOTE: Subjects (1)(g), (1)(i) and (1)(j) are not required for Grenz ray X-ray equipment operator training.

(2) Dental X-ray operators who meet the following requirements are considered to have met the requirements in section (1) of this rule:

- (a) Currently licensed by the Oregon Board of Dentistry as a Dentist or Dental Hygienist; or
- (b) Is a Dental Assistant who is certified, by the Oregon Board of Dentistry, in radiologic proficiency; and
- (c) Successfully completed didactic and clinical radiography training covering the subject areas outlined in section (1) of this rule; and
- (d) Passed the Radiation Health and Safety (RHS) or the Certified Dental Assistant (CDA) examination administered by the Dental Assisting National Board, Inc.(DANB) and clinical radiography examination or other comparable requirements approved by the Oregon Board of Dentistry.

(3) Medical X-ray equipment operators not regulated by the Oregon Board of Radiologic Technology. In addition to the above, medical X-ray equipment operators using diagnostic radiographic equipment on human patients, and who are not regulated by the Oregon Board of Radiologic Technology must have 100 hours or more of instruction in radiologic technology including, but not limited to, anatomy physiology, patient positioning, exposure and technique. The instruction must be appropriate to the types of X-ray examinations that the individual will be performing; and

(a) Have 200 hours or more of X-ray laboratory instruction and practice in the actual use of an energized X-ray unit, setting techniques and practicing positioning of the appropriate diagnostic radiographic procedures that they intend to administer; and

(b) Must have completed the required radiation use and safety hours and a minimum of 50 hours in X-ray laboratory before X-raying a human patient.

(4) Radiation Use and Safety Instructor Qualifications. The training required in sections (1), (2) and (3) of this rule must be taught by an Agency approved instructor. Approval will be based upon the following criteria:

(a) Medical use and safety instructor: An individual who is currently licensed as a Radiologic Technologist and approved as an education provider by the Oregon Board of Radiologic Technology.

(b) A dental radiation use and safety instructor is an individual who has:

- (A) Passed the Radiation Health and Safety (RHS) or the Certified Dental Assistant (CDA) examination administered DANB; or
- (B) Has been evaluated and approved as a qualified Dental radiation use and safety instructor by the Oregon Board of Dentistry; and
- (C) Is currently licensed, by the Oregon Board of Dentistry as a dentist; or
- (D) Is a dental hygienist; or

(E) Is a dental assistant certified in Radiologic proficiency and has a minimum of two years of experience in taking dental radiographs.

(c) A veterinarian radiation use and safety instructor is an individual who is:

(A) Currently credentialed with the Oregon Veterinary Medical Examining Board, or licensed as a Radiologic Technologist by the Oregon Board of Radiologic Technology; and

(B) Has completed training specific to veterinarian radiography, including training in animal restraint; and

(C) Have a minimum of two years of experience in taking veterinary radiographs.

(d)(A) On a case by case basis, if an evaluation by the Department reveals the individual has alternative qualifications that are substantially equivalent to the qualifications listed in subsections (4)(a), (4)(b) or (4)(c) of this rule or is an individual who is qualified under OAR 333-101-0230 as a Hospital Radiology Inspector; or

(B) The individual meets the requirements of a qualified expert as defined in OAR 333-100-0005(80).

(5) In addition to the requirements in sections (2), (9), (10) and (13), of this rule dental X-ray equipment operator must also satisfy any requirements established by the Oregon Board of Dentistry.

(6) The operator shall be able to demonstrate competency in the safe use of the X-ray equipment and associated X-ray procedures.

(7) Any diagnostic medical X-ray operator is deemed to have adequate training to meet the requirements of section (1) of this rule if they meet any of the following:

(a) Holds a current license from the Oregon Board of Radiologic Technology; or

(b) Holds a current limited permit from the Oregon Board of Radiologic Technology; or

(c) Is a student in a two-year approved school of Radiologic Technology as defined in ORS 688.405 while practicing Radiologic Technology under the supervision of a radiologist who is currently licensed with the Oregon Medical Examiners Board or a radiologic technologist who is currently registered with the American Registry of Radiologic Technologists and licensed with the Oregon Board of Radiologic Technology; or

(d) Is a student in an Oregon Board of Radiologic Technology approved limited permit program under a Radiologic Technologist who is currently registered with the American Registry of Radiologic Technologists and licensed by the Oregon Board of Radiologic Technology.

(8) Dental radiology students in an approved Oregon Board of Dentistry dental radiology course are permitted to take dental radiographs on human patients during their clinical training, under the indirect supervision of a Dentist or Dental Hygienist currently licensed or a dental assistant who has been certified in radiologic proficiency, by the Oregon Board of Dentistry provided that:

(a) They are enrolled in an Oregon Board of Dentistry approved radiology course; or

(b) A student studying under an Oregon Board of Dentistry approved radiology instructor; and

(c) The student has written authorization, signed by their instructor, attesting that the student has successfully completed training in the subject areas in section (1) of this rule; and

(d) Demonstrated to the instructor that they are ready to take dental radiographs on human patients through;

(A) The use of mannequins under indirect supervision; or

(B) Taking dental radiographs of human patients while under the direct supervision of the instructor; and

(C) The written authorization is on the training program or Oregon Board of Dentistry approved instructor's letterhead, a copy of which is maintained at the site(s) of their clinical training and available for review by, DHS Office of State Public Health, inspection staff at the time of inspection.

(9) The students identified in section (8) of this rule are prohibited from taking radiographs on human patients without proper authorization from a practitioner of the healing arts who is currently licensed in Oregon, as required in OAR 333-106-0035 of these rules.

(10) The students identified in section (8) of this rule are considered to be in "student status" until they have successfully completed the clinical phase of their training. "Student status" shall not exceed a period of twelve (12) consecutive months.

(11) Radiation use and safety training programs approved prior to the May 1, 2005 will continue to be considered as meeting the requirements of section (1) of this rule provided they cover those portions of the Oregon

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Rules for the Control of Radiation indicated in subsection (1)(h) of this rule.

(12) X-ray operator training approved prior to May 1, 2005 will continue to be considered as having met the requirements of sections (1), (2) or (3) of this rule as applicable.

(13) Reciprocity. X-ray equipment operators who have received their radiation safety training outside of Oregon will be considered to have met the training requirements listed in sections (1) or (2) of this rule, if the Department's or applicable Oregon Licensing Board's evaluation of their training or training and experience, reveals that they substantially meet the intent of sections (1) or (2) of this rule.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0101

Diagnostic X-ray Systems

Additional Requirements. In addition to other requirements of this division, all diagnostic X-ray systems shall meet the following requirements:

(1) **Warning Label.** The control panel containing the main power switch shall bear the warning statement, legible and accessible to view: "WARNING: This X-ray unit may be dangerous to patient and operator unless safe exposure factors and operating instructions are observed."

(2) The state will attach an identification number to each X-ray control panel or an appropriate location:

(a) Identification numbers shall not be removed without written permission of the Department;

(b) Identification numbers shall not be defaced.

(3) Mobile and portable X-ray systems shall meet the requirements of a stationary system when used for greater than seven consecutive days in the same location.

(4) **Battery Charge Indicator.** On battery-powered X-ray generators, visual means shall be provided on the control panel to indicate whether the battery is in a state of charge adequate for proper operation.

(5) **Leakage Radiation from the Diagnostic Source Assembly.** The leakage radiation from the diagnostic source assembly measured at a distance of one meter in any direction from the source shall not exceed 100 mR (25.8 C/kg) in one hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square cm with no linear dimension greater than 20 cm.

(6) **Radiation from Components Other Than the Diagnostic Source Assembly.** The radiation emitted by a component other than the diagnostic source assembly shall not exceed 2 mR (0.516 C/kg) in one hour at 5 cm from any accessible surface of the component when it is operated in an assembled X-ray system under any conditions for which it was designed. Compliance shall be determined by measurements averaged over an area of 100 square cm with no linear dimension greater than 20 cm.

(7) **Beam Quality:**

(a) **Half-Value Layer (HVL):**

The HVL of the useful beam for a given X-ray tube potential shall not be less than the values shown in Table 4. If it is necessary to determine such HVL at an X-ray tube potential which is not listed in Table 4, linear interpolation or extrapolation may be made; The referenced table is available on the Program's website: <http://www.oregon.gov/DHS/ph/rps/index.shtml>

(A) The HVL required in subsection (7)(a) of this rule will be considered to have been met if it can be demonstrated that the aluminum equivalent of the total filtration in the primary beam is not less than that shown in Table 5. The referenced table is available on the Program's website: <http://www.oregon.gov/DHS/ph/rps/index.shtml>

(B) In addition to the requirements of section (5) of this rule, all intra-oral dental radiographic systems manufactured on and after December 1, 1980, shall have a minimum HVL not less than 1.5 mm aluminum (Al) equivalent filtration permanently installed in the useful beam;

(C) Beryllium window tubes shall have a minimum of 0.5 mm Al equivalent filtration permanently installed in the useful beam;

(D) For capacitor energy storage equipment, compliance with the requirements of section (5) of this rule shall be determined with the maximum quantity of charge per exposure;

(E) The required minimal aluminum equivalent filtration shall include the filtration contributed by all materials, which are always, present between the source and the patient.

(b) **Filtration Controls.** For X-ray systems which have variable kVp and variable filtration for the useful beam, a device shall link the kVp selector with the filter(s) and shall prevent an exposure unless the minimum amount of filtration required by subsection (5)(a) of this rule is in the useful beam for the given kVp, which has been selected.

(8) **Multiple Tubes.** Where two or more radiographic tubes are controlled by one exposure switch, the tube or tubes, which have been selected, shall be clearly indicated prior to initiation of the exposure. This indication shall be both on the X-ray control panel and at or near the tube housing assembly, which has been selected.

(9) **Mechanical Support of Tube Head.** The tube housing assembly supports shall be adjusted such that the tube housing assembly will remain stable during an exposure unless the tube housing movement is a designed function of the X-ray system.

(10) **Technique Indicators:**

(a) The technique factors to be used during an exposure shall be indicated before the exposure begins. If automatic exposure controls are used, the technique factors, which are set prior to the exposure, shall be indicated;

(b) The requirement of subsection (10)(a) of this rule may be met by permanent marking on equipment having fixed technique factors.

(11) There shall be provided for each X-ray machine a means for determining the proper SID.

(12) **X-ray film developing requirements.** Compliance with this section is required of all healing arts registrants and is designed to ensure that patient and operator exposure is minimized and to produce optimum image quality and diagnostic information:

(a) **Manual processing of films.**

(A) The relationship between temperature of the developer and development time indicated in Table 6 or the manufacturer's recommendations must be used with standard developing chemistry. The referenced table is available on the Program's website: <http://www.oregon.gov/DHS/ph/rps/index.shtml>

(B) **Processing of film.** All films shall be processed in such a fashion as to achieve adequate sensitometric performance. This criterion shall be adjudged to have been met if:

(i) Film manufacturer's published recommendations for time and temperature are followed; or

(ii) Each film is developed in accordance with the time-temperature chart (see subsection (12)(a) of this rule).

(C) **Chemical-film processing control.**

(i) Chemicals shall be mixed in accordance with the chemical manufacturer's recommendations;

(ii) Developer replenisher shall be periodically added to the developer tank based on the recommendations of the chemical or film manufacturer. Solution may be removed from the tank to permit the addition of an adequate volume of replenisher.

(D) All processing chemicals shall be completely replaced at least every two months or as indicated by the manufacturer.

(E) **Devices shall be available which will:**

(i) Give the actual temperature of the developer; and

(ii) Give an audible or visible signal indicating the termination of a preset development time (in minutes or seconds).

(b) **Automatic film processing.** Films shall be processed in such a manner that the degree of film development is the same as would be achieved by proper adherence to subsection (a) of this rule (manual processing).

(c) **Darkrooms.** Darkrooms shall be constructed so that film being processed, handled, or stored will be exposed only to light which has passed through an appropriate safelight filter.

(d) **Safelights shall be mounted in accordance with manufacturer's recommendations.**

(e) **Light bulbs used in safelights shall be the type and wattage recommended by the manufacturer.**

(f) **Safelight lenses shall be the type recommended for use by the film manufacturer.**

(g) **Rapid film processing.** Special chemicals have been designed for use in Endodontics. These chemicals have special development requirements and do not permit as large of a margin of error in darkroom technique as do standard developing chemicals. Failure to precisely follow manufacturer's recommendations can easily lead to overexposure and underdevelopment. Darkroom procedures shall include:

(A) The manufacturer's time temperature development is crucial and shall be followed exactly;

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(B) Caution: A timer capable of accurately measuring the short development times required shall be used;

(C) If rapid chemical processing is used for general radiography all applicable requirements of section (12) of this rule shall be followed.

(h) The department shall make such tests as may be necessary to determine compliance with this section.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0105

Information and Maintenance Record and Associated Information

(1) The registrant shall maintain the following information for each X-ray and automatic film processing system for inspection by the Department:

(a) Model, serial numbers and manufacturer's user manuals for all X-ray systems and automatic film processors;

(b) Tube rating charts and cooling curves;

(c) Records of surveys, calibrations maintenance, and modification performed on the X-ray system(s) with names of persons who perform such services;

(d) A scale drawing of the room in which a stationary X-ray system is located with such drawing indicating the current use of areas adjacent to the room and an estimate of the extent of occupancy by individuals in such areas. In addition, the drawing shall include:

(A) The result of a survey for radiation levels present at the operator's position and at pertinent points outside the room at specified test conditions; or

(B) The type and thickness of materials, or lead equivalency, of each protective barrier.

(e) A copy of all correspondence with this Department regarding that X-ray system;

(f) Provisions in section (1) of this rule shall pertain to X-ray systems placed in service after the effective date of these rules.

(2) X-ray Log. Each facility shall maintain an X-ray log containing the patient's name, the type of examinations, and the dates the examinations were performed and the name of the X-ray operator. The X-ray log must have a cover page containing the printed names of all X-ray operators and a sample of their signed initials. The following facilities are exempt from these requirements:

(a) Dental facilities that maintain patient records showing the type and date of the examination and the operator's name;

(b) Industrial facilities doing industrial X-ray only;

(c) Veterinary facilities;

(d) Hospitals or clinics who employ only fully licensed X-ray operators;

(e) Doctors' offices or clinics with only 1 X-ray operator, or 1 X-ray exam;

(f) Academic, when not X-raying humans.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0110

Plan Review

When required by the Department, and:

(1) Prior to construction, the floor plans and equipment arrangement of all new installations, or modifications of existing installations, utilizing X-rays for diagnostic or therapeutic purposes must be submitted to the Department for review and approval. The required information is as set out in division 120.

(2) The Department may require the applicant to utilize the services of a qualified expert to determine the shielding requirements prior to the plan review and approval.

(3) The approval of such plans shall not preclude the requirement of additional modifications should a subsequent analysis of operating conditions indicate the possibility of an individual receiving a dose in excess of the limits prescribed in division 120.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0130

Design Requirements for an Operator's Booth

(1) Space Requirements when required by OAR 333-106-0110 of these rules:

(a) The operator shall be allotted not less than 7.5 square feet (0.697 m²) of unobstructed floor space in the booth;

(b) The operator's booth may be any geometric configuration with no dimension of less than 2 feet (0.61 m);

(c) The space shall be allotted excluding any encumbrance by the X-ray control panel, such as overhang, cables, or other similar encroachments;

(d) The booth shall be located or constructed such that unattenuated direct scatter radiation originating on the examination table or at the wall cassette not reach the operator's station in the booth.

(2) Structural Requirements:

(a) The booth walls shall be permanently fixed barriers of at least seven feet (2.13 m) high;

(b) When a door or movable panel is used as an integral part of the booth structure, it must have an interlock which will prevent an exposure when the door or panel is not closed;

(c) Shielding shall be provided to meet the requirements of division 120 of these rules.

(3) X-ray Exposure Control Placement: The X-ray exposure control for the system shall be fixed within the booth and:

(a) Shall be at least 40 inches (1.02 m) from any open edge of the booth wall which is nearest to the examining table;

(b) Shall allow the operator to use the majority of the available viewing windows.

(4) Viewing System Requirements:

(a) Each booth shall have at least one viewing device which will:

(A) Be so placed that the operator can view the patient during any exposure; and

(B) The device shall be so placed that the operator can have full view of any occupant of the room and should be so placed that the operator can view any entry into the room. If any door which allows access to the room cannot be seen from the booth, then that door must have an interlock controlling the exposure which will prevent the exposure if the door is not closed.

(b) When the viewing system is a window, the following requirements also apply:

(A) The viewing area shall be at least one square foot (0.0929 m²);

(B) The design of the booth shall be such that the operator's expected position when viewing the patient and operating the X-ray system is at least 18 inches (0.457 m) from the edge of the booth;

(C) The material constituting the window shall have the same lead equivalence as that required in the booth's wall in which it is mounted.

(c) When the viewing system is by mirrors, the mirror(s) shall be so located as to accomplish the general requirements of subsection (4)(a) of this rule;

(d) When the viewing system is by electronic means:

(A) The camera shall be so located as to accomplish the general requirements of subsection (4)(a) of this rule;

(B) There shall be an alternate viewing system as a backup for the primary system.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0201

Fluoroscopic X-ray Systems

All Fluoroscopic X-ray Systems Shall Meet the Following Requirements:

Limitations of Useful Beam

(1) Primary Barrier:

(a) The fluoroscopic imaging assembly shall be provided with a primary protective barrier which intercepts the entire cross section of the useful beam at any SID;

(b) The X-ray tube used for fluoroscopy shall not produce X-rays unless the barrier is in position to intercept the entire useful beam.

(2) Nonimage intensified types of fluoroscopes shall not be used.

(3) Image-Intensified Fluoroscopy and Spot Filming:

(a) For image-intensified fluoroscopic equipment, neither the length nor the width of the X-ray field in the plane of the image receptor shall exceed that of the visible area of the image receptor by more than three percent of the SID. The sum of the excess length and the excess width shall be no greater than four percent of the SID. In addition:

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(A) Means shall be provided to permit further limitation of the field. Beam-limiting devices manufactured after May 22, 1979, and incorporated in equipment with a variable SID and/or a visible area of greater than 300 square cm shall be provided with means for stepless adjustment of the X-ray field;

(B) All equipment with a fixed SID and a visible area of 300 square cm or less shall be provided with either stepless adjustment of the X-ray field or with means to further limit the X-ray field size at the plane of the image receptor to 125 square cm or less. Stepless adjustment shall, at the greatest SID, provide continuous field sizes from the maximum obtainable to a field size of 5 cm by 5 cm or less;

(C) For equipment manufactured after February 25, 1978, when the angle between the image receptor and beam axis is variable, means shall be provided to indicate when the axis of the X-ray beam is perpendicular to the plane of the image receptor; and

(D) Compliance shall be determined with the beam axis indicated to be perpendicular to the plane of the image receptor. For rectangular X-ray fields used with circular image reception, the error in alignment shall be determined along the length and width dimensions of the X-ray field which pass through the center of the visible area of the image receptor.

(b) Spot-film devices which are certified components shall meet the following additional requirements:

(A) Means shall be provided between the source and the patient for adjustment of the X-ray field size in the plane of the film to the size of that portion of the film which has been selected on the spot-film selector. Such adjustment shall be automatically accomplished except when the X-ray field size in the plane of the film is smaller than that of the selected portion of the film. For spot film devices manufactured after June 21, 1979, if the X-ray field size is less than the size of the selected portion of the film, the means for adjustment of the field size shall be only at the operator's option;

(B) It shall be possible to adjust the X-ray field size in the plane of the film to a size smaller than the selected portion of the film. The minimum field size at the greatest SID shall be equal to, or less than, 5 cm by 5 cm;

(C) The center of the X-ray field in the plane of the film shall be aligned with the center of the selected portion of the film to within two percent of the SID; and

(D) On spot-film devices manufactured after February 25, 1978, if the angle between the plane of the image receptor and beam axis is variable, means shall be provided to indicate when the axis of the X-ray beam is perpendicular to the plane of the image receptor, and compliance shall be determined with the beam axis indicated to be perpendicular to the plane of the image receptor.

(c) If a means exists to override any of the automatic X-ray field size adjustments required in section (2) of this rule, that means:

(A) Shall be designed for use only in the event of system failure;

(B) Shall incorporate a signal visible at the fluoroscopist's position which will indicate whenever the automatic field size adjustment is overridden; and

(C) Shall be clearly and durably labeled as follows:

"FOR X-RAY FIELD LIMITATION SYSTEM FAILURE"

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0210

Entrance Exposure Rates

(1) Fluoroscopic equipment manufactured before May 19, 1995 that is provided with Automatic Exposure Rate Control (AERC) shall not be operable at any combination of tube potential and current that will result in an exposure rate in excess of 10 roentgens (R) (2.58 mC/kg) per minute, at a point where the center of the useful beam enters the patient, except;

(a) During the recording of fluoroscopic images; or;

(b) When optional high-level control is provided. When so provided, the equipment shall not be operable at any combination of tube potential and current that will result in an exposure rate in excess of 5 R (1.29 mC/kg) per minute at a point where the center of the useful beam enters the patient, unless the high-level control is activated. Special means of activation of high-level controls shall be required. The high-level control shall be operable only when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high-level control is being employed.

(2) Fluoroscopic equipment that is not provided with AERC shall not be operable at any combination of tube potential and current that will result in an exposure rate in excess of 5 R (1.29 mC/kg) per minute at a point where the center of the useful beam enters the patient, except;

(a) During the recording of fluoroscopic images; or

(b) When optional high-level control is activated. Special means of activation of high-level controls shall be required. The high-level control shall be operable only when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high-level control is being employed.

(3) Equipment with both an AERC mode and a manual mode. Fluoroscopic equipment that is provided with both an AERC and a manual mode shall not be operable at any combination of tube potential and current that will result in an exposure rate in excess of 10 R (2.58 mC/kg) per minute in either mode at a point where the center of the useful beam enters the patient, except;

(a) During the recording of fluoroscopic images; or;

(b) When the mode or modes have an optional high-level control, in which case that mode or modes shall not be operable at any combination of tube potential and current that will result in an exposure rate in excess of 5 R (1.29 mC/kg) per minute at a point where the center of the useful beam enters the patient, unless the high-level control is activated. Special means of activation of high-level controls shall be required. The high-level control shall be operable only when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high-level control is being employed.

(4) Exemptions. Fluoroscopic radiation therapy simulation systems are exempt from the requirements set forth in sections (1), (2), and (3) of this rule.

(5) For fluoroscopic equipment manufactured on and after May 19, 1995, the following requirements will apply:

(a) Fluoroscopic equipment operable at any combination of tube potential and current that will result in an exposure rate in excess of 5 R (1.29 mC/kg) per minute at a point where the center of the useful beam enters the patient shall be equipped with AERC. Provision for manual selection of the technique factors may be provided.

(b) Fluoroscopic equipment shall not be operable at any combination of tube potential and current that will result in an exposure rate in excess of 10 R (2.58 mC/kg) per minute at a point where the center of the useful beam enters the patient except;

(A) During the recording of fluoroscopic images from an X-ray image-intensifier tube using photographic film or a video camera when the X-ray source is operated in a pulsed mode.

(B) When an optional high-level control is activated, the equipment shall not be operable at any combination of tube potential and current that will result in an exposure rate in excess of 20 R per minute at a point where the center of the useful beam enters the patient. Special means of activation of high-level controls shall be required. The high-level control shall be operable only when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high-level control is being employed.

(6) Measuring compliance. Compliance with the requirements of this rule shall be determined as follows:

(a) Movable grids and compression devices shall be removed from the useful beam during the measurement;

(b) If the source is below the table, exposure rate shall be measured 1 cm above the tabletop or cradle;

(c) If the source is above the table, the exposure rate shall be measured at 30 cm above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement;

(d) For a C-arm type of fluoroscope, the exposure rate shall be measured 30 cm from the input surface of the fluoroscopic imaging assembly, with the source positioned at any available SID, provided that the end of the beam-limiting device or spacer is no closer than 30 cm from the input surface of the fluoroscopic imaging assembly;

(e) For a lateral type fluoroscope, the exposure rate shall be measured at a point 15 cm from the centerline of the X-ray table and in the direction of the X-ray source with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the tabletop is moveable, it shall be positioned as closely as possible to the lateral X-ray source, with the end of the beam-limiting device or spacer no closer than 15 cm to the centerline of the X-ray table.

(7) Exemptions. Fluoroscopic radiation therapy simulation systems are exempt from the requirement set forth in section (5) of this rule.

(8) Periodic measurement of entrance exposure rate shall be performed as follows:

(a) Such measurement shall be made annually or after any maintenance of the system which might affect the exposure rate; and

(b) Results of these measurements shall be posted where any fluoroscopist may have ready access to such results while using the fluoroscope

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and in the record required in OAR 333-106-0105(1)(c) of these rules. The measurement results shall be stated in roentgens per minute and include the technique factors used in determining such results. The name of the person performing the measurements and the date the measurements were performed shall be included in the results; and

(c) Personnel monitoring devices may be used to perform the measurements required by subsection (8)(a) of this rule, provided the measurements are made as described in subsection (8)(d) of this rule;

(d) Conditions of periodic measurement of entrance exposure rate are as follows:

(A) The measurement shall be made under the conditions that satisfy the requirements of section (6) of this rule; and

(B) The kVp shall be the kVp typical of clinical use of the X-ray system; and

(C) The X-ray system(s) that incorporates automatic exposure control shall have sufficient material placed in the useful beam to produce a milliamperage typical of the use of the X-ray system or the worst case; and

(D) X-ray system(s) that do not incorporate an automatic exposure control shall utilize a milliamperage typical of the clinical use of the X-ray system.

NOTE: Materials should be placed in the useful beam when conducting these periodic measurements to protect the imaging system.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0215

Barrier Transmitted Radiation Rate Limits

(1) The exposure rate due to transmission through the primary protective barrier with the attenuation block in the useful beam, combined with radiation from the image intensifier, if provided, shall not exceed 2 mR (0.516 μ C/kg) per hour at 10 cm from any accessible surface of the fluoroscopic imaging assembly beyond the plane of the image receptor for each roentgen per minute of entrance exposure rate.

(2) Measuring Compliance of Barrier Transmission:

(a) The exposure rate due to transmission through the primary protective barrier combined with radiation from the image intensifier shall be determined by measurements averaged over an area of 100 square cm with no linear dimension greater than 20 cm;

(b) If the source is below the tabletop, the measurement shall be made with the input surface of the fluoroscopic imaging assembly positioned 30 cm above the tabletop;

(c) If the source is above the tabletop and the SID is variable, the measurement shall be made with the end of the beam-limiting device or spacer as close to the tabletop as it can be placed, provided that it shall not be closer than 30 cm;

(d) Movable grids and compression devices shall be removed from the useful beam during the measurement;

(e) The attenuation block shall be positioned in the useful beam 10 centimeters from the point of measurement of entrance exposure rate and between this point and the input surface of the fluoroscopic imaging assembly.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0230

Fluoroscopic Timer

(1) Means shall be provided to present the cumulative on-time of the fluoroscopic tube.

(2) The maximum cumulative time of the timing device shall not exceed five minutes without resetting.

(3) A signal audible to the fluoroscopist, or the appropriate operator, shall indicate the completion of any preset cumulative on-time; or if no audible signal is provided, the exposure shall terminate.

Stat. Auth.: ORS 453.752 - 453.775

Stats. Implemented: ORS 453.752 - 453.775

Hist.: HD 4-1985, f. & ef. 3-20-85; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0301

Radiographic Systems Other Than Fluoroscopic, Dental Intraoral, Veterinary Systems, or Computed Tomography(CT) X-ray Systems Beam Limitation

(1) The useful beam shall be limited to the area of clinical interest.

(2) General Purpose Stationary and Mobile X-ray Systems:

(a) There shall be provided a means for stepless adjustment of the size of the X-ray field, where the adjustment of each dimension of the field is independent of the other;

(b) A method shall be provided for visually defining the perimeter of the X-ray field. The total misalignment of the edges of the visually defined field with the respective edges of the X-ray field along either the length or width of the visually defined field shall not exceed two percent of the distance from the source to the center of the visually defined field when the surface upon which it appears is perpendicular to the axis of the X-ray beam;

(c) Evidence of compliance with subsections (2)(a) and (b) of this rule shall be shown on each radiograph taken, either by imaging part of the collimator on the radiograph or by imaging collimator nubs or pointers;

(d) Beam-defining lights used for visually defining perimeters of the X-ray field shall have an illumination great enough to be visualized by the operator under ambient light conditions;

(e) The Department may grant an exemption on noncertified X-ray systems to subsections (2)(a) and (b) of this rule provided the registrant makes a written application for such exemption and in that application:

(A) Demonstrates it is impractical to comply with subsections (2)(a) and (b) of this rule; and

(B) The purpose of subsections (2)(a) and (b) of this rule will be met by other methods.

(3) Additional Requirements for Stationary General Purpose X-ray Systems. In addition to the requirements of section (2) of this rule, all stationary general purpose X-ray systems shall meet the following requirements:

(a) A method shall be provided to indicate when the axis of the X-ray beam is perpendicular to the plane of the image receptor, to align the center of the X-ray field with respect to the center of the image receptor to within two percent of the SID, and to indicate the SID to within two percent;

(b) The beam-limiting device shall indicate numerically the field size in the plane of the image receptor to which it is adjusted; and

(c) Indication of field size dimensions and SID's shall be specified in inches and/or centimeters, and shall be such that aperture adjustments result in X-ray field dimensions in the plane of the image receptor which correspond to those indicated by the beam-limiting device to within two percent of the SID when the beam axis is indicated to be perpendicular to the plane of the image receptor.

(4) X-ray Systems Designed for One Image Receptor Size. Radiographic equipment designed for only one image receptor size at a fixed SID shall be provided with means to limit the field at the plane of the image receptor to dimensions no greater than those of the image receptor, and to align the center of the X-ray field with the center of the image receptor to within two percent of the SID, or shall be provided with means to both size and align the X-ray field such that the X-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor.

(5) Special Purpose X-ray Systems:

(a) Means shall be provided to limit the X-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than two percent of the SID when the axis of the X-ray beam is perpendicular to the plane of the image receptor;

(b) Means shall be provided to align the center of the X-ray field with the center of the image receptor to within two percent of the SID, or means shall be provided to both size and align the X-ray field such that the X-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor. Compliance shall be determined with the axis of the X-ray beam perpendicular to the plane of the image receptor;

(c) Subsections (5)(a) and (b) of this rule may be met with a system that meets the requirements for a general purpose X-ray system as specified in section (2) of this rule or, when alignment means are also provided, may be met with either:

(A) An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed with each such device having clear and permanent markings to indicate the image receptor size and SID for which it is designed; or

(B) A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Permanent, clearly legible markings shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

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Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0305

Radiation Exposure Control Devices

(1) Timers. Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, a preset number of pulses or a preset radiation exposure to the image receptor. In addition:

(a) Termination of exposure shall cause automatic resetting of the timer to its initial setting or to zero;

(b) It shall not be possible to make an exposure when the timer is set to a zero or "off" position if either position is provided.

(2) X-ray Exposure Control:

(a) An X-ray exposure control shall be incorporated into each X-ray system such that an exposure can be terminated by the operator at any time except for:

(A) Exposure of 0.5 second or less; or

(B) During serial radiography when means shall be provided to permit completion of any single exposure of the series in process.

(b) Each X-ray exposure control shall be located in such a way as to meet the following requirements:

(A) Stationary X-ray systems shall be required to have the X-ray exposure control permanently mounted in a protected area so that the operator is required to remain in that protected area during the entire exposure; and

(B) The operator's protected area shall provide visual indication of the patient during the X-ray procedure; and

(C) Mobile and portable X-ray systems which are:

(i) Used for greater than one week in the same location, i.e., a room or suite, shall meet the requirements of paragraph (2)(b)(A) of this rule;

(ii) Used for greater than one hour and less than one week at the same location, i.e., a room or suite, shall meet the requirement of subparagraph (2)(b)(C)(i) of this rule or be provided with a 6.5 feet (1.98 m) high protective barrier which is placed at least 6 feet (1.83 m) from the tube housing assembly and at least 6 feet (1.83 m) from the patient; or

(iii) Used to make an exposure(s) of a patient at the use location shall meet the requirement of subparagraph (2)(b)(C)(i) or (ii) of this rule or be provided with a method of X-ray control which will permit the operator to be at least 12 feet (3.66 m) from the tube housing assembly during an exposure.

(c) The X-ray control shall provide visual indication observable at or from the operator's protected position whenever X-rays are produced. In addition, a signal audible to the operator shall indicate that the exposure has terminated.

(3) Automatic Exposure Controls. When an automatic exposure control is provided:

(a) Indication shall be made on the control panel when this mode of operation is selected;

(b) If the X-ray tube potential is equal to or greater than 50 kVp, the minimum exposure time for field emission equipment rated for pulsed operation shall be equal to or less than a time interval equivalent to two pulses;

(c) The minimum exposure time for all equipment other than that specified in subsection (3)(b) of this rule shall be equal to or less than 1/60 second or a time interval required to deliver 5 mAs, whichever is greater;

(d) Either the product of peak X-ray tube potential, current, and exposure time shall be limited to not more than 60 kW per exposure, or the product of X-ray tube current and exposure time shall be limited to not more than 600 mAs per exposure except that, when the X-ray tube potential is less than 50 kVp, the product of X-ray tube current and exposure time shall be limited to not more than 2000 mAs per exposure; and

(e) A visible signal shall indicate when an exposure has been terminated at the limits required by subsection (3)(d) of this rule, and manual resetting shall be required before further automatically timed exposures can be made.

(4) Reproducibility. With a timer setting of 0.5 seconds or less, the average exposure period (T) shall be greater than or equal to five times the maximum exposure period (Tmax) minus the minimum exposure period (Tmin) when four timer tests are performed: $(T) > /- 5 (T_{max} - T_{min})$.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0315

Exposure Reproducibility

The coefficient of variation of exposure shall not exceed 0.05 when all technique factors are held constant. This requirement shall be deemed to have been met if, when four exposures are made at identical technique factors, the value of the average exposure (E) is greater than or equal to 5 times the maximum exposure (Emax) minus the minimum exposure (Emin). $E > /- 5 (E_{max} - E_{min})$.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0320

Radiation from Capacitor Energy Storage Equipment in Standby Status

Radiation emitted from the X-ray tube when the exposure switch or timer is not activated shall not exceed a rate of two milliroentgens (0.516 $\mu\text{C}/\text{kg}$) per hour at five centimeters from any accessible surface of the diagnostic source assembly, with the beam-limiting device fully open.

Stat. Auth.: ORS 453.605 - 453.755

Stats. Implemented: ORS 453.605 - 453.755

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0325

Intraoral Dental Radiographic Systems

In addition to the provisions of OAR 333-106-0010 through 333-106-0101 of these rules, the requirements of this rule apply to X-ray equipment and facilities where intraoral dental radiography is conducted. Requirements for extraoral dental radiographic systems are covered in OAR 333-106-0301 through 333-106-0320 of these rules. Intraoral dental radiographic systems must meet the following requirements:

(1) Source-to-Skin Distance (SSD). X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit source-to-skin distance, to not less than:

(a) 18 cm if operable above 50 kVp; or

(b) 10 cm if operable at 50 kVp only.

(2) Beam Limitation. Radiographic systems designed for use with an intraoral image receptor shall be provided with means to limit the X-ray beam such that:

(a) If the minimum source-to-skin distance (SSD) is 18 centimeters or more, the X-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than seven centimeters; or

(b) If the minimum SSD is less than 18 centimeters, the X-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than six centimeters.

(3) Radiation Exposure Control (Timers). Means shall be provided to control the radiation exposure through the adjustment of exposure time in seconds, milliseconds (ms) or, number of pulses, or current/milliamps (mA), or the product of current and exposure time (mAs) or adjustment of kVp. In addition:

(a) Exposure Initiation. Means shall be provided to initiate the radiation exposure by a deliberate action on the part of the operator, such as the depression of a switch. Radiation exposure shall not be initiated without such an action; and

(b) It shall not be possible to make an exposure when the timer is set to a "0" or "off" position if either position is provided;

(c) Exposure Indication. Means shall be provided for visual indication, observable at or from the operator's protected position, whenever X-rays are produced. In addition, a signal audible to the operator shall indicate that the exposure has terminated.

(d) Exposure termination.

(e) Timer Reproducibility. With a timer setting of 0.5 second or less, the average exposure time (T) shall be greater than or equal to five times the minimum exposure time (Tmin) minus the maximum exposure time (Tmax) when four timer tests are performed:

$(T) > /- 5 (T_{max} - T_{min})$.

(A) Means shall be provided to terminate the exposure at a preset, time interval, mAs, number of pulses, or radiation to the image receptor.

(B) An X-ray exposure control shall be incorporated into each system such that an exposure can be terminated by the operator at any time, except for exposures of 0.5 second or less.

(C) Termination of an exposure shall cause automatic resetting of the timer to its initial setting or to "0".

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(4) Radiation Exposure Control Location and Operator Protection. Each X-ray control must be located in such a way as to meet the following requirements:

(a) The exposure switch shall be able to be operated in a protected area, as defined in OAR 333-106-0005(78)(a)(b), and the operator shall remain in that protected area during the entire exposure; and

(b) The operator's protected area shall provide visual indication of the patient during the X-ray procedure.

(c) Mobile and portable X-ray systems which are:

(A) Used for greater than one week in the same location, i.e., a room or suite, shall meet the requirements of subsections (4)(a) and (4)(b) of this rule;

(B) Used for less than one week at the same location, i.e., a room or suite, shall be provided with:

(i) Either a protective barrier of at least 6.5 feet (2 meters) high for operator protection; or

(ii) A means to allow the operator to be at least nine feet (2.7 meters) from the tube housing assembly while making exposures; or

(iii) A full length protective apron, of not less than 0.25 millimeter lead equivalent for operator protection, when using a hand held dental intraoral X-ray machine.

(5) Exposure Reproducibility. The coefficient of variation shall not exceed 0.05 when all technique factors are held constant. This requirement shall be deemed to have been met if, when four exposures are made at identical technique factors, the value of the average exposure (E) is greater than or equal to five times the maximum exposure (E_{max}) minus the minimum exposure (E_{min}): $E > 5(E_{max} - E_{min})$

(6) Accuracy.

(a) Deviation of technique factors from the indicated values for kVp and exposure time (if time is independently selectable) shall not exceed the limits specified for that system by its manufacturer.

(b) kVp Limitations. Dental X-ray machines with a nominal fixed kVp of less than 50 kVp shall not be used to make diagnostic dental radiographs on humans.

(7) Administrative Controls:

(a) Patient and film holding devices shall be used when the techniques permit;

(b) The tube housing and the PID shall not be hand-held during an exposure;

(c) The X-ray system shall be operated in such a manner that the useful beam at the patient's skin does not exceed the requirements of subsection (2)(a) of this rule or its updated version;

(d) All patients shall be provided with a leaded lap apron during any X-ray exposure;

(e) Dental fluoroscopy without image intensification shall not be used;

(f) Pointed cones shall not be utilized unless specific authorization has been granted by the Department.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0350

Definitions

In addition to the definitions provided in division 100 and 106 of these rules, the following definitions shall be applicable to this rule.

(1) "Computed Tomography Dose Index" means the integral from -7T to +7T of the dose profile along a line perpendicular to the tomographic plane divided by the product of the nominal tomographic section thickness and the number of tomograms produced in a single scan. This definition assumes that the dose profile is centered around $z = 0$ and that, for a multiple tomogram system, the scan increment between adjacent scans is nT.

(2) "Contrast Scale" means the change in the linear attenuation coefficient per CTN relative to water.

(3) "CS" (see Contrast scale).

(4) "CT Conditions of Operation" means all selectable parameters governing the operation of a CT X-ray system including, but not limited to, nominal tomographic section thickness, filtration, and the technique factors as defined in OAR 333-106-0005.

(5) "CTDI" (see Computed tomography dose index).

(6) "CT Gantry" means the tube housing assemblies, beam-limiting devices, detectors, and the supporting structures and frames which hold these components.

(7) CTN (see CT number).

(8) CT Number means the number used to represent the X-ray attenuation associated with each elemental area of the CT image.

(9) "Dose Profile" means the dose as a function of position along a line.

(10) "Elemental Area" means the smallest area within a tomogram for which the X-ray attenuation properties of a body are depicted (see also Picture element.)

(11) "Multiple Tomogram System" means a computed tomography X-ray system which obtains X-ray transmission data simultaneously during a single scan to produce more than one tomogram.

(12) "Noise" means the standard deviation of the fluctuations in CTN expressed as a percentage of the attenuation coefficient of water.

(13) "Nominal Tomographic Section Thickness" means the full width at half-maximum of the sensitivity profile taken at the center of the cross-sectional volume over which X-ray transmission data are collected.

(14) "Picture Element" means an elemental area of a tomogram.

(15) "Reference Plane" means a plane which is displaced from and parallel to the tomographic plane.

(16) "Scan" means the complete process of collecting X-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.

(17) "Scan Increment" means the amount of relative displacement of the patient with respect to the CT X-ray system between successive scans measured along the direction of such displacement.

(18) "Scan Sequence" means a preselected set of two or more scans performed consecutively under preselected set of two or more scans performed consecutively under preselected CT conditions of operation.

(19) "Scan Time" means the period of time between the beginning and end of X-ray transmission data accumulation for a single scan.

(20) "Single Tomogram System" means a CT X-ray system which obtains X-ray transmission data during a scan to produce a single tomogram.

(21) "Tomographic Plane" means that geometric plane which is identified as corresponding to the output tomogram.

(22) "Tomographic Section" means the volume of an object whose X-ray attenuation properties are imaged in a tomogram.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0355

Requirements for Equipment

(1) Termination of Exposure:

(a) Means shall be provided to terminate the X-ray exposure automatically by either de-energizing the X-ray source or shuttering the X-ray beam in the event of equipment failure affecting data collection. Such termination shall occur within an interval that limits the total scan time to no more than 110 percent of its preset value through the use of either a backup timer or devices which monitor equipment function;

(b) A visible signal shall indicate when the X-ray exposure has been terminated through the means required by subsection (1)(a) of this rule;

(c) The operator shall be able to terminate the X-ray exposure at any time during a scan, or series of scans under CT X-ray system control, of greater than one-half second duration.

(2) Tomographic Plane Indication and Alignment:

(a) For any single tomogram system, means shall be provided to permit visual determination of the tomographic plane or a reference plane offset from the tomographic plane;

(b) For any multiple tomogram system, means shall be provided to permit visual determination of the location of a reference plane. This reference plane can be offset from the location of the tomographic planes;

(c) If a device using a light source is used to satisfy subsection (2)(a) or (b) of this rule, the light source shall provide illumination levels sufficient to permit visual determination of the location of the tomographic plane or reference plane under ambient light conditions of up to 500 lux.

(3) Beam-On and Shutter Status Indicators and Control Switches:

(a) The CT X-ray control and gantry shall provide visual indication whenever X-rays are produced and, if applicable, whether the shutter is open or closed;

(b) Each emergency button or switch shall be clearly labeled as to its function.

(4) Indication of CT Conditions of Operation. The CT X-ray system shall be designed such that the CT conditions of operation to be used during a scan or a scan sequence shall be indicated prior to the initiation of a

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scan or a scan sequence. On equipment having all or some of these conditions of operations at fixed values, this requirement may be met by permanent markings. Indication of CT conditions of operation shall be visible from any position from which scan initiation is possible.

(5) Extraneous Radiation. When data are being collected for image production, the radiation adjacent to the tube port shall not exceed that permitted by OAR 333-106-0101(5) of these rules.

(6) Maximum Surface CTDI Identification. The angular position where the maximum surface CTDI occurs shall be identified to allow for reproducible positioning of a CT dosimetry phantom.

(7) Additional Requirements Applicable to CT X-ray Systems Containing a Gantry Manufactured After September 3, 1985:

(a) The total error in the indicated location of the tomographic plane or reference plane shall not exceed five millimeters;

(b) If the X-ray production period is less than one-half second, the indication of X-ray production shall be actuated for at least one-half second. Indicators at or near the gantry shall be discernible from any point external to the patient opening where insertion of any part of the human body into the primary beam is possible;

(c) The deviation of indicated scan increment versus actual increment shall not exceed plus or minus one millimeter with any mass from 0 to 100 kilograms resting on the support device. The patient support device shall be incremented from a typical starting position to the maximum incremented distance or 30 cm, whichever is less, and then returned to the starting position. Measurement of actual versus indicated scan increment may be taken anywhere along this travel;

(d) Premature termination of the X-ray exposure by the operator shall necessitate resetting of the CT conditions of operation prior to the initiation of another scan.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0365

Surveys, Calibrations, Spot Checks, and Operating Procedures

(1) Surveys:

(a) All CT X-ray systems installed after December 1990 and those systems not previously surveyed shall have a survey made by, or under the direction of, a qualified expert. In addition, such surveys shall be done after any change in the facility or equipment which might cause a significant increase in radiation hazard;

(b) The registrant shall obtain a written report of the survey from the qualified expert, and a copy of the report shall be made available to the Department upon request.

(2) Radiation Calibrations:

(a) The calibration of the radiation output of the CT X-ray system shall be performed by, or under the direction of, a qualified expert who is physically present at the facility during such calibration;

(b) The calibration of a CT X-ray system shall be performed at intervals specified by a qualified expert and after any change or replacement of components which, in the opinion of the qualified expert, could cause a change in the radiation output;

(c) The calibration of the radiation output of a CT X-ray system shall be performed with a calibrated dosimetry system. The calibration of such system shall be traceable to a national standard. The dosimetry system shall have been calibrated within the preceding two years;

(d) CT dosimetry phantom(s) shall be used in determining the radiation output of a CT X-ray system. Such phantom(s) shall meet the following specifications and conditions of use:

(A) CT dosimetry phantom(s) shall be right circular cylinders of polymethyl methacrylate of density 1.19 ± 0.01 grams per cubic cm or a reasonable substitute. The phantom(s) shall be at least 14 cm in length and shall have diameters of 32.0 centimeters for testing CT X-ray systems designed to image any section of the body and 16.0 cm for systems designed to image the head or for whole body scanners operated in the head scanning mode;

(B) CT dosimetry phantom(s) shall provide means for the placement of a dosimeter(s) along the axis of rotation along a line parallel to the axis of rotation 1.0 cm from the outer surface and within the phantom. Means for the placement of dosimeters or alignment devices at other locations may be provided;

(C) Any effects on the doses measured due to the removal of phantom material to accommodate dosimeters shall be accounted for through appropriate corrections to the reported data or included in the statement of maximum deviation for the values obtained using the phantom;

(D) All dose measurements shall be performed with the CT dosimetry phantom placed on the patient couch or support device without additional attenuation materials present.

(3) The calibration shall be required for each type of head, body, or whole-body scan performed at the facility.

(4) Calibration shall meet the following requirements:

(a) The dose profile along the center axis of the CT dosimetry phantom for the minimum, maximum, and midrange values of the nominal tomographic section thickness used by the registrant shall be measurable. Where less than three nominal tomographic thicknesses can be selected, the dose profile determination shall be performed for each available nominal tomographic section thickness;

(b) The CTDI along the two axes specified in paragraph (2)(d)(B) of this rule shall be measured. The CT dosimetry phantom shall be oriented so that the measurement point 1.0 cm from the outer surface and within the phantom is in the same angular position within the gantry as the point of maximum surface CTDI identified. The CT conditions of operation shall correspond to typical values used by the registrant.

NOTE: For the purpose of determining the CTDI, the manufacturer's statement as to the nominal tomographic section thickness for that particular system may be utilized.

(c) The spot checks specified in section (5) of this rule shall be made;

(d) Calibration procedures shall be in writing. Records of calibrations performed shall be maintained for inspection by the Department.

(5) Spot Checks:

(a) The spot check procedures shall be in writing and shall have been developed by a qualified expert;

(b) The spot-check procedures shall incorporate the use of a CT dosimetry phantom which has a capability of providing an indication of contrast scale, noise, nominal tomographic section thickness, the resolution capability of the system for low and high contrast objects, and measuring the mean CTN for water or other reference material;

(c) Spot checks shall be included in the calibration required by section (2) of this rule and at time intervals and under system conditions specified by a qualified expert;

(d) Spot checks shall include acquisition of images obtained with the CT dosimetry phantom(s) using the same processing mode and CT conditions of operations as are used to perform calibrations required by section (2) of this rule. The images shall be retained, until a new calibration is performed, in two forms as follows:

(A) Photographic copies of the images obtained from the image display device; and

(B) Images stored in digital form on a storage medium compatible with the CT X-ray system.

(e) Written records of the spot checks performed shall be maintained for inspection by the Department.

(6) Operating Procedures:

(a) The CT X-ray system shall not be operated except by an individual who has been specifically trained in its operation;

(b) Information shall be available at the control panel regarding the operation and calibration of the system. Such information shall include the following:

(A) Dates of the latest calibration and spot checks and the location within the facility where the results of those tests may be obtained;

(B) Instructions on the use of the CT dosimetry phantom(s) including a schedule of spot checks appropriate for the system, allowable variation for the indicated parameters, and the results of at least the most recent spot checks conducted on the system;

(C) The distance in millimeters between the tomographic plane and the reference plane if a reference plane is utilized; and

(D) A current technique chart available at the control panel which specifies for each routine examination the CT conditions of operation and the number of scans per examination.

(7) If the calibration or spot check of the CT X-ray system identifies that a system operating parameter has exceeded a tolerance established by the qualified expert, use of the CT X-ray system on patients shall be limited to those uses permitted by established written instructions of the qualified expert.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0370

Operator Requirements

(1) Computed Tomography (CT) X-ray systems shall be operated by individuals who:

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(a) Are registered with the American Registry of Radiologic Technologists (A.R.R.T.); and

(b) Have received additional CT system training; and

(c) Meet the clinical experience requirements for C.T. established by A.R.R.T.; and

(d) Are currently licensed by the Oregon Board of Radiologic Technology.

(2) Individuals who are registered with the A.R.R.T. and credentialed as an R.T.(R) and (CT) are considered to have met the CT training requirement in 333-106-0370(1) of this rule and clinical experience requirement in subsection (1)(a) of this rule.

(3) Those individuals who have met the requirements of section (1) of this rule prior to the effective date of this rule are considered to have met subsection (1)(a) of this rule.

(4) Technologists operating CT systems must do so under the direction of a radiologist.

(5) Positron Emission-Computed Tomography (PET/CT) or Single Photon Emission-Computed Tomography (SPECT/CT) systems shall be operated by:

(a) Any registered radiographer with the credential R.T. (R); or

(b) Registered radiation therapist with the credential R.T. (T); and

(c) Who are currently licensed by the Oregon Board of Radiologic Technology; or

(d) Registered certified nuclear medicine technologist with the credentials R.T. (N); or

(e) Certified Nuclear Medicine Technologist (CNMT) by the Nuclear Medicine Technologist Certification Board (NMTCB).

(6) The individuals mentioned in section (5) of this rule must also have successfully completed appropriate additional education and training and demonstrated competency in the use and operation of PET/CT or SPECT/CT systems.

(7) Appropriate additional training is considered training that covers the topic areas outlined in the PET/CT curriculum developed by the Multi-Organizational Curriculum Project Group sponsored by the American Society of Radiologic Technologists and the Society of Nuclear Medicine Technologists, or equivalent training approved by the Department and:

(a) Includes the content specified in the PET/CT curriculum for the area(s) that the individual is not already trained or certified in; or

(b) Individuals meeting the requirements of section (5) of this rule and who have successfully completed training that the Department has evaluated and judged to be substantially equivalent to that specified in subsection (7)(a) of this rule.

(8) R.T.(N)s or CNMTs who have become certified in Computed Tomography through the American Registry of Radiologic Technologists are considered to have met the training requirements in section (5) of this rule.

(9) Technologists operating PET/CT or SPECT/CT systems must do so under the direction of an authorized user licensed to perform imaging and localization studies in accordance with OAR 333-116-0320 of these rules.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0601

Veterinary Medicine Radiographic Installations Additional Requirements

(1) Equipment:

(a) The protective tube housing shall be of the diagnostic type;

(b) Collimating devices shall be provided and used for collimating the useful beam to the area of clinical interest;

(c) All X-ray equipment sold (etc.) after October 1991 must be equipped with a variable adjustable collimator and beam-defining light that meets all of the requirements of OAR 333-106-0301(1), (2) and (3) of these rules;

(d) The total filtration permanently in the useful beam shall not be less than 0.5 mm Al equivalent for machines operating up to 50 kVp, 1.5 mm Al equivalent for machines operating between 50 and 70 kVp, and 2.5 mm Al equivalent for machines operating above 70 kVp;

(e) A device shall be provided to terminate the exposure after a preset time or exposure;

(f) A dead-man type of exposure switch shall be provided, together with an electrical cord of sufficient length, so that the operator can stand out of the useful beam and at least 12 feet (3.66 m) from the animal during all X-ray exposures.

(2) Structural Shielding: All wall, ceiling and floor areas shall be equivalent to or provided with applicable protective barriers to assure compliance with division 120.

(3) Operating Procedures:

(a) All individuals shall stand well away from the useful beam and the animal during radiographic exposures;

(b) No individual shall be in the X-ray room while exposures are being made unless such individual's assistance is required;

(c) When an animal must be held in position during radiography, mechanical supporting or restraining devices shall be available and used as appropriate.

(d) If the animal must be held by an individual, that individual shall be protected with appropriate shielding devices, such as protective gloves and apron, and that individual shall be so positioned that no part of the body will be struck by the useful beam. The exposure of any individual used for this purpose shall be monitored with appropriate personnel monitoring devices.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & cert. ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0700

Mammography X-Ray Systems Definitions

In addition to the definitions provided in division 100 and 106 of this chapter, the following definitions shall be applicable to the rules in this division.

(1) "Air Kerma" means the sum of the initial energies of all the charged particles liberated by uncharged ionizing particles in a given mass of air. The unit used to measure the quantity of kerma is the gray (Gy). For X-rays with energies below 300 kiloelectronvolts (keV), 1Gy=100 rad and is equivalent to 114 (R) of exposure.

(2) "FDA" means the Food and Drug Administration.

(3) An "image receptor support surface" means that portion of the image receptor support which is the X-ray input surface and is used to support the patient's breast during mammography.

(4) "Interpreting physician" means a licensed physician who interprets mammographic images and meets the qualifications of OAR 333-106-0750(2) of these rules.

(5) "Lead Interpreting Physician" means a physician who interprets mammographic images, meets the qualifications of OAR 333-106-0750(2) of these rules, and who has the general responsibility for ensuring that the registrant's quality assurance program meets all applicable rules and regulations.

(6) "Mammographic screening" means the use of radiation to test women for the detection of diseases of the breast when such tests are not specifically and individually ordered by a licensed practitioner of the healing arts legally authorized to prescribe such tests for the purposes of diagnosis. Screening is considered as self-referral by asymptomatic women without physicians orders (see OAR 333-100-0020(5)(6) and 333-106-0035(3)).

(7) "Mammography" means radiography of the breast.

(8) "Mammography equipment evaluation" means an onsite assessment of a mammography unit(s) or image processor performance by a medical physicist for the purpose of making a preliminary determination as to whether the equipment meets all of the applicable state and federal standards.

(9) "Mammography unit(s)" means an assemblage of components for the production of X-rays for use during mammography, including, at a minimum; An X-ray generator, an X-ray control, a tube housing assembly, a beam limiting device, and the supporting structures for these components.

(10) "Medical Physicist" means a person trained in evaluating the performance of mammography equipment and quality assurance programs and meets the qualifications of OAR 333-106-0750(3) of these rules.

(11) "MQSA" means the Mammography Quality Standards Act of 1992.

(12) "Phantom" means a test object used to simulate radiographic characteristics of compressed breast tissue and containing components that radiographically model aspects of breast disease and cancer. (The "FDA accepted phantom" meets this requirement.)

(13) "Quality Assurance" is a comprehensive concept that comprises all of the management practices instituted by the registrant or the registrant's representative/s to ensure that:

(a) Every imaging procedure is necessary and appropriate to the clinical problem at hand;

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(b) The images generated contain information critical to the solution of that problem;

(c) The recorded information is correctly interpreted and made available in a timely fashion to the patient's physician;

(d) The examination results in the lowest possible radiation exposure, cost, and inconvenience to the patient, consistent with subsection (13)(b) of this rule.

(14) "Quality Assurance Program" includes such facets as efficacy studies, continuing education, quality control, preventive maintenance, and calibration of equipment.

(15) "Quality Control" means a series of distinct technical procedures that ensure the production of a satisfactory product, e.g., a high quality screening or diagnostic image.

(16) "Quality Control Technologist" means an individual who is qualified under MQSA, and who is responsible for those quality assurance responsibilities not assigned to the Lead Interpreting Physician or to the Medical Physicist.

(17) "Resting period" means the period of time necessary to bleed out air that has been trapped between the radiographic film and intensifying screen during the loading process in the darkroom. This period of time is usually measured in minutes and determined by the individual manufacturer of the intensifying screen/mammography cassette combination.

(18) "Standard Breast" means a 4.2 cm thick compressed breast, consisting of 50 percent adipose, and 50 percent glandular tissue.

(19) "Survey" means an onsite physics consultation and evaluation of a registrant's mammography equipment, and quality assurance program performed by a medical physicist.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0720

Quality Assurance Program

(1) The registrant shall have a written, on-going equipment quality assurance program specific to mammographic imaging, covering all components of the diagnostic X-ray imaging system. The quality assurance program shall include the testing required in section (5) of this rule, as well as the evaluation of the test results and corrective actions necessary to ensure consistently high-quality images with minimum patient exposure. Responsibilities under this requirement are as follows:

(a) The registrant shall identify in policy/procedure, by name, a Lead Interpreting Physician meeting the requirements of OAR 333-106-0750(2), whose responsibilities at a minimum must include:

(A) Ensuring that the registrant's quality assurance program meets all associated rules and regulations;

(B) Ensuring that an effective quality assurance program exists;

(C) Providing frequent feedback to mammography technologists regarding film quality and quality control procedures;

(D) Reviewing the Quality Control Technologist's test data at least every three months, or more if consistency has not been shown or problems are evident;

(E) Reviewing the Medical Physicist's annual survey report or equipment evaluation results.

(b) The registrant shall identify in policy/procedure, by name, and have the services of, a Medical Physicist who meets the requirements of OAR 333-106-0750(3). The Medical Physicist shall assist in overseeing the equipment quality assurance practices of the registrant. At a minimum, the Medical Physicist shall be responsible for the annual surveys, mammography equipment evaluations, and associated reports meeting all the requirements of MQSA.

(c) The registrant shall identify in policy/procedure, by name, a single qualified Quality Control Technologist meeting the requirements of OAR 333-106-0750(1), who shall be responsible for:

(A) Equipment performance monitoring functions;

(B) Analyzing the monitoring results to determine if there are problems requiring correction;

(C) Carrying out or arranging for the necessary corrective actions when results of quality control tests including those specified in section (5) of this rule, indicate the need; and

(D) The Quality Control Technologist may be assigned other tasks associated with the quality assurance program that are not assigned to the Lead Interpreting Physician or Medical Physicist. These additional tasks must be documented in written policy/procedure.

(2) Annual Survey. At intervals not to exceed 12-14 months, the registrant shall have a Medical Physicist meeting the requirements of OAR

333-106-0750(3) conduct a survey to evaluate the mammography equipment, and the effectiveness of the quality assurance program required in section (1) of this rule. Records of annual surveys shall be maintained for a minimum of two years, and shall be available on-site for Department review.

(3) Annual survey/or equipment evaluation corrective actions. Corrective action shall be completed within 30 working days of when the registrant received written or verbal notice of recommendations or failures on their annual survey/or equipment evaluation report, unless otherwise noted in these rules or a written request for extension has been submitted to and approved by the Department;

(a) Correction of equipment related failures or recommendations shall be demonstrated by a repeat test using the same test methodology and documentation, or a test accepted as the equivalent by the Department, that was used to initially identify the problem.

(b) When the results of a quality control test/s fail to meet applicable action limits defined in these rules, the appropriate action regarding the suspension or continuation of mammography as defined in these rules or in MQSA, shall be taken.

(4) Quality assurance records. The registrant shall ensure that;

(a) Records concerning employee qualifications to meet assigned quality assurance tasks, mammography technique and procedures, policies, previous inspection findings, and radiation protection are maintained until inspected by the Department.

(b) Quality control monitoring data and records, problems detected by the analysis of that data, corrective actions, and records of the Lead Interpreting Physician's periodic reviews of the Quality Control Technologist's monitoring data taken must be maintained for a minimum of two years.

(5) Equipment quality control tests frequency. The registrant shall ensure that the following quality control tests are performed when applicable equipment or components are initially installed or replaced and performed thereafter at least as often as the frequency specified in Table 7. The referenced table is available on the Program's website: <http://www.oregon.gov/DHS/ph/rps/index.shtml>

(6) Testing methods and action limits for quality control tests shall meet the most current requirements of MQSA, in addition to the following;

(7) Screen/film contact. Screen film contact tests shall be performed on all screens used clinically, using a 40-mesh test tool and four cm thick sheet of acrylic. Screens demonstrating one or more areas of poor contact that are greater than one cm in diameter, that are not eliminated by screen cleaning, and remain in the same location during subsequent tests, shall not be used for mammography. Screen/film contact shall be such that any areas of poor contact, regardless of size, shall not detract from image quality.

(8) Processor performance. A processor performance test shall be performed by sensitometric means and evaluated daily, after the solution temperature in the processor has reached proper temperature, and just prior to processing any clinical mammograms. The test shall be an assessment of the base plus fog, mid-density, density difference, and developer temperature.

(a) Sensitometers and densitometers used to evaluate processor performance shall be calibrated per the manufacturer's recommended calibration procedures for such devices. A record of the calibration shall be maintained until inspected by the Department. Densitometers shall be checked against the instrument control strip at least monthly.

(b) The mid-density and density difference action limits must be within + 0.15 of the control operating level.

(c) The base plus fog (B+F) action limit must be within + 0.03 of the control operating level.

(d) If the mid-density and/or the density difference fall outside of the + 0.10 control limit but within the + 0.15 control limit for a period of three days (a trend), steps must be taken to determine the cause and correct the problem;

(e) If the mid-density and/or the density difference falls outside of the + 0.15 control limit, mammograms must not be processed through the processor until the cause of the problem is determined, corrected, and a repeat test is done demonstrating that the mid-density and/or density difference are within the + 0.15 control limit;

(f) Processor quality control graphs must be in the format of the registrant's accrediting body or equivalent, and indicate test date/s, mid-density and density difference action limits, base plus fog action limit, film brand, type and emulsion number in use, the date when chemistry changes occurred and corrective action(s) taken when limits are exceeded;

(g) Cross over records and calculations must be maintained until reviewed by the Department during the annual inspection. New mid-densi-

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ty and/or density difference operating levels must be charted on a new graph page.

(h) Re-establishment of operating levels must be done in accordance with the accrediting body's protocol regarding the appropriateness of this procedure or at the specific direction of the facility's medical physicist.

(i) While re-establishing operating levels (five day average), the facility must chart each day's results against its old operating control levels. At the end of the five days, a new chart must be established, indicating the new calculated operating limits. During the five day average, the facility will not be cited for having exceeded the old processor operating levels; and

(j) When collecting data for the five day average, a phantom image test shall be conducted each day to verify the adequacy of image quality. Should the phantom image test exceed either the 0.20 background optical density limit or the + 0.05 density difference limit, mammography must be suspended until the cause of the problem is identified and corrected, and a repeat phantom image test is shown to be within limits.

(9) Primary/secondary barrier transmission evaluation must be conducted upon initial X-ray system installation and significant modification of the system or the facility.

(10) Image quality. The mammography system must be capable of producing an image of the phantom demonstrating the following;

(a) A minimum score of 4 fibers, 3 speck groups, and 3 masses (or the most current minimum score established by the accrediting body and accepted by the FDA).

(b) Background density action limits within ± 0.20 of the control level;

(c) Density difference action limits within ± 0.05 of the control level;

(d) Milliampere seconds (mAs) within ± 15 percent of the control level;

(e) Demonstrating a level of contrast sufficient enough to clearly help define fibril, speck, and mass edges.

(f) Without objectionable levels of image noise or quantum mottle that obscure the visualization of fibrils, specks, or masses.

(g) Demonstrating reasonably sharp fibril, and mass margins.

(h) With a minimum optical density (measured at the center of the phantom) of 1.20.

(i) Phantom image test records must be in the most current format of the registrant's accrediting body or the equivalent, and indicate the exposure mode, kVp, and photo-cell used for the test as well as remarks indicating the corrective action that was taken when limits were exceeded.

(j) When phantom image results do not meet the requirements defined in subsections (10)(a), (b), (c), (d), (e), (f), (g), or (h) of this rule, corrective action must occur, and a repeat phantom image test must be performed demonstrating compliance, before further mammography examinations are performed using the X-ray machine.

(11) Darkroom fog. Darkroom fog levels shall not exceed 0.05 in optical density difference when sensitized film is exposed to darkroom conditions with safelight on for two minutes. Film shall be sensitized by exposing it to sufficient light from an appropriate intensifying screen so that after processing, an optical density of at least 1.20 is achieved.

(a) If the darkroom fog optical density difference exceeds 0.05 but is less than 0.10, mammography may be continued until the problem is corrected.

(b) If the darkroom fog optical density difference exceeds 0.10, mammography must be curtailed until the problem is corrected and the density difference no longer exceeds 0.05.

(12) Repeat rate. Corrective actions shall be recorded and the results of these corrective actions shall be assessed if the reject rate exceeds five percent or changes by two percent from the previously measured rate. The reject rate shall be based on repeated clinical images.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0730

Additional Requirements

(1) Masks. Masks shall be provided on the view boxes to block extraneous light from the viewer's eye when the illuminated surface of the view box is larger than the area of clinical interest.

(2) Film processors utilized for mammography shall be:

(a) Used with X-ray film for mammography that has been designated by the film manufacturer as appropriate for mammography.

(b) Use chemical solutions that are capable of developing the films used by the facility in a manner equivalent to the minimum requirements specified by the film manufacturer.

(c) Be adjusted to and operated at the specifications recommended by the mammographic film manufacturer, or at other settings such that the sensitometric performance is at least equivalent.

(3) Instruments and devices. The following instruments and devices shall be available and properly maintained;

(a) FDA accepted image quality phantom;

(b) 21 step sensitometer;

(c) Densitometer.

(4) Image retention. Clinical images shall be retained for a minimum of five years or not less than 10 years if no additional mammograms of the patient are performed.

(5) Mobile Mammography. In addition to meeting the requirements of this rule as well as OAR 333-106-0710, 333-106-0720, 333-106-0730, and 333-106-0750, registrants shall ensure that for a mammography system that is used at more than one location:

(a) The film processor is operated in accordance with the requirements of OAR 333-106-0720 of these rules, and is located where the mammography examinations are performed (batch processing is prohibited).

(b) The following tests are conducted, evaluated and documented after every move and before any mammography examinations are conducted, in order to verify that the unit's performance continues to meet quality requirements:

(A) Phantom image;

(B) The measured radiation output or the data from the post exposure mAs display does not deviate by more than 10 percent of the established operating level.

(6) Technique charts. Mammography technique charts shall be posted in the vicinity of the mammography system's X-ray control. The technique chart shall indicate;

(a) Technique factors for 3, 3-5, 5-7, and > 7 cm compressed breast thicknesses for fatty, 50 percent fatty-50 percent dense, and dense breast tissue;

(b) The target/filter combination to be used;

(c) The kVp to be selected for the patient sizes and breast tissue compositions indicated in subsection (6)(a) of this rule, or if an auto-kVp mode is used, indicate the post kVp that is selected;

(d) The exposure mode to be used (i.e. auto-kVp, manual, etc.);

(e) The manual technique factors to be used for small, medium, and large sized breast tissue specimens, and implanted breasts;

(f) The film/screen combination to be used;

(g) The date that the technique chart was last reviewed for accuracy and the name of the reviewer.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-106-0750

Personnel Qualifications

(1) Operator qualifications. In order to use any mammography X-ray machine the operator of the mammography X-ray unit must have the following qualifications:

(a) Have a current license issued by the Oregon Board of Radiologic Technology; and

(b) Have prior to the effective date of these rules qualified as a radiologic technologist under the MQSA interim rules or completed 40 contact hours of documented training specific to mammography under the supervision of a qualified instructor. The hours of documented training shall include, but not be limited to;

(A) Training in breast anatomy and physiology, positioning and compression, quality assurance/quality control techniques, imaging patients with breast implants;

(B) The performance of 25 examinations under the direct supervision of an individual qualified under this section; and

(C) At least eight hours of training in each mammography modality to be used by the technologist in performing mammography exams; and

(D) Be currently registered and in good standing with the American Registry of Radiologic Technologist (ARRT); and

(E) Be certified in mammography by the ARRT or the equivalent; or

(F) Provide documented evidence that an ARRT mammography certification test is scheduled. Technologists meeting the requirements of subsection (1)(a) and paragraphs (1)(b)(A), (B), (C), and (D) of this rule may

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work under the supervision (supervision means that a fully qualified technologist is on-site and readily available to answer questions or assist) of a technologist, meeting all of the requirements of this rule, for up to one year while waiting to take the certification test.

(2) Interpreting Physician qualifications. All physicians interpreting mammograms shall meet MQSA qualifications and hold a current license to practice medicine in the State of Oregon.

(3) Medical Physicist qualifications. All Medical Physicists conducting surveys and equipment evaluations of mammography facilities and providing oversight of their quality assurance programs shall;

- (a) Meet MQSA requirements; and
- (b) Be currently licensed as a vendor by the Department.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08

333-111-0001

Purpose and Scope

This division establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to such individuals in connection with Department inspections of licensees or registrants to ascertain compliance with the provisions of the act and rules, orders and licenses issued thereunder regarding radiological working conditions. The rules in this division apply to all persons who receive, possess, use, own or transfer sources of radiation registered with or licensed by the Department pursuant to divisions 100, 101 and 102 of this chapter.

Stat. Auth.: ORS 453.605 - 453.755

Stats. Implemented: ORS 453.605 - 453.755

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 14-2008, f. & cert. ef. 9-15-08

333-111-0005

Posting of Notices to Workers

(1) Each licensee or registrant shall post current copies of the following documents:

- (a) The rules in this division and division 120 of this chapter;
- (b) The license, certificate of validation, conditions or documents incorporated into the license by reference and amendments thereto;
- (c) The operating procedures applicable to activities under the license or registration; and
- (d) Any notice of noncompliance involving radiological working conditions, proposed imposition of civil penalty or order issued pursuant to division 100 of this chapter, and any response from the licensee or registrant.

(2) If posting of a document specified in subsection (1)(a), (b) or (c) of this rule is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined, provided that such document is readily available to workers at the licensee's or registrant's facility.

(3) Department "Notice to Employees" shall be posted by each licensee or registrant as required by these rules.

(4) Documents, notices or forms posted pursuant to this rule shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous and shall be replaced if defaced or altered.

(5) Department documents posted pursuant to subsection (1)(d) of this rule shall be posted within two working days after receipt of the documents from the Department. The licensee's or registrant's response, if any, shall be posted within two working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

Stat. Auth.: ORS 453.605 - 453.755

Stats. Implemented: ORS 453.605 - 453.755

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-111-0010

Instructions to Workers

All individuals working in or frequenting any portion of a restricted area:

(1) Shall be kept informed of the storage, transfer or use of sources of radiation in such portions of the restricted area;

(2) Shall be instructed in the health protection problems associated with exposure to radiation or radioactive material, in precautions or proce-

dures to minimize exposure and in the purposes and functions of protective devices employed;

(3) Shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of these rules and licenses for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;

(4) Shall be instructed of their responsibility to report promptly to the licensee or registrant any condition which may constitute, lead to or cause a violation of Department rules and licenses or unnecessary exposure to radiation or radioactive material;

(5) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and

(6) Shall be advised as to the radiation exposure reports which workers shall be furnished pursuant to OAR 333-111-0015.

(7) Refresher training shall be provided at intervals not to exceed three years covering the topics identified in OAR 333-111-0010.

NOTE: The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.745

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 14-2008, f. & cert. ef. 9-15-08

333-111-0015

Notifications and Reports to Individuals

(1) Radiation exposure data for an individual and the results of any measurements, analyses and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in this rule. The information reported shall include data and results obtained pursuant to these rules, orders or license conditions, as shown in records maintained by the licensee or registrant pursuant to OAR 333-120-0650. Each notification and report shall:

(a) Be in writing;

(b) Include the appropriate identifying data such as the name of the licensee or registrant, the name of the individual and the individual's social security number;

(c) Include the individual's exposure information; and

(d) Contain the following statement: "This report is furnished to you under the provisions of rules entitled Oregon Rules for the Control of Radiation, division 111. You should preserve this report for further reference."

(2) Each licensee or registrant shall advise each worker annually in writing of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee or registrant pursuant to OAR 333-120-0650. Prior to January 1, 1994, licensees are required to provide this information only upon request of the worker.

(3) At the request of a worker formerly engaged in work controlled by the licensee or registrant, each licensee or registrant shall furnish to the worker a report of the worker's exposure to radiation or radioactive material. Such report shall be furnished within 30 days from the time the request is made or within 30 days after the exposure of the individual has been determined by the licensee or registrant, whichever is later; shall cover, within the period of time specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive material licensed by, or radiation machines registered with the Department; and shall include the dates and locations of work under the license or registration in which the worker participated during this period.

(4) When a licensee or registrant is required pursuant to division 120 of this chapter to report to the Department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a report on the exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the Department.

(5) At the request of a worker who is terminating employment in a given calendar quarter with the licensee or registrant in work involving radiation dose, or of a worker who, while employed by another person, is terminating assignment to work involving radiation dose in the licensee's or registrant's facility in that calendar quarter, each licensee or registrant shall provide to each such worker, or to the worker's designee, at termination, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during that specifically identified calendar quarter or fraction thereof, or provide a written estimate of that dose if the finally determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such.

Stat. Auth.: ORS 453.605 - 453.755

Stats. Implemented: ORS 453.605 - 453.755

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Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-111-0020

Presence of Representatives of Licensees or Registrants and Workers During Inspection

(1) Each licensee or registrant shall afford to the Department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises and records pursuant to these rules.

(2) During an inspection, Department inspectors may consult privately with workers as specified in OAR 333-111-0025. The licensee or registrant may accompany Department inspectors during other phases of an inspection.

(3) If, at the time of inspection, an individual has been authorized by the workers to represent them during Department inspections, the licensee or registrant shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(4) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in OAR 333-111-0010.

(5) Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(6) With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany Department inspectors during the inspection of physical working conditions.

(7) Notwithstanding the other provisions of this rule, Department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

Stat. Auth.: ORS 453.605 - 453.755

Stats. Implemented: ORS 453.605 - 453.755

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 14-2008, f. & cert. ef. 9-15-08

333-111-0025

Consultation with Workers During Inspection

(1) Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these rules and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

(2) During the course of an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation of the Act, these rules or license condition, or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of OAR 333-111-0030(1).

(3) The provisions of section (2) of this rule shall not be interpreted as authorization to disregard instructions pursuant to OAR 333-111-0010.

Stat. Auth.: ORS 453.605 - 453.755

Stats. Implemented: ORS 453.605 - 453.755

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 14-2008, f. & cert. ef. 9-15-08

333-111-0030

Requests by Workers for Inspections

(1) Any worker or representative of workers believing that a violation of the Act, these rules or license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the Department. Any such notice shall be in writing, shall set forth the specific grounds for the notice and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant by the Department no later than at the time of inspection except that, upon the request of the worker giving such

notice, their name and the name of individuals referred to therein shall not appear in such copy or on any record published, released or made available by the Department, except for good cause shown.

(2) If, upon receipt of such notice, the Department determines that the complaint meets the requirements set forth in section (1) of this rule, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, an inspection shall be made as soon as practicable to determine if such alleged violation exists or has occurred. Inspections pursuant to this rule need not be limited to matters referred to in the complaint.

(3) No licensee, registrant or contractor or subcontractor of a licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under these rules or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this division.

Stat. Auth.: ORS 453.605 - 453.755

Stats. Implemented: ORS 453.605 - 453.755

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 14-2008, f. & cert. ef. 9-15-08

333-111-0035

Inspections Not Warranted; Informal Review

(1) If the Department determines, with respect to a complaint under OAR 333-111-0030, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Department shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Assistant Director of the Public Health Division. The Department will provide the licensee or registrant with a copy of such statement by certified mail, excluding at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the Assistant Director of the Public Health Division. The Department will provide the complainant with a copy of such statement by certified mail.

(2) Upon the request of the complainant, the Assistant Director of the Public Health Division may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the Assistant Director of the Public Health Division shall affirm, modify or reverse the determination of the Department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefore.

(3) If the Department determines that an inspection is not warranted because the requirements of OAR 333-111-0030(1) have not been met, the complainant shall be notified in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of OAR 333-111-0030(1).

Stat. Auth.: ORS 453.605 - 453.755

Stats. Implemented: ORS 453.605 - 453.755

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0020

Definitions

As used in this division, the following definitions apply:

(1) "Address of use" means the building or buildings identified on the license as the location(s) where radioactive material may be received, used, or stored.

(2) "Area of use" means location(s) at the address of use set aside for the purpose of receiving, using or storing radioactive material.

(3) "Authorized Medical Physicist" means an individual who:

(a) Meets the requirements in OAR 333-116-0730, or 333-116-0905 and 333-116-0760; or

(b) Is identified as an authorized medical physicist or teletherapy physicist on:

(A) A specific medical use license issued by the Department or an Agreement State or the US Nuclear Regulatory Commission;

(B) A medical use permit issued by a Commission master material licensee;

(C) A permit issued by a Commission or Agreement State broad scope medical use licensee; or

(D) A permit issued by a Commission master material license broad scope medical use permittee.

(4) "Authorized nuclear pharmacist" means a pharmacist who:

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(a) Meets the requirements in OAR 333-116-0910 and 333-116-0915; or

(b) Is identified as an authorized nuclear pharmacist on a Department, Agreement State, or U.S. Nuclear Regulatory Commission license that authorizes the use of radioactive material in the practice of nuclear pharmacy; or

(c) Is identified as an authorized nuclear pharmacist on a license issued by a Department, Agreement State, or U.S. Nuclear Regulatory Commission specific licensee of broad scope that is authorized to permit the use of radioactive material in the practice of nuclear pharmacy; or

(d) Is approved as an authorized nuclear pharmacist by a nuclear pharmacy licensed (authorized) by the Department, the U.S. Nuclear Regulatory Commission, or an Agreement State to approve authorized nuclear pharmacists.

(5) "Authorized user" means a practitioner of the healing arts who:

(a) Meets the requirements listed in OAR 333-116-0660, 333-116-0670, 333-116-0680, 333-116-0683, 333-116-0690, 333-116-0700, 333-116-0710, 333-116-0720, and 333-116-0740; or

(b) Is identified as an authorized user on a Department, Agreement State, Licensing State or U.S. Nuclear Regulatory Commission license that authorizes the medical use of radioactive material; or

(c) Is identified as an authorized user on a permit issued by a Department, Agreement State, or U.S. Nuclear Regulatory Commission licensee of broad scope that is authorized to permit the medical use of radioactive material.

(6) "Black Box" means the radiopharmaceutical production purification system used in a PET facility.

(7) "Brachytherapy" means a method of radiation therapy in which sources are used to deliver a radiation dose at a distance of up to a few centimeters by surface, intracavitary, intraluminal, or interstitial application.

(8) "Brachytherapy source" means an individual sealed source or a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose of radiation within a few centimeters, by surface, intracavitary, or interstitial application that is not designed to be disassembled by the user.

(9) "Dedicated check source" means a radioactive source that is used to assure the constant operation of a radiation detection or measurement device over several months or years. This source may also be used for other purposes.

(10) "Dental use" means the intentional external administration of the radiation from radioactive material to human beings in the practice of dentistry in accordance with a license issued by a State or Territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(11) "Dentist" means an individual licensed by a State or Territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico to practice dentistry.

(12) "Diagnostic clinical procedures manual" means a collection of written procedures that describes each method (and other instructions and precautions) by which the licensee performs diagnostic clinical procedures; where each diagnostic clinical procedure has been approved by the authorized user and includes the radiopharmaceutical, dosage, and route of administration.

(13) "High dose-rate remote afterloader" means a device that remotely delivers a brachytherapy source, with a dose rate in excess of two gray (200 rad) per hour, to the point or surface where the dose is prescribed.

(14) "Human Research Subject" means a living person that an authorized user, conducting research, obtains data resulting from the intentional internal or external administration of radioactive material, or the radiation from radioactive material, to the individual. For the purpose of these rules, unless otherwise noted, the term patient applies to a human research subject.

(15) "Low dose-rate remote afterloader" means a device that remotely delivers a brachytherapy source, with a dose rate of less than two gray (200 rad) per hour, to the point or surface where the dose is prescribed.

(16) "Management" means the chief executive officer or that individual's designee;

(17) "Manual Brachytherapy", as used in this part, means a type of brachytherapy in which the brachytherapy sources (e.g., seeds, ribbons) are manually placed on, or in close proximity, to the treatment site or inserted directly into the tissue volume.

(18) "Medical Event or Medical Error" means an event where a patient or human research subject:

(a) Receives a dose that differs from the prescribed dose or dose that would have resulted from the prescribed dosage by more than 0.05 Sv (5

rem) effective dose equivalent, 0.5 Sv (50 rem) to an organ or tissue, or 0.5 Sv (50 rem) shallow dose equivalent to the skin; or

(b) Receives a dose to the skin or an organ or tissue other than the treatment site that exceeds by 0.5 Sv (50 rem) to an organ or tissue and 50 percent or more of the dose expected from the administration defined in the written directive (excluding, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site); or

(c) An event resulting from intervention of a patient or human research subject in which the administration of radioactive material or radiation from radioactive material results or will result in unintended permanent functional damage to an organ or a physiological system, as determined by a physician

(19) "Medical institution" means an organization in which more than one medical discipline is practiced;

(20) "Medical use" means the intentional internal or external administration of radioactive material, or the radiation from radioactive material to patients or human research subjects under the supervision of an authorized user.

(21) "Ministerial change" means a change that is made, after ascertaining the applicable requirements, by persons in authority in conformance with the requirements and without making a discretionary judgment about whether those requirements should apply in the case at hand.

(22) "Misadministration" means the administration of:

(a) A radiopharmaceutical dosage greater than 1.11 megabecquerels (30 uCi) of either sodium iodide I-125 or I-131:

(A) Involving the wrong individual or wrong radiopharmaceutical; or

(B) When both the administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage and the difference between the administered dosage and prescribed dosage exceed 1.11 megabecquerels (30 uCi).

(b) A therapeutic radiopharmaceutical dosage, other than sodium iodide I-125 or I-131:

(A) Involving the wrong individual, wrong radiopharmaceutical, or wrong route of administration; or

(B) When the administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage.

(c) A gamma stereotactic radiosurgery radiation dose:

(A) Involving the wrong individual or wrong treatment site; or

(B) When the calculated total administered dose differs from the total prescribed dose by more than 10 percent of the total prescribed dose.

(d) A teletherapy radiation dose:

(A) Involving the wrong individual, wrong mode of treatment, or wrong treatment site;

(B) When the treatment consists of three or fewer fractions and the calculated total administered dose differs from the total prescribed dose by more than 10 percent of the total prescribed dose;

(C) When the calculated weekly administered dose is 30 percent greater than the weekly prescribed dose; or

(D) When the calculated total administered dose differs from the total prescribed dose by more than 20 percent of the total prescribed dose.

(e) A brachytherapy radiation dose:

(A) Involving the wrong individual, wrong radioisotope, or wrong treatment site (excluding, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site);

(B) Involving a sealed source that is leaking;

(C) When, for a temporary implant, one or more sealed sources are not removed upon completion of the procedure; or

(D) When the calculated administered dose differs from the prescribed dose by more than 20 percent of the prescribed dose.

(f) A diagnostic radiopharmaceutical dosage, other than quantities greater than 1.11 megabecquerels (30 uCi) of either sodium iodide I-125 or I-131:

(A) Involving the wrong individual, wrong radiopharmaceutical, wrong route of administration, or when the administered dosage differs from the prescribed dosage; or

(B) When the dose to the individual exceeds 50 millisieverts (5 rem) effective dose equivalent or 500 millisieverts (50 rem) dose equivalent to any individual organ.

(23) "Mobile nuclear medicine service" means the transportation and medical use of radioactive material.

(24) "Nuclear Pharmacist" means an authorized nuclear pharmacist, as defined in OAR 333-116-0020, who has received additional training, pursuant to OAR 333-116-0910 and 333-116-0915 in the management and handling of radioactive drugs and is authorized by license to receive, use, transfer, and dispose of such radioactive drugs.

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(25) "Output" means the exposure rate, dose rate or a quantity related in a known manner to these rates from a teletherapy unit for a specified set of exposure conditions.

(26) "Patient Intervention" means actions taken by a patient or human research subject, whether intentional or unintentional, interrupt or terminate the administration of radioactive materials or radiation.

(27) "PET" means Positron Emission Tomography

(28) "PET Isotope Nuclear Pharmacy" means a licensed facility that compounds radiopharmaceuticals using positron emitting isotopes for use at licensed medical facilities.

(29) "PET cyclotron facility" means a facility that manufactures short-lived radioisotopes for use in compounding radiopharmaceuticals at a PET Isotope Nuclear Pharmacy.

(30) "PET Medical Facility" means a clinical nuclear medicine facility that utilizes positron-emitting isotopes for diagnostic imaging.

(31) "Pharmacist" means an individual licensed by a State or Territory of the United States, The District of Columbia, or the Commonwealth of Puerto Rico to practice pharmacy.

(32) "Physician" means a medical doctor or doctor of osteopathy licensed by a State or Territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico to prescribe drugs in the practice of medicine.

(33) "Podiatric use" means the intentional external administration of the radiation from byproduct material to human beings in the practice of podiatry in accordance with a license issued by a State or Territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(34) "Podiatrist" means an individual licensed by a State or Territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico to practice podiatry.

(35) "Positron Emission Tomography (PET) facility" means a facility comprised of an accelerator that produces positron-emitting isotopes, a radiopharmacy that specializes in preparation of PET radiopharmaceuticals, and/or a clinic that uses PET isotopes for medical diagnostic purposes.

(36) "Preceptor" means an individual who provides, directs, or verifies training and experience required for an individual to become an authorized user, an authorized medical physicist, an authorized nuclear pharmacist, or a Radiation Safety Officer. The preceptor must have previously met all of the applicable requirements and be so named on a radioactive materials license issued by the Department, the Nuclear Regulatory Commission, an Agreement State or licensing state.

(37) "Prescribed dosage" means the specified activity or range of activity of a radiopharmaceutical or radioisotope as documented:

(a) In a written directive; or

(b) Either in the diagnostic clinical procedures manual or in any appropriate record in accordance with the directions of the authorized user for diagnostic procedures.

(38) "Prescribed dose" means:

(a) For gamma stereotactic radiosurgery, the total dose as documented in the written directive;

(b) For teletherapy, the total dose and dose per fraction as documented in the written directive;

(c) For manual brachytherapy, either the total source strength and exposure time or the total dose, as documented in the written directive; or

(d) For remote brachytherapy afterloaders, the total dose and dose per fraction as documented in the written directive.

(39) "Pulsed dose-rate remote afterloader" means a special type of remote afterloading device that uses a single source capable of delivering dose rates in the "high dose rate" range, but is used to simulate the radiobiology of a low dose rate treatment by inserting the source for a given fraction of each hour.

(40) "Radiation Safety Officer" means an individual who:

(a) Meets the requirements in OAR 333-116-0640, 333-116-0650, 333-116-0740 and 333-116-0760; or

(b) Is identified as a Radiation Safety Officer on:

(A) A specific medical use license issued by the Commission or Agreement State; or

(B) A medical use permit issued by a Commission master material licensee.

(41) "Recordable Event" (See Medical Event and Misadministration)

(42) "Sealed source" means any radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

(43) "Stereotactic Radiosurgery" means the use of external radiation in conjunction with a stereotactic guidance device to very precisely deliver a dose to a tissue volume.

(44) "Structured educational program" means an educational program designed to impart particular knowledge and practical education through interrelated studies and supervised training.

(45) "Teletherapy" means therapeutic irradiation in which the source of radiation is at a distance from the body.

(46) "Teletherapy physicist" means the individual identified as the qualified teletherapy physicist on a Department license.

(47) "Therapeutic Dosage" means a dosage of unsealed byproduct material that is intended to deliver a radiation dose to a patient or human research subject for palliative or curative treatment.

(48) "Therapeutic Dose" means a radiation dose delivered from a source containing byproduct material to a patient or human research subject for palliative or curative treatment.

(49) "Treatment site" means the anatomical description of the tissue intended to receive a radiation dose, as described in a written directive.

(50) "Unit dosage" means a dosage intended for medical use in a single patient or human research subject that has been obtained from a manufacturer or preparer licensed by the Department as a nuclear pharmacy.

(51) "Visiting authorized user" means an authorized user who is not identified on the license of the licensee being visited.

(52) "Written directive" means an order in writing for a specific patient, dated and signed by an authorized user prior to the administration of a radiopharmaceutical or radiation, except as specified in OAR 333-116-0125(1)(e), containing the following information:

(a) For any administration of quantities greater than 1.11 megabecquerels (30 uCi) of either sodium iodide I-125 or I-131: the dosage;

(b) For a therapeutic administration of a radiopharmaceutical other than sodium iodide I-125 or I-131: the radiopharmaceutical, dosage, and route of administration;

(c) For gamma stereotactic radiosurgery: target coordinates, collimator size, plug pattern, and total dose;

(d) For teletherapy: the total dose, dose per fraction, treatment site, and overall treatment period;

(e) For high-dose-rate remote afterloading brachytherapy: the radioisotope, treatment site, and total dose; or

(f) For all other brachytherapy:

(A) Prior to implantation: the radioisotope, number of sources, and source strengths; and

(B) After implantation but prior to completion of the procedure: the radioisotope, treatment site, and total source strength and exposure time (or, equivalently, the total dose).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0027

Implementation

(1) A licensee must implement the provisions in division 333-116 no later June 15, 2006.

(2) When a requirement in division 333-116 differs from the requirement in an existing license condition, the more restrictive requirement must govern until there is a license amendment or license renewal.

(3) Any existing license condition, not affected by a requirement in division 333-116, remains in effect until the license is amended or renewed.

(4) If a license condition exempted a licensee from a provision of division 333-116 on June 15, 2006, it will continue to exempt a licensee from the corresponding provision in division 333-116.

(5) If a license condition cites provisions in division 333-116 that will be deleted on June 15, 2006, then the license condition remains in effect until the license is amended or renewed to modify or remove the condition.

(6) Licensees must continue to comply with any license condition that requires it to implement procedures required by OAR 333-116-0525, 333-116-0580, 333-116-0583, and 333-116-0587 until there is a license amendment or renewal that modifies the license condition.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0035

Application for License, Amendment, or Renewal

(1) An application must be signed by the management of the facility.

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(2) An application for a license for medical use of radioactive material as described in OAR 333-116-0200, 333-116-0300, 333-116-0320, 333-116-0360, 333-116-0400, and 333-116-0420 and for medical use of remote afterloaders in 333-116-0480, must be made by filing a "Radioactive Materials License Application: Medical." A request for a license amendment or renewal may be submitted in letter format.

(3) Except for medical use of remote afterloaders, a separate license application must be filed for each medical use of radioactive material as described in OAR 333-116-0480 by filing a "Radioactive Materials License Application: Medical." A request for a license amendment or renewal may be submitted in letter format.

(4) An application for a license for medical use of radioactive material as described in OAR 333-116-0800, Licensing and Registration of Positron Emission Tomography (PET) Facilities, must be made by filing a "Radioactive Materials License Application: Medical."

(a) In addition to the information required in the "Radioactive Materials License Application: Medical," the application must also include information regarding any radiation safety aspects of the medical use of the radioactive material that is not addressed in this division, as well as any specific information necessary for:

- (A) Radiation safety precautions and instructions;
- (B) Training and experience of proposed users;
- (C) Methodology for measurement of dosages or doses to be administered to patients or human research subjects; and
- (D) Calibration, maintenance, and repair of equipment necessary for radiation safety.

(b) The applicant of licensee must also provide any other information requested by the Department in its review of the application.

NOTE: An applicant that satisfies the requirements specified in OAR 333-102-0900 may apply for a Broad Scope A specific license.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0040

License Amendments

A licensee must apply for and must receive a license amendment:

(1) Before receiving or using radioactive material for a method or type of medical use not permitted by the license issued under this division;

(2) Before permitting anyone, except a visiting authorized user described in OAR 333-116-0110, to work as an authorized user, authorized nuclear pharmacist, or authorized medical physicist under the license. A visiting authorized user is an individual who:

(a) Meets the requirements of OAR 333-116-0660, 333-116-0670, 333-116-0680, 333-116-0683, 333-116-0687, 333-116-0690, 333-116-0700, 333-116-0710 or 333-116-0720, 333-116-0740 and 333-116-0760 of these rules; or

(b) Is a nuclear pharmacist who meets the requirements in OAR 333-116-0910 and 333-116-0760; or

(c) Is a medical physicist, who meets the requirements in OAR 333-116-0730, 333-116-0740, 333-116-0760 and 333-116-0905; or

(d) Is identified as an authorized user, or an authorized nuclear pharmacist, or an authorized medical physicist on a Nuclear Regulatory Commission or Agreement State license that authorizes the use of radioactive material in medical use or in the practice of nuclear pharmacy, respectively, or

(3) Before changing the Radiation Safety Officer or Teletherapy Physicist;

(4) Before receiving radioactive material in excess of the amount authorized on the license;

(5) Before adding to or changing the area of use or mailing address identified on the license; and

(6) Before changing statements, representations and procedures which are incorporated into the license.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0050

Notifications

(1) A licensee must provide to the Department a copy of the board certification, the Nuclear Regulatory Commission or Agreement State license, or the permit issued by a licensee of Broad Scope for each individual no later than 30 days after the date that the licensee permits the indi-

vidual to work as an authorized user, an authorized nuclear pharmacist, pursuant to OAR 333-116-0040(2)(a) through (d).

(2) A licensee must notify the Department by letter no later than 30 days after:

(a) An authorized user, an authorized nuclear pharmacist, a Radiation Safety Officer or an authorized medical physicist permanently discontinues performance of duties under the license or has a name change.

(b) The licensee's mailing address changes;

(c) The licensee's name changes, but the name does not constitute a transfer of control of the license as described in OAR 333-102-0305 of these rules; or

(d) The licensee has added to or changed the areas where radioactive material is used in accordance with OAR 333-116-0200 and 333-116-0300.

(3) The licensee must mail the documents required in this division to the Department for review.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0055

Exemptions Regarding Type A Specific Licenses of Broad Scope

A licensee possessing a Type A specific license of broad scope for medical use is exempt from:

(1) The provisions of OAR 333-116-0040(2);

(2) The provisions of OAR 333-116-0040(5) regarding additions to or changes in areas of use only at the addresses specified in the license;

(3) The provisions of OAR 333-116-0050(1);

(4) The provisions of OAR 333-116-0050(2)(a) for an authorized user, or authorized nuclear pharmacist, and

(5) The provisions of OAR 333-116-0140(1).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0057

License Issuance

(1) The Department must issue a license for the medical use of radioactive material if:

(a) The applicant has filed a "Radioactive Materials License Application: Medical" in accordance with the instructions in OAR 333-116-0035;

(b) The applicant has paid any applicable fee as provided in division 103 of these rules;

(c) The Department finds the applicant equipped and committed to observe the safety standards established by the Department in these rules for the protection of the public health and safety; and

(d) The applicant meets the requirements of division 102 of these rules.

(2) The Department must issue a license for mobile services if the applicant:

(a) Meets the requirements in section (1) of this rule; and

(b) Assures that individuals or human research subjects to whom radiopharmaceuticals or radiation from implants will be administered may be released following treatment in accordance with OAR 333-116-0460.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0090

Statement of Authorities and Responsibilities for the Radiation Protection Program

(1) In addition to the radiation protection program requirements of OAR 333-120-0020, a licensee's management must approve in writing:

(a) Requests for a license application, renewal, or amendment before submittal to the Department;

(b) Any individual before allowing that individual to work as an authorized user, authorized nuclear pharmacist, or authorized medical physicist; and

(c) Radiation protection program changes that do not require a license amendment and are permitted under OAR 333-116-0123.

(2) A licensee's management must appoint a Radiation Safety Officer, who agrees, in writing, to be responsible for implementing the radiation protection program. The licensee, through the Radiation Safety Officer,

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must ensure that radiation safety activities are being performed in accordance with licensee-approved procedures and regulatory requirements.

(3) For up to 60 days each year, a licensee may permit an authorized user or an individual qualified to be a Radiation Safety Officer, under OAR 333-116-0650, 333-116-0740 and 333-116-0760, to function as a temporary Radiation Safety Officer and to perform the functions of a Radiation Safety Officer, as provided in section (7) of this rule, if the licensee takes the actions required in sections (2), (5), (7) and (8) of this rule and notifies the Department in accordance with OAR 333-116-0050(2).

(4) A licensee may simultaneously appoint more than one temporary Radiation Safety Officer in accordance with section (3) of this rule, if needed to ensure that the licensee has a temporary Radiation Safety Officer that satisfies the requirements to be a Radiation Safety Officer for each of the different types of uses of byproduct material permitted by the licensee.

(5) A licensee must establish the authority, duties, and responsibilities of the Radiation Safety Officer in writing.

(6) A licensee must provide the Radiation Safety Officer sufficient authority, organizational freedom, time, resources, and management prerogative, to:

- (a) Identify radiation safety problems;
- (b) Initiate, recommend, or provide corrective actions;
- (c) Stop unsafe operations; and
- (d) Verify implementation of corrective actions.

(7) Licensees that are authorized for two or more different types of uses of radioactive material under division 333-116, must establish a Radiation Safety Committee to oversee all uses of radioactive material permitted by the licensee. The Committee must include an authorized user of each type of use permitted by the license, the Radiation Safety Officer, a representative of the nursing service, and a representative of management who is neither an authorized user nor a Radiation Safety Officer. The Committee may include other members the licensee considers appropriate.

(8) A licensee's Radiation Safety Committee must meet at intervals not to exceed six months. The licensee must maintain minutes of each meeting in accordance with OAR 333-100-0057.

(9) A licensee must retain a record of actions taken under sections (1), (2) and (5) of this rule in accordance with OAR 333-100-0057. These records must be retained for the life of the license.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0100 Supervision

(1) A licensee who permits the receipt, possession, use or transfer of radioactive material by an individual under the supervision of an authorized user as allowed by OAR 333-116-0030 must:

(a) In addition to the requirements in OAR 333-111-0010, instruct the supervised individual in the licensee's written radiation protection procedures, written directive procedures, the licensee's written quality management program, the Oregon Rules for the Control of Radiation and the license conditions appropriate to that individual's use of radioactive material; and

(b) Require the supervised individual to follow the instructions of the supervising authorized user for medical uses of radioactive material, written radiation protection procedures, written directive procedures, regulations of division 333-116, and license conditions with respect to the medical use of radioactive material.

(2) A licensee that permits the preparation of radioactive material for medical use by an individual under the supervision of an authorized nuclear pharmacist or physician who is an authorized user, as allowed by OAR 333-116-0030(3) must:

(a) In addition to the requirements in OAR 333-111-0010, instruct the supervised individual in the preparation of radioactive material for medical use, as appropriate to that individual's use of radioactive material; and

(b) Require the supervised individual to follow the instructions of the supervising authorized user or authorized nuclear pharmacist regarding the preparation of radioactive material for medical use, the written radiation protection procedures established by the licensee and division 333-116, and license conditions.

(3) A licensee that permits supervised activities under sections (1) and (2) of this rule is responsible for the acts and omissions of the supervised individual.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0105

Written Directives

(1) A written directive must be prepared, dated and signed by an authorized user prior to administration of I-131 sodium iodide greater than 1.11 Megabecquerels (MBq) (30 microcuries (uCi)), or any therapeutic dosage of a radiopharmaceutical, or any therapeutic dose of radiation from radioactive material.

(2) The written directive must contain the patient or human research subject's name and the following:

(a) For any administration of quantities greater than 1.11 MBq (30 uCi) of sodium iodide I-131; the dosage;

(b) For a therapeutic administration of a radiopharmaceutical other than sodium iodide I-131: the radiopharmaceutical dosage, and route of administration;

(c) For gamma stereotactic radiosurgery: target coordinates (including gamma angle), collimator size, plug pattern, total dose for the treatment, and the total treatment volume for each anatomically distinct treatment site;

(d) For teletherapy: the total dose, dose per fraction, number of fractions, treatment site, and overall treatment period;

(e) For remote afterloading brachytherapy: the radionuclide, treatment site, dose per fraction, number of fractions, and total dose; or

(f) For all other brachytherapy:

(A) Prior to implantation: treatment site, the radionuclide, number of sources and source strengths or dose; and

(B) After implantation but prior to completion of the procedure: the radionuclide, treatment site, and total source strength and exposure time (or equivalently, the total dose).

(3) A written revision to an existing written directive may be made if the revision is dated and signed by an authorized user before the administration of the dosage of unsealed byproduct material, the brachytherapy dose, the gamma stereotactic radiosurgery dose, the teletherapy dose, or the next fractional dose.

(4) If, because of the patient's condition, a delay in order to provide a written revision to an existing written directive would jeopardize the patient's health, an oral revision to an existing written directive is acceptable. The oral revision must be documented as soon as possible in the patient's record. A revised written directive must be signed by the authorized user within 48 hours of the oral revision.

(5) The licensee must retain the written directive in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0107

Procedures for Administrations Requiring a Written Directive

(1) For any administration requiring a written directive, the licensee must develop, implement, and maintain written procedures to provide high confidence that:

(a) The patient's or human research subject's identity is verified before each administration; and

(b) Each administration is in accordance with the written directive.

(2) The procedures required by section (1) of this rule must, at a minimum, address the following items applicable to the licensee's use of radioactive material:

(a) Verifying the identity of the patient or human research subject;

(b) Verifying that the specific details of the administration are in accordance with the written directive and, if applicable, the treatment plan;

(c) Checking both manual and computer-generated dose calculations; and

(d) Verifying that any computer-generated dose calculations are correctly transferred into the consoles of therapeutic medical devices.

(3) The licensee must retain a copy of procedures in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

ADMINISTRATIVE RULES

333-116-0110

Visiting Authorized User

(1) A licensee may permit any visiting authorized user to use licensed material for medical use under the terms of the licensee's license for 60 days each year if:

(a) The visiting authorized user has the prior written permission of the licensee's management and, if the use occurs on behalf of an institution, the institution's Radiation Safety Committee;

(b) The licensee has a copy of the Department license or a license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, that identifies the visiting authorized user by name as an authorized user for medical use; and

(c) Only those procedures for which the visiting authorized user is specifically authorized by the Department license are performed by that individual.

(2) A licensee need not apply for a license amendment in order to permit a visiting authorized user to use licensed material as described in section (1) of this rule.

(3) A licensee must retain copies of the records specified in this rule in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0120

Mobile Nuclear Medicine Service Administrative Requirements

(1) The Department will only license mobile nuclear medicine services in accordance with OAR 333-116-0300, 333-116-0320, and 333-116-0400 of this division and OAR 333-102-0130.

(2) Mobile nuclear medicine service licensees must:

(a) Obtain a letter signed by the management of each client for which services are rendered that authorizes use of licensed radioactive material at the client's address of use. This letter must clearly delineate the authority and responsibility of both the client and the mobile medical service. If the client is licensed, the letter must document procedures for notification, receipt, storage and documentation of transfer of radioactive material delivered to the client's address for use by the mobile medical service. The mobile nuclear medicine service licensee must retain the letter for three years after the last provision of service.

(b) Check instruments used to measure the activity of unsealed byproduct material for proper function before use at each client's address or on each day of use, whichever is more frequent. At a minimum, the check for proper function must include a constancy check;

(c) Check survey instruments for proper operation with a dedicated check source before use at each client's address; and

(d) Survey all areas of use to ensure compliance with the requirements in division 333-120 before leaving a client's address.

(3) If a mobile nuclear medicine service provides services that the client also is authorized to provide, the client is responsible for assuring that services are conducted in accordance with the rules in this division while the mobile nuclear medicine service is under the client's direction.

(4) A mobile nuclear medicine service may not order radioactive material to be delivered directly from the manufacturer or the distributor to the client's address of use unless the client has a radioactive materials license. Radioactive material delivered to the client's address of use must be received and handled in conformance with the client's license.

(5) A mobile medical service licensee must, at a minimum, maintain the following documents onboard each mobile unit:

(a) Current operating and emergency procedures;

(b) Copy of the current license;

(c) Copies of the letter required by section (2) of this rule;

(d) Current calibration records for each survey instrument and diagnostic equipment or dose delivery device in use; and

(e) Survey records covering uses associated with the mobile unit during, at a minimum, the preceding 90 calendar days.

(6) A licensee must retain copies of the records specified in this rule in accordance with OAR 333-100-0057. The records required for subsections (2)(b), (2)(c) and (2)(d) of this rule must include the date of the survey or test, the results of the survey or test, the instrument used to make the survey or source used to perform the test, and the name of the individual who performed the survey or test.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0123

Radiation Safety Program Changes

(1) A licensee may revise its radiation protection program without Department approval if:

(a) The revision does not require a license amendment under OAR 333-116-0040;

(b) The revision is in compliance with the regulations and the license;

(c) The revision has been reviewed and approved by the Radiation Safety Officer, licensee management and, if applicable, the Radiation Safety Committee; and

(d) The affected individuals are instructed on the revised program before the changes are implemented.

(2) A licensee must retain a record of each change in accordance with OAR 333-100-0057. The record must include the effective date of the change, a copy of the old and new radiation safety procedures, the reason for the change, a summary of radiation safety matters that were considered before making the change, the signature of the Radiation Safety Officer, and the signatures of the affected authorized users and of management, or, in a medical institution, the Radiation Safety Committee's chairman and the management representative.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1995, f. & cert. ef. 4-26-95; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0125

Quality Management Program

(1) Each applicant or licensee under this division, as applicable, must establish and maintain a written quality management program to provide high confidence that radioactive material or radiation from radioactive material will be administered as directed by the authorized user. The quality management program must include written policies and procedures to meet the following specific objectives:

(a) That, prior to administration, a written directive (see NOTE below) is prepared for:

(A) Any teletherapy radiation dose;

(B) Any gamma stereotactic radiosurgery radiation dose;

(C) Any brachytherapy radiation dose;

(D) Any administration of quantities greater than 1.11 megabecquerels (30 uCi) of either sodium iodide I-125 or I-131; or

(E) Any therapeutic administration of a radiopharmaceutical, other than sodium iodide I-125 or I-131;

(b) That, prior to each administration, the patient's identity is verified by more than one method as the individual named in the written directive;

(c) That final plans of treatment and related calculations for brachytherapy, teletherapy, and gamma stereotactic radiosurgery are in accordance with the respective written directives;

(d) That each administration is in accordance with the written directive; and

(e) That any unintended deviation from the written directive is identified and evaluated, and appropriate action is taken.

NOTE: If, because of the patient's condition, a delay in order to provide a written revision to an existing written directive would jeopardize the patient's health, an oral revision to an existing written directive will be acceptable, provided that the oral revision is documented immediately in the patient's record and a revised written directive is signed by the authorized user within 48 hours of the oral revision. Also, a written revision to an existing written directive may be made for any diagnostic or therapeutic procedure provided that the revision is dated and signed by an authorized user prior to the administration of the radiopharmaceutical dosage, the brachytherapy dose, the gamma stereotactic radiosurgery dose, the teletherapy dose, or the next teletherapy fractional dose. If, because of the emergent nature of the patient's condition, a delay in order to provide a written directive would jeopardize the patient's health, an oral directive will be acceptable, provided that the information contained in the oral directive is documented immediately in the patient's record and a written directive is prepared within 24 hours of the oral directive.

(2) The licensee shall:

(a) Develop procedures for and conduct a review of the quality management program including, since the last review, an evaluation of:

(A) A representative sample of patient administrations,

(B) All recordable events, and

(C) All misadministrations to verify compliance with all aspects of the quality management program; these reviews shall be conducted at intervals no greater than 12 months;

(b) Evaluate each of these reviews to determine the effectiveness of the quality management program and, if required, make modifications to meet the objectives of subsection (2)(a) of this rule; and

(c) Retain records of each review, including the evaluations and findings of the review, in an auditable form for three years.

(3) The licensee shall evaluate and respond, within 30 days after discovery of the recordable event, to each recordable event by:

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- (a) Assembling the relevant facts including the cause;
- (b) Identifying what, if any, corrective action is required to prevent recurrence; and
- (c) Retaining a record, in an auditable form, for five years or until inspected by the Department, of the relevant facts and what corrective action, if any, was taken.

(4) The licensee shall retain:

- (a) Each written directive; and
- (b) A record of each administered radiation dose or radiopharmaceutical dosage where a written directive is required in subsection (1)(a) of this rule, in an auditable form, for five years, or until inspected by the Department, after the date of administration.

(5) The licensee may make modifications to the quality management program to increase the program's efficiency provided the program's effectiveness is not decreased. The licensee shall furnish the modification to the Department within 30 days after the modification has been made.

(6) Each applicant for a new license, as applicable, shall submit to the Department in accordance with OAR 333-102-0190 a quality management program as part of the application for a license and implement the program upon issuance of the license by the Department.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0130

Records and Reports of Misadministrations

(1) For a misadministration that meets the definition in OAR 333-116-0020 a licensee must:

(a) Notify the Department by telephone no later than the next calendar day after discovery of the misadministration.

NOTE: The 24-hour phone number of the Department is (971) 673-0490.

(b) The licensee must submit a written report to the Department within 15 days after the discovery of the misadministration. The written report must include:

- (A) The licensee's name;
- (B) The prescribing physician's name;
- (C) A brief description of the event;
- (D) Why the event occurred;
- (E) The effect on the patient;
- (F) What improvements are needed to prevent recurrence;
- (G) Actions taken to prevent recurrence; and
- (H) Certification that the licensee notified the patient, or the patient's responsible relative or guardian (this person will be subsequently referred to as "the patient" in this section), and if not, why not, and if the patient was notified, what information was provided to the patient. The report must not include the patient's name or other information that could lead to identification of the patient.

(c) The licensee must notify the referring physician of the affected patient and the patient or a responsible relative or guardian, unless the referring physician agrees to inform the patient or believes, based on medical judgment, that telling the patient or the patient's responsible relative or guardian would be harmful to one or the other, respectively. These notifications must be made within 24 hours after the licensee discovers the misadministration. If the referring physician, patient or the patient's responsible relative or guardian cannot be reached within 24 hours, the licensee must notify them as soon as practicable. The licensee is not required to notify the patient or the patient's responsible relative or guardian without first consulting the referring physician; however, the licensee must not delay medical care for the patient because of this.

(d) If the patient was notified, the licensee also must furnish, within 15 days after discovery of the misadministration, a written report to the patient by sending either:

- (A) A copy of the report that was submitted to the Department; or
- (B) A brief description of both the event and the consequences as they may affect the patient, provided a statement is included that the report submitted to the Department can be obtained from the licensee.

(2) Each licensee must retain a record of each misadministration in accordance with OAR 333-100-0057. The record must contain the names of all individuals involved in the event (including the physician, allied health personnel, the patient, and the patient's referring physician), the patient's social security number or identification number if one has been assigned, a brief description of the misadministration, why it occurred, the effect on the patient, what improvements are needed to prevent recurrence, and the actions taken to prevent recurrence.

(3) Aside from the notification requirement, nothing in this rule must affect any rights or duties of licensees and physicians in relation to each other, patients or responsible relatives or guardians.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0150

Quality Control of Imaging Equipment

(1) Each licensee must establish written quality control procedures for all diagnostic equipment used to obtain images from radionuclide studies. As a minimum the quality control procedures and frequencies must include quality control procedures recommended by equipment manufacturers or procedures which have been approved by the Department. The licensee must conduct quality control procedures in accordance with written procedures.

(2) Copies of procedures and records generated from implementing these procedures must be maintained in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0160

Possession, Use, Calibration and Check of Dose Calibrators

(1) A medical use licensee authorized to administer either radiopharmaceuticals or unsealed radioactive materials must possess a dose calibrator and use it to measure the amount of activity of radionuclides prior to administration to each patient or human research subject. The licensee must also develop, implement and maintain written procedures for proper calibration and operation of the dose calibrator.

(2) At a minimum, a licensee must:

(a) Check each dose calibrator for constancy and proper operation with a dedicated check source at the beginning of each day of use. To satisfy the requirement of this rule, the check must be done on a frequently used setting with a sealed source of not less than 1.85 megabecquerels (50 uCi) of any photon-emitting radionuclide with a half-life greater than 90 days. The results of this test must be within +ten percent of the sources stated activity. Sources used for the daily constancy test must be determined by the manufacturer to be within +five percent of the stated activity and traceable to the National Institute of Standards and Technology or other standards recognized as being equivalent by the National Institute of Standards and Technology.

(b) Test each dose calibrator for accuracy upon installation and at intervals not to exceed 12 months thereafter by assaying at least two sealed sources containing different photon-emitting radionuclides 1.85 megabecquerels (50 uCi) each, at least one of which has a principal photon energy between 100 keV and 500 keV. All sources used to satisfy the accuracy test must be determined by the manufacturer to be within +five percent of the stated activity and traceable to the National Institute of Standards and Technology or other standards recognized as being equivalent by the National Institute of Standards and Technology;

(c) Test each dose calibrator for linearity upon installation and at intervals not to exceed three months thereafter over the range of use between 1.1 megabecquerels (30 microcuries) and the highest dosage that will be administered; and

(d) Test each dose calibrator for geometry dependence upon installation over the range of volumes and volume configurations for which it will be used. The licensee must keep a record of this test for the duration of the use of the dose calibrator.

(3) A licensee must mathematically correct dosage readings for any geometry or linearity error that exceeds 10 percent if the dosage is greater than 1.1 megabecquerels (30 microcuries) and must repair or replace the dose calibrator if the accuracy or constancy error exceeds 10 percent.

(4) A licensee must also perform checks and tests required by section (2) of this rule following adjustment or repair of the dose calibrator and prior to use.

(5) A licensee must retain a record of each check and test required by section (2) of this rule in accordance with OAR 333-100-0057. The records required by section (2) of this rule must include:

(a) For constancy, the model and serial number of the dose calibrator, the identity and calibrated activity of the radionuclide contained in the check source, the date of the check, the activity measured, the instrument settings and the initials of the individual who performed the check;

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(b) For accuracy, the model and serial number of the dose calibrator, the model and serial number of each source used and the identity of the radionuclide contained in the source and its activity, the date of the test, the results of the test, the instrument settings and the signature of the Radiation Safety Officer;

(c) For linearity, the model and serial number of the dose calibrator, the calculated activities, the measured activities, the date of the test and the signature of the Radiation Safety Officer; and

(d) For geometry dependence, the model and serial number of the dose calibrator, the configuration and calibrated activity of the source measured, the activity of the source, the activity measured and the instrument setting for each volume measured, the date of the test and the signature of the Radiation Safety Officer.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0165

Possession, Use Calibration, and Check of Instruments to Measure Dosages of Alpha- or Beta-emitting Radionuclides

(1) For other than unit dosages, a licensee must possess and use instrumentation to measure the radioactivity of alpha- or beta-emitting radionuclides. A licensee must measure, by direct measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha- or beta-emitting radionuclides prior to administration to each patient or human research subject.

(2) A licensee must develop, implement, and maintain written procedures for use of the instrumentation. At a minimum, a licensee must:

(a) Perform tests before initial use, and following repair, on each instrument for accuracy, linearity, and geometry dependence, unless it is not appropriate for the use of the instrument; and make adjustments when necessary;

(b) Perform accuracy annually;

(c) Perform linearity tests annually over the range of medical use; and

(d) Check each instrument for constancy and proper operation at the beginning of each day of use.

(3) Accuracy tests must be performed with source(s) that are traceable to National Institute of Standards and Technology (NIST) or by a supplier who has compared the source to a source that was calibrated by NIST.

(4) A licensee must retain a record of each check and test required by this rule in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0170

Calibration and Check of Survey Instrument

(1) A licensee must ensure that the survey instruments used to show compliance with OAR chapter 333, divisions 116 and 120 have been calibrated before first use, annually and following repair.

(2) To satisfy the requirements of section (1) of this rule the licensee must:

(a) Calibrate all required scale readings up to ten millisieverts (1000 mrem) per hour with a radiation source;

(b) For each scale that must be calibrated, calibrate two readings separated by at least 50 percent of scale reading; and

(c) Conspicuously note on the instrument the date of calibration.

(3) To satisfy the requirements of section (2) of this rule, the licensee must:

(a) Consider a point as calibrated if the indicated exposure rate differs from the calculated exposure rate by not more than 10 percent; and

(b) Consider a point as calibrated if the indicated exposure rate differs from the calculated exposure rate by not more than 20 percent if a correction chart or graph is conspicuously attached to the instrument.

(4) A licensee must check each survey instrument for proper operation with the dedicated check source before each use. The licensee is not required to keep records of these checks.

(5) The licensee must retain a record of each calibration required in section (1) of this rule in accordance with OAR 333-100-0057. The record must include:

(a) A description of the calibration procedure; and

(b) A description of the source used and the certified exposure rates from the source and the rates indicated by the instrument being calibrated,

the correction factors deduced from the calibration data, the signature of the individual who performed the calibration and the date of calibration.

(6) To meet the requirements of sections (1), (2) and (3) of this rule, the licensee may obtain the services of individuals licensed by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform calibrations of survey instruments. Records of calibrations which contain information required by section (5) of this rule, must be maintained by the licensee calibration in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0180

Determination of Dosages of Unsealed Radioactive Material for Medical Use

A licensee must:

(1) Assay, within 30 minutes before medical use, the activity of each radiopharmaceutical dosage that contains more than 370 kilobecquerels (10 uCi) of an alpha-, beta-, or photon-emitting radionuclide;

(2) For a dosage of an alpha- or beta-emitting radionuclide prepared by the licensee, this determination must be made by direct measurement or by a combination of measurements and calculations.

(3) A licensee must not use a dosage if the dosage differs from the prescribed dosage by more than 20 percent, unless authorized in writing by an authorized user.

(4) Retain a record of the assays required by this rule in accordance with OAR 333-100-0057. The record must contain the:

(a) Generic name, trade name or abbreviation of the radiopharmaceutical, its lot number and expiration dates and the radionuclide;

(b) Patient's name and identification number if one has been assigned;

(c) Prescribed dosage and activity of the dosage at the time of assay or a notation that the total activity is less than 370 kilobecquerels (10 uCi);

(d) Date and time of the assay;

(e) Date and time of administration; and

(f) Initials of the individual who performed the assay.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0190

Authorization for Calibration and Reference Source

Any person authorized by OAR 333-116-0030 for medical use of radioactive material may receive, possess and use the following radioactive material for check, calibration and reference use:

(1) Sealed sources manufactured and distributed by persons specifically licensed pursuant to OAR 333-102-0290 or equivalent provisions of the U.S. Nuclear Regulatory Commission, Agreement State or Licensing State and that do not exceed 1.11GBq (30 mCi) each;

(2) Any radioactive material listed in OAR 333-116-0300, 333-116-0320 or 333-116-0360 with a half-life of 100 days or less in individual amounts not to exceed 1.11GBq (30 mCi), except Y-90 sources not to exceed 2.8 GBq (75 mCi);

(3) Any radioactive material listed in OAR 333-116-0300, 333-116-0320 or 333-116-0360 with a half life greater than 100 days in individual amounts not to exceed 7.4 MBq (200 milliCi) each; and

(4) Technetium-99m in individual amounts to exceed 1.85 GBq (50 mCi).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0200

Requirements for Possession of Sealed Sources and Brachytherapy Sources

(1) A licensee in possession of any sealed source or brachytherapy source must follow the radiation safety and handling instructions supplied by the manufacturer or equivalent instructions approved by the Department, and must maintain the instructions for the duration of source use in a legible form convenient to users.

(2) A licensee in possession of a sealed source must assure that:

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(a) The source is tested for leakage before its first use unless the licensee has a certificate from the supplier indicating that the source was tested within six months before transfer to the licensee; and

(b) The source is tested for leakage at intervals not to exceed six months or at intervals approved by the Department, another Agreement State, a Licensing State or the U.S. Nuclear Regulatory Commission in the Sealed Source and Device Registry (SS&D).

(3) To satisfy the leak test requirements of this division, the licensee must assure that:

(a) Leak tests are capable of detecting the presence of 185 Bq (0.005 uCi) of radioactive material on the test sample, or in the case of radium, the escape of radon at the rate of 37 Bq (0.001 uCi) per 24 hours;

(b) Test samples are taken from the source or from the surfaces of the device in which the source is mounted or stored on which radioactive contamination might be expected to accumulate; and

(c) For teletherapy units, test samples are taken when the source is in the "off" position.

(4) A licensee must retain leak test records in accordance with OAR 333-100-0057. The records must contain the model number and serial number if assigned, of each source tested, the identity of each source radionuclide and its estimated activity, the measured activity of each test sample expressed in microcuries (Bq), a description of the method used to measure each test sample, the date of the test and the signature of the Radiation Safety Officer.

(5) If the leak test reveals the presence of 185 Bq (0.005 uCi) or more of removable contamination, the licensee must:

(a) Immediately withdraw the sealed source from use and store it in accordance with the requirements of these rules; and

(b) File a report within five days of receiving the leakage test results with the Department describing the equipment involved, the test results and the action taken.

(6) A licensee need not perform a leak test on the following sources:

(a) Sources containing only radioactive material with a half-life of less than 30 days;

(b) Sources containing only radioactive material as a gas;

(c) Sources containing 3.7 MBq (100 uCi) or less of beta or photon-emitting material or 370 kBq (10 uCi) or less of alpha-emitting material;

(d) Seeds of iridium-192 encased in nylon ribbon; and

(e) Sources stored and not being used. The licensee must, however, test each such source for leakage before any use or transfer unless it has been tested for leakage within six months before the date of use or transfer.

(7) A licensee in possession of a sealed source or brachytherapy source must conduct a semi-annual physical inventory of all such sources in its possession. The licensee must retain each inventory record in accordance with OAR 333-100-0057. The inventory records must contain the model number of each source and serial number if one has been assigned, the identity of each source radionuclide and its estimated activity, the location of each source, date of the inventory and the signature of the Radiation Safety Officer.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0250

Surveys for Contamination and Ambient Radiation Dose Rate

(1) A licensee must survey with an appropriate radiation detection survey instrument, at the end of each day of use, all areas where radiopharmaceuticals are routinely prepared for use or administered. Radiation surveys are not required in areas where patients or human research subjects are confined when they cannot be released under OAR 333-116-0260. Radiation surveys are required when patients receive a therapeutic dose or brachytherapy implant and prior to release.

(2) A licensee must survey with an appropriate radiation detection survey instrument at least once each week all areas where radiopharmaceuticals or radioactive wastes are stored.

(3) A licensee must conduct the surveys required by section (1) and (2) of this rule so as to be able to measure dose rates as low as one Sv (0.1 mrem) per hour.

(4) A licensee must establish dose rate action levels for the surveys required by sections (1) and (2) of this rule and must require that the individual performing the survey immediately notify the Radiation Safety Officer if a dose rate exceeds an action level.

(5) A licensee must survey for removable contamination each day of use all areas where radiopharmaceuticals are routinely prepared for use or administered and each week where radioactive materials are stored.

(6) A licensee must conduct the surveys required by section (5) of this rule so as to be able to detect contamination on each wipe sample of 33.3 Bq (2000 dpm).

(7) A licensee must establish removable contamination action levels for the surveys required by section (5) of this rule and must require that the individual performing the survey immediately notify the Radiation Safety Officer if contamination exceeds action levels.

(8) A licensee must retain a record of each survey required by this rule in accordance with OAR 333-100-0057. The record must include the date of the survey, a sketch of each area surveyed, action levels established for each area, the measured dose rate at several points in each area expressed in Sv mrem per hour or the removable contamination in each area expressed in Bq (dpm) per 100 square centimeters, the serial number and the model number of the instrument used to make the survey or analyze the samples and the initials of the individual who performed the survey.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0255

Surveys Of Patients And Human Research Subjects Treated With A Remote Afterloader Unit

(1) Before releasing a patient or a human research subject from licensee control, a licensee shall survey the patient or the human research subject and the remote afterloader unit with a portable radiation detection survey instrument to confirm that the source(s) has been removed from the patient or human research subject and returned to the safe shielded position.

(2) A licensee shall retain a record of these surveys in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0260

Release of Patients Containing Therapeutic Quantities of Radiopharmaceuticals or Permanent Implants

(1) The licensee may authorize the release from its control of any individual who has been administered radiopharmaceuticals or permanent implants containing radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed five millisieverts (0.5 rem).

(2) The licensee must provide the released individual, or the individual's parent or guardian, with instructions, including written instructions, on actions recommended to maintain radiation exposures to other individuals as low as is reasonably achievable if the total effective dose equivalent to any other individual is likely to exceed one millisievert (0.1 rem). If the dose to a breast-feeding infant or child could exceed one millisievert (0.1 rem) assuming there were no interruption of breast-feeding, the instructions must also include:

(a) Guidance on the interruption or discontinuation of breast-feeding; and

(b) Information on the potential consequences, if any, of failure to follow the guidance.

(3) The licensee must maintain a record of the basis for authorizing the release of an individual, for a minimum of five years after the date of release in accordance with OAR 333-100-0057.

(4) The licensee must maintain a record, for a minimum of five years after the date of release, in accordance with OAR 333-100-0057, that instructions were provided to a breast-feeding woman if the radiation dose to the infant or child from continued breast-feeding could result in a total effective dose equivalent exceeding five millisieverts (0.5 rem).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0280

Storage of Volatiles and Gases

(1) A licensee must store volatile radiopharmaceuticals and radioactive gases in the shipper's radiation shield and container.

(2) A licensee must store and use a multidose container in a properly functioning fume hood.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

ADMINISTRATIVE RULES

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0290

Decay-In-Storage

(1) A licensee may hold radioactive material with a physical half-life of less than 65 days for decay-in-storage before disposal in ordinary trash and is exempt from the requirements of OAR 333-120-0500 of these rules if the licensee:

(a) Holds radioactive material for decay a minimum of 10 half-lives;

(b) Monitors radioactive material at the container surface before disposal as ordinary trash and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey instrument for the radiation being monitored, set on its most sensitive scale and with no interposed shielding;

(c) Removes or obliterates all radiation labels; and

(d) Separates and monitors each generator column individually with all radiation shielding removed to ensure that its contents have decayed to background radiation level before disposal.

(2) For radioactive material disposed in accordance with these rules the licensee must retain a record of each disposal until inspection by the Department. The record must include the date of the disposal, the date on which the radioactive material was placed in storage, the model and serial number of the survey instrument used, the background dose rate, the radiation dose rate measured at the surface of each waste container and the name of the individual who performed the survey.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0300

Use of Unsealed Radioactive Material for Uptake, Dilution or Excretion Studies for Which a Written Directive Is Not Required

(1) A licensee may use any unsealed radioactive material for a diagnostic use involving measurements of uptake, dilution or excretion that:

(a) The Food and Drug Administration (FDA) has accepted a "Notice of Claimed Investigational Exemption for a New Drug" (IND) or approved a "New Drug Application" (NDA); and

(b) Is obtained from a manufacturer or preparer licensed under OAR 333-102-0285 or equivalent Nuclear Regulatory Commission or Agreement State requirements; or

(c) Is prepared and compounded by an authorized nuclear pharmacist, a physician who is an authorized user, or an individual under the supervision of either as specified in OAR 333-116-0100; or

(d) Is prepared by the licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application or an Investigational New Drug (IND) protocol accepted by FDA.

(2) A licensee using a radiopharmaceutical specified in section (1) of this rule for a clinical procedure other than one specified in the product label or package insert instructions for use must comply with the product label or package insert instructions regarding physical form, route of administration and dosage range.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0320

Use of Radiopharmaceuticals, Generators and Reagents Kits for Imaging and Localization Studies for Which a Written Directive Is Not Required

(1) A licensee may use any radioactive material in a diagnostic radiopharmaceutical, except aerosol or gaseous form, or any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material for:

(a) Which the Food and Drug Administration has accepted a "Notice of Claimed Investigational Exemption for a New Drug" (IND) or approved a "New Drug Application" (NDA); or

(b) Which is prepared and compounded by an authorized nuclear pharmacist, a physician who is an authorized user, or an individual under the supervision of either as specified in OAR 333-116-0100; or

(c) Obtained from a manufacturer or preparer licensed under divisions 333-102 and 333-116 or equivalent Nuclear Regulatory Commission or Agreement State requirements.

(2) A licensee using radiopharmaceuticals specified in section (1) of this rule for clinical procedures other than one specified in the product label or package insert instructions must comply with the product label or package insert regarding physical form and dosage range.

(3) A licensee must elute generators in compliance with OAR 333-116-0330 and prepare radiopharmaceuticals from kits in accordance with the manufacturer's instructions.

(4) Technetium-99m pentetate as an aerosol for lung function studies is not subject to the restrictions in section (1) of this rule. Provided the conditions of OAR 333-116-0340 are met, a licensee must use radioactive aerosols or gases only if specific application is made to and approved by the Department.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0330

Permissible Molybdenum-99 Concentration

(1) A licensee must not administer to humans a radiopharmaceutical containing more than 0.15 kBq (0.15 uCi) of molybdenum-99 per MBq (mCi) of technetium-99m.

(2) A licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators must measure the molybdenum-99 concentration of the first eluate after receipt of a generator to demonstrate compliance with section (1) of this rule.

(3) A licensee who must measure molybdenum concentration must retain a record of each measurement in accordance with OAR 333-100-0057. The record must include, for each elution or extraction of technetium-99m, the measured activity of the technetium expressed in MBq (mCi), the measured activity of the molybdenum expressed in kBq (uCi), the ratio of the measures expressed as kBq (uCi) of molybdenum per MBq (mCi) of technetium, the date of the test and the initials of the individual who performed the test.

(4) A licensee must report immediately to the Department each occurrence of molybdenum-99 concentration exceeding the limits specified in section (1) of this rule.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0370

Safety Instruction

(1) A licensee must provide oral and written radiation safety instruction for all personnel caring for patients or human research subjects undergoing radiopharmaceutical therapy who cannot be released under OAR 333-116-0260. Refresher training must be provided at intervals not to exceed one year.

(2) To satisfy section (1) of this rule, the instruction must describe the licensee's procedures for:

(a) Patient or human research subject control;

(b) Visitor control; including

(A) Routine visitation to hospitalized individuals in accordance with OAR 333-120-0180(1)(a); and

(B) Visitation authorized in accordance with OAR 333-120-0180(3).

(c) Contamination control;

(d) Waste control; and

(e) Notification of the Radiation Safety Officer or authorized user in case of the patient's death or medical emergency.

(3) A licensee must maintain, in accordance with OAR 333-100-0057, a list of individuals receiving instruction required by section (1) of this rule, a description of the instruction, the date of instruction and the name of the individual who gave the instruction.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0405

Training for Use of Sealed Sources for Diagnosis.

Except as provided in OAR 333-116-0710, the licensee must require the authorized user of a diagnostic sealed source for use in a device authorized under OAR 333-116-0400 to be a physician, dentist, or podiatrist who:

ADMINISTRATIVE RULES

(1) Is certified by a specialty board whose certification process includes all of the requirements in sections (2) and (3) of this rule and whose certification has been recognized by the Nuclear Regulatory Commission or an Agreement State; or

(2) Has completed eight hours of classroom and laboratory training in basic radionuclide handling techniques specifically applicable to the use of the device. The training must include:

- (a) Radiation physics and instrumentation;
- (b) Radiation protection;
- (c) Mathematics pertaining to the use and measurement of radioactivity;

(d) Radiation biology; and

(e) Has completed training in the use of the device for the uses requested.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0425

Surveys After Source Implant and Removal

(1) Immediately after implanting sources in a patient or a human research subject, the licensee must make a survey to locate and account for all sources that have not been implanted.

(2) Immediately after removing the last temporary implant source from a patient or a human research subject, the licensee must make a survey of the room and the patient or the human research subject with an appropriate radiation detection survey instrument to confirm that all sources have been removed.

(3) A licensee must retain a record of the surveys required by sections (1) and (2) of this rule in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0430

Safety Instructions

(1) The licensee must provide oral and written radiation safety instruction to all personnel caring for a patient receiving implant therapy. Refresher training must be provided at intervals not to exceed one year.

(2) To satisfy section (1) of this rule, the instruction must describe:

- (a) Size and appearance of the brachytherapy sources;
- (b) Safe handling and shielding instructions in case of a dislodged source;

(c) Procedures for patient control;

(d) Procedures for visitor control including both:

(A) Routine visitation to hospitalized individuals in accordance with OAR 333-120-0180(1)(a); and

(B) Visitation authorized in accordance with OAR 333-120-0180(3); and

(e) Procedures for notification of the Radiation Safety Officer or authorized user if the patient dies or has a medical emergency.

(3) A licensee must retain a record of individuals receiving instruction required by section (1) of this rule in accordance with OAR 333-100-0057. The record must contain a description of the instruction, the date of instruction and the name of the individual who gave the instruction.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0440

Safety Precaution

(1) A licensee must, for each patient or human research subject receiving implant therapy:

(a) Not place the patient or human research subject in the same room with a patient or human research subject who is not receiving radiation therapy;

(b) Post the patient's or human research subject's door with a "Caution: Radioactive Materials" sign and note on the door or in the patient's chart where and how long visitors may stay in the patient's room;

(c) Authorize visits by individuals under age 18 only on a case-by-case basis with the approval of the authorized user after consultation with the Radiation Safety Officer;

(d) Promptly after implanting the sources, survey the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with OAR 333-120-0180 of

these rules. Retain a record of each survey in accordance with OAR 333-116-0057. Each record must include the time and date of the survey, a sketch of the area or list of points surveyed, the measured dose rate at several points expressed in microsieverts (mrem) per hour, the instrument used to make the survey and the initials of the individual who made the survey; and

(e) Instruct the patient or human research subject and, where appropriate, the patient's or human research subject's family, orally and in writing concerning radiation safety precautions that will help to keep the radiation dose to household members and the public as low as reasonably achievable before releasing the patient if the patient was administered a permanent implant.

(2) A licensee shall have applicable emergency response equipment available near each treatment room to respond to a source:

(a) Dislodged from the patient; and

(b) Lodged within the patient following removal of the source applicators.

(3) A licensee must notify the Radiation Safety Officer or authorized user immediately if the patient or human research subject dies or has a medical emergency.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0445

Calibration Measurements of Brachytherapy Sources

(1) Before the first medical use of a brachytherapy source on or after July 1, 2006, a licensee must have:

(a) Determined the source output or activity using a dosimetry system that meets the requirements of OAR 333-116-0560(1);

(b) Determined source positioning accuracy within applicators; and

(c) Used published protocols currently accepted by nationally recognized bodies to meet the requirements of section (1) of this rule.

(2) Instead of a licensee making its own measurements as required in this rule, the licensee may use measurements provided by the source manufacturer or by a calibration laboratory accredited by the American Association of Physicists in Medicine that are made in accordance with section (1) of this rule.

(3) A licensee must mathematically correct the outputs or activities determined in section (1) of this rule for physical decay at intervals consistent with one percent physical decay.

(4) Only an authorized medical physicist must calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments. The decay must be based on the activity determined under section (1) of this rule.

(5) A licensee must retain a record of each calibration in accordance with OAR 333-100-0057. Each record must include:

(a) The date of the calibration;

(b) The manufacturer's name, model number, and serial number for the source and the instruments used to calibrate the source;

(c) The source output or activity;

(d) The source positioning accuracy within the applicators; and

(e) The name of the individual, the source manufacturer, or the calibration laboratory that performed the calibration.

(6) Records of decay of strontium-90 sources for ophthalmic treatments must maintain a record of the activity of a strontium-90 source for the life of the source. The record must include:

(a) The date and initial activity of the source; and

(b) For each decay calculation, the date and the source activity.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0447

Decay of Strontium-90 Sources for Ophthalmic Treatments

(1) Only an authorized medical physicist shall calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments. The decay must be based on the activity determined under OAR 333-116-0445.

(2) A licensee shall retain a record of the activity of each strontium-90 source in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

ADMINISTRATIVE RULES

333-116-0450

Brachytherapy Sources Inventory

(1) A licensee must maintain accountability at all times for all brachytherapy sources in storage or use.

(2) As soon as possible after removing sources from a patient or human research subject, the licensee must return brachytherapy sources to a secure storage area.

(3) A licensee must retain the records required in sections (1) and (2) of this rule in accordance with OAR 333-100-0057.

(a) For temporary implants, the record must include:

(A) The number and activity of sources removed from storage, the time and date they were removed from storage, the name of the individual who removed them from storage, and the location of use; and

(B) The number and activity of sources returned to storage, the time and date they were returned to storage, and the name of the individual who returned them to storage.

(b) For permanent implants, the record must include:

(A) The number and activity of sources removed from storage, the date they were removed from storage, and the name of the individual who removed them from storage;

(B) The number and activity of sources not implanted, the date they were returned to storage, and the name of the individual who returned them to storage; and

(C) The number and activity of sources permanently implanted in the patient or human research subject.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0460

Release of Patients Treated with Temporary Implant

(1) Immediately after removing the last temporary implant source from a patient or human research subject, the licensee must make a radiation survey of the patient or human research subject with an appropriate radiation detection survey instrument to confirm that all sources have been removed. The licensee must not release from confinement for medical care a patient or human research subject treated by temporary implant until all sources have been removed.

(2) A licensee must retain a record of patient surveys which demonstrate compliance with section (1) of this rule in accordance with OAR 333-100-0057. Each record must include the date of the survey, the name of the patient, the dose rate from the patient expressed as Sv (mrem) per hour and measured within one meter from the patient and the initials of the individual who made the survey.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0475

Therapy Related Computer Systems

(1) The licensee shall perform acceptance testing on the treatment planning system of therapy-related computer systems in accordance with published protocols accepted by nationally recognized bodies. At a minimum, the acceptance testing must include, as applicable, verification of:

(a) The source-specific input parameters required by the dose calculation algorithm;

(b) The accuracy of dose, dwell time, and treatment time calculations at representative points;

(c) The accuracy of isodose plots and graphic displays; and

(d) The accuracy of the software used to determine sealed source positions from radiographic images.

(2) Acceptance testing must be performed when new software is installed, for each software revision and when new computer hardware or treatment planning system hardware is installed or repaired.

(3) Records of acceptance testing must be retained in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0495

Safety Procedures and Instructions for Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units

(1) A licensee must:

(a) Secure the unit, the console, the console keys, and the treatment room when not in use or unattended;

(b) Permit only individuals approved by the authorized user, Radiation Safety Officer, or authorized medical physicist to be present in the treatment room during treatment with the source(s);

(c) Prevent dual operation of more than one radiation producing device in a treatment room if applicable; and

(d) Develop, implement, and maintain written procedures for responding to an abnormal situation when the operator is unable to place the source(s) in the shielded position, or remove the patient or human research subject from the radiation field with controls from outside the treatment room. These procedures must include:

(A) Instructions for responding to equipment failures and the names of the individuals responsible for implementing corrective actions;

(B) The process for restricting access to and posting of the treatment area to minimize the risk of inadvertent exposure; and

(C) The names and telephone numbers of the authorized users, the authorized medical physicist, and the Radiation Safety Officer to be contacted if the unit or console operates abnormally.

(2) A copy of the procedures required by subsection (1)(d) of this rule must be physically located at the unit console.

(3) A licensee must post instructions at the unit console to inform the operator of:

(a) The location of the procedures required by subsection (1)(d) of this rule; and

(b) The names and telephone numbers of the authorized users, the authorized medical physicist, and the Radiation Safety Officer to be contacted if the unit or console operates abnormally.

(4) A licensee must provide instruction, initially and at least annually, to all individuals who operate the unit, as appropriate to the individual's assigned duties in:

(a) The procedures identified in subsection (1)(d) of this rule; and

(b) The operating procedures for the unit.

(5) A licensee must ensure that operators, authorized medical physicists, and authorized users participate in drills of the emergency procedures, initially and at least annually.

(6) A licensee must retain a record of individuals receiving instruction required by section (4) of this rule in accordance with OAR 333-100-0057.

(7) A licensee must retain a copy of the procedures required by subsections (1)(d) and (4)(b) of this rule until the licensee no longer possesses the remote afterloader, teletherapy unit, or gamma stereotactic radiosurgery unit.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0570

Full Calibration Measurement

(1) A licensee authorized to use a teletherapy unit for medical use must perform full calibration measurements on each teletherapy unit:

(a) Before the first medical use of the unit; and

(b) Before medical use under the following conditions:

(A) Whenever spot-check measurements indicate that the output differs by more than five percent from the output obtained at the last full calibration corrected mathematically for radioactive decay;

(B) Following replacement of the radioactive source or following reinstallation of the teletherapy unit in a new location;

(C) Following any repair of the teletherapy unit that includes removal of the radioactive source or major repair of the components associated with the source exposure assembly; and

(c) At intervals not exceeding one year.

(2) To satisfy the requirement of section (1) of this rule, full calibration measurements must include determination of:

(a) The output within three percent for the range of field sizes and for the distance or range of distances used for medical use;

(b) The coincidence of the radiation field and the field indicated by the light beam localizing device;

(c) The uniformity of the radiation field and its dependence on the orientation of the useful beam;

(d) Timer accuracy, constancy, and linearity;

(e) On-off error; and

(f) The accuracy of all distance measuring and localization devices in medical use.

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(3) A licensee must use the dosimetry system described in OAR 333-116-0560(1) to measure the output for one set of exposure conditions. The remaining radiation measurements required in subsection (2)(a) of this rule may then be made using a dosimetry system that indicates relative dose rates.

(4) A licensee must make full calibration measurements required by section (1) of this rule in accordance with published protocols accepted by nationally recognized bodies.

(5) A licensee must correct mathematically the outputs determined in subsection (2)(a) of this rule for physical decay for intervals not exceeding one month for cobalt-60 and intervals not exceeding six months for cesium-137, or at intervals consistent with one percent decay for all other nuclides.

(6) Full calibration measurements required by section (1) of this rule and physical decay corrections required by section (5) of this rule must be performed by a teletherapy or medical physicist certified to perform such measurements and named on the licensee's license or authorized by a license issued by the Nuclear Regulatory Commission or an Agreement State to perform such services.

(7) A licensee must retain a record of each calibration in accordance with OAR 333-100-0057. The record must include the date of the calibration, the manufacturer's name, model number, and serial number for both the teletherapy unit and the source, the model numbers and serial numbers of the instruments used to calibrate the teletherapy unit, tables that describe the output of the unit over the range of field sizes and for the range of distances used in radiation therapy, a determination of the coincidence of the radiation field and the field indicated by the light beam localizing device, the measured timer accuracy for a typical treatment time, the calculated on-off error, the estimated accuracy of each distance measuring or localization device and the signature of the teletherapy physicist.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0573

Full Calibration Measurements on Remote Afterloader Units

(1) A licensee authorized to use a remote afterloader unit for medical use must perform full calibration measurements on each unit:

- (a) Before the first medical use of the unit;
- (b) Before medical use under the following conditions:

(A) Following replacement of the source or following reinstallation of the unit in a new location outside the facility; and

(B) Following any repair of the unit that includes removal of the source or major repair of the components associated with the source exposure assembly; and

(c) At intervals not exceeding three months for high dose-rate, medium dose-rate, and pulsed dose-rate remote afterloader units with sources whose half-life exceeds 75 days; and

(d) At intervals not exceeding one year for low dose-rate remote afterloader units.

(2) To satisfy the requirement of section (1) of this rule, full calibration measurements must include, as applicable, determination of:

- (a) The output within five percent;
- (b) Source positioning accuracy to within one millimeter;
- (c) Source retraction with backup battery upon power failure;
- (d) Length of the source transfer tubes;
- (e) Timer accuracy and linearity over the typical range of use;
- (f) Length of the applicators; and
- (g) Function of the source transfer tubes, applicators, and transfer tube-applicator interfaces.

(3) A licensee must use the dosimetry system described in OAR 333-116-0560(1) to measure the output.

(4) A licensee must make full calibration measurements required by section (1) of this rule in accordance with published protocols accepted by nationally recognized bodies.

(5) In addition to the requirements for full calibrations for low dose-rate remote afterloader units in section (2) of this rule, a licensee must perform an autoradiograph of the source(s) to verify inventory and source(s) arrangement at intervals not exceeding one quarter.

(6) For low dose-rate remote afterloader units, a licensee may use measurements provided by the source manufacturer that are made in accordance with sections (1) through (5) of this rule.

(7) A licensee must mathematically correct the outputs determined in subsection (2)(a) of this rule for physical decay at intervals consistent with one percent physical decay.

(8) Full calibration measurements required by subsection (2)(a) of this rule and physical decay corrections required by subsection (2)(g) of this rule must be performed by the authorized medical physicist.

(9) A licensee must retain a record of each calibration in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0577

Full Calibration Measurements on Gamma Stereotactic Radiosurgery Units

(1) A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use must perform full calibration measurements on each unit:

- (a) Before the first medical use of the unit;
- (b) Before medical use under the following conditions:

(A) Whenever spot-check measurements indicate that the output differs by more than five percent from the output obtained at the last full calibration corrected mathematically for radioactive decay;

(B) Following replacement of the sources or following reinstallation of the gamma stereotactic radiosurgery unit in a new location; and

(C) Following any repair of the gamma stereotactic radiosurgery unit that includes removal of the sources or major repair of the components associated with the source assembly; and

(c) At intervals not exceeding one year, with the exception that relative helmet factors need only be determined before the first medical use of a helmet and following any damage to a helmet.

(2) To satisfy the requirement of subsection (1)(a) of this rule, full calibration measurements must include determination of:

- (a) The output within +/-three percent;
- (b) Relative helmet factors;
- (c) Isocenter coincidence;
- (d) Timer accuracy and linearity over the range of use;
- (e) On-off error;
- (f) Trunnion centricity;
- (g) Treatment table retraction mechanism, using backup battery power or hydraulic backups with the unit off;
- (h) Helmet microswitches;
- (i) Emergency timing circuits; and
- (j) Stereotactic frames and localizing devices (trunnions).

(3) A licensee must use the dosimetry system described in OAR 333-116-0560(1) to measure the output for one set of exposure conditions. The remaining radiation measurements required in subsection (2)(a) of this rule may be made using a dosimetry system that indicates relative dose rates.

(4) A licensee must make full calibration measurements required by section (1) of this rule must be performed in accordance with published protocols accepted by nationally recognized bodies.

(5) A licensee must mathematically correct the outputs determined in subsection (2)(a) of this rule at intervals not exceeding one month for cobalt-60 and at intervals consistent with one percent physical decay for all other radionuclides.

(6) Full calibration measurements required by section (1) of this rule and physical decay corrections required by section (5) of this rule must be performed by the authorized medical physicist.

(7) A licensee must retain a record of each calibration in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0580

Periodic Spot-Checks for Teletherapy Units

(1) A licensee authorized to use teletherapy units for medical use must perform output spot-checks on each teletherapy unit at intervals not to exceed one month that include the determination of:

- (a) Timer constancy, accuracy, and linearity over the range of use;
- (b) On-off error;
- (c) The coincidence of the radiation field and the field indicated by the light beam localizing device;
- (d) The accuracy of all distance measuring and localization devices used for medical use;
- (e) The output for one typical set of operating conditions measured with the dosimetry system described in OAR 333-116-0560; and

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(f) The difference between the measurement made in section (1) of this rule and the anticipated output, expressed as a percentage of the anticipated value obtained at last full calibration corrected mathematically for physical decay.

(2) A licensee must use the dosimetry system described in OAR 333-116-0560 to make the measurement required in section (1) of this rule.

(3) A licensee must perform measurements required by section (1) of this rule in accordance with procedures established by the teletherapy or medical physicist. That individual is not required to actually perform the output spot-check measurements.

(4) A licensee must have the teletherapy or medical physicist review the results of each output spot-check within 15 days of each measurement. The teletherapy or medical physicist must promptly notify the licensee in writing of the results of each output spot-check. The licensee must keep a copy of each written notification in accordance with OAR 333-100-0057.

(5) A licensee authorized to use a teletherapy unit for medical use must perform safety spot-checks of each teletherapy facility at intervals not to exceed one month and after each source installation to assure proper operation of:

(a) Electrical interlocks at each teletherapy room entrance;

(b) Electrical or mechanical stops installed for the purpose of limiting use of the primary beam of radiation restriction of source housing angulation or elevation, carriage or stand travel and operation of the beam on-off mechanism;

(c) Beam condition indicator lights on the teletherapy unit, on the control console and in the facility;

(d) Viewing systems;

(e) Treatment room doors from inside and outside the treatment room; and

(f) Electrically assisted treatment room doors with the teletherapy unit electrical power turned "off".

(6) A licensee must lock the control console in the "off" position if any door interlock malfunctions. No licensee must use the unit until the interlock system is repaired unless specifically authorized by the Department.

(7) A licensee must promptly repair any system identified in section (5) of this rule that is not operating properly.

(8) A licensee must retain a record of each spot-check required by sections (1) and (5) of this rule in accordance with OAR 333-100-0057. The record must include, the date of the spot-check, the manufacturer's name, model number and serial number for both the teletherapy unit and source, the manufacturer's name, model number and serial number of the instrument used to measure the output of the teletherapy unit, the measured timer accuracy, the calculated on-off error, a determination of the coincidence of the radiation field and the field indicated by the light beam localizing device, the measured timer accuracy for a typical treatment time, the calculated on-off error, the estimated accuracy of each distance measuring or localization device, the difference between the anticipated output and the measured output, notations indicating the operability of each entrance door electrical interlock, each electrical or mechanical stop, each beam condition indicator light, the viewing system and doors and the signature of the individual who performed the periodic spot-check.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0583

Periodic Spot-checks for Remote Afterloader Units

(1) A licensee authorized to use a remote afterloader unit for medical use must perform spot-checks of each remote afterloader facility and on each unit:

(a) Before the first use of a high dose-rate, medium dose-rate, or pulsed dose-rate remote afterloader unit on a given day;

(b) Before each patient treatment with a low dose-rate remote afterloader unit; and

(c) After each source installation.

(2) A licensee must perform the measurements required by section (1) of this rule in accordance with written procedures established by the authorized medical physicist. That individual need not actually perform the spot check measurements.

(3) A licensee must have the authorized medical physicist review the results of each spot-check within 15 days. The authorized medical physicist must notify the licensee as soon as possible in writing of the results of each spot-check.

(4) To satisfy the requirements of section (1) of this rule, spot-checks must, at a minimum, assure proper operation of:

(a) Electrical interlocks at each remote afterloader unit room entrance;

(b) Source exposure indicator lights on the remote afterloader unit, on the control console, and in the facility;

(c) Viewing and intercom systems in each high dose-rate, medium dose-rate, and pulsed dose-rate remote afterloader facility;

(d) Emergency response equipment;

(e) Radiation monitors used to indicate the source position;

(f) Timer accuracy;

(g) Clock (date and time) in the unit's computer; and

(h) Decayed source(s) activity in the unit's computer.

(5) If the results of the checks required in section (4) of this rule indicate the malfunction of any system, a licensee must lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.

(6) A licensee must retain a record of each check required by section (4) of this rule in accordance with OAR 333-100-0057. The record must include, as applicable:

(a) The date of the spot-check;

(b) The manufacturer's name, model number for the remote afterloader and source;

(c) An assessment of timer accuracy;

(d) Notations indicating the operability of each entrance door electrical interlock, radiation monitors, source exposure indicator lights, viewing and intercom systems, and clock and decayed source activity in the unit's computer; and

(e) The name of the individual who performed the periodic spot-check and the signature of the authorized medical physicist who reviewed the record of the spot-check.

(7) A licensee must retain a copy of the procedures required by section (4) of this rule until the licensee no longer possesses the remote afterloader unit.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0585

Additional Technical Requirements for Mobile Remote Afterloader Units

(1) A licensee providing mobile remote afterloader service must:

(a) Check survey instruments before medical use at each address of use or on each day of use, whichever is more frequent; and

(b) Account for all sources before departure from a client's address of use.

(2) In addition to the periodic spot-checks required by OAR 333-116-0583, a licensee authorized to use mobile afterloaders for medical use must perform checks on each remote afterloader unit before use at each address of use. At a minimum, checks must be made to verify the operation of:

(a) Electrical interlocks on treatment area access points;

(b) Source exposure indicator lights on the remote afterloader unit, on the control console, and in the facility;

(c) Viewing and intercom systems;

(d) Applicators, source transfer tubes, and transfer tube-applicator interfaces;

(e) Radiation monitors used to indicate room exposures;

(f) Source positioning (accuracy); and

(g) Radiation monitors used to indicate whether the source has returned to a safe shielded position.

(3) In addition to the requirements for checks in section (2) of this rule, a licensee must ensure overall proper operation of the remote afterloader unit by conducting a simulated cycle of treatment before use at each address of use.

(4) If the results of the checks required in section (2) of this rule indicate the malfunction of any system, a licensee must lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.

(5) A licensee must retain a record of each check required by section (2) of this rule in accordance with OAR 333-116-0057. The record must include:

(a) The date of the check;

(b) The manufacturer's name, model number, and serial number of the remote afterloader unit;

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(c) Notations accounting for all sources before the licensee departs from a facility;

(d) Notations indicating the operability of each entrance door electrical interlock, radiation monitors, source exposure indicator lights, viewing and intercom system, applicators, source transfer tubes, and transfer tube applicator interfaces, and source positioning accuracy; and

(e) The signature of the individual who performed the check.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0587

Periodic Spot-checks for Gamma Stereotactic Radiosurgery Units

(1) A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use must perform spot-checks of each gamma stereotactic radiosurgery facility and on each unit:

(a) Monthly;

(b) Before the first use of the unit on a given day; and

(c) After each source installation.

(2) A licensee must:

(a) Perform the measurements required by section (1) of this rule in accordance with written procedures established by the authorized medical physicist. That individual need not actually perform the spot check measurements.

(b) Have the authorized medical physicist review the results of each spot-check within 15 days. The authorized medical physicist must notify the licensee as soon as possible in writing of the results of each spot-check.

(3) To satisfy the requirements of subsection (1)(a) of this rule, spot-checks must, at a minimum:

(a) Assure proper operation of:

(A) Treatment table retraction mechanism, using backup battery power or hydraulic backups with the unit off;

(B) Helmet microswitches;

(C) Emergency timing circuits; and

(D) Stereotactic frames and localizing devices (trunnions).

(b) Determine:

(A) The output for one typical set of operating conditions measured with the dosimetry system described in OAR 333-116-0560;

(B) The difference between the measurement made in paragraph (3)(b)(A) of this rule and the anticipated output, expressed as a percentage of the anticipated output (i.e., the value obtained at last full calibration corrected mathematically for physical decay);

(C) Source output against computer calculation;

(D) Timer accuracy and linearity over the range of use;

(E) On-off error; and

(F) Trunnion centricity.

(4) To satisfy the requirements of subsections (1)(b) and (1)(c) of this rule, spot-checks must assure proper operation of:

(a) Electrical interlocks at each gamma stereotactic radiosurgery room entrance;

(b) Source exposure indicator lights on the gamma stereotactic radiosurgery unit, on the control console, and in the facility;

(c) Viewing and intercom systems;

(d) Timer termination;

(e) Radiation monitors used to indicate room exposures; and

(f) Emergency off buttons.

(5) A licensee must arrange for the repair of any system identified in section (3) of this rule that is not operating properly as soon as possible.

(6) If the results of the checks required in section (4) of this rule indicate the malfunction of any system, a licensee must lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.

(7) A licensee must retain a record of each check required by sections (3) and (4) of this rule in accordance with OAR 333-100-0057. The record must include:

(a) The date of the spot-check;

(b) The manufacturer's name, model number, and serial number for the gamma stereotactic radiosurgery unit and the instrument used to measure the output of the unit;

(c) An assessment of timer linearity and accuracy;

(d) The calculated on-off error;

(e) A determination of trunnion centricity;

(f) The difference between the anticipated output and the measured output;

(g) An assessment of source output against computer calculations;

(h) Notations indicating the operability of radiation monitors, helmet microswitches, emergency timing circuits, emergency off buttons, electrical interlocks, source exposure indicator lights, viewing and intercom systems, timer termination, treatment table retraction mechanism, and stereotactic frames and localizing devices (trunnions); and

(i) The name of the individual who performed the periodic spot-check and the signature of the authorized medical physicist who reviewed the record of the spot-check.

(8) A licensee must retain a copy of the procedures required by section (2) until the licensee no longer possesses the gamma stereotactic radiosurgery unit.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0590

Radiation Surveys Therapeutic Treatment Units

(1) In addition to the survey requirement in OAR 333-120-0200, a person licensed under this rule must make surveys to ensure that the maximum radiation levels and average radiation levels from the surface of the main source safe with the source(s) in the shielded position do not exceed the levels stated in the Sealed Source and Device Registry.

(2) The licensee must make the survey required by section (1) of this rule at installation of a new source and following repairs to the source(s) shielding, the source(s) driving unit, or other electronic or mechanical component that could expose the source, reduce the shielding around the source(s), or compromise the radiation safety of the unit or the source(s).

(3) A licensee must retain a record of the radiation surveys required by section (1) of this rule for the duration of use of the unit. The record must include:

(a) The date of the measurements;

(b) The manufacturer's name, model number and serial number of the treatment unit, source, and instrument used to measure radiation levels;

(c) Each dose rate measured around the source while the unit is in the off position and the average of all measurements; and

(d) The signature of the individual who performed the test.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0600

Safety Checks and Five-year Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units

(1) A licensee must have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during source replacement or at intervals not to exceed five years, whichever comes first, to assure proper functioning of the source exposure mechanism.

(2) This inspection and servicing may only be performed by persons specifically licensed to do so by the Nuclear Regulatory Commission or an Agreement State.

(3) If the results of the checks required in section (1) of this rule indicate the malfunction of any system, the licensee must lock the control console in the "off" position and not use the unit except as may be necessary to repair, replace or check the malfunctioning system.

(4) A licensee must retain, in accordance with OAR 333-100-0057, a record of the facility checks following installation of a source. The record must include notations indicating the operability of each entrance door interlock, each electrical or mechanical stop, each beam condition indicator light, the viewing system and doors and the signature of the Radiation Safety Officer. In addition each record must contain:

(a) The inspector's radioactive materials license number;

(b) The date of inspection;

(c) The manufacturer's name and model number and serial number of both the treatment unit and source;

(d) A list of components inspected and serviced, and the type of service; and

(e) The signature of the inspector.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

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333-116-0610

Modification of Teletherapy Unit or Room Before Beginning a Treatment Program

(1) If the survey required by OAR 333-116-0590 indicates that any individual member of the public is likely to receive a dose in excess of the limits specified in OAR 333-120-0180, before beginning the treatment program the licensee must:

(a) Either equip the unit with stops or add additional radiation shielding to ensure compliance with OAR 333-120-0180;

(b) Perform the survey required by OAR 333-116-0590 again; and

(c) Include in the report required by OAR 333-116-0620 the results of the initial survey, a description of the modification made to comply with subsection (1)(a) of this rule, and the results of the second survey.

(2) As an alternative to the requirements set out in subsection (1)(a) of this rule a licensee may request a license amendment under OAR 333-120-0180(3) that authorizes radiation levels in unrestricted areas greater than those permitted by OAR 333-120-0180(1). A licensee may not begin the treatment program until the license amendment has been issued.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0640

Radiation Safety Officer Training and Experience Requirements

Except as provided in OAR 333-116-0650, the licensee shall require an individual fulfilling the responsibilities of the Radiation Safety Officer as provided in OAR 333-116-0090 to be an individual who:

(1) Is certified by a specialty board whose certification process has been recognized by the Commission or an Agreement State and who meets the requirements in sections (4) and (5) of this rule. (The names of board certifications which have been recognized by the Commission or an Agreement State will be posted on the NRC's Web page.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a)(A) Hold a bachelor's or graduate degree from an accredited college or university in physical science or engineering or biological science with a minimum of 20 college credits in physical science;

(B) Have five or more years of professional experience in health physics (graduate training may be substituted for no more than two years of the required experience) including at least three years in applied health physics; and

(C) Pass an examination administered by diplomates of the specialty board, which evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology, and radiation dosimetry; or

(b)(A) Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;

(B) Have two years of full-time practical training and/or supervised experience in medical physics:

(i) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Commission or an Agreement State; or

(ii) In clinical nuclear medicine facilities providing diagnostic and/or therapeutic services under the direction of physicians who meet the requirements for authorized users in OAR 333-116-0670 and 333-116-0680;

(C) Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in clinical diagnostic radiological or nuclear medicine physics and in radiation safety; or

(2) Has completed a structured educational program consisting of 200 hours of classroom and laboratory training as follows:

(a) Radiation physics and instrumentation;

(b) Radiation protection;

(c) Mathematics pertaining to the use and measurement of radioactivity;

(d) Radiation biology;

(e) Radiopharmaceutical chemistry;

(f) Radiation dosimetry; and

(g) One year of full time experience in radiation safety at a medical institution under the supervision of the individual identified as the Radiation Safety Officer on a Department, Agreement State, Licensing State or U.S. Nuclear Regulatory Commission license that authorizes similar type(s) of medical use of radioactive material involving the following:

(A) Shipping, receiving, and performing related radiation surveys;

(B) Using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and instruments used to measure radionuclides;

(C) Securing and controlling byproduct material;

(D) Using administrative controls to avoid mistakes in the administration of byproduct material;

(E) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;

(F) Using emergency procedures to control byproduct material; and

(G) Disposing of radioactive material; or

(3)(a) Is a medical physicist who has been certified by a specialty board whose certification process has been recognized by the Nuclear Regulatory Commission or an Agreement State under OAR 333-116-0905(1) and has experience in radiation safety for similar types of use of byproduct material for which the licensee is seeking the approval of the individual as Radiation Safety Officer and who meets the requirements in sections (4) and (5) of this rule; or

(b) Is an authorized user, authorized medical physicist, or authorized nuclear pharmacist identified on the licensee's license and has experience with the radiation safety aspects of similar types of use of byproduct material for which the individual has Radiation Safety Officer responsibilities; and

(4) Has obtained written attestation, signed by a preceptor Radiation Safety Officer, that the individual has satisfactorily completed the requirements in section (5) and in paragraphs (1)(a)(A) and (B) or paragraphs (1)(b)(A) and (B) or section (2) or subsections (3)(a) or (3)(b) of this rule, and has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer for a medical use licensee; and

(5) Has training in the radiation safety, regulatory issues, and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety Officer, authorized medical physicist, authorized nuclear pharmacist, or authorized user, as appropriate, who is authorized for the type(s) of use for which the licensee is seeking approval.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0660

Training for Uptake, Dilution or Excretion Studies

Except as provided in OAR 333-116-0740 and 333-116-0750, the licensee must require the authorized user of a radiopharmaceutical listed in OAR 333-116-0300 to be a physician who:

(1) Is certified by a medical specialty board whose certification process includes all of the requirements in section (3) of this rule and whose certification has been recognized by the Commission or an Agreement State; or

(2) Is an authorized user under OAR 333-116-0670 and 333-116-0680 or equivalent Nuclear Regulator Commission or Agreement State requirements; or

(3) Has completed 60 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed byproduct material for uptake, dilution, and excretion studies. The training and experience must include:

(a) Classroom and laboratory training in the following areas:

(A) Radiation physics and instrumentation;

(B) Radiation protection;

(C) Mathematics pertaining to the use and measurement of radioactivity;

(D) Chemistry of byproduct material for medical use; and

(E) Radiation biology; and

(b) Work experience, under the supervision of an authorized user who meets the requirements in this rule, OAR 333-116-0670 and 333-116-0680 or Nuclear Regulatory Commission or equivalent Agreement State requirements, involving:

(A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;

(B) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;

(C) Calculating, measuring, and safely preparing patient or human research subject dosages;

(D) Using administrative controls to prevent a medical event involving the use of unsealed byproduct material;

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(E) Using procedures to contain spilled byproduct material safely and using proper decontamination procedures; and

(F) Administering dosages of radioactive drugs to patients or human research subjects; and

(4) Has obtained written certification, signed by a preceptor authorized user who meets the requirements in this rule, OAR 333-116-0670 and 333-116-0680 or Nuclear Regulatory Commission or equivalent Agreement State requirements, that the individual has satisfactorily completed the requirements in section (3) of this rule and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under OAR 333-116-0300.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0670

Training for Imaging and Localization Studies

Except as provided in OAR 333-116-0740 or 333-116-0750, the licensee shall require an authorized user of unsealed byproduct material for the uses authorized under OAR 333-116-0320 to be a physician who:

(1) Is certified by a medical specialty board whose certification process includes all of the requirements in section (3) of this rule and whose certification has been recognized by the Nuclear Regulatory Commission or an Agreement State; or

(2) Is an authorized user under OAR 333-116-0680 or equivalent Agreement State requirements; or

(3)(a) Has completed 700 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed byproduct material for imaging and localization studies. The training and experience must include, at a minimum:

(A) Classroom and laboratory training in the following areas:

(i) Radiation physics and instrumentation;

(ii) Radiation protection;

(iii) Mathematics pertaining to the use and measurement of radioactivity;

(iv) Chemistry of byproduct material for medical use;

(v) Radiation biology; and

(B) Work experience, under the supervision of an authorized user, who meets the requirements in this rule or OAR 333-116-0680 or equivalent Nuclear Regulatory Commission or Agreement State requirements, involving:

(i) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;

(ii) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;

(iii) Calculating, measuring, and safely preparing patient or human research subject dosages;

(iv) Using administrative controls to prevent a medical event involving the use of unsealed byproduct material;

(v) Using procedures to safely contain spilled radioactive material and using proper decontamination procedures;

(vi) Administering dosages of radioactive drugs to patients or human research subjects; and

(vii) Eluting generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring and testing the eluate for radionuclidic purity, and processing the eluate with reagent kits to prepare labeled radioactive drugs; and

(b) Has obtained written certification, signed by a preceptor authorized user who meets the requirements in this rule or OAR 333-116-0680 or equivalent Nuclear Regulatory Commission or Agreement State requirements, that the individual has satisfactorily completed the requirements in subsection (3)(a) of this rule and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under this rule or OAR 333-116-0680.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0680

Training for Therapeutic Use of Radiopharmaceuticals

Except as provided in OAR 333-116-0740, the licensee must require an authorized user of unsealed byproduct material for the uses authorized under OAR 333-116-0360 to be a physician who:

(1) Is certified by a medical specialty board whose certification process includes all of the requirements in section (2) of this rule and whose certification has been recognized by the Commission or an Agreement State; or

(2)(a) Has completed 700 hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed byproduct material requiring a written directive. The training and experience must include:

(A) Classroom and laboratory training in the following areas:

(i) Radiation physics and instrumentation;

(ii) Radiation protection;

(iii) Mathematics pertaining to the use and measurement of radioactivity;

(iv) Chemistry of byproduct material for medical use; and

(v) Radiation biology; and

(B) Work experience, under the supervision of an authorized user who meets the requirements in sections (1) and (2) of this rule, or Nuclear Regulatory Commission or equivalent Agreement State requirements. A supervising authorized user, who meets the requirements in section (2) of this rule, must have experience in administering dosages in the same dosage category or categories (i.e., OAR 333-116-0680(2)(a)(B)(vii)(I), (II), (III), (IV)) as the individual requesting authorized user status. The work experience must involve:

(i) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;

(ii) Calibrating instruments used to determine the activity of dosages, and performing checks for proper operation of survey meters;

(iii) Calculating, measuring, and safely preparing patient or human research subject dosages;

(iv) Using administrative controls to prevent a medical event involving the use of unsealed byproduct material;

(v) Using procedures to contain spilled byproduct material safely and using proper decontamination procedures;

(vi) Eluting generator systems, measuring and testing the eluate for radionuclidic purity, and processing the eluate with reagent kits to prepare labeled radioactive drugs; and

(vii) Administering dosages of radioactive drugs to patients or human research subjects involving a minimum of three cases in each of the following categories for which the individual is requesting authorized user status:

(I) Oral administration of less than or equal to 1.22 Gigabecquerels (33 millicuries) of sodium iodide I-131;

(II) Oral administration of greater than 1.22 Gigabecquerels (33 millicuries) of sodium iodide I-131;

NOTE: Experience with at least three cases in Category (vii)(2) also satisfies the requirement in Category (vii)(A).

(III) Parenteral administration of any beta emitter or a photon-emitting radionuclide with a photon energy less than 150 keV; and/or

(IV) Parenteral administration of any other radionuclide; and

(b) Has obtained written certification that the individual has satisfactorily completed the requirements in subsection (2)(a) and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under OAR 333-116-0360. The written certification must be signed by a preceptor authorized user who meets the requirements in sections (1), (2), of this rule or equivalent Nuclear Regulatory Commission or Agreement State requirements. The preceptor authorized user, who meets the requirements in section (2) of this rule, must have experience in administering dosages in the same dosage category or categories (i.e., OAR 333-116-0680(2)(a)(B)(vii)(I), (II), (III), or (IV)) as the individual requesting authorized user status.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0683

Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 Gigabecquerels (33 millicuries)

Except as provided in OAR 333-116-0740, the licensee shall require an authorized user for the oral administration of sodium iodide I-131 requiring a written directive and the total treatment quantity is less than or equal to 1.22 Gigabecquerels (33 millicuries), to be a physician who:

(1) Is certified by a medical specialty board whose certification process includes all of the requirements in section (3) of this rule and whose

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certification has been recognized by the Nuclear Regulatory Commission or an Agreement State; or

(2) Is an authorized user under OAR 333-116-0680(1) and (2) for uses listed in OAR 333-116-0680(2)(a)(B)(vii)(I) or (II), OAR 333-116-0687, or equivalent Agreement State requirements; or

(3)(a) Has successfully completed 80 hours of classroom and laboratory training, applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training must include:

- (A) Radiation physics and instrumentation;
- (B) Radiation protection;
- (C) Mathematics pertaining to the use and measurement of radioactivity;
- (D) Chemistry of byproduct material for medical use; and
- (E) Radiation biology; and

(b) Has work experience, under the supervision of an authorized user who meets the requirements in OAR 333-116-0680(1) and (2), this rule, OAR 333-116-0687 or Nuclear Regulatory Commission or equivalent Agreement State requirements. A supervising authorized user who meets the requirements in OAR 333-116-0680(2), must have experience in administering dosages as specified in OAR 333-116-0680(2)(a)(B)(vii)(I) or (II). The work experience must involve:

- (A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
- (B) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation for survey meters;
- (C) Calculating, measuring, and safely preparing patient or human research subject dosages;
- (D) Using administrative controls to prevent a medical event involving the use of byproduct material;
- (E) Using procedures to contain spilled byproduct material safely and using proper decontamination procedures; and
- (F) Administering dosages to patients or human research subjects, that includes at least three cases involving the oral administration of less than or equal to 1.22 Gigabecquerels (33 millicuries) of sodium iodide I-131; and

(c) Has obtained written certification that the individual has satisfactorily completed the requirements in subsections (3)(a) and (3)(b) of this rule and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under OAR 333-116-0360. The written certification must be signed by a preceptor authorized user who meets the requirements in OAR 333-116-0680(1) and (2), this rule, OAR 333-116-0687, or equivalent Nuclear Regulatory Commission or Agreement State requirements. A preceptor authorized user, who meets the requirement in OAR 333-116-0680(2), must have experience in administering dosages as specified in OAR 333-116-0680(2)(a)(B)(vii)(I) or (II).

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0687

Qualifications for Authorized User for Oral Administration When a Written Directive is Required

Except as provided in OAR 333-116-0740, the licensee must require an authorized user for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 Gigabecquerels (33 millicuries), to be a physician who:

(1) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (3)(c) of this rule and whose certification has been recognized by the Commission or an Agreement State; or

(2) Is an authorized user under OAR 333-116-0680(1) and (2) for uses listed in OAR 333-116-0680(2)(a)(B)(vii)(II), or equivalent Nuclear Regulatory Commission or Agreement State requirements; or

(3)(a) Has successfully completed 80 hours of classroom and laboratory training, applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training must include:

- (A) Radiation physics and instrumentation;
- (B) Radiation protection;
- (C) Mathematics pertaining to the use and measurement of radioactivity;
- (D) Chemistry of byproduct material for medical use; and
- (E) Radiation biology; and

(b) Has work experience, under the supervision of an authorized user who meets the requirements in OAR 333-116-0680(1) and (2), this rule, or equivalent Nuclear Regulatory Commission or Agreement State require-

ments. A supervising authorized user, who meets the requirements in OAR 333-116-0680(2), must have experience in administering dosages as specified in OAR 333-116-0680(2)(a)(B)(vii)(II). The work experience must involve:

- (A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
- (B) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation for survey meters;
- (C) Calculating, measuring, and safely preparing patient or human research subject dosages;
- (D) Using administrative controls to prevent a medical event involving the use of byproduct material;
- (E) Using procedures to contain spilled byproduct material safely and using proper decontamination procedures; and
- (F) Administering dosages to patients or human research subjects, that includes at least three cases involving the oral administration of greater than 1.22 Gigabecquerels (33 millicuries) of sodium iodide I-131; and

(c) Has obtained written certification that the individual has satisfactorily completed the requirements in subsections (3)(a) and (3)(b) of this rule, and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under OAR 333-116-0360. The written certification must be signed by a preceptor authorized user who meets the requirements in OAR 333-116-0680(1) and (2), this rule, or equivalent Agreement State requirements. A preceptor authorized user, who meets the requirements in OAR 333-116-0680(2), must have experience in administering dosages as specified in OAR 333-116-0680(2)(a)(B)(vii)(II).

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0690

Training for Therapeutic Use of Brachytherapy Source

Except as provided in OAR 333-116-0740, the licensee must require the authorized user using manual brachytherapy sources specified in OAR 333-116-0420 for therapy to be a physician who:

(1) Is certified by a medical specialty board whose certification process includes all of the requirements in section (2) of this rule and whose certification has been recognized by the Nuclear Regulatory Commission or an Agreement State; or

(2)(a) Has completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:

- (A) 200 hours of classroom and laboratory training in the following areas:
 - (i) Radiation physics and instrumentation;
 - (ii) Radiation protection;
 - (iii) Mathematics pertaining to the use and measurement of radioactivity; and
 - (iv) Radiation biology; and
- (B) 500 hours of work experience, under the supervision of an authorized user who meets the requirements in this rule or equivalent Nuclear Regulatory Commission or Agreement State requirements at a medical institution, involving:

- (i) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
- (ii) Checking survey meters for proper operation;
- (iii) Preparing, implanting, and removing brachytherapy sources;
- (iv) Maintaining running inventories of material on hand;
- (v) Using administrative controls to prevent a medical event involving the use of byproduct material;
- (vi) Using emergency procedures to control byproduct material; and
- (b) Has obtained three years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in this rule or equivalent Agreement State requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by paragraph (2)(a)(B) of this rule; and

(c) Has obtained written certification, signed by a preceptor authorized user who meets the requirements in this rule or equivalent Nuclear

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Regulatory Commission or Agreement State requirements, that the individual has satisfactorily completed the requirements in subsections (2)(a) and (2)(b) of this rule and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized under OAR 333-116-0420.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0700

Training for Ophthalmic Use of Strontium-90

Except as provided in OAR 333-116-0740, the licensee must require the authorized user using only strontium-90 for ophthalmic radiotherapy to be a physician who:

(1) Is an authorized user under OAR 333-116-0690 or equivalent Nuclear Regulatory Commission or Agreement State requirements; or

(2)(a) Has completed 24 hours of classroom and laboratory training applicable to the medical use of strontium-90 for ophthalmic radiotherapy. The training must include:

(A) Radiation physics and instrumentation;

(B) Radiation protection;

(C) Mathematics pertaining to the use and measurement of radioactivity; and

(D) Radiation biology; and

(b) Supervised clinical training in ophthalmic radiotherapy under the supervision of an authorized user at a medical institution that includes the use of strontium-90 for the ophthalmic treatment of five individuals. This supervised clinical training must involve:

(A) Examination of each individual to be treated;

(B) Calculation of the dose to be administered;

(C) Administration of the dose; and

(D) Follow up and review of each individual's case history; and

(E) Has obtained written certification, signed by a preceptor authorized user who meets the requirements in OAR 333-116-0690, this rule, or equivalent Nuclear Regulatory Commission or Agreement State requirements, that the individual has satisfactorily completed the requirements in sections (1) and (2) of this rule and has achieved a level of competency sufficient to function independently as an authorized user of strontium-90 for ophthalmic use.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0715

Training for the Parenteral Administration of Unsealed Byproduct Material Requiring a Written Directive

Except as provided in OAR 333-116-0740, the licensee shall require an authorized user for the parenteral administration requiring a written directive, to be a physician who:

(1) Is an authorized user under OAR 333-116-0360 for uses listed in OAR 333-116-0680(2)(a)(B)(vii), or equivalent Agreement State requirements; or

(2) Is an authorized user under OAR 333-116-0690 or 333-116-0720, or equivalent Agreement State or Nuclear Regulatory Commission requirements and who meets the requirements in section (4) of this rule; or

(3) Is certified by a medical specialty board whose certification process has been recognized by the Nuclear Regulatory Commission or an Agreement State under OAR 333-116-0690 or 333-116-0720, and who meets the requirements in section (4) of this rule.

(4)(a) Has successfully completed 80 hours of classroom and laboratory training, applicable to parenteral administrations, for which a written directive is required, of any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV, and/or parenteral administration of any other radionuclide for which a written directive is required. The training must include:

(A) Radiation physics and instrumentation;

(B) Radiation protection;

(C) Mathematics pertaining to the use and measurement of radioactivity;

(D) Chemistry of byproduct material for medical use; and

(E) Radiation biology; and

(b) Has work experience, under the supervision of an authorized user who meets the requirements in OAR 333-116-0680 or this rule, or equivalent Nuclear Regulatory Commission or Agreement State requirements, in the parenteral administration, for which a written directive is required, of

any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV, and/or parenteral administration of any other radionuclide for which a written directive is required. A supervising authorized user who meets the requirements in OAR 333-116-0680 must have experience in administering dosages as specified in OAR 333-116-0680(2)(a)(B)(vii). The work experience must involve:

(A) Ordering, receiving, and unpacking radioactive materials safely, and performing the related radiation surveys;

(B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey meters;

(C) Calculating, measuring, and safely preparing patient or human research subject dosages;

(D) Using administrative controls to prevent a medical event involving the use of unsealed byproduct material;

(E) Using procedures to contain spilled byproduct material safely, and using proper decontamination procedures; and

(F) Administering dosages to patients or human research subjects, that include at least three cases involving the parenteral administration, for which a written directive is required, of any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV and/or at least three cases involving the parenteral administration of any other radionuclide, for which a written directive is required; and

(c) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsections (4)(b) or (4)(c) of this rule, and has achieved a level of competency sufficient to function independently as an authorized user for the parenteral administration of unsealed byproduct material requiring a written directive. The written attestation must be signed by a preceptor authorized user who meets the requirements in OAR 333-116-0680 or this rule, or equivalent Agreement State requirements. A preceptor authorized user, who meets the requirements in OAR 333-116-0680, must have experience in administering dosages as specified in OAR 333-116-0680(2)(a)(B)(vii).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0720

Training for Use of Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units

Except as provided in OAR 333-116-0740, the licensee must require the authorized user of a sealed source specified in OAR 333-116-0480 to be a physician who:

(1) Is certified by a medical specialty board whose certification process has been recognized by the Nuclear Regulatory Commission (NRC) or an Agreement State and who meets the requirements in subsection (2)(c) and section (3) of this rule. (The names of board certifications which have been recognized by the Commission or an Agreement State will be posted on the NRC's web page.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete a minimum of three years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association; and

(b) Pass an examination, administered by diplomates of the specialty board, which tests knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance, and clinical use of stereotactic radiosurgery, remote afterloaders and external beam therapy; or

(2)(a) Has completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:

(A) 200 hours of classroom and laboratory training in the following areas:

(i) Radiation physics and instrumentation;

(ii) Radiation protection;

(iii) Mathematics pertaining to the use and measurement of radioactivity; and

(iv) Radiation biology; and

(B) 500 hours of work experience, under the supervision of an authorized user who meets the requirements in this rule or equivalent Nuclear Regulatory Commission or Agreement State requirements at a medical institution, involving:

(i) Reviewing full calibration measurements and periodic spot-checks;

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(ii) Preparing treatment plans and calculating treatment doses and times;

(iii) Using administrative controls to prevent a medical event involving the use of byproduct material;

(iv) Implementing emergency procedures to be followed in the event of the abnormal operation of the medical unit or console;

(v) Checking and using survey meters; and

(vi) Selecting the proper dose and how it is to be administered; and

(b) Has completed three years of supervised clinical experience in radiation therapy, under an authorized user who meets the requirements in this rule or equivalent Nuclear Regulatory Commission or Agreement State requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by paragraph (2)(a)(B) of this rule; and

(c) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsections (1)(a) or (2)(a) and (2)(b), and section (3) of this rule, and has achieved a level of competency sufficient to function independently as an authorized user of each type of therapeutic medical unit for which the individual is requesting authorized user status. The written attestation must be signed by a preceptor authorized user who meets the requirements in this rule or equivalent Nuclear Regulatory Commission or Agreement State requirements for an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status; and

(3) Has received training in device operation, safety procedures, and clinical use for the type(s) of use for which authorization is sought. This training requirement may be satisfied by satisfactory completion of a training program provided by the vendor for new users or by receiving training supervised by an authorized user or authorized medical physicist, as appropriate, who is authorized for the type(s) of use for which the individual is seeking authorization.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0740

Training for Experienced Authorized User, Radiation Safety Officer, Teletherapy or Medical Physicist, Authorized Medical Physicist, Nuclear Pharmacist or Authorized Nuclear Pharmacist

(1) An individual identified as a Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist on a Nuclear Regulatory Commission or Agreement State license before July 1, 2006 who perform only those methods of use for which they were authorized on that date need not comply with the training requirements of OAR 333-116-0640 through 333-116-0760 and OAR 333-116-0905 through 333-116-0915.

(2) Practitioners of the healing arts identified as authorized users for the human use of radioactive material on a Department, Nuclear Regulatory Commission or Agreement State or Licensing State license before July 1, 2006 who perform only those methods of use for which they were authorized on that date need not comply with the training requirements of OAR 333-116-0640 through 333-116-0760.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0760

Recentness of Training

The training and experience specified in OAR 333-116-0640 through 333-116-0730 and OAR 333-116-0905 through 333-116-0915 must have been obtained within the seven years preceding the date of application or the individual must have had continuing education and experience since the required training and experience was completed.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0830

Accelerator Facility Requirements

(1) Accelerators must meet all requirements of division 333-109. Shielded-room accelerators must be equipped with interlocks and person-

nel control; self-shielded accelerators must be shielded such that personnel access is prevented during operation.

(2) Non-ionizing radiation must meet requirements of division 333-112.

(3) Target maintenance and repair, contamination control, and emergency actions must be conducted pursuant to division 333-120.

(4) There must be an Understanding of Transfer (UOT) when isotopes are transferred from one licensee or entity to another for processing, specifying at what point control is transferred to personnel handling radiochemical production or radiopharmacy operation.

(5) Radiation surveys must be made prior to any accelerator operation or isotope production with a radiation survey instrument calibrated in accordance with requirements in OAR 333-116-0390. Periodic surveys must be done throughout times of operation to ensure that radiation levels meet all applicable requirements in division 333-120 (Radiation Protection Standards).

(6) Ventilation controls must be implemented to ensure compliance with all applicable local, state, and federal requirements. Controls must include monitoring of stacks and computer modeling of air emissions to confirm compliance with standards.

(7) Real-time (integrating) monitors must be used to confirm requirements in OAR 333-120-0100, 333-120-0160, 333-120-0170, and 333-120-0180.

(8) Contamination wipes for radioactive material must be made pursuant to requirements in OAR 333-116-0250;

(9) Dosimetry must address both gamma and beta doses in all areas of the facility. Licensees and registrants must monitor extremities to ensure compliance with OAR 333-120-0100. Bioassays, as defined in OAR 333-100-0005, are not required, but there must be evaluation of internal exposures, pursuant to OAR 333-120-0130, based on calculated releases and monitoring.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0840

Safety Considerations and Quality Management for PET Facilities

(1) The licensee must establish and implement a Quality Management program pursuant to OAR 333-116-0125 for PET products, as well as other production and calibration products.

(2) PET instrumentation and other equipment unique to the PET process must meet all applicable radiation protection standards pursuant to division 120 of these rules.

(3) Area monitors must be visible and audible to accelerator operators. Monitors must be checked for proper operation daily.

(4) Wasted targets must be treated as radioactive waste and must be properly dismantled, shielded, stored, and disposed.

(5) Accelerator shielding design and safety must meet requirements of OAR 333-109-0025.

(6) Shielding around guide-bends, targets, hot-cells, purification manifolds, etc. must ensure that limits in OAR 333-120-0180 and OAR 333-120-0190 have been met in all areas of beam and nuclide production.

(7) Security provisions for unauthorized access, janitorial services, maintenance, visitors, tours, and personnel-in-training must conform to requirements in OAR 333-120-0180, 333-120-0250 and 333-120-0260.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1995, f. & cert. ef. 4-26-95; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0870

Rubidium-82 Generator

Rubidium-82 generators require quality assurance procedures for equipment, patient injection, waiting area, imaging, and post-imaging care. There also must be a procedure for spills, and a handling procedure for liquid quality assurance sources for early model PET cameras. Dose calibration procedures are the same as in OAR 333-116-0850(6).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1995, f. & cert. ef. 4-26-95; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 14-2008, f. & cert. ef. 9-15-08

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333-116-0880

Training and Experience for PET, PET/CT and SPECT/CT Personnel

(1) Pharmacy or chemistry personnel must have 40 extra hours above Nuclear Pharmacy requirements and 40 hours specific to PET. The 40 hours should be divided equally between didactic and practical applications.

(2) Authorized users who meet training requirements for human use in OAR 333-116-0670 must complete an additional 40 hours at an accepted PET training center.

(3) Technical personnel working under an authorized user must have basic radiation safety training, plus 40 additional hours specific to PET.

(4) Positron Emission-Computed Tomography (PET/CT) or Single Photon Emission-Computed Tomography (SPECT/CT) systems must be operated by:

- (a) Any registered radiographer with the credential R.T. (R); or
- (b) Registered radiation therapist with the credential R.T. (T); and
- (c) Who are currently licensed by the Oregon Board of Radiologic Technology; or

(d) Registered certified nuclear medicine technologist with the credentials R.T. (N); or

(e) Certified Nuclear Medicine Technologist (CNMT) by the Nuclear Medicine Technologist Certification Board (NMTCB).

(5) The individuals mentioned in section (4) of this rule must also have successfully completed appropriate additional education and training and demonstrated competency in the use and operation of PET/CT or SPECT/CT systems.

(6)(a) Appropriate additional training is considered training that covers the topic areas outlined in the PET/CT curriculum developed by the Multi-Organizational Curriculum Project Group sponsored by the American Society of Radiologic Technologists and the Society of Nuclear Medicine Technologists, or equivalent training approved by the Department; and

(b) Includes the content specified in the PET/CT curriculum for the area(s) that the individual is not already trained or certified in; or

(c) Individuals meeting the requirements of section (4) of this rule and who have successfully completed training that the Department has evaluated and judged to be substantially equivalent to that specified in subsection (6)(a) of this rule.

(7) An R.T. (N) or CNMT certified in Computed Tomography through the American Registry of Radiologic Technologists is considered to have met the training requirements in section (4) of this rule.

(8) Technologists operating PET/CT or SPECT/CT systems must do so under the direction of an authorized user licensed to perform imaging and localization studies in accordance with OAR 333-116-0320.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1995, f. & cert. ef. 4-26-95; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0905

Training for Authorized Medical Physicist

Except as provided in OAR 333-116-0740, the licensee shall require the authorized medical physicist to be an individual who:

(1) Is certified by a specialty board whose certification process has been recognized by the Commission or an Agreement State and who meets the requirements in subsection (2)(b) and section (3) of this rule. To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a) Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;

(b) Have two years of full-time practical training and/or supervised experience in medical physics:

(A) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Commission or an Agreement State; or

(B) In clinical radiation facilities providing high-energy, external beam therapy (photons and electrons with energies greater than or equal to one million electron volts) and brachytherapy services under the direction of physicians who meet the requirements for authorized users in OAR 333-116-0720 or 333-116-0730; and

(c) Pass an examination, administered by diplomats of the specialty board, that assesses knowledge and competence in clinical radiation therapy, radiation safety, calibration, quality assurance, and treatment planning for external beam therapy, brachytherapy, and stereotactic radiosurgery; or

(2)(a) Holds a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an

accredited college or university; and has completed one year of full-time training in medical physics and an additional year of full-time work experience under the supervision of an individual who meets the requirements for an authorized medical physicist for the type(s) of use for which the individual is seeking authorization. This training and work experience must be conducted in clinical radiation facilities that provide high-energy, external beam therapy (photons and electrons with energies greater than or equal to one million electron volts) and brachytherapy services and must include:

(A) Performing sealed source leak tests and inventories;

(B) Performing decay corrections;

(C) Performing full calibration and periodic spot checks of external beam treatment units, stereotactic radiosurgery units, and remote afterloading units as applicable; and

(D) Conducting radiation surveys around external beam treatment units, stereotactic radiosurgery units, and remote afterloading units as applicable; and

(b) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsections (1)(a) and (1)(b) and section (3) of this rule, or subsection (2)(a) and section (3) of this rule, and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written attestation must be signed by a preceptor authorized medical physicist who meets the requirements in this rule, or equivalent Agreement State requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status; and

(3) Has training for the type(s) of use for which authorization is sought that includes hands-on device operation, safety procedures, clinical use, and the operation of a treatment planning system. This training requirement may be satisfied by satisfactorily completing either a training program provided by the vendor or by training supervised by an authorized medical physicist authorized for the type(s) of use for which the individual is seeking authorization.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0910

Training for an Authorized Nuclear Pharmacist

Except as provided in OAR 333-116-0740, the licensee shall require the authorized nuclear pharmacist to be a pharmacist who:

(1) Is certified by a specialty board whose certification process has been recognized by the Commission or an Agreement State and who meets the requirements in subsection (2)(b) of this rule. To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a) Have graduated from a pharmacy program accredited by the American Council on Pharmaceutical Education (ACPE) or have passed the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination;

(b) Hold a current, active license to practice pharmacy;

(c) Provide evidence of having acquired at least 4000 hours of training/experience in nuclear pharmacy practice. Academic training may be substituted for no more than 2000 hours of the required training and experience; and

(d) Pass an examination in nuclear pharmacy administered by diplomates of the specialty board, that assesses knowledge and competency in procurement, compounding, quality assurance, dispensing, distribution, health and safety, radiation safety, provision of information and consultation, monitoring patient outcomes, research and development; or

(2)(a) Has completed 700 hours in a structured educational program consisting of both:

(A) 200 hours of classroom and laboratory training in the following areas:

(i) Radiation physics and instrumentation;

(ii) Radiation protection;

(iii) Mathematics pertaining to the use and measurement of radioactivity;

(iv) Chemistry of byproduct material for medical use; and

(v) Radiation biology; and

(B) Supervised practical experience in a nuclear pharmacy involving:

(i) Shipping, receiving, and performing related radiation surveys;

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(ii) Using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and, if appropriate, instruments used to measure alpha- or beta-emitting radionuclides;

(iii) Calculating, assaying, and safely preparing dosages for patients or human research subjects;

(iv) Using administrative controls to avoid medical events in the administration of byproduct material; and

(v) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures; and

(b) Has obtained written attestation, signed by a preceptor authorized nuclear pharmacist, that the individual has satisfactorily completed the requirements in subsections (1)(a), (1)(b), and (1)(c) or (2)(a) of this rule and has achieved a level of competency sufficient to function independently as an authorized nuclear pharmacist.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-0915

Training for Experienced Nuclear Pharmacists

A licensee may apply for and must receive a license amendment identifying an experienced nuclear pharmacist before it allows this individual to work as an authorized nuclear pharmacist. A pharmacist who has completed a structured educational program as specified in OAR 333-116-0910(2)(a) before December 2, 1994, and who is working in a nuclear pharmacy would qualify as an experienced nuclear pharmacist. An experienced nuclear pharmacist need not comply with the requirements on preceptor statement in OAR 333-116-0910(2)(b) and recency of training in OAR 333-116-0760 to qualify as an authorized nuclear pharmacist. ning in 333-116-0760 to qualify as an authorized nuclear pharmacist.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-1015

Report and Notification of a Dose to an Embryo/Fetus or a Nursing Child

(1) A licensee must report any dose to an embryo/fetus that is greater than 50 mSv (5 rem) dose equivalent that is a result of an administration of byproduct material or radiation from byproduct material to a pregnant individual unless the dose to the embryo/fetus was specifically approved, in advance, by the authorized user.

(2) A licensee must report any dose to a nursing child that is a result of an administration of radioactive material to a breast-feeding individual who:

(a) Is greater than 50 mSv (5 rem) total effective dose equivalent; or

(b) Has resulted in unintended permanent functional damage to an organ or a physiological system of the child, as determined by a physician.

(3) The licensee must notify the Department by telephone no later than the next calendar day after discovery of a dose to the embryo/fetus or nursing child that requires a report in sections (1) or (2) of this rule.

(4) The licensee must submit a written report to the Department within 15 days after discovery of a dose to the embryo/fetus or nursing child that requires a report in sections (1) or (2) of this rule.

(a) The written report must include:

(A) The licensee's name;

(B) The name of the prescribing physician;

(C) A brief description of the event;

(D) Why the event occurred;

(E) The effect, if any, on the embryo/fetus or the nursing child;

(F) What actions, if any, have been taken or are planned to prevent recurrence; and

(G) Certification that the licensee notified the pregnant individual or mother (or the mother's or child's responsible relative or guardian), and if not, why not.

(b) The report must not contain the individual's or child's name or any other information that could lead to identification of the individual or child.

(5) The licensee must provide notification of the event to the referring physician and also notify the pregnant individual or mother, both hereafter referred to as the mother, no later than 24 hours after discovery of an event that would require reporting under sections (1) or (2) of this rule, unless the referring physician personally informs the licensee either that he or she will inform the mother or that, based on medical judgment, telling the mother would be harmful. The licensee is not required to notify the mother without

first consulting with the referring physician. If the referring physician or mother cannot be reached within 24 hours, the licensee must make the appropriate notifications as soon as possible thereafter. The licensee may not delay any appropriate medical care for the embryo/fetus or for the nursing child, including any necessary remedial care as a result of the event, because of any delay in notification. To meet the requirements of this rule, the notification may be made to the mother's or child's responsible relative or guardian instead of the mother. If a verbal notification is made, the licensee must inform the mother, or the mother's or child's responsible relative or guardian, that a written description of the event can be obtained from the licensee upon request. The licensee must provide such a written description if requested.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-116-1030

Report Of A Leaking Source

A licensee must file a report with the Department within five days if a leak test required by OAR 333-116-0200 reveals the presence of 185 Bq (0.005 uCi) or more of removable contamination. The written report must include:

(1) The model number and serial number of the leaking source, if assigned;

(2) The radionuclide and its estimated activity;

(3) The results of the test;

(4) The date of the test; and

(5) The action taken.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0010

Purpose and Scope

The rules in this division apply to any licensee authorized by specific or general license to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the license, or transports that material on public highways. No provision of this part authorizes possession of licensed material.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0020

Definitions

As used in this division, the following definitions apply:

(1) "A1" means the maximum activity of special form radioactive material permitted in a Type A package. This value is either listed in Appendix A to 10 CFR Part 71, Table A-1, or may be derived in accordance with the procedures prescribed in Appendix A to 10 CFR Part 71.

(2) "A2" means the maximum activity of radioactive material, other than special form material, LSA, and SCO material, permitted in a Type A package. This value is either listed in Appendix A to 10 CFR Part 71, Table A-1, or may be derived in accordance with the procedures prescribed in Appendix A to 10 CFR Part 71.

(3) "Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.

(4) "Closed transport vehicle" means a transport vehicle equipped with a securely attached exterior enclosure that during normal transportation restricts the access of unauthorized persons to the cargo space containing the radioactive material. The enclosure may be either temporary or permanent but shall limit access from top, sides, and ends. In the case of packaged materials, it may be of the "see-through" type.

(5) "Consignment" means each shipment of a package or groups of packages or load of radioactive material offered by a shipper for transport.

(6) "Conveyance" means for transport by public highway or rail any transport vehicle or large freight container; or for transport by water any vessel, or any hold, compartment, or defined deck area of a vessel including any transport vehicle on board the vessel; or for transport by aircraft.

(7) "Criticality Safety Index (CSI)" means the dimensionless number (rounded up to the next tenth) assigned to and placed on the label of a fissile material package, to designate the degree of control of accumulation of

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packages containing fissile material during transportation. Determination of criticality safety index is described in 10 CFR 71.22, 71.23, and 71.59.

(8) "Deuterium" means any deuterium compounds, including heavy water, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000.

(9) "Exclusive use" means the sole use of a conveyance by a single consignor and for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee. The consignor and the carrier must ensure that any loading or unloading is performed by personnel having radiological training and resources appropriate for safe handling of the consignment. The consignor must issue specific instructions, in writing, for maintenance of exclusive use shipment controls, and include them with the shipping paper information provided to the carrier by the consignor.

NOTE: The term "exclusive use" is used interchangeably with the terms "sole use" or "full load" in other regulations, such as Title 49 of the Code of Federal Regulations.

(10) "Fissile material" means the radionuclides plutonium-239, plutonium-241, uranium-233, and uranium-235, or any combination of these radionuclides. Unirradiated natural uranium and depleted uranium, and natural uranium or depleted uranium that has been irradiated in thermal reactors only, are not included in this definition. Neither natural nor depleted uranium is fissile material.

NOTE: Department jurisdiction is limited to special nuclear material in quantities not sufficient to form a critical mass as defined in division 100 of this chapter.

(11) "Fissile material package" means a fissile material packaging together with its fissile material contents.

(12) "Graphite" means, graphite with a boron equivalent content less than five parts per million and density greater than 1.5 grams per cubic centimeter.

(13) "Licensed material" means radioactive or special nuclear material received, possessed, used, or transferred under a general or specific license issued by the Department.

NOTE: The definition of licensed material in this division is used in the same way as in 49 CFR 173.403.

(14) "Low specific activity (LSA) material" means radioactive material that satisfies the descriptions and limits set forth below. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. LSA material must be in one of three groups:

(a) LSA-I.

(A) Ores containing only naturally occurring radionuclides (e.g., uranium, thorium) which are not intended to be processed for the use of these radionuclides; or

(B) Solid unirradiated natural uranium, depleted uranium, natural thorium, or their solid or liquid compounds or mixtures; or

(C) Radioactive material, other than fissile material, for which the A2 value is unlimited; or

(D) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed 30 times the value for exempt material activity concentration determined in accordance with 10 CFR 71, Appendix A.

(b) LSA-II.

(A) Water with tritium concentration up to 0.8 TBq/liter (20.0 Ci/liter); or

(B) Material in which the radioactive material is distributed throughout, and the average specific activity does not exceed 10-4 A2/g for solids and gases, and 10-5 A2/g for liquids.

(c) LSA-III. Solids (e.g., consolidated wastes, activated materials) in which:

(A) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc.); and

(B) The radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that, even under loss of packaging, the loss of radioactive material per package by leaching, when placed in water for seven days, would not exceed 1E-1 A2; and

(C) The average specific activity of the solid does not exceed 2E-3 A2 per gram.

(15) "Low toxicity alpha emitters" means natural uranium, depleted uranium, natural thorium; uranium-235, uranium-238, thorium-232, thorium-228 or thorium-230 when contained in ores or physical or chemical concentrates or tailings; or alpha emitters with a half-life of less than ten days.

(16) "Natural thorium" means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

(17) "Normal form radioactive material" means radioactive material that has not been demonstrated to qualify as "special form radioactive material".

(18) "Package" means the packaging together with its radioactive contents as presented for transport.

(a) Fissile material package or Type AF package, Type BF package, Type B(U)F package, or Type B(M)F package means a fissile material packaging together with its fissile material contents.

(b) Type A package means a Type A packaging together with its radioactive contents. A Type A package is defined and must comply with the DOT regulations in 49 CFR part 173.

(c) Type B package means a Type B packaging together with its radioactive contents. On approval, a Type B package design is designated by NRC as B(U) unless the package has a maximum normal operating pressure of more than 700 kPa (100 lbs/in²) gauge or a pressure relief device that would allow the release of radioactive material to the environment under the tests specified in 10 CFR 71.73 (hypothetical accident conditions), in which case it will receive a designation B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval of international shipments. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see DOT regulations in 49 CFR Part 173. A Type B package approved before September 6, 1983, was designated only as Type B. Limitations on its use are specified in 10 CFR 71.19.

(19) "Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 49 CFR Part 173 Subpart I. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie-down system, and auxiliary equipment may be designated as part of the packaging.

(20) "Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 100-189 and Parts 390-397.

(21) "Regulations of the U.S. Nuclear Regulatory Commission" means the regulations in 10 CFR 71.

(22) "Special form radioactive material" means radioactive material that satisfies the following conditions:

(a) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

(b) The piece or capsule has at least one dimension not less than five millimeters (0.2 inch.); and

(c) It satisfies the test requirements specified by the Nuclear Regulatory Commission. A special form encapsulation designed in accordance with the Nuclear Regulatory Commission requirements in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation designed in accordance with the Nuclear Regulatory Commission requirements in effect on March 31, 1996, and constructed prior to April 1, 1998, may continue to be used. A special form encapsulation either designed or constructed after April 1, 1998, must meet requirements of this definition applicable at the time of its design or construction.

(23) "Specific activity" of a radionuclide means the radioactivity of a radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the radioactivity per unit mass of the material.

(24) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(25) "Surface contaminated object" (SCO) means a solid object that is not itself classed as radioactive material, but which has radioactive material distributed on any of its surfaces. SCO must be in one of two groups with surface activity not exceeding the following limits:

(a) SCO-I: a solid object on which:

(A) The non-fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4 Bq/cm² (10-4 microcurie/cm²) for beta, gamma and low toxicity alpha emitters, or 0.4 Bq/cm² (10-5 microcurie/cm²) for all other alpha emitters;

(B) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4x10⁴ Bq/cm² (1.0 microcurie/cm²) for beta, gamma and low toxicity alpha emitters, or 4x10³ Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters; and

(C) The non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if

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less than 300 cm²) does not exceed 4x10⁴ Bq/cm² (1 microcurie/cm²) for beta, gamma and low toxicity alpha emitters, or 4x10³ Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters.

(b) SCO-II: a solid object on which the limits for SCO-I are exceeded and on which:

(A) The non-fixed contamination on the accessible surface averaged over 300 square centimeters (or the area of the surface if less than 300 square centimeters) does not exceed 400 bequerel per square centimeter (Bq/cm²) (1E-2 microcurie per square centimeter) for beta, gamma and low toxicity alpha emitters or 40 bequerel per square centimeter (Bq/cm²) (1E-3 microcurie per square centimeter) for all other alpha emitters;

(B) The fixed contamination on the accessible surface averaged over 300 square centimeters (or the area of the surface if less than 300 square centimeters) does not exceed 8E5 bequerel per square centimeter (Bq/cm²) (20 microcuries square centimeter) for beta, gamma and low toxicity alpha emitters, or 8E4 bequerel per square centimeter (Bq/cm²) (2 microcuries per square centimeter) for all other alpha emitters; and

(C) The non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 square centimeters (or the area of the surface if less than 300 square centimeters) does not exceed 8E5 bequerel per square centimeter (Bq/cm²) (20 microcuries per square centimeter) for beta, gamma and low toxicity alpha emitters, or 8x10⁴ Bq/cm² (2 microcuries/cm²) for all other alpha emitters.

(26) "Transport index (TI)" means the dimensionless number, rounded up to the first decimal place, placed on the label of a package to designate the degree of control to be exercised by the carrier during transportation. The transport index is the number determined by multiplying the maximum radiation level in millisievert (mSv) per hour at one meter (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at one meter (3.3 ft)).

(27) "Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A1 for special form radioactive material or A2 for normal form radioactive material, where A1 and A2 are given in 10 CFR Part 71 Appendix A or may be determined by procedures described in 10 CFR Part 71 Appendix A.

(28) "Type A package" means a packaging that, together with its radioactive contents limited to A1 or A2 as appropriate, meets the requirements of 49 CFR 173.410 and 173.412 and is designed to retain the integrity of containment and shielding under normal conditions of transport as demonstrated by the tests set forth in 173.465 or 173.466, as appropriate.

(29) "Type B package" means a Type B packaging together with its radioactive contents.

NOTE: A type B package design is designated as B(U) or B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, refer to 49 CFR Part 173. A Type B package approved prior to September 6, 1983, was designated only as Type B. Limitations on its use are specified in OAR 333-118-0035.

(30) "Type B packaging" means a packaging designed to retain the integrity of containment and shielding when subjected to the normal conditions of transport and hypothetical accident test conditions set forth in 10 CFR Part 71.

(31) "Type B quantity" means a quantity of radioactive material greater than Type A quantity.

NOTE: 10 CFR Part 71 Appendix A referred to or incorporated by reference in this rule is attached to this division or available from the Department.

(32) "Unirradiated uranium" means uranium containing not more than 2E3 Bq of plutonium per gram of uranium-235, not more than 9E6 Bq of fission products per gram of uranium-235, and not more than 5E-3 g of uranium-236 per gram of uranium-235.

(33) "Uranium -- natural, depleted, enriched"

(a) "Natural uranium" means uranium isotopes with the naturally occurring distribution of uranium, isotopes (which is approximately 0.711 weight percent uranium-235, and the remainder by weight essentially uranium-238).

(b) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(c) "Enriched uranium" means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

[ED. NOTE: Appendices referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0050

Transportation of Licensed Material

(1) Each licensee who transports licensed material outside the site of usage, as specified in the Department license, or where transport is on public highways, or who delivers licensed material to a carrier for transport shall:

(a) Comply with the applicable requirements, appropriate to the mode of transport, of the regulations of the U.S. Department of Transportation in 49 CFR parts 107, 171 - 180, and 390 - 397, appropriate to the mode of transportation. The licensee shall particularly note the regulations of U.S. Department of transportation in the following areas:

(A) Packaging — 49 CFR Part 173: Subparts A, B and I.

(B) Marking and labeling — 49 CFR Part 172: Subpart D, 172.400 through 172.407, and 172.436 through 172.440 of Subpart E.

(C) Placarding — 49 CFR Part 172: Subpart F, especially 172.500 through 172.519, and 172.556, and Appendices B and C.

(D) Accident reporting — 49 CFR Part 171: 171.15 and 171.16.

(E) Shipping papers and emergency information — 49 CFR Part 172: Subparts C and G.

(F) Hazardous material employee training — 49 CFR Part 172: Subpart H.

(G) Security plans—49 CFR Part 172: Subpart I

(H) Hazardous material shipper/carrier registration — 49 CFR Part 107: Subpart G.

(b) The licensee also shall comply with applicable U.S. Department of Transportation regulations pertaining to the following modes of transportation:

(A) Rail — 49 CFR Part 174: Subparts A through D and K.

(B) Air — 49 CFR Part 175.

(C) Vessel — 49 CFR Part 176: Subparts A through F and M.

(D) Public highway — 49 CFR Part 177 and Parts 390 through 397.

(c) Assure that any special instructions needed to safely open the package are sent to or have been made available to the consignee.

(2) If, for any reason, the regulations of the U.S. Department of Transportation are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of 49 CFR Parts 170 through 189 appropriate to the mode of transport and to the same extent as if the shipment were subject to the regulations.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0070

General License: Nuclear Regulatory Commission-Approved Packages

(1) A general license is hereby issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, Certificate of Compliance (CoC), or other approval has been issued by the U.S. Nuclear Regulatory Commission.

(2) This general license applies only to a licensee who:

(a) Has a copy of the specific license, certificate of compliance, or other approval by the Nuclear Regulatory Commission of the package and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment;

(b) Complies with the terms and conditions of the license, certificate, or other approval by the Nuclear Regulatory Commission, as applicable, and the applicable requirements of division 118;

(c) Prior to the licensee's first use of the package, has registered with the U.S. Nuclear Regulatory Commission; and

(d) Has a quality assurance program required by OAR 333-118-0200 and approved by the Department.

(3) The general license in section (1) of this rule applies only when the package approval authorizes use of the package under this general license.

(4) For previously approved Type B packages which are not designated as either B(U) or B(M) in the Certificate of Compliance, this general license is subject to additional restrictions in OAR 333-118-0080. For a Type B or fissile material package, the design of which was approved by Nuclear Regulatory Commission before April 1, 1996, the general license is subject to additional restrictions of OAR 333-118-0080.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

ADMINISTRATIVE RULES

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0080

General License: Previously Approved Packages

(1) A Type B package previously approved by the U.S. Nuclear Regulatory Commission, but not designated as B(U) or B(M) in the Certificate of Compliance, may be used under the general license of OAR 333-118-0070 with the following additional limitations:

(a) Fabrication of the packaging was satisfactorily completed before August 31, 1986, as demonstrated by application of its model number in accordance with U.S. Nuclear Regulatory Commission regulations at 10 CFR 71.85(c); and

(b) The package may not be used for a shipment to a location outside the United States except when approved under special arrangement in accordance with 49 CFR 173.471. A package used for a shipment to a location outside the United States is subject to multilateral approval, as defined in U.S. Department of Transportation regulations at 49 CFR 173.403; and

(c) A serial number that uniquely identifies each packaging which conforms to the approved design is assigned to, and legibly and durably marked on, the outside of each packaging.

(2) A Type B(U) package, a Type B(M) package, a low specific activity (LSA) material package or a fissile material package, previously approved by the Nuclear Regulatory Commission but without the designation "-85" in the identification number of the Nuclear Regulatory Commission certificate of compliance, may be used under the general license of OAR 333-118-0070 with the following additional conditions:

(a) Fabrication of the package is satisfactorily completed by April 1, 1999, as demonstrated by application of its model number in accordance with Nuclear Regulatory Commission regulations at 10 CFR 71.85(c);

(b) A package used for a shipment to a location outside the United States is subject to multilateral approval except approved under special arrangement in accordance with U.S. Department of Transportation regulations at 49 CFR 173.403; and

(c) A serial number that uniquely identifies each packaging which conforms to the approved design is assigned to, and legibly and durably marked on, the outside of each packaging.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0110

General License: Fissile Material, Limited Quantity per Package

(1) A general license is hereby issued to any licensee to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped as a Fissile Class II package in accordance with OAR chapter 333, division 118.

(2) This general license applies only when a package contains no more than a Type A quantity of radioactive material, including only one of the following:

(a) Up to 40 grams of uranium-235; or

(b) Up to 30 grams of uranium-233; or

(c) Up to 25 grams of the fissile radionuclides of plutonium, except that for encapsulated plutonium-beryllium neutron sources in special form, an A1 quantity of plutonium may be present; or

(d) A combination of fissile radionuclides in which the sum of the ratios of the amount of each radionuclide to the corresponding maximum amounts in subsections (2)(a), (2)(b), and (2)(c) of this rule does not exceed unity.

(3) Except as specified in subsection (3)(b) of this rule, this general license applies only when all of the following requirements are met:

(a) A package containing fissile radionuclides is labeled with a transport index not less than the number given by the following equation:

Minimum Transport Index = $(0.25x + 0.33y + 0.4z)$ where the package contains x grams of uranium-235, y grams of uranium-233, and z grams of the fissile radionuclides of plutonium;

(b) For a package in which the only fissile material is encapsulated plutonium-beryllium neutron sources in special form, the transport index based on criticality considerations may be taken as 0.025 times the number of grams of the fissile radionuclides of plutonium.

(c) In all cases, the transport index must be rounded up to one decimal place and shall not exceed 10.0.

(d) Except for the beryllium contained within the special form plutonium-beryllium sources authorized in section (2) of this rule, beryllium,

graphite, or hydrogenous material enriched in deuterium is not present in quantities exceeding 0.1% of the fissile material mass.

(e) The licensee has a quality assurance program approved by the nuclear regulatory commission.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-118-0150

Routine Determinations

Prior to each shipment of licensed material, the licensee shall ensure that the package with its contents satisfies the applicable requirements of this division and of the license. The licensee shall determine that:

(1) The package is proper for the contents to be shipped;

(2) The package is in unimpaired physical condition except superficial defects such as marks or dents;

(3) Each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;

(4) Any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid;

(5) Any pressure relief device is operable and set in accordance with written procedures;

(6) The package has been loaded and closed in accordance with written procedures;

(7) Any structural part of the package which could be used to lift or tie down the package during transport is rendered inoperable for that purpose unless it satisfies design requirements specified in 10 CFR 71.45;

(8) For fissile material, any moderator or neutron absorber, if required, is present and in proper condition;

(9) The level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable.

(a) The level of non-fixed (removable) radioactive contamination may be determined by wiping an area of 300 square centimeters of the surface concerned with an absorbent material, using moderate pressure, and measuring the activity on the wiping material. Sufficient measurements must be taken in the most appropriate locations to yield a representative assessment of the removable contamination levels. Except as provided in subsection (8)(b) of this rule, the amount of radioactivity measured on any single wiping material, when averaged over the surface wiped, must not exceed the limits given in Table 3 below at any time during transport. Other methods of assessment of equal or greater efficiency may be used. When other methods are used, the detection efficiency of the method used must be taken into account and in no case may the removable contamination on the external surfaces of the package exceed ten times the limits listed in Table 3.

(b) In the case of packages transported as exclusive use shipments by rail or highway only, the non-fixed (removable) radioactive contamination at any time during transport must not exceed ten times the levels prescribed in subsection (8)(a) of this rule. The levels at the beginning of transport must not exceed the levels in subsection (8)(a) of this rule;

(10) External radiation levels around the package and around the vehicle, if applicable, will not exceed two mSv/hr (200 millirem per hour) at any point on the external surface of the package at any time during the transportation. The transport index shall not exceed ten; [Table not included. See ED. NOTE.]

(11) For a package transported in exclusive use by rail, highway, or water, radiation levels external to the package may exceed the limits specified in section (10) of this rule but shall not exceed any of the following:

(a) Two millisieverts per hour (mSv/h) (200 millirem per hour) on the accessible external surface of the package unless the following conditions are met, in which case the limit is 10 millisieverts per hour (mSv/h) (1000 millirem per hour);

(A) The shipment is made in a closed transport vehicle,

(B) Provisions are made to secure the package so that its position within the vehicle remains fixed during transportation, and

(C) There are no loading or unloading operations between the beginning and end of the transportation.

(b) Two millisieverts per hour (mSv/h) (200 millirem per hour) at any point on the outer surface of the vehicle, including the upper and lower surfaces, or, in the case of a flat-bed style vehicle, with a personnel barrier*, at any point on the vertical planes projected from the outer edges of the vehicle, on the upper surface of the load (or enclosure, if used), and on the lower external surface of the vehicle;

*NOTE: A flat-bed style vehicle with a personnel barrier shall have radiation levels determined at vertical planes. If no personnel barrier, the package cannot exceed two millisieverts per hour (mSv/h) (200 millirem per hour) at the surface.

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(c) 0.1 millisieverts per hour (mSv/h) (10 millirems per hour) at any point two meters from the vertical planes represented by the outer lateral surfaces of the vehicle, or, in the case of a flat-bed style vehicle, at any point two meters from the vertical planes projected from the outer edges of the vehicle; and

(d) 0.02 millisieverts per hour (mSv/h) (two millirem per hour) in any normally occupied positions of the vehicle, except that this provision does not apply to private motor carriers when persons occupying these positions are provided with special health supervision, personnel radiation exposure monitoring devices, and training in accordance with OAR 333-111-0005; and

(12) A package must be prepared for transport so that in still air at 100 degrees Fahrenheit (38 degrees Celsius) and in the shade, no accessible surface of a package would have a temperature exceeding 122 degrees Fahrenheit (50 degrees Celsius) in a nonexclusive use shipment or 185 degrees Fahrenheit (85 degrees Celsius) in an exclusive use shipment. Accessible package surface temperatures shall not exceed these limits at any time during transportation.

(13) A package may not incorporate a feature intended to allow continuous venting during transport.

(14) Before delivery of a package to a carrier for transport, the licensee shall ensure that any special instructions needed to safely open the package have been sent to, or otherwise made available to, the consignee.

(15) For shipments made under the provisions of section (11) of this rule, the shipper shall provide specific written instructions to the carrier for maintenance of the exclusive use shipment controls. The instructions must be included with the shipping paper information.

(16) The written instructions required for exclusive use shipments must be sufficient so that, when followed, they will cause the carrier to avoid actions that will unnecessarily delay delivery or unnecessarily result in increased radiation levels or radiation exposures to transport workers or members of the general public.

NOTE: A flat-bed style vehicle with a personnel barrier shall have radiation levels determined at vertical planes. If no personnel barrier is in place, the package cannot exceed two mSv/h (200 millirems per hour) at any accessible surface.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0001

Purpose and Scope

(1) The purpose of this division is to regulate tanning facilities to minimize the risks associated with tanning by artificial Ultraviolet light. These risks include, but may not be limited to:

- (a) Sunburn;
- (b) Premature aging of the skin;
- (c) Skin cancer;
- (d) Retinal damage;
- (e) Formation of cataracts;
- (f) Suppression of the immune system;
- (g) Damage to the vascular system; and
- (h) Improper sanitation of tanning devices.

(2) The requirements of this division apply to any tanning facility that operates any tanning devices. Physicians' phototherapy devices are exempted, see OAR 333-119-0130(2).

(3) In addition to the requirements of this division, all registrants are subject to the applicable provisions of other parts of these rules.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0010

Definitions

(1) "Customer" means any member of the public who is provided access to a tanning device in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning device as a condition or benefit of membership or access.

(2) "Department" means the Department of Human Services of the state of Oregon.

(3) "EPA" means the U.S. Environmental Protection Agency.

(4) "FDA" means the U.S. Food and Drug Administration.

(5) "Formal Training" means a course of instruction reviewed and approved by the Department and which is conducted or presented under formal classroom conditions by a qualified expert possessing adequate

knowledge and experience to offer a curriculum, associated training, and certification testing pertaining to and associated with the correct use of tanning equipment. Operator training shall cover ultraviolet radiation and effects on the skin, photosensitivity, FDA and State of Oregon regulations, eye protection, and equipment maintenance.

(6) "Handrails" means a suitable physical aid that will help to maintain proper exposure distance.

(7) "Individual" means any human being.

(8) "Minor" means any individual under the age of 18.

(9) "Operator" means the person who has been designated by the registrant to operate or to assist and instruct the customer in the operation and use of tanning devices. Under this definition, the term "operator" means any individual who conducts one or more of the following activities:

(a) Determining customer's skin type;

(b) Determining the suitability for use of a tanning device by prospective customers;

(c) Informing the customer of the dangers of ultraviolet radiation exposure including photoallergic reactions and photosensitizing agents;

(d) Assuring that the customer reads and properly signs all forms required by these rules;

(e) Maintaining required customer exposure records;

(f) Recognizing and reporting customer injuries or alleged injuries to the registrant;

(g) Determining the customers' exposure schedule;

(h) Setting timers which control the duration of exposure; and

(i) Instructing the customer in the proper use of protective eyewear.

(10) "Other Compensation" means the payment or exchange of goods, services or anything of value for use of the tanning device or devices.

(11) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of these entities.

(12) "Phototherapy Device" means equipment that emits Ultraviolet radiation used by a health care professional in the treatment of disease or illness.

(13) "Program" means the Radiation Protection Services section of the Public Health Division.

(14) "Protective Eyewear" means suitable eyewear that protects the eye from Ultraviolet radiation and allows adequate vision.

(15) "Registrant" means any person who is registered with the Department as required by provisions of this division.

(16) "Registration" means registration with the Department in accordance with provisions of this division.

(17) "Safe Level" means not more than 50 colonies of microorganisms per four square inches of equipment surface.

(18) "Sanitize" means the effective bactericidal treatment of surfaces of equipment and devices by an EPA or FDA registered product that provides a sufficient concentration of chemicals, and enough time to reduce the bacterial count, including pathogens, to a safe level. Chemical germicides that are registered with EPA as hospital disinfectants when used at recommended dilutions and directions may be approved for sanitizing of tanning devices.

(19) "Tanning Device" means any equipment used for tanning of the skin, that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers including, but not limited to, a sunlamp, Ultraviolet Lamp, tanning booth, facial unit, UVA wand, or tanning bed. "Tanning device" also means any accompanying equipment, including, but not limited to, protective eyewear, timers, ballasts, starters, lamps, reflectors, cooling fans, acrylics, comfort pillows and handrails.

(20) "Tanning Facility" means any location, place, area, structure, or business that provides persons access to any tanning device.

(21) "Timers" means a device provided to terminate the exposure at a preset time interval.

(22) "Ultraviolet Radiation" means radiation that has a wavelength between two hundred nanometers and four hundred nanometers.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0020

Registration

(1) Prior to the operation of any tanning device used by the public for a fee or other compensation, the owner or operator shall file an application

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with the Department and pay applicable fee(s) specified in OAR 333-103-0025 to register each tanning device.

(2) If the owner or operator owns or operates more than one such tanning facility, the owner or operator shall file a separate application for each such facility owned or operated.

(3) Registration application shall be made on forms furnished by the Department.

(4) A validation certificate or acknowledgement of validation will be issued by the Department.

(5) The certificate issued by the Department shall be effective for one year beginning January 1 through December 31.

(6) The certificate shall be displayed in a conspicuous place on the premises of the tanning facility.

(7) The Department will provide an identification number that will be affixed by a Department inspector to each tanning device during the initial or follow-up facility inspection:

(a) Identification numbers shall not be removed without written permission of the Department; and

(b) Identification numbers shall not be defaced.

(8) The registrant shall notify the Department in writing before making any change that would render the information contained in the application for registration or the validation of registration no longer accurate.

(9) No registration may be transferred from one person to another person, from one tanning facility to another tanning facility, or from one tanning device to another tanning device.

(10) In the event of a change in ownership, the new owner will be required to apply for a registration of the tanning device within 30 days after taking possession of the property.

(11) Tanning facilities already in existence at the time of the effective date of this rule may continue to operate. Such facility shall be given priority in the inspection process by the Department. However, should those tanning facilities fail to meet the standards, they may be prohibited from continuing to operate until such time as they have met those standards through evaluation by the Department's inspectors or through a hearing held by the Department.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0030

Administrative Responsibilities

(1) The registrant shall be responsible for directing the operation of the tanning facility that has been registered with the Department. That individual or individual's agent shall assure that the provisions of these rules are met in the operation of tanning devices.

(2) A tanning device which does not meet the provisions of these rules shall not be operated and may be tagged "Out of Service for Non-compliance with OAR 333-119 Requirements" by Department inspectors. Devices tagged as non-compliant shall not be operated until written authorization is received by the registrant from the Department.

(3) The registrant shall assure that the tanning facility will comply with all applicable federal laws and regulations.

(4) In addition to the requirements of this division, all registrants are subject to the applicable requirements of divisions 100, 103 and 111 of this chapter.

(5) The Department Inspection Findings report and facility response letter(s) shall be conspicuously posted in public view until all items of non-compliance have been corrected and a written Department release from this requirement is received by the registrant.

(6) The registrant shall post in a conspicuous place the Department "Notice To The Public".

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.930 & 431.935

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0040

Construction and Operation of Tanning Facilities

Unless otherwise ordered or approved by the Department, each tanning facility shall be constructed, operated and maintained to meet the following minimum requirements:

(1) Physical facilities:

(a) All tanning facilities shall be equipped with convenient toilet facilities and dressing rooms. Such toilet facilities shall include a water closet

and hand washing sinks. Such toilet and dressing rooms shall be properly maintained, as well as meet all state and local codes.

(b) All areas of the tanning facility shall be ventilated with at least six air changes per hour or as required by local code.

(c) Tanning booth temperature shall be maintained below 100 degrees Fahrenheit (38 degrees Centigrade) during booth operation.

(d) The tanning device shall meet the National Fire Protection Association's National Electrical Code, or be approved by the Underwriter Laboratories (UL) or Electrical Testing Laboratories (ETL).

(e) Except as otherwise noted by the Department, each tanning facility shall be constructed, operated and maintained in accordance with applicable city, county and state codes.

(2) Cleaning and maintenance:

(a) All areas of the tanning facility, including tanning devices, equipment and apparatus, shall be maintained in a clean and sanitary manner by the facility operator and in accordance with manufacturer's instructions.

(b) The tanning device(s) and protective eyewear shall be cleaned with an approved sanitizer after each use by the facility operator. A listing of approved sanitizers is maintained by the Department and is available upon request of registrants. This listing may change at any time due to updating of state or federal sanitation guidelines. The operator shall use a sanitizer that sanitizes to a safe level of microorganisms as required by these rules. A clean paper or cloth towel shall be used each time the tanning device is cleaned and sanitized. The sanitizer, as described in these rules, is one specifically manufactured for sanitizing ultraviolet light emitting equipment and protective eyewear, and that does not damage the acrylic lamp covers of the device. The Ultraviolet Light produced by the tanning device itself is not considered an adequate sanitizing agent.

(c) Protective eyewear and tanning devices shall be sanitized after each use with a sanitizing agent that is registered by EPA and approved by the Department using the following procedures:

(A) Immerse protective eyewear for at least one minute in a clean solution (or spray tanning device acrylic surfaces and allow at least one to two minutes of surface contact time with a solution) containing at least 400 ppm (parts per million) of available quaternary ammonium compound at a temperature of at least 75 degrees Fahrenheit; or

(B) Immerse protective eyewear for at least one minute in a clean solution (or spray tanning device acrylic surfaces and allow at least one to two minutes of surface contact time with the solution) containing at least 100 ppm (parts per million) of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit.

(d) A test kit that accurately measures the concentration of the sanitizing solution in parts per million (ppm) shall be used to measure the strength of the sanitizing solution when the concentrate and water dilution is initially prepared and at least weekly thereafter to ensure sufficient strength of the sanitizing solution. If a suitable test kit is not available for an approved sanitizer, the laboratory analysis data shall be provided by the product manufacturer, and a copy of it be on file with the Department. Written procedures at the facility using sanitizer shall include proper mixing and handling instructions to assure proper concentration of the sanitizer.

(e) Clean sanitary towels shall be provided to all patrons using tanning facilities.

(f) A hamper or receptacle must be provided for all soiled towels and linen.

(g) No pets or animals are permitted in tanning facilities other than service animals.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.930

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0050

Warning Statement

At each customer's initial visit to a tanning facility, and at least annually thereafter, the customer shall be provided the following written statement to review and sign which warns the customer that (a Department approved tanning client card may be used to satisfy this requirement):

(1) Not wearing the protective eyewear provided to each customer by the tanning facility may cause damage to the eyes; and

(2) Overexposure to the tanning process may cause burns; and

(3) Repeated exposure to the tanning process may cause skin cancer or premature aging of the skin or both; and

(4) Abnormal skin sensitivity or burning may result from the tanning process if the customer is also consuming or using certain:

ADMINISTRATIVE RULES

- (a) Foods;
 - (b) Cosmetics; or
 - (c) Medications such as tranquilizers, antibiotics, diuretics, high blood pressure medication, antineoplastics or birth control pills; and
- (5) Any person taking a prescription or over-the-counter drug should consult a physician before using a tanning device.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0060

Warning Sign

(1) The registrant shall conspicuously post the warning sign described in section (2) of this rule within one meter (39.37 inches) of each tanning device and in such a manner that the sign is clearly visible, not obstructed by any barrier, equipment or other object, and can be easily viewed by the customer before operating the tanning device.

(2) The warning sign in section (1) of this rule shall use upper and lower case letters that are at least 10 millimeters and five millimeters in height, respectively, and shall have the following wording:

DANGER — ULTRAVIOLET RADIATION

Follow instructions.

Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and/or skin cancer.

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

Medications or cosmetics may increase your sensitivity to the Ultraviolet radiation. Consult a physician before using sunlamp or tanning device if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.

If you do not tan in the sun, you are unlikely to tan from the use of this product

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0070

Protective Eyewear

(1) The registrant shall provide protective eyewear to each customer for use during any use of tanning devices.

(2) The protective eyewear in section (1) of this rule shall meet the requirements of 21 Code of Federal Regulations (CFR) Part 1040, Section 1040.20(c)(4).

(3) Tanning facility operators shall ensure that customers wear the protective eyewear required by this rule.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0080

Training of Personnel

(1) The registrant shall certify that all tanning device operators are adequately trained in the following:

(a) The requirements of this division; and

(b) Procedures for correct operation of the tanning facility and tanning devices; and

(c) Recognition of injury or overexposure to Ultraviolet radiation; and

(d) The tanning device manufacturer's procedures for operation and maintenance of the tanning devices; and

(e) The determination of skin type of customers and appropriate determination of duration of exposure to registered tanning devices; and

(f) Emergency procedures to be followed in case of injury; and

(g) Potential photosensitizing foods, cosmetics, and medications.

(2) The registrant shall ensure that tanning devices are operated only while an adequately trained operator is present at the tanning facility.

(3) All currently registered tanning facilities in the State of Oregon must have completed the following staff training requirements within one year of registering with the Department:

(a) At least one owner, manager, or operator from each tanning facility with four or less tanning devices, shall successfully complete one of the vendor-provided formal training courses authorized by the Department.

(b) At least two operators from each tanning facility with five or more tanning devices shall successfully complete one of the vendor provided formal training courses authorized by the Department.

(c) Training of other full or part-time operators shall be by means of a Department-authorized and vendor-provided training course, or by materials received by an owner or primary operator from a Department-authorized and vendor-provided training course, or by a Department-authorized correspondence course.

(4) Staff training shall be documented by the facility owner or operator and include date and time with subjects covered in the training session for all operators.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.930

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0090

Protection of Consumers

The registrant shall establish and use a procedure manual that will aid in the protection of the customer to excessive or unnecessary exposure to Ultraviolet Light. This manual shall include, but not be limited to, the following instructions:

(1) Only one customer per tanning room at a time.

(a) In the case of a customer using a tanning device who may need the aid or assistance from another person, that individual must also be provided with and wear protective eyewear.

(2) No customer under the age of 18, without written parental consent, shall be allowed to use a tanning device. Written consent must be provided on the premises in the presence of an owner/operator, with the parent's understanding of the potential risks involved in overexposure.

(3) A sign shall be posted in conspicuous view at or near the reception area with the following text:

"PERSONS UNDER AGE 18 ARE REQUIRED TO HAVE PARENT OR LEGAL GUARDIAN SIGN AUTHORIZATION TO TAN, IN THE PRESENCE OF A TANNING FACILITY OPERATOR. OAR 333-119-0090(2)."

(4) Each person using a tanning device shall be instructed by the operator on the maximum exposure time and proper exposure distance, as recommended by the manufacturer of the device. The operator shall also instruct the customer as to the location and proper operation of the tanning device's emergency shut off switch.

(5) Infants and minors are not permitted to be in the tanning device room during exposure by parents or guardians.

(6) Tanning operators shall limit exposure time to the exposure time recommendation provided by the device manufacturer on the tanning device or in the device operating manual. The maximum exposure time recommended by the manufacturer of the device shall not be exceeded in any 24-hour period.

(7) Tanning operators shall keep a list of emergency contact numbers in view at each tanning facility. This list shall include the emergency contact numbers appropriate for the community where the facility is located. Example of emergency contacts:

(a) Nearest hospital;

(b) Nearest fire department;

(c) Emergency medical services or emergency 911 service, if available;

(d) Oregon Radiation Protection Services at (971) 673-0490.

(8) Tanning operators shall maintain a list of the common photosensitizing agents as provided by the Public Health Division, FDA, or other appropriate authorities, available for review by customers.

(9) Tanning facilities are prohibited from controlling the use of tanning devices solely with token timer systems.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.930

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0100

Equipment

(1) The registrant shall use only tanning devices manufactured in accordance with the specifications set forth in 21 CFR Part 1040, Section 1040.20, "Sunlamp Products and Ultraviolet Lamps Intended for Use in Sunlamp Products."

(2) Each sunlamp product or Ultraviolet Lamp used in these facilities shall not emit measurable Ultraviolet C radiation.

(3) Each Ultraviolet Lamp contained within the sunlamp product shall be shielded so as to not come into contact with the customer. A transparent acrylic cover shall be used for this purpose.

(4) Tanning booths in which the customer is in a standing position shall be provided with a handrail for the customer to hold onto during operation of the booth.

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(a) The construction of the booth shall be such that it will have the strength to withstand the stress of use and the impact of a falling person.

(b) Entry to stand-up booths shall be of rigid construction with doors which are non-latching and open outwardly.

(5) Each tanning device shall have, clearly marked, the appropriate position the customer is to assume prior to operation.

(6) Each tanning device shall prominently display the following label or equivalent warning/information label:

DANGER - ULTRAVIOLET RADIATION.
FOLLOW INSTRUCTIONS CAREFULLY
DO NOT ENTER WITHOUT PROTECTIVE EYEWEAR

(7) Adequate means shall be provided to enable a customer to summon assistance from the exposure position.

(8) All persons hired for servicing and repair of tanning devices shall be a Department licensed service technician or State of Oregon licensed electrician.

(9) Original Equipment Manufacturer (OEM) replacement parts (or equivalent) shall be used, if available, to prevent UL/ETL delisting of tanning devices. All local, State of Oregon, and National Electrical Codes must be observed during service and repair actions.

(10) Defective or burned out tanning lamps or bulbs shall be replaced with a type intended for use in the device and shall be of the same Ultraviolet range (A or B) as the manufacturer specifies, and shall be the original lamp type as specified by the manufacturer, or certified as an equivalent lamp per 21 CFR 1040.20.

(11) If equivalent lamps are used instead of the Original Equipment Manufacturer (OEM) required lamps, a copy of the equivalency certification, provided by the lamp supplier, shall be maintained on file for review by Department inspectors.

(12) Defective or burned out tanning lamps and tanning lamps which have been operated in a tanning device for the manufacturer's maximum rated lamp hour life, shall be disposed of in a safe and proper manner to prevent unauthorized and unsafe use as lighting devices. Used tanning lamps are prohibited from being resold for any purpose.

(13) If the Ultraviolet tanning device is not in an individual cubicle, then a suitable screen, curtain, or other shield shall be provided, maintained, and used to prevent unnecessary exposure to Ultraviolet radiation of persons not using the device.

(14) The facility operator shall ensure that customers do not exceed the exposure time indicated by the manufacturer.

(15) Each tanning device shall have a timer that complies with the requirements of 21 CFR Part 1040, Section 1040.20 (c)(2).

(a) The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time.

(b) Tanning device timers shall be controlled by a properly trained operator. A remote timer control system shall be used for this purpose.

(c) Each tanning device shall be equipped with an emergency shut-off mechanism to allow manual termination of the UV exposure by the customer, as required by 21 CFR 1040.20(c)(3).

(16) Each timer must be functional and accurate to within ± 10 percent.

(17) The registrant shall ensure that the timer is checked annually for accuracy.

(18) All tanning devices shall be maintained to the minimum requirements of the manufacturer.

(19) Each tanning device shall be equipped with an hour meter to accurately determine lamp hour use and recording of maintenance service on each device.

Stat. Auth.: ORS 431.925 - 431.955
Stats. Implemented: ORS 431.655, 431.930 & 431.945
Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0110

Records and Reports

(1) The registrant shall maintain a record of each customer's total number of tanning visits, dates and durations of tanning exposures.

(2) The registrants shall maintain a record of each customer's signature and acknowledgement that they understand the potential risks involved with exposure to Ultraviolet radiation and overexposure, and that they have reviewed a photosensitizing drug list.

(3) The registrant shall maintain all records of parental consent regarding minors.

(4) The registrant shall submit to the Department a written report of injury for which medical attention was sought or obtained from the use of

registered tanning devices within five working days after occurrence. The report shall include:

(a) The name, address and phone number of the affected individual;

(b) The name, location and phone number of the tanning facility involved;

(c) The nature of the actual or alleged injury; and

(d) Any other information relevant to the actual or alleged injury to include the date and duration of exposure and any documentation of medical attention sought or obtained.

(5) The registrant shall maintain records showing the results of annual timer tests.

(6) The registrant shall maintain a record of operator training as required in OAR 333-119-0080(4).

(7) The registrant shall maintain the following information for each tanning device:

(a) Manufacturer's equipment manual and any other service related material or instruction; and

(b) The exposure schedule developed by the manufacturer; and

(c) Records of surveys, inspections, maintenance, and modifications performed on the tanning device with names of persons performing such services, the date of service, and the hour meter reading of the device serviced.

(8) Records shall be maintained showing the receipt, transfer, repair and disposal of all tanning devices and lamps.

(9) All required records shall be maintained until inspected by the Department and shall be so filed as to be readily available for review.

Stat. Auth.: ORS 431.925 - 431.955
Stats. Implemented: ORS 431.925 - 431.955
Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0120

Advertising

(1) No person or facility shall advertise the use of any Ultraviolet A or Ultraviolet B tanning device using wording such as "Safe", "Safe Tanning", "No Harmful Rays", "No Adverse Effect", or similar wording or concepts.

(2) No person, in any advertisement, shall refer to the fact that such person, or such person's facility, is registered with the Department pursuant to the provisions of this division, and no person shall state or imply that any activity under such registration has been approved by the Department.

(3) No person or facility shall advertise or promote tanning packages labeled as "unlimited".

(4) Tanning packages shall include the following written tanning guidelines for all clients:

(a) Initial tanning sessions (three to five) are limited to intervals of at least 48 hours between sessions to allow adequate time for melanin activation and transit to occur prior to subsequent exposures. The manufacturer's recommended exposure schedule posted on tanning devices or listed in the operating manual for the tanning device shall be followed by tanning operators advising new clients during initial tanning sessions.

(b) After the initial (three to five) tanning exposures, tanning sessions are limited to one tanning session per 24-hour period (or one tanning session per 48 hours on tanning devices so labeled) with customers being properly advised of the manufacturer's recommended exposure schedule posted on tanning devices or listed in the operating manual for the tanning device.

(c) Promotion of annual tanning packages shall include a written statement listing the total number of sessions allowed per person, per year (recommendations should generally not exceed two sessions per week and the maximum of 30-50 sessions per year as recommended by the International Radiation Protection Association (IRPA) and other authorities).

Stat. Auth.: ORS 431.925 - 431.955
Stats. Implemented: ORS 431.930
Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0130

Exemptions

(1) The Department may, upon application therefore or upon its own initiative, grant such exemptions or exceptions from the requirements of the rules in this section as it determines are authorized by law and will not result in undue hazard to public health and safety.

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(2) A phototherapy device used by or under the direct supervision of a physician licensed under ORS chapter 677 is exempt from the requirements of this division.

(3) Any individual is exempt from the provisions of this division to the extent that such individual owns a tanning device exclusively for personal use.

(4) Tanning devices, while in transit or storage incidental thereto, are exempt from the provisions of this division.

(5) Tanning devices located in any facility having public access are required to have the power supply physically disconnected from the device and lamps removed in order to qualify for a no-fee-required storage designation. Tanning devices with lamps installed and power active to the device are required to be registered with the Department and pay applicable fees.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0140

Denial, Revocation, Termination of Registration

(1) The Department may deny, suspend or revoke registration issued pursuant to this division:

(a) For any written false statement in the application for registration or in any statement of fact as required by provisions of this division; or

(b) Because of conditions revealed by the application or any report, record, inspection or other means which would warrant the Department to refuse to grant a registration; or

(c) For operation of the tanning facility in a manner that causes or threatens to cause hazard to the public health or safety; or

(d) For failure to allow authorized representatives of the Department to enter the tanning facility at reasonable times for the purpose of determining compliance with the provisions of this division, or an order of the Department; or

(e) For violation of, or failure to observe any of the terms and conditions of the rules in this division, or an order of the Department; or

(f) For failure to properly dispose of used tanning lamps and thus allowing possible use in an unauthorized or hazardous manner.

(2) Except in cases of willfulness or cases in which the public health, interest or safety requires otherwise, prior to the institution of proceedings for suspension or revocation of a registration, the Department shall:

(a) Call to the attention of the registrant, in writing, the facts or conduct which may warrant such actions; and

(b) Provide reasonable opportunity for the registrant to demonstrate or achieve compliance with all lawful requirements.

(3) Any person aggrieved by a decision by the Department to deny a registration or to suspend or revoke a registration after issuance may request a hearing.

(4) The Department may terminate a registration upon receipt of a written request for termination from the registrant.

(5) The Department may, by rule, regulation, or order, impose upon any registrant such requirements in addition to those established in this regulation as it deems appropriate or necessary to minimize danger to public health and safety or property.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.950

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-119-0200

Vendor Responsibilities

(1) Any person who sells, leases, transfers, or lends tanning devices in this state

shall notify the Department of the following within 30 days after each sale or installation:

(a) Name and address of persons who have received these devices;

(b) The manufacturer model and serial numbers of each device; and

(c) The date of transfer.

(2) No person shall make, sell, lease, transfer, lend or install tanning devices or the supplies used in connection with such devices unless such supplies and equipment when placed in operation and use, will meet the requirements of these rules.

(3) State of Oregon identification numbers shall not be removed, altered or defaced by any vendor doing business in this state, without written permission of the Department.

(4) Vendors of tanning devices, replacement lamps, sanitizers, protective eyewear, UV light measurement devices, calibration of measurement equipment, remote timer systems, computer control systems, repair or cleaning services, parts supplies, or operator training are required to apply for a license for sales, services and servicing as specified in OAR 333-101-0020. Vendor License application forms will be furnished by the Department. Vendors are prohibited from providing tanning equipment installation, servicing and/or services prior to the Department issuing a licensing certificate to the vendor.

(5) Vendors providing operator training services are required to apply for a license for services as specified in OAR 333-101-0020. Training-services vendors are required to furnish a copy of all training materials (including a sample examination) to the Department for review and comment prior to offering operator training courses. Vendors shall maintain records of course completion and test results for a period of at least three years from the date of the operator training course. A copy of the list of persons successfully completing operator training shall be furnished to the Department including the following:

(a) A copy of the training materials used for the specific course offered; and

(b) A list of qualified training personnel including training experience; and

(c) A list of persons trained with test scores listed and tanning facility name and address provided; and

(d) At least one Department staff member shall be invited to attend any operator training course offered within the State of Oregon without charge.

(6) Not-for-profit industry sponsored training organizations are permitted to utilize recognized industry qualified experts as adjunct instructors for specific modules of training course materials that have been reviewed and authorized by the Department.

Stat. Auth.: ORS 431.925 - 431.955

Stats. Implemented: ORS 431.925 - 431.955

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0015

Definitions

(1) "Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

(2) "Activity" is the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the becquerel (Bq) and the Curie (Ci). The becquerel is equal to one disintegration per second (dps) and the Curie is equal to 3.7×10^{10} dps.

(3) "Adult" means an individual 18 or more years of age.

(4) "Airborne radioactive material" means radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors, or gases.

(5) "Airborne radioactivity area" means a room, enclosure, or area in which the airborne radioactive materials, composed wholly or partly of licensed material, exist in concentrations:

(a) In excess of the derived air concentrations (DACs) specified in 10 CFR 20 Appendix B; or

(b) To such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours present in a week, and intake of 0.6 percent of the annual limit of intake (ALI) or 12 DAC hours.

(6) "Air-purifying respirator" means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

(7) "ALARA" (acronym for "as low as is reasonably achievable") means making every reasonable effort to maintain exposures to radiation as far below the dose limits in this division as is practical consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the use of licensed materials in the public interest.

(8) "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a

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committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table I, Columns 1 and 2, of Appendix B.

(9) "Assigned protection factor (APF)" means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

(10) "Atmosphere supplying respirator" means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

(11) "Background radiation" means radiation from cosmic sources; naturally occurring radioactive material, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include radiation from radioactive or special nuclear materials regulated by the Department.

(12) "Bioassay" (radiobioassay) means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

(13) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D, Days, of less than 10 days; for Class W, Weeks, from 10 to 100 days; and for Class Y, Years, of greater than 100 days. For purposes of these regulations, "lung class" and "inhalation class" are equivalent terms.

(14) "Collective dose" is the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

(15) "Committed dose equivalent" (HT,50) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

(16) "Committed effective dose equivalent" (HE,50) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues (HE,50) = The Sum of WTHT,50.

(17) "Controlled area" means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason.

(18) Constraint (dose constraint) means a value above which specified licensee actions are required.

(19) "Critical Group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

(20) "Declared pregnant woman" means a woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

(21) "Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits:

(a) Release of the property for unrestricted use and termination of the license; or

(b) Release of the property under restricted conditions and termination of the license.

(22) "Deep-dose equivalent" (Hd), which applies to external whole-body exposure, is the dose equivalent at a tissue depth of one cm (1000 mg/cm²).

(23) "Demand respirator" means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

(24) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work, results in an intake of one ALI. For purposes of these regulations, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for 2,000 hours

in a year. DAC values are given in Table I, Column 3, of 10 CFR 20 Appendix B.

(25) "Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

(26) "Disposable respirator" means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

(27) "Distinguishable from background" means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

(28) "Dose or radiation dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, or total effective dose equivalent, as defined in this rule.

(29) "Dose equivalent" (HT) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and sievert (Sv).

(30) "Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

(31) "Effective Dose Equivalent" (HE) is the sum of the products of the dose equivalent to the organ or tissue (HT) and the weighting factor (WT) applicable to each of the body organs or tissues that are irradiated (HE = The Sum of WTHT).

(32) "Embryo/fetus" means the developing human organism from conception until the time of birth.

(33) "Entrance or access point" means any location through which an individual could gain access to radiation areas or to radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

(34) "Exposure" means being exposed to ionizing radiation or to radioactive material.

(35) "External dose" means that portion of the dose equivalent received from radiation sources outside the body.

(36) "Extremity" means hand, elbow, arm below the elbow, foot, knee, or leg below the knee.

(37) "Eye dose equivalent" applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²). (See "lens dose equivalent").

(38) "Filtering facepiece (dust mask)" means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

(39) "Fit factor" means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

(40) "Fit test" means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

(41) "Generally applicable environmental radiation standards" means standards issued by the Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(42) "Helmet" means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

(43) "High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of one mSv (0.1 rem) in one hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

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(44) "Hood" means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

(45) "Individual" means any human being.

(46) "Individual monitoring" means:

(a) The assessment of dose equivalent by the use of devices designed to be worn by an individual;

(b) The assessment of committed effective dose equivalent by bioassay (see Bioassay) or by determination of the time-weighted air concentrations to which an individual has been exposed, i.e. DAC-hours; or

(c) The assessment of dose equivalent by the use of survey data.

(47) "Individual monitoring devices" (individual monitoring equipment) means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescence dosimeters (TLDs), pocket ionization chambers, and personal ("lapel") air sampling devices.

(48) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

(49) "Lens dose equivalent (LDE)" applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

(50) "Loose fitting facepiece" means a respiratory inlet covering that is designed to form a partial seal with the face.

(51) "Member of the public" means any individual except when that individual is receiving an occupational dose.

(52) "Minor" means an individual less than 18 years of age.

(53) "Monitoring (radiation monitoring, radiation protection monitoring)" means the measurement of radiation levels, concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

(54) "Nationally Tracked Source" means a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of radioactive material listed in 10 CFR Part 20, Appendix E.

(55) "Negative pressure respirator (tight fitting)" means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

(56) "Nonstochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of these regulations, "deterministic effect" is an equivalent term.

(57) "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material for medical purposes and released under OAR 333-116-0260, from voluntary participation in medical research programs, or as a member of the public.

(58) "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

(59) "Positive pressure respirator" means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

(60) "Pressure demand respirator" means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

(61) "Public dose" means the dose received by a member of the public from exposure to radiation or radioactive material released by a licensee, or to any other source of radiation under the control of a licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material for medical purposes and released under OAR 333-116-0260, or from voluntary participation in medical research programs.

(62) "Qualitative fit test (QLFT)" means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

(63) "Quantitative fit test (QNFT)" means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

(64) "Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately 13 consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

(65) "Radiation" (ionizing radiation) means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. Radiation, as used in this part, does not include non-ionizing radiation, such as radio- or microwaves, or visible, infrared, or ultraviolet light.

(66) "Radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates.

(67) "Reference man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health employees to standardize results of experiments and to relate biological insult to a common base. A description of the reference man is contained in the International Commission on Radiological Protection report, ICRP Publication 23, "Report of the Task Group on Reference Man."

(68) "Residual radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site.

(69) "Restricted area" means an area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

(70) "Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

(71) "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

(72) "Self-contained breathing apparatus (SCBA)" means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

(73) "Shallow-dose equivalent" (HS), which applies to the external exposure of the skin of the whole body or the skin of an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm²) averaged over an area of one square centimeter.

(74) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee.

(75) "Stochastic effect" means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of these regulations, "probabilistic effect" is an equivalent term.

(76) "Supplied-air respirator (SAR)" or airline respirator means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

(77) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation. When appropriate, such an evaluation includes a physical survey of the location of radioactive material and measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.

(78) "Tight-fitting facepiece" means a respiratory inlet covering that forms a complete seal with the face.

(79) "Total Effective Dose Equivalent" (TEDE) means the sum of the deep-dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

(80) "Unrestricted area" means an area, access to which is neither limited nor controlled by the licensee.

(81) "User seal check" means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

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(82) "Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of five gray (500 rad) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates. At very high doses received at high dose rates, units of absorbed dose, gray and rad, are appropriate, rather than units of dose equivalent, sievert and rem.

(83) "Weighting factor" (WT) for an organ or tissue means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of WT are:

Organ Dose Weighting Factors	
Organ or Tissue -- WT	
Gonads	-- 0.25
Breast	-- 0.15
Red bone marrow	-- 0.12
Lung	-- 0.12
Thyroid	-- 0.03
Bone surfaces	-- 0.03
Remainder	-- 0.30 (see (a) below)
Whole Body	-- 1.00 (see (b) below)

(a) 0.30 results from 0.06 for each of five "remainder" organs, excluding the skin and the lens of the eye that receives the highest doses.

(b) For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, WT = 1.0, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

(84) "Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow, or legs above the knee.

(85) "Working level" (WL) is any combination of short-lived radon daughters (for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212) in one liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy.

(86) "Working level month" (WLM) means an exposure to one working level for 170 hours (2,000 working hours per year/12 months per year equals approximately 170 hours per month).

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0017 Implementation.

(1) Any existing license or registration condition that is more restrictive than OAR 333-120 remains in force until there is an amendment or renewal of the license or registration.

(2) If a license or registration condition exempts a licensee or registrant from a provision of OAR 333-120 in effect on or before July 1, 2006, it also exempts the licensee or registrant from the corresponding provision of OAR 333-120.

(3) If a license or registration condition cites provisions of OAR 333-120 in effect prior to July 1, 2006, which do not correspond to any provisions of OAR 333-120, the license or registration condition remains in force until there is an amendment or renewal of the license or registration that modifies or removes this condition.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0020 Radiation Protection Programs

(1) Each licensee or registrant must develop, document, and implement a radiation protection program commensurate with the scope and extent of licensed or registered activities and sufficient to ensure compliance with the provisions of this division. (See OAR 333-120-0610 for record keeping requirements relating to these programs.)

(2) Each licensee or registrant must use, to the extent practicable, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).

(3) Each licensee or registrant must periodically (at least annually) review the radiation protection program content and implementation.

(4) To implement the ALARA requirements of section (2) of this rule, and notwithstanding the requirements in OAR 333-120-0180, a constraint on air emissions of radioactive material to the environment, excluding Radon-222 and its daughters, must be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of ten mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee must report the excess as provided in OAR 333-120-0720 and promptly take appropriate corrective action to ensure against recurrence.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0100 Occupational Dose Limits For Adults

(1) Each licensee or registrant must control the occupational dose to individual adults, except for planned special exposures under OAR 333-120-0150, to the following dose limits:

(a) An annual limit, which is the more limiting of:

(A) The total effective dose equivalent being equal to 0.05 Sv (5 rem);

or

(B) The sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 0.5 Sv (50 rem).

(b) The annual limits to the lens of the eye, to the skin, and to the extremities that are:

(A) A lens dose equivalent of 0.15 Sv (15 rem); and

(B) A shallow-dose equivalent of 0.50 Sv (50 rem) to the skin of the whole body or to the skin of any extremity.

(2) Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, must be subtracted from the limits for planned special exposures, as defined in OAR 333-100-0005, that the individual may receive during the current year OAR 333-120-0150(5)(a) and during the individual's lifetime OAR 333-120-0150(5)(b).

NOTE: A licensee or registrant may permit a radiation worker to receive more than 0.05 Sv (5 rem) per year TEDE or 0.5 Sv (50 rem) to the skin, extremities, or organ, or 0.15 Sv (15 rem) to the lens of the eye during a planned special exposure (PSE) only if: (a) there are no other alternatives available or practical; (b) the PSE is authorized in writing before it occurs; (c) the individuals who will be exposed are told the reason for the PSE, the dose they are expected to receive, the risks from that dose and the conditions under which they will be working (e.g. radiation or contamination levels), and how to keep their doses ALARA; (d) the licensee or registrant determines the worker's prior doses (lifetime history); (e) the total dose expected from the PSE plus any previous doses over the annual limit do not exceed the standard annual dose limits, or five times the standard limits in the worker's lifetime; (f) the licensee or registrant maintains the appropriate records and files the appropriate reports; and (g) after the PSE, the licensee or registrant records the dose received and notifies the worker in writing of the dose received within 30 days after the PSE. The dose received from the PSE does not affect the worker's ability to receive the standard annual doses but is included in the worker's lifetime history and added to any future PSEs.

(3) The assigned deep-dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow-dose equivalent must be the dose averaged over the contiguous ten square centimeters of skin receiving the highest exposure. The deep-dose equivalent, lens-dose equivalent, and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable:

(a) The deep-dose equivalent, lens dose equivalent and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable; or

(b) When a protective apron is worn while working with medical fluoroscopic equipment and monitoring is conducted as specified in OAR 333-120-0210(1)(e) the effective dose equivalent for external radiation must be determined as follows:

(A) When only one individual monitoring device is used and it is located at the neck outside the protective apron, the reported deep dose equivalent must be the effective dose equivalent for external radiation; or

(B) When only one individual monitoring device is used and it is located at the neck outside the protective apron, and the reported dose exceeds 25 percent of the limit specified in section (1) of this rule the reported deep dose equivalent value multiplied by 0.3 must be the effective dose equivalent for external radiation; or

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(C) When individual monitoring devices are worn, both under the protective apron at the waist and outside the protective apron at the neck, the effective dose equivalent for external radiation must be assigned the value of the sum of the deep dose equivalent reported for the individual monitoring device located at the waist under the protective apron multiplied by 1.5 and the deep dose equivalent reported for the individual monitoring device located at the neck outside the protective apron multiplied by 0.04.

(4) Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in 10 CFR Part 20 Table 1 of Appendix B to 20.1001 to 20.2401 and may be used to determine the individual's dose (OAR 333-120-0650) and to demonstrate compliance with the occupational dose limits.

(5) In addition to the annual dose limits, the licensee must limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (see 10 CFR Part 20 footnote 3 of Appendix B to 20.1001 to 20.2401).

(6) When monitoring is required by OAR 333-120-0210 each licensee or registrant must reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person (OAR 333-120-0630(5)).

(7) The licensee must reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person.

[ED. NOTE: Appendices referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0110

Compliance with Requirements for Summation of External and Internal Doses

(1) If the licensee is required to monitor under OAR 333-120-0210(1) and (2), the licensee must demonstrate compliance with the dose limits by summing external and internal doses. If the licensee is required to monitor only under OAR 333-120-0210(1) or only under 333-120-0210(2), then summation is not required to demonstrate compliance with the dose limits. The licensee may demonstrate compliance with the requirements for summation of external and internal doses by meeting one of the conditions specified in section (2) of this rule and the conditions in sections (3) and (4) of this rule.

NOTE: The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation, but are subject to separate limits.

(2) Intake by Inhalation. If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep-dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity:

(a) The sum of the fractions of the inhalation ALI for each radionuclide; or

(b) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000; or

(c) The sum of the calculated committed effective dose equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit.

NOTE: An organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors, WT, and the committed dose equivalent, HT₅₀, per unit intake is greater than ten percent of the maximum weighted value of HT₅₀ (i.e. WTHT₅₀) per unit intake for any organ or tissue.

(3) Intake by Oral Ingestion. If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than ten percent of the applicable oral ALI, the licensee must account for this intake and include it in demonstrating compliance with the limits.

(4) Intake Through Wounds or Absorption Through Skin. The licensee must evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be further evaluated.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0120

Determination of External Dose from Airborne Radioactive Material

Licensees must, when determining the dose from airborne radioactive material, include the contribution to the deep-dose equivalent, lens dose equivalent, and shallow-dose equivalent from external exposure to the radioactive cloud (10 CFR, Part 20, Appendix B, Footnotes 1 and 2 to 20.1001 to 20.2401).

NOTE: Airborne radioactivity measurements and DAC values should not be used as the primary means to assess the deep-dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep-dose equivalent to an individual should be based upon measurements using instruments or individual monitoring devices.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0130

Determination of Internal Exposure

(1) For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee must, when required under OAR 333-120-0210, take suitable and timely measurements of:

- Concentrations of radioactive materials in air in work areas; or
- Quantities of radionuclides in the body; or
- Quantities of radionuclides excreted from the body; or
- Combinations of these measurements.

(2) Unless respiratory protective equipment is used, as provided in OAR 333-120-0320 or the assessment of intake is based in bioassays, the licensee must assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.

(3) When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior or the material in an individual is known, the licensee may:

(a) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee must document that information in the individual's record; and

(b) Upon prior approval of the Department, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material (e.g. aerosol size distribution or density); and

(c) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of given radionuclide (see 10 CFR Part 20 Appendix B to 20.1001 to 20.2401) to the committed effective dose equivalent.

(4) If the licensee chooses to assess intakes of Class Y material using the measurements given in sections (1), (2) or (3) of this rule, the licensee may delay the recording and reporting of the assessments for periods up to seven months, unless otherwise required by OAR 333-120-0710 or 333-120-0720, in order to permit the licensee to make additional measurements basic to the assessments.

(5) If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours must be either:

(a) The sum of the ratios of the concentration to the appropriate DAC value (e.g. D, W, Y) from 10 CFR Part 20 Appendix B to 20.1001 to 20.2401 for each radionuclide in the mixture; or

(b) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

(6) If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture must be the most restrictive DAC of any radionuclide in the mixture.

(7) When a mixture of radionuclides in air exists, licensees may disregard certain radionuclides in the mixture if:

(a) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in OAR 333-120-0100 and in complying with the monitoring requirements in OAR 333-120-0210(2); and

(b) The concentration of any radionuclide disregarded is less than 10 percent of its DAC; and

(c) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

(8) When determining the committed effective dose equivalent, the following information may be considered:

(a) In order to calculate the committed effective dose equivalent, the licensee may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of 0.05 Sv (5

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rem) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.

(b) When the ALI (and the associated DAC) is determined by the non-stochastic organ dose limit of 0.50 Sv (50 rem), the intake of radionuclides that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) (the stochastic ALI) is listed in parentheses in 10 CFR Part 20 Table 1 of Appendix B to 20.1001 to 20.2401. In this case, the licensee may, as a simplifying assumption, use the stochastic ALIs to determine committed effective dose equivalent. However, if the licensee uses the stochastic ALIs, the licensee also must demonstrate that the limit in OAR 333-120-0100(1)(a)(B) is met.

[ED. NOTE: Appendices referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0160

Occupational Dose Limits for Minors

The annual occupational dose limits for minors are 10 percent of the annual dose limits specified for adult workers in OAR 333-120-0100.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0170

Dose to an Embryo/Fetus

(1) The licensee or registrant must ensure that the dose equivalent to an embryo/fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman does not exceed five mSv (0.5 rem). Records must be kept in accordance with OAR 333-120-0650.

NOTE: A woman is not a declared pregnant woman unless she says so in writing without being coerced. Unless a woman, who also is a radiation worker, has declared her pregnancy as required, she is to be treated as any other radiation worker. Pursuant to Title VII of the Civil Rights Act of 1964, as amended, no employer may restrict a fertile female's job because of concern for the health of the fetus that a woman might conceive. The court held that sex-specific fetal-protection policies are forbidden. Additionally, a female worker legally can declare pregnancy if she does not yet have documented medical proof. The document, "Instruction Concerning Prenatal Radiation Exposure," discusses declared pregnancy. It is available from Public Health Division, Radiation Protection Services Suite 640, 800 N.E. Oregon St., Portland, OR 97232, phone (971) 673-0490.

(2) The licensee or registrant must make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in section (1) of this rule.

(3) The dose equivalent to an embryo/fetus must be taken as the sum of:

(a) The deep-dose equivalent to the declared pregnant woman; and

(b) The dose equivalent to the embryo/fetus from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman. If the dose equivalent to the embryo/fetus is found to have exceeded 0.5 rem (5 mSv), or is within 0.05 rem (0.5 mSv) of this dose, by the time the woman declares the pregnancy to the licensee, the licensee shall be deemed to be in compliance with subsection (3)(a) of this rule if the additional dose equivalent to the embryo/fetus does not exceed 0.05 rem (0.5 mSv) during the remainder of the pregnancy.

(4) If the dose equivalent to the embryo/fetus is found to have exceeded five mSv (0.5 rem), or is within 0.5 mSv (0.05 rem), by the time the woman declares the pregnancy to the licensee or registrant, the licensee or registrant shall be deemed to be in compliance with section (1) of this rule if the additional dose to the embryo/fetus does not exceed 0.5 mSv (0.05 rem) during the remainder of the pregnancy.

NOTE: If a pregnant radiation worker declares in writing to the licensee that she is pregnant, the dose limit to the embryo/fetus is five mSv (0.5 rem) during the entire pregnancy. The dose that is controlled is the dose to the embryo/fetus, not the dose to the woman, although for external penetrating radiation, the two are virtually synonymous.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0180

Dose Limits for Individual Members of the Public

(1) Each licensee or registrant must conduct operations so that:

(a) The total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed one mSv (0.1 rem) in a year, exclusive of the dose contributions from background,

from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with OAR 333-116-0260, from voluntary participation in medical research programs, and the licensee's disposal of radioactive material into sanitary sewerage in accordance with OAR 333-120-0520; and

(b) The dose in any unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material and released in accordance with OAR 333-116-0260, does not exceed 0.02 mSv (0.002 rem) in any one hour.

(2) If the licensee or registrant permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individuals.

(3) Notwithstanding subsection (1)(a) of this rule, a licensee may permit visitors to an individual who cannot be released, under OAR 333-116-0260, to receive a radiation dose greater than 0.1 rem (1 mSv) if:

(a) The radiation dose received does not exceed 0.5 rem (5 mSv); and

(b) The authorized user, as defined in OAR 333-116-0020, has determined prior to the visit that it is appropriate.

(4) A licensee, registrant or applicant may apply for prior Department authorization to operate up to an annual dose limit for an individual member of the public of five mSv (0.5 rem). The licensee, registrant or applicant must include the following information in this application:

(a) Demonstration of the need for and the expected duration of operations in excess of the limit in section (1) of this rule; and

(b) The licensee's or registrant's program to assess and control dose within the five mSv (0.5 rem) annual limit; and

(c) The procedures to be followed to maintain the dose as low as is reasonably achievable.

(5) In addition to the requirements of this division, a licensee or registrant subject to the provisions of EPA's generally applicable environmental radiation standards in 40 CFR Part 190 must comply with those standards.

(6) The Department may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the collective dose.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0200

General

(1) Each licensee or registrant must make or cause to be made, surveys that:

(a) Are necessary for the licensee or registrant to comply with the rules in this division; and

(b) Are reasonable under the circumstances to evaluate:

(A) The magnitude and extent of radiation levels; and

(B) The concentrations or quantities of radioactive material; and

(C) The potential radiological hazards that could be present.

(2) The licensee or registrant must ensure that instruments and equipment used for quantitative radiation measurements (e.g. dose rate and effluent monitoring) are calibrated at intervals not to exceed 12 months for the radiation measured, except when a more frequent interval is specified in another applicable division or a license condition.

(3) All personnel dosimeters (except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to the extremities) that require processing to determine the radiation dose and that are used by licensees or registrants to comply with OAR 333-120-0100, with other applicable provisions of this division or with conditions specified in a license must be processed and evaluated by a dosimetry processor:

(a) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(b) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

(4) The licensee or registrant must ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

ADMINISTRATIVE RULES

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0210

Conditions Requiring Individual Monitoring of External and Internal Occupational Dose

Each licensee or registrant must monitor exposures to radiation and radioactive material at levels sufficient to demonstrate compliance with the occupational dose limits of this division. As a minimum:

(1) Each licensee or registrant must monitor occupational exposure to radiation and must supply and require the use of individual monitoring devices by:

(a) Adults likely to receive, in one year from sources external to the body, a dose in excess of 10 percent of the limits in OAR 333-120-0100(1);

(b) Minors likely to receive, in one year from sources external to the body, a dose in excess of 10 percent of any of the applicable limits in OAR 333-120-0160 or 333-120-0170;

(c) Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of one mSv (0.1 rem);

(d) Individuals entering a high or very high radiation area; and

(e) Individuals working with medical fluoroscopic equipment.

(A) An individual monitoring device used for the dose to an embryo/fetus of a declared pregnant woman, pursuant to OAR 333-120-0170(1), must be located under the protective apron at the waist.

(B) An individual monitoring device used for lens dose equivalent must be located at the neck, or an unshielded location closer to the lens, outside the protective apron.

(C) When only one individual monitoring device is used to determine the effective dose equivalent for external radiation pursuant to OAR 333-120-0100(3)(b) it must be located at the neck outside the protective apron. When a second individual monitoring device is used, for the same purpose, it must be located under the protective apron at the waist. The second individual monitoring device is required for a declared pregnant woman.

(2) Each licensee or registrant must monitor (OAR 333-120-0130) the occupational intake of radioactive material by and assess the committed effective dose equivalent to:

(a) Adults likely to receive, in one year, an intake in excess of 10 percent of the applicable ALI(s) in 10 CFR Part 20 Table 1, Columns 1 and 2, of Appendix B to 20.1001 to 20.2401; and

(b) Minors likely to receive, in one year, from radiation sources external to the body, a deep dose equivalent in excess of one mSv (0.1 rem), a lens dose equivalent in excess of 0.15 rem (1.5 mSv), or a shallow dose equivalent to the skin or to the extremities in excess of 0.5 rem (5 mSv).

(c) Declared pregnant women likely to receive, during the entire pregnancy, from radiation sources external to the body, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).

[ED. NOTE: Appendices referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0215

Location of Individual Monitoring Devices

Each licensee or registrant must ensure that individuals who are required to monitor occupational doses in accordance with OAR 333-120-0210(1) wear individual monitoring devices as follows:

(1) An individual monitoring device used for monitoring the dose to the whole body must be worn at the unshielded location of the whole body likely to receive the highest exposure. When a protective apron is worn, the location of the individual monitoring device is typically at the neck (collar);

(2) An individual monitoring device used for monitoring the dose to an embryo/fetus of a declared pregnant woman, pursuant to OAR 333-120-0170(1), must be located at the waist under any protective apron being worn by the woman;

(3) An individual monitoring device used for monitoring the lens dose equivalent, to demonstrate compliance with OAR 333-120-0100(1)(b)(A), must be located at the neck (collar), outside any protective apron being worn by the monitored individual, or at an unshielded location closer to the eye;

(4) An individual monitoring device used for monitoring the dose to the extremities, to demonstrate compliance with OAR 333-120-0100(1)(b)(B), must be worn on the extremity likely to receive the highest

exposure. Each individual monitoring device must be oriented to measure the highest dose to the extremity being monitored.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0230

Control of Access to Very High Radiation Areas

(1) In addition to the requirements in OAR 333-120-0220, the licensee or registrant must institute additional measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at five gray (500 rad) or more in one hour at one meter from a radiation source or any surface through which the radiation penetrates.

(2) The licensee or registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a very high radiation area as described in OAR 333-120-0220 if the licensee or registrant has met all the specific requirements for access and control specified in OAR chapter 333, division 105 (industrial radiography), division 106 (X-rays in the healing arts), division 109 (particle accelerators), and division 123 (therapeutic radiation machines).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0240

Control of Access to Very High Radiation Areas — Irradiators

This rule applies to licensees or registrants with sources of radiation in non-self-shielded irradiators. It does not apply to sources of radiation that are used in teletherapy, in industrial radiography, or in completely self-shielded irradiators in which the source of radiation is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create high levels of radiation in an area that is accessible to any individual.

(1) Each area in which there may exist radiation levels in excess of five gray (500 rad) in one hour at one meter from a sealed radioactive source that is used to irradiate materials must meet the following requirements.

(a) Each entrance or access point must be equipped with entry control devices which:

(A) Function automatically to prevent any individual from inadvertently entering the area when very high radiation levels exist; and

(B) Permit deliberate entry into the area only after a control device is actuated that causes the radiation level within the area, from the sealed source, to be reduced below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of one mSv (0.1 rem) in one hour; and

(C) Prevent operation of the source if the source would produce radiation levels in the area that could result in a deep-dose equivalent to an individual in excess of one mSv (0.1 rem) in one hour.

NOTE: This rule applies to radiation from accelerators, and byproduct, source, NARM, or special nuclear radioactive materials that are used in sealed sources in non-self-shielded irradiators. This rule does not apply to radioactive or X-ray sources that are used in teletherapy or medical accelerators, in radiography, or in completely self-shielded irradiators in which the source is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create high levels of radiation in an area that is accessible to any individual. This rule also does not apply to sources from which the radiation is incidental to some other use.

(b) Additional control devices must be provided so that, upon failure of the entry control devices to function as required by subsection (1)(a) of this rule:

(A) The radiation level within the area, from the sealed source, or radiation source is reduced below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of one mSv (0.1 rem) in one hour; and

(B) Conspicuous visible and audible alarm signals are generated to make an individual attempting to enter the area aware of the hazard and at least one other authorized individual, who is physically present, familiar with the activity, and prepared to render or summon assistance, aware of the failure of the entry control devices.

(c) The licensee or registrant must provide control devices so that, upon failure or removal of physical radiation barriers other than the radiation source's shield or shielded storage container:

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(A) The radiation level from the radiation source is reduced below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of one mSv (0.1 rem) in one hour; and

(B) Conspicuous visible and audible alarm signals are generated to make potentially affected individuals aware of the hazard and the licensee/registrant or at least one other individual, who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier.

(d) When the shield for the stored source is a liquid, the licensee or registrant must provide means to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding.

(e) Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of subsections (1)(c) and (d) of this rule.

(f) Each area must be equipped with devices that will automatically generate conspicuous visible and audible alarm signals to alert personnel in the area before the source can be put into operation and in sufficient time for any individual in the area to operate a clearly identified control device, which must be installed in the area and which can prevent the source from being put into operation.

(g) Each area must be controlled by use of such administrative procedures and such devices as are necessary to ensure that the area is cleared of personnel prior to each use of the radiation source.

(h) Each area must be checked by a radiation measurement to ensure that, prior to the first individual's entry into the area after any use of the source, the radiation level from the source in the area is below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of one mSv (0.1 rem) in one hour.

(i) The entry control devices required in subsection (1)(a) of this rule must have been tested for proper functioning. Records of required testing must be maintained in accordance with OAR 333-120-0680.

(A) Testing must be conducted prior to initial operation with the source of radiation on any day (unless operations were continued uninterrupted from the previous day); and

(B) Testing must be conducted prior to resumption of operation of the source of radiation after any unintended interruption; and

(C) The licensee or registrant must submit and adhere to a schedule for periodic tests of the entry control and warning systems.

(j) The licensee or registrant may not conduct operations, other than those necessary to place the source in safe condition or to affect repairs on controls, unless control devices are functioning properly.

(k) Entry and exit portals that are used in transporting materials to and from the irradiation area, and that are not intended for use by individuals, must be controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through these portals. Exit portals for processed materials must be equipped to detect and signal the presence of any loose radiation sources that are carried toward such an exit and to automatically prevent loose radiation sources from being carried out of the area.

(2) Persons holding licenses or registrations or applicants for licenses or registrations for radiation sources that are within the purview of section (1) of this rule and that will be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with certain requirements of section (1) of this rule, such as those for the automatic control of radiation levels, may apply to the Department for approval of the use of alternative safety measures. Any alternative safety measures must provide a degree of personnel protection at least equivalent to those specified in section (1) of this rule. At least one of the alternative measures must include an entry-preventing interlock control based on a measurement of the radiation that ensures the absence of high radiation levels before an individual can gain access to the area where such radiation sources are used.

(3) The entry control devices required by sections (1) and (2) of this rule must be established in such a way that no individual will be prevented from leaving the area.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0320

Use of Individual Respiratory Protection Equipment

(1) If the licensee uses respiratory protection equipment to limit intakes pursuant to OAR 333-120-0310:

(a) The licensee must use only respiratory protection equipment that is tested and certified or had certification extended by the National Institute for Occupational Safety and Health/Mine Safety and Health Administration (NIOSH/MSHA).

(b) The licensee may use equipment that has not been tested or certified by NIOSH/MSHA, has not had certification extended by NIOSH/MSHA, or for which there is no schedule for testing or certification, the licensee must submit an application for authorized use of that equipment, including a demonstration by testing, or a demonstration on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.

(c) The licensee must implement and maintain a respiratory protection program that includes:

(A) Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate exposures; and

(B) Surveys and bioassays, as appropriate, to evaluate actual intakes; and

(C) Testing of respirators for operability immediately prior to each use; and

(D) Written procedures regarding:

(i) Monitoring, including air sampling and bioassays;

(ii) Supervision and training of respirator users;

(iii) Fit testing;

(iv) Respirator selection;

(v) Breathing air quality;

(vi) Inventory and control;

(vii) Storage, issuance, maintenance, repair, testing, and quality assurance of respiratory protection equipment;

(viii) Recordkeeping; and

(ix) Limitations on periods of respirator use and relief from respirator use; and

(E) Determination by a physician prior to initial fitting and use of respirators, and at least every 12 months thereafter, that the individual user is physically able to use the respiratory protection equipment.

(F) Fit testing, with fit factor > 10 times the APF for negative pressure devices, and a fit factor > 500 for any positive pressure, continuous flow, and pressure-demand devices, before the first field use of tight fitting, face-sealing respirators and periodically thereafter at a frequency not to exceed one year. Fit testing must be performed with the facepiece operating in the negative pressure mode.

(d) The licensee must issue a written policy statement on respirator usage covering:

(A) The use of process or other engineering controls, instead of respirators; and

(B) The routine, nonroutine, and emergency use of respirators; and

(C) The periods of respirator use and relief from respirator use.

(e) The licensee must advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.

(f) The licensee must use equipment within limitations for type and mode of use and must provide proper visual, communication, low temperature work environments, the concurrent use of safety or radiological protection equipment and other special capabilities (such as adequate skin protection) when needed. The licensee must ensure equipment is used in such a way as not to interfere with the proper operation of the respirator.

(2) In estimating exposure of individuals to airborne radioactive materials, the licensee or registrant may make allowance for respiratory protection equipment used to limit intakes pursuant to OAR 333-120-0310, provided that the following conditions, in addition to those in section (1) of this rule, are satisfied:

(a) The licensee selects respiratory protection equipment that provides a protection factor (10 CFR Part 20 Appendix A to 20.1001 to 20.2401) greater than the multiple by which peak concentrations of airborne radioactive materials in the working area are expected to exceed the values specified in 10 CFR Part 20 Table 1, Column 3 of Appendix B to 20.1001 to 20.2401. If the selection of a respiratory protection device with a protection factor greater than the peak concentration is inconsistent with the goal specified in OAR 333-120-0310 of keeping the total effective dose equivalent ALARA, the licensee or registrant may select respiratory protection equipment with a lower protection factor only if such a selection would result in keeping the total effective dose equivalent ALARA. The concentration of radioactive material in the air that is inhaled when respirators are worn may

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be initially estimated by dividing the average concentration in air, during each period of uninterrupted use, by the protection factor. If the exposure is later found to be greater than estimated, the corrected value must be used; if the exposure is later found to be less than estimated, the corrected value may be used; and

(b) The licensee must obtain authorization from the Department before assigning respiratory protection factors in excess of those specified in 10 CFR Part 20 Appendix A to 20.1001 to 20.2401. The Department may authorize a licensee to use higher protection factors on receipt of an application that:

(A) Describes the situation for which a need exists for higher protection factors; and

(B) Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

(3) The licensee must use as emergency devices only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA.

(4) The licensee must notify the Department, in writing, at least 30 days before the date that respiratory protection equipment is first used under the provisions of either sections (1) or (2) of this rule.

(5) Standby rescue persons are required whenever one-piece atmosphere-supplying suits, or any combination of supplied air respiratory protection device and personnel protective equipment are used from which an unaided individual would have difficulty extricating himself or herself. The standby persons must be equipped with respiratory protection devices or other apparatus appropriate for the potential hazards. The standby rescue persons must observe or otherwise maintain continuous communication with the workers (visual, voice, signal line, telephone, radio, or other suitable means), and be immediately available to assist them in case of a failure of the air supply or for any other reason that requires relief from distress. A sufficient number of standby rescue persons must be immediately available to assist all users of this type of equipment and to provide effective emergency rescue if needed.

(6) Atmosphere-supplying respirators must be supplied with respirable air of grade D quality or better as defined by the Compressed Gas Association in publication G-7.1, "Commodity Specification for Air," 1997. Grade D quality air criteria include:

(a) Oxygen content (v/v) of 19.5-23.5%;

(b) Hydrocarbon (condensed) content of five milligrams per cubic meter of air or less;

(c) Carbon monoxide (CO) content of 10 ppm or less;

(d) Carbon dioxide content of 1,000 ppm or less; and

(e) Lack of noticeable odor.

(7) The licensee must ensure that no objects, materials or substances, such as facial hair, or any conditions that interfere with the facepiece seal or valve function, and that are under the control of the respirator wearer, are present between the skin of the wearer's face and the sealing surface of a tight-fitting respirator facepiece.

(8) In estimating the dose to individuals from intake of airborne radioactive materials, the concentration of radioactive material in the air that is inhaled when respirators are worn is initially assumed to be the ambient concentration in air without respiratory protection, divided by the assigned protection factor. If the dose is later found to be greater than the estimated dose, the corrected value must be used. If the dose is later found to be less than the estimated dose, the corrected value may be used.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; DEQ 14-2008, f. & cert. ef. 9-15-08

333-120-0340

Application for Use of Higher Assigned Protection factors

The licensee shall obtain authorization from the Department before using assigned protection factors in excess of those specified in 10 CFR Part 20, Appendix A. The Department may authorize a licensee to use higher assigned protection factors on receipt of an application that:

(1) Describes the situation for which a need exists for higher protection factors; and

(2) Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

Stat. Auth: ORS 453.635

Stats. Implemented: ORS 453.635

Hist.: PH 14-2008, f. & cert. ef. 9-15-08

333-120-0420

Exceptions to Posting Requirements

(1) A licensee is not required to post caution signs in areas or rooms containing radioactive materials for periods of less than eight hours, if all of the following conditions are met:

(a) The materials are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to radiation or radioactive materials in excess of the limits established in this division; and

(b) The area or room is subject to the licensee's control.

(2) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to OAR 333-120-0410 provided that:

(a) A patient being treated with a permanent implant or therapeutic radiopharmaceutical could be released from confinement pursuant to OAR 333-116-0260 and 333-116-0265 of this chapter; and

(b) There are personnel in attendance who will take the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the limits established in this division and to operate within the ALARA provisions of the licensee's radiation protection program.

(3) A caution sign is not required to be posted in a room or area containing a sealed source, provided the radiation level at 30 centimeters from the surface of the source container or housing does not exceed 0.05 mSv (0.005 rem) per hour.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0450

Procedures for Receiving and Opening Packages

(1) Each licensee who expects to receive a package containing quantities of radioactive material in excess of a Type A quantity, as defined in 49 CFR 173.435 Table of A1 and A2 Values for Radionuclides, must make arrangements to receive:

(a) The package when the carrier offers it for delivery; or

(b) Notification of the arrival of the package at the carrier's terminal and to take possession of the package expeditiously.

(2) Each licensee must:

(a) Monitor the external surfaces of a labeled package for radioactive contamination unless the package contains only radioactive material in the form of a gas or in special form as defined in OAR 333-118-0020;

(b) Monitor the external surfaces of a labeled package for radiation levels; and

NOTE: Labeled with a Radioactive White I, Yellow II, or Yellow III label as specified in U.S. Department of Transportation regulations, 49 CFR 172.403 and 172.436-440.

(c) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if there is evidence of degradation of package integrity, such as packages that are crushed, wet, or damaged.

(3) The licensee must perform the monitoring required by section (2) of this rule as soon as practicable after receipt of the package, but not later than three hours after the package is received at the licensee's facility if it is received during the licensee's normal working hours, or not later than three hours from the beginning of the next working day if it is received after working hours.

(4) The licensee must immediately notify the final delivery carrier and the Department, by telephone when:

(a) Removable radioactive surface contamination exceeds the limits of OAR 333-118-0150 Table 3;

(b) External radiation levels exceed the limits of OAR 333-118-0150(11).

(5) Each licensee must:

(a) Establish, maintain, and retain written procedures for safely opening packages in which radioactive material is received; and

(b) Ensure that the procedures are followed and that due consideration is given to special instructions for the type of package being opened.

(6) Licensees transferring special form sources in licensee-owned or licensee-operated vehicles to and from a work site are exempt from the contamination monitoring requirements of section (2) of this rule, but are not exempt from the survey requirement in section (2) of this rule for measuring radiation levels, which is required to ensure that the source is still properly lodged in its shield.

[ED. NOTE: Tables referenced are available from the agency.]

ADMINISTRATIVE RULES

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0520

Disposal by Release into Sanitary Sewerage

(1) A licensee may discharge licensed material into sanitary sewerage if each of the following conditions is satisfied:

(a) The material is readily soluble (or is readily dispersible biological material) in water; and

(b) The quantity of licensed or other radioactive material that the licensee releases into the sewer in one month divided by the average monthly volume of water released into the sewer by the licensee does not exceed the concentration listed in 10 CFR Part 20 Table 3 of Appendix B to 20.1001 to 20.2401; and

(c) If more than one radionuclide is released, the following conditions also must be satisfied:

(A) The licensee must determine the fraction of the limit in 10 CFR Part 20 Table 3 of Appendix B to 20.1001 to 20.2401 represented by discharges into sanitary sewerage by dividing the actual monthly average concentration of each radionuclide released by the licensee into the sewer by the concentration of that radionuclide listed in 10 CFR Part 20 Table 3 of Appendix B to 20.1001 to 20.2401; and

(B) The sum of the fractions for each radionuclide required by paragraph (1)(c)(A) of this rule does not exceed unity; and

(d) The total quantity of licensed and other radioactive material that the licensee releases into the sanitary sewerage system in a year does not exceed 185 GBq (5 Curies) of hydrogen-3, 37 GBq (1 Curie) of carbon-14, and 37 GBq (1 Curie) of all other radioactive materials combined.

(2) Excreta from individuals undergoing medical diagnosis or therapy with radioactive material is not subject to the limitations contained in section (1) of this rule.

[ED. NOTE: Appendices referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0540

Disposal of Specific Wastes

(1) A licensee may dispose of the following licensed material as if it were not radioactive:

(a) 1.85 kBq (0.05 uCi), or less, of hydrogen-3 or carbon-14 per gram of medium used for liquid scintillation counting; and

(b) 1.85 kBq (0.05 uCi), or less, of hydrogen-3 or carbon-14 per gram of animal tissue, averaged over the weight of the entire animal.

(2) A licensee may not dispose of tissue under subsection (1)(b) of this rule in a manner that would permit its use either as food for humans or as animal feed.

(3) The licensee must maintain records in accordance with OAR 333-120-0670.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0600

General Provisions

(1) Each licensee must use the SI units becquerel, gray, sievert and coulomb per kilogram, or the special units curie, rad, rem, including multiples and subdivisions, and must clearly indicate the units of all quantities on records required by this division.

(2) The licensee must make a clear distinction among the quantities entered on the records required by this division (e.g. total effective dose equivalent, shallow-dose equivalent, lens dose equivalent, deep-dose equivalent, committed effective dose equivalent).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0610

Records of Radiation Protection Programs

(1) Each licensee must maintain records of the radiation protection program, including:

(a) The provisions of the program; and

(b) Audits and other reviews of program content and implementation.

(2) The licensee must retain the records required by subsection (1)(a) of this rule until the Department terminates each pertinent license or registration requiring the record. The licensee must retain the records required by subsection (1)(b) of this rule for five years or until inspected by the Department.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0620

Records of Surveys and Leak Tests

(1) Each licensee or registrant must maintain records showing the results of surveys, sealed source leak tests, and calibrations required by OAR 333-120-0200, 333-120-0450(2) and 333-120-0460. The licensee or registrant must retain these records in accordance with OAR 333-100-0057.

(2) The licensee or registrant must retain each of the following records until the Department terminates each pertinent license or registration requiring the record:

(a) Records of the results of surveys to determine the dose from external sources and used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents. This includes records of survey results to determine the dose from external sources and used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents required under the standards for protection against radiation in effect prior to January 1, 1994; and

(b) Records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose. This includes records documenting the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose required under the standards for protection against radiation in effect prior to January 1, 1994; and

(c) Records showing the results of air sampling, surveys, and bioassays required pursuant to OAR 333-120-0320(1)(c)(A) and (B). This includes records documenting the results of air sampling, surveys, and bioassays required under the standards for protection against radiation in effect prior to January 1, 1994; and

(d) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment. This includes records documenting the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment required under the standards for protection against radiation in effect prior to January 1, 1994.

(3) Records of Tests for Leakage or Contamination of Sealed Sources. Records of tests for leakage or contamination of sealed sources required by OAR 333-120-0460, must be kept in units of becquerels or microcuries and maintained for inspection by the Department in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0650

Records of Individual Monitoring Results

(1) Recordkeeping Requirement. Each licensee must maintain records of doses received by all individuals for whom monitoring was required pursuant to OAR 333-120-0210 and records of doses received during planned special exposures, accidents, and emergency conditions. These records must include, when applicable:

(a) The deep-dose equivalent to the whole body, lens dose equivalent, shallow-dose equivalent to the skin, and shallow-dose equivalent to the extremities; and

(b) The estimated intake or body burden of radionuclides (OAR 333-120-0110); and

(c) The committed effective dose equivalent assigned to the intake or body burden of radionuclides; and

ADMINISTRATIVE RULES

(d) The specific information used to calculate the committed effective dose equivalent pursuant to OAR 333-120-0130(3); and

(e) The total effective dose equivalent when required by OAR 333-120-0110; and

(f) The total of the deep-dose equivalent and the committed dose to the organ receiving the highest total dose.

NOTE: Assessments of dose equivalent and records made using units in effect before the licensee's adoption of this division need not be changed.

(2) Recordkeeping Frequency: The licensee must make entries of the records specified in section (1) of this rule at least annually.

(3) Recordkeeping Format: The licensee must maintain the records specified in section (1) of this rule on Department Form Z, in accordance with the instructions for Department Form Z, or in clear and legible records containing all the information required by Department Form Z.

(4) Privacy Protection: The records required under this rule are protected from public disclosure because of their personal privacy nature. These records are protected and if transferred to the Department, are protected under ORS chapter 192.

(5) The licensee must maintain the records of dose to an embryo/fetus with the records of dose to the declared pregnant woman, as defined in OAR 333-100-0005. The declaration of pregnancy must also be kept on file, but may be maintained separately from the dose records.

(6) The licensee must retain each required form or record until the Department authorizes disposition.

NOTE: The following information is required on Form Z, Occupational Exposure Record for a Monitoring Period: Name; identification number and type (Social Security Number (SSN), Passport Number (PPN), Canadian Social Insurance Number (CSI), Work Permit Number (WPN), INDEX Identification Number (IND), or Other (OTH)); sex; date of birth; monitoring period; licensee name; license or registration number; is dose is official record or estimate; if dose is routine or planned special exposure; intake, list radionuclide, class, mode, total intake (Ci); external dose(s), DDE (Deep Dose Equivalent in rems), LDE (Lens Dose Equivalent in rems), SDE(WB) (Shallow Dose Equivalent Whole Body in rems), SED(ME) (Shallow Dose Equivalent Maximum Extremity in rems), CEDE (Committed Effective Dose Equivalent in rems), CDE (Committed Dose Equivalent in rems), TEDE (Total Effective Dose Equivalent in rems) and TODE Total Organ Dose Equivalent in rems). [ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0680

Records of Testing Entry Control Devices for Very High Radiation Areas

(1) Each licensee must maintain records of tests made under OAR 333-120-0240(1)(i) on entry control devices for very high radiation areas. These records must include the date, time, and results of each such test of function.

(2) The licensee must retain the records required by section (1) of this rule in accordance with OAR 333-100-0057.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0710

Notification of Incidents

(1) Immediate notification: Notwithstanding any other requirements for notification, each licensee, or registrant, must immediately report any event involving a device or licensed radioactive material possessed by the licensee, or registrant, which may have caused or threatens to cause any of the following conditions:

(a) An individual to receive:

(A) A total effective dose equivalent of 0.25 Sv (25 rem) or more; or

(B) A lens dose equivalent of 0.75 Sv (75 rem) or more; or

(C) A shallow-dose equivalent to the skin or extremities of 2.5 gray (250 rad) or more; or

(b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the occupational annual limit on intake (the provisions of this rule do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures).

(2) Twenty-four hour notification: Each licensee or registrant must, within 24 hours of discovery of the event, report any event involving loss of control of a device or licensed material possessed by the licensee that may have caused, or threatens to cause, any of the following conditions:

(a) An individual to receive in a period of 24 hours:

(A) A total effective dose equivalent exceeding 0.05 Sv (5 sieverts or rems); or

(B) A lens dose equivalent exceeding 0.15 Sv (15 sieverts or rems); or

(C) A shallow-dose equivalent to the skin or extremities exceeding 0.15 Sv (15 sieverts or rems); or

(b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational annual limit on intake (the provisions of this rule do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures).

(3) The licensee must prepare any report filed with the Department pursuant to this rule so that names of individuals who have received exposure to radiation or radioactive material are stated in a separate and detachable part of the report.

(4) Reports made by licensees, or registrants, in response to the requirements of subsections (1)(a) and (b) of this rule must be made by telephone and either by telegram, electronic mail, or facsimile to the Department.

(5) The provisions of this rule do not include doses that result from planned special exposures, that are within the limits for planned special exposures, and that are reported under OAR 333-120-0730.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0720

Reports of Exposures, Radiation Levels, Leak Tests, and Concentrations of Radioactive Material Exceeding the Limits

(1) Reportable events: In addition to the notification required by OAR 333-120-0710, each licensee must submit a written report within 30 days after learning of any of the following occurrences:

(a) Any incident for which notification is required by OAR 333-120-0710; or

(b) Doses in excess of any of the following:

(A) The occupational dose limits for adults in OAR 333-120-0100; or

(B) The occupational dose limits for a minor in OAR 333-120-0160;

or

(C) The limits for an embryo/fetus of a declared pregnant woman (as defined in OAR 333-100-0005) in OAR 333-120-0170; or

(D) The limits for an individual member of the public in OAR 333-120-0180; or

(E) Any applicable limit in the license; or

(F) The ALARA constraints for air emissions established under 333-120-0020(4); or

(c) Levels of radiation or concentrations of radioactive material in:

(A) A restricted area in excess of any applicable limit in the license;

or

(B) An unrestricted area in excess of ten times any applicable limit set forth in this division or in the license (whether or not involving exposure of any individual in excess of the limits in OAR 333-120-0180); or

(d) For licensee subject to the provisions of EPA's generally applicable environmental radiation standards in 40 CFR Part 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

(e) Leaking or contaminated sealed sources in excess of limits in OAR 333-120-0460, must be reported within five days to the Department describing the equipment involved, the test results and the corrective action taken.

(f) Erroneous overexposure dosimetry reports that resulted from non-personnel exposures;

(2) Contents of reports: Each report required by section (1) of this rule must describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:

(a) Estimates of each individual's dose; and

(b) The levels of radiation and concentrations of radioactive material involved; and

(c) The cause of the elevated exposures, dose rates, or concentrations; and

(d) Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, generally applicable environmental standards, and associated license conditions; and

ADMINISTRATIVE RULES

(e) For each individual exposed: the name, Social Security account number, and date of birth. The report must be prepared so that this information is stated in a separate and detachable part of the report.

Note: With respect to the limit for the embryo/fetus (OAR 333-120-0170) the identifiers should be those of the declared pregnant woman, as defined in OAR 333-100-0005.

(3) All licensees who make reports under section (1) this rule must submit the report in writing to the Department.

(4) The Department must prohibit the removal or expungement of any permanent dosimetry report submitted to the licensee or registrant. Evaluated erroneous personnel dose record changes to licensee or registrant records must be recorded only on Form Z and retained by the licensee or registrant.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0740

Reports to Individuals Exceeding Dose Limits

When a licensee or registrant is required, pursuant to the provisions of OAR 333-120-0720 or 333-120-0730, to report to the Department any exposure of an identified occupationally exposed individual or an identified member of the public to radiation or radioactive material, the licensee or registrant must also provide a copy of the report submitted to the Department to the individual. This report must be transmitted at a time no later than the transmittal to the Department.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08

333-120-0800

Reports of Transactions Involving Nationally Tracked Sources

Each licensee who manufactures, transfers, receives, disassembles, or disposes of a nationally tracked source shall complete and submit a National Source Tracking Transaction Report as specified in sections (1) through (5) of this rule for each type of transaction.

(1) Each licensee who manufactures a nationally tracked source shall complete and submit a National Source Tracking Transaction report. The report must include the following information:

- (a) The name, address, and license number of the reporting licensee;
- (b) The name of the individual preparing the report;
- (c) The manufacturer, model, and serial number of the source;
- (d) The radioactive material in the source;
- (e) The initial source strength in becquerels (curies) at the time of manufacture;
- (f) The manufacture date of the source.

(2) Each licensee that transfers a nationally tracked source to another person shall complete and submit a National Source Tracking Transaction report. The report must include the following information:

- (a) The name, address, and license number of the reporting licensee;
- (b) The name of the individual preparing the report;
- (c) The name and license number of the recipient facility and the shipping address;
- (d) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the sources;
- (e) The radioactive material in the source;
- (f) The initial or current source strength in becquerels (curies);
- (g) The date for which the source strength is reported;
- (h) The shipping date;
- (i) The estimated time of arrival date; and
- (j) For nationally tracked sources transferred as waste under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification with the nationally tracked sources.

(3) Each licensee that receives a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

- (a) The name, address, and license number of the reporting licensee;
- (b) The name of the individual preparing the report;
- (c) The name, address, and license number of the person that provided the source;
- (d) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;
- (e) The radioactive material in the source;
- (f) The initial or current source strength in becquerels (curies);

(g) The date for which the source strength is reported;

(h) The date of receipt; and

(i) For material received under a Uniform Low-Level radioactive Waste Manifest, the waste manifest number and the container identification with the nationally tracked source.

(4) Each licensee that disassembles a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

- (a) The name, address, and license number of the reporting licensee;
- (b) The name of the individual preparing the report;
- (c) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;
- (d) The radioactive material in the source;
- (e) The initial or current source strength in becquerels (curies);
- (f) The date for which the source strength is reported;
- (g) The disassemble date of the source.

(5) Each licensee who disposes of a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

- (a) The name, address, and license number of the reporting licensee;
- (b) The name of the individual preparing the report;
- (c) The waste manifest number;
- (d) The container identification with the nationally tracked source;
- (e) The date of disposal; and
- (f) The method of disposal.

(6) The reports discussed in sections (1) through (5) of this rule must be submitted by the close of the next business day after the transactions. The report must be submitted to the National Source Tracking System by using:

- (a) The online National Source Tracking System;
- (b) Electronically using a computer readable format;
- (c) By facsimile;
- (d) By mail to the address on the National Source Tracking Transaction Report Form (NRC Form 748); or
- (e) By telephone with follow up by facsimile or mail.

(7) Each licensee shall correct any error in previously filed reports or file a new report for any missed transaction within five business days of the discovery of the error or missed transaction. Such errors may be detected by a variety of methods such as administrative reviews or by physical inventories required by regulation. In addition, each licensee shall reconcile the inventory of nationally tracked sources possessed by the licensee against that licensee's data in the National Source Tracking System. The reconciliation must be conducted during the month of January in each year. The reconciliation process must include resolving any discrepancies between the National Source Tracking System and the actual inventory by filing the reports identified by sections (1) through (5) of this rule. By January 31 of each year, each licensee must submit to the National Source Tracking System confirmation that the data in the National Source Tracking System is correct.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.635

Hist.: PH 14-2008, f. & cert. ef. 9-15-08

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Department of Human Services, Seniors and People with Disabilities Division Chapter 411

Rule Caption: Nursing Facility Staffing and Definitions.

Adm. Order No.: SPD 10-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 8-28-08

Notice Publication Date: 7-1-2008

Rules Amended: 411-085-0005, 411-086-0100

Rules Repealed: 411-085-0005(T), 411-086-0100(T)

Subject: The Department of Human Services, Seniors and People with Disabilities Division (SPD) is permanently amending OAR 411-085-0005 to update the definitions and OAR 411-086-0100 to increase the minimum staffing requirement of nursing assistants assigned to provide resident services in licensed nursing facilities.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-085-0005

Definitions

As used in OAR chapter 411, divisions 70 and 85–89, unless the rule requires otherwise, the following definitions apply:

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(1) "Abuse" means:

(a) Any physical injury to a resident that has been caused by other than accidental means. This includes injuries that a reasonable and prudent person would have been able to prevent, such as hitting, pinching or striking, or injury resulting from rough handling.

(b) Failure to provide basic care or services to a resident that results in physical harm, unreasonable discomfort, or serious loss of human dignity.

(c) Sexual contact with a resident, including fondling, caused by an employee, agent or other resident of a long-term care facility by force, threat, duress or coercion, or sexual contact where the resident has no ability to consent.

(d) Illegal or improper use of a resident's resources for the personal profit or gain of another person, borrowing resident funds, spending resident funds without the resident's consent or, if the resident is not capable of consenting, spending resident funds for items or services from which the resident cannot benefit or appreciate, or spending resident funds to acquire items for use in common areas when such purchase is not initiated by the resident.

(e) Verbal abuse as prohibited by federal law, including the use of oral, written or gestured communication to a resident or visitor that describes a resident in disparaging or derogatory terms.

(f) Mental abuse as prohibited by law including humiliation, harassment, threats of punishment or deprivation, directed toward the resident.

(g) Corporal punishment.

(h) Involuntary seclusion for convenience or discipline.

(2) "Abuse Complaint" means any oral or written communication to the Department of Human Services, one of its agents or a law enforcement agency alleging abuse.

(3) "Activities Program" means services offered to each resident that encourage the resident to participate in physical and mental exercises, that are designed to maintain or improve physical and mental well-being and social skills.

(4) "Applicant" means the person or persons required to complete a nursing facility application for a license. Applicant includes a sole proprietor, each partner in a partnership, or the corporation that owns the nursing facility business. Applicant also includes the sole proprietor, each partner in a partnership, or the corporation that operates the nursing facility on behalf of the nursing facility business owner.

(5) "Area Agency on Aging" or "AAA" means a Type B Area Agency on Aging that is an established public agency within a planning and service area designated under the Older Americans Act, 42 U.S.C. 3025, that has responsibility for local administration of Seniors and People with Disabilities Division programs.

(6) "Assessment" means a written evaluation of the resident's abilities, condition and needs based upon resident interview, observation, clinical and social records, and other available sources of information.

(7) "Care" means services required to maximize resident independence, personal choice, participation, health, self-care, and psychosocial functioning, as well as to provide reasonable safety, all consistent with the preferences of the resident.

(8) "Certified Medication Assistant" or "Certified Medication Aide" means a certified nursing assistant who has successfully completed an Oregon State Board of Nursing approved training program for the administration of non-injectable medication.

(9) "Certified Nursing Assistant" means a person who has been certified as a nursing assistant pursuant to ORS chapter 678 and the rules adopted thereunder.

(10) "Change of Ownership" and "Change of Operator" means a change in the person who or entity that owns the facility business and/or a change in the person or entity responsible for the provision of services at the facility. Events that change ownership include, but are not limited to the following:

(a) A change in the form of legal organization of the licensee;

(b) Transfer of the title to the nursing facility enterprise by the owner to another party;

(c) If the licensee is a corporation, dissolution of the corporation, merger of the corporation with another corporation, or consolidation of one or more corporations to form a new corporation;

(d) If the licensee is a partnership, any event that dissolves the partnership;

(e) Any lease, management agreement, or other contract or agreement that results in a change in the legal entity responsible for the provision of services at the facility; or

(f) Any other event that results in a change of the operating entity.

(11) "Day Care Resident" means a person who receives services and care in a nursing facility for not more than 16 hours per day and who is not bedfast.

(12) "Department" means the Department of Human Services.

(13) "Drug" has the same meaning set forth in ORS chapter 689.005.

(14) "Entity" means "Person" as defined by these rules.

(15) "Establish a Nursing Facility" or "Maintain a Nursing Facility" means to possess or hold an incident of ownership in a nursing facility business.

(16) "Facility" or "Nursing Facility" means an establishment that is licensed by the Seniors and People with Disabilities Division as a nursing facility.

(17) "Health Care Facility" means a health care facility as defined in ORS 442.015, but also includes a residential care facility as defined in ORS 443.400 and an adult foster home as defined in ORS 443.705.

(18) "Hearing" means a contested case hearing according to the Administrative Procedures Act and the rules of the Department of Human Services.

(19) "Incident of Ownership" means:

(a) An ownership interest;

(b) An indirect ownership interest; or

(c) A combination of direct and indirect ownership interest.

(20) "Indirect Ownership Interest" means an ownership interest in an entity that has an ownership interest in another entity. This term includes an ownership interest in an entity that has an indirect ownership interest in another entity.

(21) "Inpatient Beds" means a bed in a facility available for occupancy by a resident who is cared for and treated on an overnight basis.

(22) "Inspection" means any on-site visit to the facility by anyone designated by the Secretary of the U.S. Department of Health and Human Services, the Department of Human Services, or a "Type B" Area Agency on Aging and includes, but is not limited to, a licensing inspection, certification inspection, financial audit, Medicaid Fraud Unit review, monitoring, and/or complaint investigation.

(23) "Legal Representative" means an Attorney at Law, the person holding a general power of attorney or special power of attorney for health care, a guardian, a conservator, or any person appointed by a court to manage the personal or financial affairs of a resident, or person, or agency legally responsible for the welfare or support of a resident, other than the facility.

(24) "Licensed Nurse" means a registered nurse (RN) or a licensed practical nurse (LPN).

(25) "Licensed Practical Nurse (LPN)" means a person licensed under ORS Chapter 678 to practice practical nursing.

(26) "Licensee" means the applicant to whom a nursing facility license has been issued.

(27) "Local Designee of the Department" means the local unit of the Seniors and People with Disabilities Division or the Type B Area Agency on Aging.

(28) "Long Term Care Facility" means nursing facility.

(29) "Major Alteration" means change other than repair or replacement of building materials or equipment with materials and equipment of a similar type.

(30) "Management" or "Control Interest" means possessing the right to exercise operational or management control over, or to directly or indirectly conduct the day-to-day operation of an institution, organization or agency, or an interest as an officer or director of an institution, organization or agency organized as a corporation.

(31) "New Construction" means:

(a) A new building;

(b) An existing building or part of a building that is not currently licensed as a nursing facility;

(c) A part of an existing building that is not currently licensed for the purpose for which such part is proposed to be licensed (e.g., rooms that are proposed to be licensed as resident rooms, but that are not currently licensed as nursing facility resident rooms);

(d) A major alteration to an existing building, additions, conversions in use; or

(e) Renovation or remodeling of existing buildings.

(32) "NFPA" means National Fire Protection Association.

(33) "Nurse Practitioner" means a person certified under ORS Chapter 678 as a nurse practitioner.

(34) "Nursing Assessment" means evaluation of fluids, nutrition, bowel/bladder elimination, respiration, circulation, skin, vision, hearing, musculoskeletal systems, allergies, personal hygiene, mental status, com-

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municative skills, safety needs, rest, sleep, comfort, pain, other appropriate measures of physical status, and medication and treatment regimes. Nursing assessment includes data collection, comparison with previous data, analysis or evaluation of that data, and utilization of available resource information.

(35) "Nursing Assistant" or "Nurse Aide" means a person who assists licensed nurses in the provision of nursing care services. "Nursing Assistant" includes, but is not limited to, a certified nursing assistant, a certified medication assistant and persons who have successfully completed a state approved nurse assistant training course.

(36) "Nursing Care" means direct and indirect care provided by a registered nurse, licensed practical nurse, or nursing assistant.

(37) "Nursing Facility" means an establishment with permanent facilities including inpatient beds, that provide medical services, including nursing services, but excluding surgical procedures, and that provide care and treatment for two or more unrelated residents. In this definition, "treatment" means complex nursing tasks that cannot be delegated to an unlicensed person. "Nursing Facility" shall not be construed to include facilities licensed and operated pursuant to any Oregon Revised Statute (ORS) other than ORS 441.020(2).

(38) "Nursing Facility Law" means ORS Chapter 441 and the Oregon Administrative Rules for nursing facilities adopted pursuant thereto.

(39) "Nursing Home" means nursing facility.

(40) "Nursing Home Administrator" means a person licensed under ORS Chapter 678 who is responsible to the licensee and is responsible for planning, organizing, directing and controlling the operation of a nursing facility.

(41) "Nursing Staff" means registered nurses, licensed practical nurses and nursing assistants providing direct resident care in the facility.

(42) "Owner" means a person with an ownership interest.

(43) "Ownership Interest" means the possession of equity in the capital, the stock, or the profits of an entity.

(44) "Person" means an entity, including an individual, a trust, an estate, a partnership, a corporation, or a state or governmental unit, including associations, joint stock companies and insurance companies, a state, or a political subdivision or instrumentality, including a municipal corporation, as defined in ORS 442.015.

(45) "Pharmacist" has the same meaning as set forth in ORS 689.005.

(46) "Pharmacy" has the same meaning as set forth in ORS 689.005.

(47) "Physician" means a person licensed under ORS Chapter 677 as a physician.

(48) "Physician's Assistant" means a person registered under ORS chapter 677 as a physician's assistant.

(49) "Podiatrist" means a person licensed under ORS Chapter 677 to practice podiatry.

(50) "Prescription" has the same meaning as set forth in ORS 689.005.

(51) "Public or Private Official" means:

(a) Physician, including any intern or resident;

(b) Licensed practical nurse or registered nurse;

(c) Employee of the Department of Human Services, Area Agency on Aging, county health department, community mental health program, or nursing facility;

(d) Person who contracts to provide services to a nursing facility;

(e) Peace officer;

(f) Clergy person;

(g) Licensed clinical social worker, psychologist, licensed professional counselor, and marriage and family therapist;

(h) Physical, occupational, speech or respiratory therapist;

(i) Legal counsel for the resident; or

(j) Guardian for, or family member of, the resident.

(52) "Registered Nurse (RN)" means a person licensed under ORS Chapter 678.

(53) "Rehabilitative Services" means specialized services by a therapist or a therapist's assistant to a resident to attain optimal functioning, including but not limited to, physical therapy, occupational therapy, speech and language therapy, and audiology.

(54) "Relevant Evidence" means factual information that tends to either prove or disprove the following:

(a) Whether abuse or other rule violation occurred;

(b) How abuse or other rule violation occurred; or

(c) Who was involved in the abuse or other rule violation.

(55) "Resident" means a person who has been admitted, but not discharged, from the facility.

(56) "Restorative Aide" means a certified nursing assistant primarily assigned to perform therapeutic exercises and activities to maintain or re-establish a resident's optimum physical function and abilities, according to the resident's restorative plan of care and pursuant to OAR 411-086-0150.

(57) "Restorative Services" or "Restorative Nursing" means those measures provided by nursing staff and directed toward re-establishing and maintaining the residents' fullest potential.

(58) "Safety" means the condition of being protected from environmental hazards without compromise to a resident's or legal guardian's choice, or undue sacrifice of the resident's independence.

(59) "Significant Other" means a person designated by the resident or by the court to act on behalf of the resident. If the resident is not capable of such designation, and there is no court-appointed person, then a significant other shall mean a family member or friend who has demonstrated consistent concern for the resident. No rule using this term is intended to allow release of, or access to, confidential information to persons who are not otherwise entitled to such information, or to allow such persons to make decisions that they are not entitled to make on behalf of a resident.

(60) "SPD" means the Department of Human Services, Seniors and People with Disabilities Division.

(61) "Suspected Abuse" means reasonable cause to believe that abuse may have occurred.

(62) "Trusteeship Fund" means a fund created under ORS 441.303 to meet expenses relating to the appointment of a trustee for a nursing facility or a residential care facility.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 410.070, 441.055, 441.615 & 441.637

Stats. Implemented: ORS 410.070, 441.055, 441.615, 441.630, 441.637 & 441.650

Hist.: SSD 19-1990, f. 8-29-90, cert. ef. 10-1-90; SSD 8-1993, f. & cert. ef. 10-1-93; SSD 1-1995, f. 1-30-95, cert. ef. 2-1-95; SPD 26-2004, f. 7-30-04, cert. ef. 8-1-04; SPD 1-2008(Temp), f. 2-8-08, cert. ef. 3-1-08 thru 8-28-08; SPD 10-2008, f. & cert. ef. 8-28-08

411-086-0100

Nursing Services: Staffing

(1) STAFFING PLAN.

(A) The facility must have and implement a written plan that:

(a) Ensures staffing sufficient to meet the minimum staffing requirements described in sections (3), (4) and (5) of this rule;

(B) Ensures staffing sufficient to meet the needs of each resident; and

(C) Identifies procedures to obtain required staff when absences occur.

(b) The facility must maintain a written, weekly staffing schedule showing the number and category of staff assigned to each shift and the person to be called in the event of any absence.

(2) DAILY STAFF PUBLIC POSTING.

(a) The facility must have the number of on-duty nursing staff publicly posted 24 hours each day using form SDS 0717.

(A) The posted report must be prominently displayed in a public area, readily accessible to residents and visitors, as described in OAR 411-085-0030(1)(b).

(B) The posted report must be at least 8.5 x 14 inches and printed in a minimum font size of 16.

(C) The staffing information must be an accurate reflection of the actual staff working each shift.

(b) The posted staffing report must include:

(A) Facility name;

(B) Current date;

(C) Current resident census per shift;

(D) The total number and actual hours worked by registered nurses (RNs), licensed practical nurses (LPNs) and nursing assistants (CNAs and NAs) directly responsible for resident services per shift; and

(E) The minimum staffing standard, nursing assistant to resident ratio, referenced at section (5)(c) of this rule.

(c) The facility must, upon oral or written request, make direct care staffing data available to the public for review at a cost not to exceed the community standard.

(d) The facility must maintain the posted nurse staffing data for a minimum of 18 months.

(3) MINIMUM STAFFING, GENERALLY. Resident service needs must be the primary consideration in determining the number and categories of nursing personnel needed. Nursing staff must be sufficient in quantity and quality to provide nursing services for each resident as needed, including restorative services that enable each resident to achieve and maintain the highest practicable degree of function, self-care and independence, as determined by the resident's care plan. Such staffing must be provided even though it exceeds other requirements specified by this rule or specified in any waiver.

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(4) MINIMUM LICENSED NURSE STAFFING.

(a) Licensed nurse hours must include no less than one RN hour per resident per week.

(b) When a RN serves as the administrator in the temporary absence of the administrator, the RN's hours must not be used to meet minimum nursing hours.

(c) In facilities with 41 or more beds, the hours of a licensed nurse who serves as facility administrator must not be included in any licensed nurse coverage required by this rule.

(d) The licensed nurse serving as a charge nurse must not be counted toward the minimum staffing requirement under section (5)(c) of this rule.

(e) The facility must have a licensed charge nurse on each shift, 24 hours per day.

(A) A RN must serve as the licensed charge nurse for no less than eight consecutive hours between the start of day shift and the end of evening shift, seven days a week.

(B) The Director of Nursing Services may serve as the charge nurse only when the facility has 60 or fewer residents.

(C) Section (4)(e) of this rule may be waived by the Seniors and People with Disabilities Division (SPD). The request for waiver must comply with OAR 411-085-0040 and must be reviewed annually. This waiver shall be considered by SPD if the facility certifies that:

(i) It has been unable to recruit appropriate personnel despite diligent efforts (including offering wages at the community prevailing rate for nursing facilities);

(ii) The waiver must not endanger the health or safety of residents; and

(iii) A RN or physician is available and obligated to immediately respond to telephone calls from the facility.

(5) MINIMUM CERTIFIED NURSING ASSISTANT STAFFING.

(a) The facility must determine the specific time frame for beginning and ending each consecutive eight-hour shift using one of the following options:

(A) Option 1.

(i) Day shift from 5:30 a.m. to 1:30 p.m.

(ii) Swing shift from 1:30 p.m. to 9:30 p.m.

(iii) Night shift from 9:30 p.m. to 5:30 a.m.

(B) Option 2.

(i) Day shift from 6 a.m. to 2 p.m.

(ii) Swing shift from 2 p.m. to 10 p.m.

(iii) Night shift from 10 p.m. to 6 a.m.

(C) Option 3.

(i) Day shift from 6:30 a.m. to 2:30 p.m.

(ii) Swing shift from 2:30 p.m. to 10:30 p.m.

(iii) Night shift from 10:30 p.m. to 6:30 a.m.

(D) Option 4.

(i) Day shift from 7 a.m. to 3 p.m.

(ii) Swing shift from 3 p.m. to 11 p.m.

(iii) Night shift from 11 p.m. to 7 a.m.

(b) Each resident must have assigned and be informed of the nursing assistant responsible for his or her care and services on each shift. The numbers listed in this rule represent the minimum staffing requirement. The numbers do not represent sufficient nursing staff. The number of staff necessary to meet the needs of each resident determines sufficient nursing staff.

(c) The number of residents per nursing assistant must not exceed the ratios:

(A) Beginning March 1, 2008:

(i) DAY SHIFT: 1 nursing assistant per 8 residents.

(ii) SWING SHIFT: 1 nursing assistant per 12 residents.

(iii) NIGHT SHIFT: 1 nursing assistant per 20 residents.

(B) Beginning April 1, 2009:

(i) DAY SHIFT: 1 nursing assistant per 7 residents.

(ii) SWING SHIFT: 1 nursing assistant per 11 residents.

(iii) NIGHT SHIFT: 1 nursing assistant per 18 residents.

(d) Each facility must submit a quarterly staffing report to SPD, using a SPD approved method and format. The report must provide an accurate daily account of resident census and nursing assistant staffing levels for each shift.

(A) The facility must submit the report to SPD no later than the end of the month immediately following the end of each calendar quarter. (Example: For the calendar quarter ending March 31, the report must be received no later than April 30.)

(B) The report must specify the shifts in which the minimum staffing standards, as set forth in section (5)(c) of this rule, were not met.

(C) The facility must provide documents to support the quarterly staffing report, including payroll records, upon request of SPD.

(e) This rule does not prohibit nursing assistants from providing services to a resident to whom they are not assigned.

(f) The facility must ensure that nursing assistants only perform those tasks for which they are competent and qualified to perform and that are permitted by ORS Chapter 678 and OAR 851-063-0030.

(g) Nursing assistants with a restricted duty status may be counted toward meeting the minimum staffing ratio, as set forth in section (5)(c) of this rule, if the nursing assistant is able to perform 90 percent of the authorized duties and responsibilities, with or without accommodation, required by a certified nursing assistant as determined by the Oregon State Board of Nursing (OAR 851-063-0030(1)(a)(A) through OAR 851-063-0030(1)(g)(H)).

(h) The facility must ensure that nursing assistants are not assigned more residents than the number for which they can meet the individual service needs.

(i) The facility must have a minimum of two nursing staff on duty within the facility at all times.

(j) Nursing staff must be present at all times, in each detached building, distinct and segregated area, including those separated by closed doors, and on each level or floor where residents are housed.

(k) Nursing assistants do not include dining assistants.

(l) Effective September 1, 2008, nursing assistants serving as restorative aides must not be counted toward the minimum staffing requirement under section (5)(c) of this rule.

(m) A facility cannot employ any person as a nursing assistant for longer than four months from the date of hire, without an Oregon State Board of Nursing issued CNA 1 certification.

(n) The facility must ensure no more than 25 percent of the nursing assistants assigned to residents per shift, pursuant to section (5)(c) of this rule, are uncertified nursing assistants.

(6) CERTIFIED MEDICATION AIDES.

(a) The facility must ensure that all nursing assistants administering non-injectable medications are certified as nursing assistants and as medication aides. Documentation of these two certifications must be maintained in the facility.

(b) The certified medication aide assigned to administer medications must not be counted toward meeting the minimum staffing requirements for direct service of residents, referenced at section (5)(c) of this rule.

Stat. Auth.: ORS 410.070, 410.090, 441.055, 441.073 & 441.615

Stats. Implemented: ORS 410.070, 410.090, 441.055, 441.073 & 441.615

Hist.: SSD 19-1990, f. 8-29-90, cert. ef. 10-1-90; SSD 8-1993, f. & cert. ef. 10-1-93; SPD 23-2004, f. 7-30-04, cert. ef. 8-1-04; SPD 1-2008(Temp), f. 2-8-08, cert. ef. 3-1-08 thru 8-28-08; SPD 10-2008, f. & cert. ef. 8-28-08

Rule Caption: Implement HB 2371 — 24 Hour Residential Services for Children and Adults with Developmental Disabilities.

Adm. Order No.: SPD 11-2008

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Rules Adopted: 411-325-0185

Rules Amended: 411-325-0230, 411-325-0270, 411-325-0280

Subject: The Department of Human Services, Seniors and People with Disabilities Division (SPD) is permanently updating the 24 hour residential services for children and adults with developmental disabilities rules in OAR chapter 411, division 325 to implement HB 2371.

The permanent rules clarify and strengthen emergency and disaster planning requirements for developmental disability 24 hour residential services by requiring providers to put emergency systems in place by September 1, 2009.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-325-0185

Safety: Emergency Information

(1) Effective September 1, 2009, a program must maintain emergency information for each individual receiving services from the program in addition to an individual summary sheet identified in OAR 411-325-0180.

(2) The emergency information must be kept current and must include:

(a) The individual's name;

(b) The provider's name, address and telephone number;

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(c) The address and telephone number of the residence where the individual lives;

(d) The individual's physical description, which could include a picture and the date it was taken, and identification of:

(A) The individual's race, sex, height, weight range, hair and eye color; and

(B) Any other identifying characteristics that could assist in identifying the individual should the need arise, such as marks or scars, tattoos, or body piercings.

(e) Information on the individual's abilities and characteristics including:

(A) How the individual communicates;

(B) The language the individual uses or understands;

(C) The ability of the individual to know and take care of bodily functions; and

(D) Any additional information that could assist a person not familiar with the individual to understand what the individual can do for him or herself.

(f) The individual's health support needs including:

(A) Diagnosis;

(B) Allergies or adverse drug reactions;

(C) Health issues that a person would need to know when taking care of the individual;

(D) Special dietary or nutritional needs such as requirements around the textures or consistency of foods and fluids;

(E) Food or fluid limitations, due to allergies, diagnosis or medications the individual is taking, that may be an aspiration risk or other risk for the individual;

(F) Additional special requirements the individual has related to eating or drinking, such as special positional needs or a specific way foods or fluids are given to the individual;

(G) Physical limitations that may affect the individual's ability to communicate, respond to instructions or follow directions; and

(H) Specialized equipment needed for mobility, positioning or other health related needs.

(g) The individual's emotional and behavioral support needs including:

(A) Mental health or behavioral diagnosis and the behaviors displayed by the individual; and

(B) Approaches to use when dealing with the individual to minimize emotional and physical outbursts.

(h) Any court ordered or guardian authorized contacts or limitations;

(i) The individual's supervision requirements and why; and

(j) Any additional pertinent information the provider has that could assist in the care and support of the individual should a natural or man-made disaster occur.

Stat. Auth. ORS 409.050, 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455

Hist.: SPD 11-2008, f. & cert. ef. 9-11-08

411-325-0230

Emergency Plan and Safety Review

(1) EFFECTIVE DATE. This rule shall become effective on September 1, 2009.

(2) EMERGENCY PLANNING.

(a) Providers must post the following emergency telephone numbers in close proximity to all phones used by staff.

(A) The telephone numbers of the local fire, police department, and ambulance service, if not served by a 911 emergency services; and

(B) The telephone number of the program's executive director, emergency physician and additional persons to be contacted in the case of an emergency.

(b) If an individual regularly accesses the community independently, the provider must provide the individual information about appropriate steps to take in an emergency, such as emergency contact telephone numbers, contacting police or fire personnel, or other strategies to obtain assistance.

(3) WRITTEN EMERGENCY PLAN. Providers must develop, maintain, update and implement a written emergency plan for the protection of all individuals in the event of an emergency or disaster.

(a) The emergency plan must:

(A) Be practiced at least annually. The emergency plan practice may consist of a walk-through of the duties or a discussion exercise dealing with a hypothetical event, commonly known as a tabletop exercise.

(B) Consider the needs of the individuals being served and address all natural and human-caused events identified as a significant risk for the home such as a pandemic or an earthquake.

(C) Include provisions and sufficient supplies, such as sanitation supplies, to shelter in place, when unable to relocate, for a minimum of three days under the following conditions:

(i) Extended utility outage;

(ii) No running water;

(iii) Inability to replace food or supplies; and

(iv) Staff unable to report as scheduled.

(D) Include provisions for evacuation and relocation that identifies:

(i) The duties of staff during evacuation, transporting, and housing of individuals including instructions to staff to notify the Seniors and People with Disabilities Division, local office, or designee of the plan to evacuate or the evacuation of the home as soon as the emergency or disaster reasonably allows;

(ii) The method and source of transportation;

(iii) Planned relocation sites that are reasonably anticipated to meet the needs of the individuals in the home;

(iv) A method that provides persons unknown to the individual the ability to identify each individual by the individual's name and to identify the name of the individual's supporting provider; and

(v) A method for tracking and reporting to the Seniors and People with Disabilities Division, local office, or designee, the physical location of each individual until a different entity resumes responsibility for the individual.

(E) Address the needs of the individuals, including provisions to provide:

(i) Immediate and continued access to medical treatment with the evacuation of the individual summary sheet identified in OAR 411-325-0180 and the individual's emergency information identified in OAR 411-325-0185 and other information necessary to obtain care, treatment, food, and fluids for individuals.

(ii) Continued access to life-sustaining pharmaceuticals, medical supplies and equipment during and after an evacuation and relocation;

(iii) Behavior support needs anticipated during an emergency; and

(iv) Adequate staffing to meet the life-sustaining and safety needs of the individuals.

(b) Providers must instruct and provide training to all staff about the staffs' duties and responsibilities for implementing the emergency plan.

(c) The provider must re-evaluate and revise the emergency plan at least annually or when there is a significant change in the home.

(d) The emergency plan summary, on the form supplied by the Seniors and People with Disabilities Division, must be sent to the Seniors and People with Disabilities Division annually and upon change of ownership.

(e) Applicable parts of the emergency plan must coordinate with each applicable employment and alternative-to-employment provider to address the possibility of an emergency or disaster during work hours.

(4) QUARTERLY SAFETY REVIEW. A documented safety review must be conducted quarterly to ensure that each residence is free of hazards. The provider must keep the quarterly safety review reports for three years and must make them available upon request by the CDDP or the Seniors and People with Disabilities Division.

Stat. Auth. ORS 409.050, 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455

Hist.: SPD 25-2003, f. 12-29-03, cert. ef. 1-1-04; SPD 11-2008, f. & cert. ef. 9-11-08

411-325-0270

Specific Standards: Safety-Fire Safety Requirements for Homes on a Single Property or on Contiguous Property Serving Six or More Individuals

(1) State of Oregon Building Codes and Fire Code. The home must provide safety equipment appropriate to the number and level of individuals served and meet the requirements of the State of Oregon Structural Specialty and the Fire Code as adopted by the State:

(a) Each residence housing six or more, but fewer than 11 individuals, or each residence that houses five or fewer individuals, but is licensed as single facility due to the total number of individuals served per the license or meets the contiguous property provision, must meet the requirements of a SR 3.3 occupancy and must:

(A) Provide and maintain permanent wired smoke alarms from a commercial source with battery back-up in each bedroom and at a point centrally located in the corridor or area giving access to each separate sleeping area and on each floor;

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(B) Provide and maintain a 13D residential sprinkler system as defined in the most recent edition of the National Fire Protection Association standard; and

(C) Have simple hardware for all exit doors and interior doors that cannot be locked against exit that has an obvious method of operation. Hasps, sliding bolts, hooks and eyes, double key deadbolts, and childproof doorknobs are not permitted. Any other deadbolts must be single action release so as to allow the door to open in a single operation.

(b) Each residence housing 11 or more but fewer than 17 individuals must meet the requirements of a SR-3.2 occupancy.

(c) Each residence housing 17 or more individuals must meet the requirements of a SR 3.1 occupancy.

(2) Licensed capacity plus respite bed for homes on a single property or on a contiguous property serving six or more individuals. At no time will the number of individuals served exceed the licensed capacity, except that one additional individual may receive respite care services not to exceed two weeks. Respite supports must not violate the safety and health sections of this rule.

(3) No admittance of person unable to appropriately respond. The program must not admit individuals functioning below the level indicated on the license for the residence.

Stat. Auth. ORS 409.050, 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455

Hist.: SPD 25-2003, f. 12-29-03, cert. ef. 1-1-04; SPD 25-2004, f. 7-30-04, cert. ef. 8-1-04; SPD 11-2008, f. & cert. ef. 9-11-08

411-325-0280

Specific Standards: Safety-Fire Safety Requirements for Homes or Duplexes Serving Five or Fewer Individuals

(1) Fire safety requirements. The home or duplex must be made fire safe.

(a) A second means of egress must be provided.

(b) A class 2A10BC fire extinguisher easily accessible on each floor in the home or duplex must be provided.

(c) Permanent wired smoke alarms from a commercial source with battery back up in each bedroom and at a point centrally located in the corridor or area giving access to each separate sleeping area and on each floor must be provided and maintained.

(d) A 13D residential sprinkler system in accordance with the most recent edition of the National Fire Protection Association Code must be provided and maintained. Homes or duplexes rated as "Prompt" facilities per Chapter 3 of the 2000 edition NFPA 101 Life Safety Code are granted an exception from the residential sprinkler system requirement.

(e) Hardware for all exit doors and interior doors must be simple hardware that cannot be locked against exit and must have an obvious method of operation. Hasp, sliding bolts, hooks and eyes, double key deadbolts, and childproof doorknobs are not permitted. Any other deadbolts must be single action release so as to allow the door to open in a single operation.

(2) Exception for permanent wired smoke alarms and 13D residential sprinkler systems. A home or duplex is granted an exception to requirements in OAR 411-325-0280(1)(c) and (d) under the following circumstances:

(a) All individuals residing in the home or duplex have demonstrated the ability to respond to an emergency alarm with or without physical assistance from staff, to the exterior and away from the home, in three minutes or less, as evidenced by three or more consecutive documented fire drills;

(b) Battery operated smoke alarms with a 10 year battery life and hush feature have been installed in accordance with the manufacturer's listing, in each bedroom, adjacent hallways, common living areas, basements, and in two-story homes, at the top of each stairway. Ceiling placement of smoke alarms is recommended. If wall mounted, smoke alarms must be between 6" and 12" from the ceiling and not within 12" of a corner. Alarms must be equipped with a device that warns of low battery condition when battery operated. All smoke alarms are to be maintained in functional condition; and

(c) A written fire safety evacuation plan is implemented that assures that staff assist all individuals in evacuating the premises safely during an emergency or fire as documented by fire drill records.

(3) Respite care. At no time will the number of individuals served at the residence exceed the maximum capacity of five including respite services. An individual may receive respite services not to exceed two weeks. Respite services must not violate the safety and health sections of this rule.

Stat. Auth.: ORS 410.070 & 409.050

Stats. Implemented: ORS 443.400 - 443.455

Hist.: SPD 25-2003, f. 12-29-03, cert. ef. 1-1-04; SPD 11-2008, f. & cert. ef. 9-11-08

Department of Oregon State Police, Office of State Fire Marshal Chapter 837

Rule Caption: Update NFPA standard reference dates and clarify what a "direct means of egress" is.

Adm. Order No.: OSFM 5-2008

Filed with Sec. of State: 8-29-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 5-1-2008

Rules Amended: 837-041-0050

Subject: The rule changes outdated reference dates of the Oregon Structural Specialty Code and NFPA standards. It also provides clarification of what an "approved direct means of egress" is in 837-041-0050(2)(c).

The allowance for windows to be acceptable has been removed since emergency escape windows are not sufficient for structures other than single family dwellings.

Rules Coordinator: Pat Carroll—(503) 373-1540, ext. 276

837-041-0050

Protection of the Means of Egress — General Provisions

(1) "High Life Hazard" definition: For the purpose of this rule, a "high life hazard" is any condition, or combination of conditions, where a reasonable adequate level of exiting safety has not been provided for the building occupants in the event of a fire or fire-related emergency.

(2) All existing buildings and structures (other than institutional, group care and single family dwelling occupancies) which constitute a high hazard to the occupants in the event of a fire or fire-related emergency shall provide a reasonable adequate level of exiting safety through substantial compliance with the requirements for new construction under the 2007 Edition of Oregon Structural Specialty Code, or any of the following methods or combinations thereof which the State Fire Marshal or deputy approved for the building or structure:

(a) A partial automatic sprinkler system as specified in N.F.P.A. Standard No. 13, 2002, installed throughout the complete exit system and inside every unprotected opening into the exit system. The sprinkler system shall be fitted with a swing check valve on the supply side and a fire department connection, except that the fire department connection may be omitted when waived by the authority having jurisdiction. A water flow detection device shall be installed that sounds an alarm on the premises or when a building has a fire alarm system, it is connected into the building fire alarm system.

(b) An automatic smoke detection system engineered specifically for life safety and early warning, installed throughout the premises as specified in N.F.P.A. Standard No. 72 2002 Edition. Heat detectors may be installed in place of smoke detectors in mechanical service rooms, storage rooms, kitchens, custodial closets, and areas not normally occupied or traversed by people. Fire detection system(s) shall be interconnected with the building evacuation fire alarm system.

EXCEPTION: In Group E Occupancies, detectors shall not be required in classrooms normally under the direct supervision of a staff member unless required by other Oregon Revised Statutes or Oregon Administrative Rules.

(c) An approved direct means of egress from each room opening to the outside at ground level. Direct exterior exits shall consist of doors, landings, and necessary stairs or ramps complying with the 2007 Edition of the Oregon Structural Specialty Code.

(d) Any other plan submitted by the owner, lessee, agent, or occupant and certified by a registered architect or engineer of the State of Oregon of reasonably adequate expertise in fire and life safety, which will provide a reasonable adequate level of exiting safety from the building or structure in the event of a fire or fire-related emergency.

(3) In determining whether a building or structure constitutes a high life hazard and in determining whether to approve a method of improvement, the State Fire Marshal or deputy shall determine whether the level of hazard is unreasonable by considering among other factors the following:

(a) Type of construction;

(b) Type of use;

(c) Type and density of occupancy;

(d) Type of contents and equipment;

(e) Fire division walls creating horizontal exits;

(f) Compartmentation;

(g) Areas of refuge;

(h) Ceiling height;

(i) Corridor and stair construction;

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- (j) Alarm, communication and detection systems;
- (k) Fire suppression systems;
- (l) Exit design and fire escapes;
- (m) Automatic smoke control; and
- (n) Fuel loading.

(4) The State Fire Marshal or deputy shall submit to the owner, lessee, agent or occupant written findings setting forth the facts supporting the determination that a high life hazard exists. Except as provided in ORS 479.170, the owner, lessee, agent or occupant shall have sixty (60) days after receipt of such findings to propose the method of improvement to the State Fire Marshal or deputy, who shall have sixty (60) days thereafter to approve or disapprove of the proposed method of improvement. If the proposed method of improvement is disapproved by the State Fire Marshal or deputy, a written statement of the reasons for disapproval shall be provided to the owner, lessee, agent or occupant within such sixty (60) day period.

(5) Except for governmental subdivisions exempt under ORS 476.030(3), the owner, lessee, agent or occupant aggrieved by the determination that the building or structure constitutes a high life hazard or by the disapproval of the proposed method of improvement (hereafter the order) and desires a hearing, the owner, lessee, agent or occupant may appeal in writing to the State Fire Marshal within (10) days from the service of the written findings of a high life hazard or the statement of reasons for disapproval of the proposed method of improvement. The appeal shall set forth the specific grounds of the appeal and no other grounds shall be considered thereafter. The appeal shall be accompanied by a fee of \$40 payable to the State Fire Marshal, and the State Fire Marshal may refer the appeal to the Regional Appeal Advisory Board established for that region by notifying the chairman of that board and sending a copy of the notice to the appellant. The Board shall fix a time for a hearing and notify the appellant of the time and place thereof which shall be within ten (10) days after such referral by the State Fire Marshal. If the State Fire Marshal does not refer the matter to a Regional Appeal Advisory Board, the State Fire Marshal shall fix a time and place, not less than five (5) and not more than ten (10) days thereafter, when and where the appeal will be heard by the State Fire Marshal. Within ten (10) days after receiving a recommendation from the Regional Appeal Advisory Board, or if no referral was made to such Board, within ten (10) days after the hearing before the State Fire Marshal, the State Fire Marshal may affirm, modify, revoke or vacate the order. If the State Fire Marshal affirms the order, the State Fire Marshal shall fix the time within which the owner, lessee, agent or occupant shall comply with the requirements of this rule. If the State Fire Marshal vacates or revokes the order, or modifies it in any particular other than extending time for compliance, the fee paid with the appeal shall be refunded. Otherwise, it shall be credited to appropriate state funds, and the State Fire Marshal shall so notify the State Treasurer.

(6) If the appellant under section (5) of this rule is aggrieved by the final order of the State Fire Marshal, the appellant may, within ten (10) days thereafter, appeal to the circuit court of the county in which the building or structures is situated, in the manner provided in ORS 479.180(2).

(7) In governmental subdivisions exempt under ORS 476.030(3), the owner, lessee, agent or occupant, aggrieved by the determination that the building or structure constitutes a high life hazard or by the disapproval of the proposed method of improvement, and desires a hearing, the owner, lessee, agent or occupant may appeal in writing to the Board of Appeals as provided by the ordinance and rules of the governmental subdivision.

(8) Commentary:

(a) Upgrading deficient exit facilities should always be of primary concern in any occupancy, but it must be recognized that there are degrees of deficiency from a very slight or negligible hazard to what is defined as a high life hazard under this rule. Fire officials should not equate the level of exiting safety required for new construction under the current building code with the reasonably adequate level of exiting safety required by this rule. The intent of this rule is to allow the continued use of existing buildings which provide a level of exit safety that substantially comply with the requirements for new construction under the current building code or use one of the alternatives to come within the range of reasonable safety that the public should be provided. Structural Changes shall not be required in buildings built, occupied and maintained in conformity with state building code regulations applicable at the time of construction, ORS 476.030(c).

Note: The state building code was first adopted in 1974.

(b) Rather than looking strictly to the current standard for new construction under the building code, fire officials must use their own judgment on a case-by-case basis as to reasonableness of the degree of hazard and adequacy of exit safety after evaluating all of the relevant factors stated in the rule and any other factors unique to the building or structure (Historical structures ORS 476.035). The written findings required by this rule should

list and analyze the relevant factors so that if the determination of the fire official is appealed, a written record of the reasons for the determination will be available for review.

(c) While fire and life safety must be given primary consideration, the determination of whether the existing level of hazard is unreasonable requires the fire official to consider the cost of the possible improvements in relation to the benefits provided by increased exiting safety from such improvements. The cost benefit analysis should be considered in deciding which method of improvement to approve once the determination of high life hazard has been made.

(d) The rule has been amended to provide greater flexibility in the method of improvement of deficient buildings. The fire official must not approve any proposed plan of improvement unless it will provide the reasonably adequate level of exiting safety required. While the fire official is not expected to plan the method of improvement for the building owner, much time will be saved if the fire official will actively assist the building owner or the owner's engineer in finding the least expensive method of improvement providing the reasonably adequate level of exiting safety.

(e) Substantial compliance with the requirements for new construction under the current building code will often be impossible or so expensive as to be impractical in existing buildings. The approval for one or more of the remaining three alternatives should always be given on a case-by-case basis after a consideration of all of the same factors considered in determining that the building constitutes a high life hazard and after balancing the costs against the benefits provided by the different methods. For example, in a hotel or apartment building the existence of a passive occupancy where cooking, portable space heaters, smoking in bed and other such activities create a significantly higher risk of undetected and/or uncontrolled fire incidents, the fire official might justifiably refuse to approve any plan that does not include significant use of automatic sprinklers. In contrast, where an active occupancy is involved such as in an office building, approval might be given for a plan of improvement consisting of horizontal exits and areas of refuge.

(f) In approving a plan of improvement, the fire official will require a commitment to a date of completion for the improvements, but will allow a sufficient period for completion.

(g) Once the improvement has been completed, unless there is a significant change in one or more of the factors considered in the determination of a high life hazard, no further improvements will be required under this rule.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 476

Stats. Implemented: ORS 476.030(C)

Hist.: FM 68, f. 5-2-75, ef. 5-25-75; FM 7-1981, f. & ef. 11-5-81; OSFM 7-2001, f. 6-27-01, cert. ef. 7-1-01; OSFM 5-2008, f. 8-29-08, cert. ef. 9-1-08

Rule Caption: Changes to amend Rule with reference to mid-cycle amendments to the 2007 Oregon Fire Code.

Adm. Order No.: OSFM 6-2008

Filed with Sec. of State: 9-2-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 837-040-0020

Subject: Rule changes are needed to correct any immediate life threatening situations or conflicts in the codes and to update references to nationally recognized standards since the adoption of the 2007 Oregon Fire Code.

Any costs associated with these changes are necessary to the health and safety of the occupants or the public.

Rules Coordinator: Pat Carroll—(503) 373-1540, ext. 276

837-040-0020

Amendments to the Oregon Fire Code

(1) The Office of State Fire Marshal may amend the **Oregon Fire Code** approximately midway between publications of the International Fire Code based on proposed code amendments submitted for consideration by interested persons.

(2) Any time between publications of the international Fire Code, the Office of State Fire Marshal may initiate and adopt code amendments to the Oregon Fire Code, as circumstanced merit (Referenced publications are available for review at the agency. See agency web site for information on where to purchase publications).

(3) Effective October 1, 2008 the 2007 Oregon Fire Code (OFC) is amended by the Office of State Fire Marshal as follows:

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(a) Amend Section 102.3 by replacing the words Fire Code Official with Building Code Official.

(b) Amend Section 202, Definitions for Group I-4, Day Care Facilities and R-3 Residential Occupancies.

(c) Section 307.1.1. Delete wording that refers to, offensive or objectionable smoke or odor emissions, to eliminate a possible conflict with Oregon Department of Environmental Quality (ODEQ) rules.

(d) Amend Section 605.10 to delete references to heating elements and tip over switch in the Exception.

(e) Amend Section 902.1, Definitions for Substantial Alterations and Substantial Damage to correlate with changes to the **2007 Oregon Structural Specialty Code (OSSC)**.

(f) Delete Section 903.2.7.1 to correlate with changes to the **2007 Oregon Structural Specialty Code (OSSC)**.

(g) Amend and renumber Section 903.2.7.2 to correlate with the changes to the **2007 Oregon Structural Specialty Code (OSSC)**.

(h) Amend Section 1019.2 and Table 1019.2 to correlate with the changes to the **2007 Oregon Structural Specialty Code (OSSC)**.

(i) Add a new Section 1305 to correlate with the **2007 Oregon Mechanical Specialty Code (OMSC)** for dust collection.

(j) Amend Appendix Section SR107.3 and SR 108.3.2 to correlate with the changes to the **2007 Oregon Structural Specialty Code (OSSC)**.

(k) Amend Chapter 45, National Fire Protection Association (NFPA) Standards, to current editions as follows.

NFPA 10 to the 2007 edition. Section 7.1.2.3 will be effective January 1, 2009. NFPA 11 to the 2005 edition. NFPA 13, 13R and 13D to the 2007 edition. NFPA 14 to the 2007 edition. NFPA 40 to the 2007 edition. NFPA 58 to the 2008 edition. NFPA 72 to the 2007 edition. NFPA 101 to the 2006 edition. NFPA 409 to the 2004 edition.

[Publications: Publications referenced are available from the agency.]

Stat. Auth: ORS 476.030

Stats. Implemented: ORS 476.030

Hist.: OSFM 1-2006(Temp), f. 1-9-06 cert. ef. 2-1-06 thru 7-28-06; OSFM 9-2006, f. & cert. ef. 6-12-06; OSFM 13-2006, f. 12-1-06, cert. ef. 4-1-07; OSFM 6-2008, f. 9-2-08, cert. ef. 10-1-08

Department of Revenue
Chapter 150

Rule Caption: Corporation tax and credits; insurance apportionment; cigarette/other tobacco tax; background checks; penalties; state lodging.

Adm. Order No.: REV 5-2008

Filed with Sec. of State: 8-29-2008

Certified to be Effective: 8-31-08

Notice Publication Date: 7-1-2008

Rules Adopted: 150-181.534(9), 150-181.534(9)-(A), 150-181.534(9)-(B), 150-181.534(9)-(C), 150-181.534(9)-(D), 150-181.534(9)-(E), 150-181.534(9)-(F), 150-181.534(9)-(G), 150-181.534(9)-(H), 150-181.534(9)-(I), 150-181.534(9)-(J), 150-181.534(9)-(K), 150-181.534(9)-(L), 150-181.534(9)-(M), 150-320.308, 150-323.505(2)

Rules Amended: 150-314.400(1), 150-317.660(2)

Rules Repealed: 150-305.270(2), 150-314.250, 150-317.368(1), 150-317.368(6)

Rules Ren. & Amend: 150-323.320(2) to 150-323.320-(C)

Subject: The series of rules adopted under ORS 181.534 (i.e. 150-181.534(9) and 150-181.534(9)-(A) through 150-181.534(9)-(N)) explain the department's process for conduction criminal background checks for 'subject persons.'

150-320.308 is adopted to provide guidance on what is exempt from the state lodging tax and to clarify that employees of federal government agencies and federal instrumentalities that are on official business are exempt from this tax. Portions of 150-320.305 are moved to this rule.

150.314.400(1) is amended to describe the one month late-filing criteria for returns required to be filed more frequently than annually.

150.317.660(2) is amended to include a statement that the wage and commission factor is not used in the insurance apportionment factor calculation for tax years beginning on or after January 1, 2007.

150-323.505(2) is amended to clarify how the wholesale sales price is determined for purposes of the Other Tobacco Products tax for transactions between any unrelated, unaffiliated parties, or

between related, affiliated parties (i.e. — a manufacturer and a related distributor, where the distributor is paying the tax.)

150-323.320(2) is amended and renumbered to 150-323.320-(C). This amendment explains the process for refunding stamps affixed to cigarettes that are no longer approved for sale in Oregon, unsold cigarettes, and clarifies the processes the department currently takes to accept and act on claims for refund of the tax stamp value.

150-305.270(2), 150-314.250, 150-317.368(1) and 150-317.368(6) are obsolete and are proposed for repeal.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-181.534(9)

Statement of Purpose and Statutory Authority

(1) Purpose. These rules control the Department of Revenue's acquisition of information about a subject individual's criminal history through criminal records checks or other means and its use of that information to determine whether the subject individual is fit to provide services to the Department as an employee, volunteer, contractor or vendor in a position covered by OAR 150-181.534(9)-(B)(2)(a). The fact that the Department approves a subject individual as fit does not guarantee the individual a position as a Department employee, volunteer, contractor or vendor.

(2) Authority. These rules are authorized under ORS 181.534 and 305.100.

Stat. Auth.: ORS 181.534, 305.100

Stats. Implemented: ORS 181.534

Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(A)

Definitions

As used in this rule, unless the context of the rule requires otherwise, the following definitions apply:

(1) "Approved" means that, pursuant to a preliminary fitness determination under 150-181.534(9)-(D) or a final fitness determination under OAR 150-181.534(9)-(F), an authorized designee has determined that the subject individual is fit to be an employee, volunteer, contractor or vendor in a position covered by OAR 150-181.534(9)-(B).

(2) "Authorized Designee" means a Department employee authorized to obtain and review criminal offender information and other criminal records information about a subject individual through criminal records checks and other means, and to conduct a fitness determination in accordance with these rules.

(3) "Conviction" means that a court of law has entered a final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere (no contest) against a subject individual in a criminal case, unless that judgment has been reversed or set aside by a subsequent court decision.

(4) "Criminal Offender Information" includes records and related data as to physical description and vital statistics, fingerprints received and compiled by the Oregon Department of State Police Bureau of Criminal Identification for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole and release.

(5) "Crime Relevant to a Fitness Determination" means a crime listed or described in OAR 150-181.534(9)-(G).

(6) "Criminal Records Check and Fitness Determination Rules" or "These Rules" means OAR chapter 150-181.534(9) through 150-181.534(9)-(M).

(7) "Criminal Records Check" or "CRC" means one of three processes undertaken to check the criminal history of a subject individual:

(a) A check of criminal offender information and motor vehicle registration and driving records conducted through use of the Law Enforcement Data System (LEDS) maintained by the Oregon Department of State Police, in accordance with the rules adopted and procedures established by the Oregon Department of State Police (LEDS Criminal Records Check);

(b) A check of Oregon criminal offender information, including through fingerprint identification, conducted by the Oregon Department of State Police at the Department's request (Oregon Criminal Records Check); or

(c) A nationwide check of federal criminal offender information, including through fingerprint identification, conducted by the Oregon Department of State Police through the Federal Bureau of Investigation or otherwise at the Department's request (Nationwide Criminal Records Check).

(8) "Denied" means that, pursuant to a preliminary fitness determination under OAR 150-181.534(9)-(D) or a final fitness determination under OAR 150-181.534(9)-(F), an authorized designee has determined that the

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subject individual is not fit to be an employee, volunteer, contractor or vendor in a position covered by OAR 150-181.534(9)-(B).

(9) "Department" means the Oregon Department of Revenue or any subdivision thereof.

(10) "False Statement" means that, in association with an activity governed by these rules, a subject individual either provided the Department with materially false information about his or her criminal history, such as materially false information about his or her identity or conviction record, or failed to provide to the Department information material to determining his or her criminal history.

(11) "Fitness Determination" means a determination made by an authorized designee pursuant to the process established in OAR 150-181.534(9)-(D) (preliminary fitness determination) or 150-181.534(9)-(F) (final fitness determination) that a subject individual is or is not fit to be a Department employee, volunteer, contractor or vendor in a position covered by OAR 150-181.534(9)-(B), subsections (2)(a) through (n).

(12) "Other Criminal Records Information" means any information, in addition to criminal offender information, sought or obtained by the Department about a subject individual relevant to determining the individual's criminal history.

(13) "Related" means that an individual has a relationship with another person described by one of the following labels: spouse, domestic partner, natural parent, foster parent, adoptive parent, stepparent, child, foster child, adopted child, stepchild, sibling, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, aunt, uncle, niece, nephew or first cousin.

(14) "Subject Individual" means an individual identified in OAR 150-181.534(9)-(B) as someone from whom the Department may require fingerprints for the purpose of conducting a criminal records check.

Stat. Auth.: ORS 181.534, 305.100
Stats. Implemented: ORS 181.534
Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(B)

Subject Individual

"Subject Individual" means a person from whom the Department may require fingerprints for the purpose of conducting a criminal records check because the person:

(1)(a) Is employed by or applying for employment with the Department; or

(b) Provides services or seeks to provide services to the Department as a volunteer, contractor, or vendor; and

(2) Is, or will be, working or providing services in a position:

(a) in which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(b) in which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

(c) That has payroll functions;

(d) In which the person has responsibility for receiving, receipting or depositing money or negotiable instruments;

(e) In which the person has responsibility for billing, collections or other financial transactions;

(f) In which the person has responsibility for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state;

(g) that has mailroom duties as the primary duty or job function of the position;

(h) In which the person has responsibility for auditing the Department or other governmental agencies;

(i) That has personnel or human resources functions as one of the position's primary responsibilities;

(j) in which the person has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal history information;

(k) In which the person has access to chemicals or hazardous materials, to facilities in which chemicals and hazardous materials are present or to information regarding the transportation of chemical or hazardous materials;

(l) In which the person has access to property to which access is restricted in order to protect the health or safety of the public;

(m) In which the person provides security, design or construction services for government buildings, grounds or facilities; or

(n) In which the person has access to critical infrastructure or security-sensitive facilities or information.

Stat. Auth.: ORS 181.534, 305.100
Stats. Implemented: ORS 181.534
Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(C)

Criminal Records Check Process

(1) Disclosure of Information by Subject Individual.

(a) Preliminary to a criminal records check, a subject individual shall complete and sign the Department of Revenue Criminal Records Request form and, if requested by the Department, a fingerprint card. Both forms ask for identifying information, e.g., name, birth date, Social Security Number, physical characteristics, marital status, driver's license or identification card number and current address. The Department of Revenue Criminal Records Request form also asks for information about prior residences and for details concerning any circumstance listed in OAR 150-181.534(9)-(D), subsections (3)(a)-(f).

(b) A subject individual shall complete and submit to the Department the Department of Revenue Criminal Records Request form and, if requested, a fingerprint card within three business days of receiving the forms. An authorized designee may extend the deadline for good cause.

(c) The Department shall receive a fingerprint card from a subject individual under the age of 18 years only if the subject individual also submits the written consent of a parent or guardian.

(d) Within a reasonable period of time as established by an authorized designee, a subject individual shall disclose additional information as requested by the Department in order to resolve an issue hindering the completion of a criminal records check, e.g., providing additional proof of identity.

(2) When a Criminal Records Check is Conducted. An authorized designee may conduct, or request that the Oregon Department of State Police conduct, a criminal records check when:

(a) An individual meets the definition of "subject individual," but has not been approved under these rules, unless the individual was a Department employee serving in his or her current position prior to the effective date of these rules and that position does not involve authorized designee responsibilities;

(b) An individual employed by the Department meets the definition of "subject individual" because he or she is either moving to or applying for a position that meets the criteria of OAR 150-181.534(9)-(D), subsections (2)(a)-(n), if:

(A) The Department has not conducted a fitness determination on the subject individual within the previous three years;

(B) The subject individual had been previously approved under OAR 150-181.534(9)-(F)(3)(b); or

(C) An authorized designee determines that the new position requires greater responsibility for functions covered by OAR 150-181.534(9)-(B), subsections (2)(a)-(n), than the subject individual's prior position.

(c) An authorized designee has reason to believe that a subject individual committed a crime listed in OAR 150-181.534(9)-(G) and either a fitness determination has not yet been done on the subject individual or the crime had not been identified in a prior fitness determination;

(d) An authorized designee has reason to believe that a factor relevant to a fitness determination listed in OAR 150-181.534(9)-(F)(2), not previously identified in a fitness determination, applies to a subject individual who had been previously approved under OAR 150-181.534(9)-(F)(3)(b);

(e) Required by federal law or regulation, by state law or administrative rule, or by contract or written agreement with the Department.

(3) Which Criminal Records Check(s) is conducted. When an authorized designee determines under subsection (2) of this rule that a criminal record check is needed, the authorized designee shall proceed as follows:

(a) LEDS Criminal Records Check. The authorized designee shall conduct a LEDS criminal records check as part of any fitness determination conducted in regard to a subject individual.

(b) Oregon Criminal Records Check. The authorized designee shall request that the Oregon Department of State Police conduct an Oregon criminal record check when:

(A) The authorized designee determines that an Oregon criminal records check is warranted after review of the information provided by the subject individual, the results of a LEDS criminal records check, or other criminal records information; or

(B) The authorized designee requests a nationwide criminal records check.

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(c) Nationwide Criminal Records Check. The authorized designee shall request that the Oregon Department of State Police conduct a nationwide criminal record check when:

(A) A subject individual has lived outside Oregon for 60 or more consecutive days during the previous three (3) years;

(B) Information provided by the subject individual or the results of a LEDS or Oregon criminal records check provide reason to believe, as determined by an authorized designee, that the subject individual has a criminal history outside of Oregon;

(C) As determined by an authorized designee, there is reason to question the identity of or information provided by a subject individual because, e.g., the subject individual fails to disclose a Social Security Number, discloses a Social Security Number that appears to be invalid, or does not have an Oregon driver's license or identification card;

(D) A check is required by federal law or regulation, by state law or administrative rule, or by contract or written agreement with the Department;

(E) (reserved)

(F) The Department Director or Deputy Director seeks to serve as an authorized designee; or

(G) A subject individual is a Department of Revenue employee working in, moving to, or applying for a position within the Human Resources Unit of the Department's Administrative Services Division designated by the Department Director or the Director's designee as including the responsibilities of an authorized designee.

Stat. Auth.: ORS 181.534, 305.100

Stats. Implemented: ORS 181.534

Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(D)

Preliminary Fitness Determination

(1) An authorized designee may conduct a preliminary fitness determination if the Department is interested in hiring or appointing a subject individual on a preliminary basis, pending a final fitness determination.

(2) An authorized designee shall make a preliminary fitness determination about a subject individual based on information disclosed by the subject individual under OAR 150-181.534(9)-(C)(1) and a LEDS criminal records check.

(3) The authorized designee shall approve a subject individual as fit on a preliminary basis if the authorized designee has no reason to believe that the subject individual has made a false statement and the information available to the authorized designee does not disclose that the subject individual:

(a) Has been convicted of, found guilty except for insanity (or comparable disposition) of, or has a pending indictment for a crime listed under OAR 150-181.534(9)-(G);

(b) Within the last five years, has been arrested for or charged with a crime listed under OAR 150-181.534(9)-(G);

(c) Is being investigated for, or has an outstanding warrant for a crime listed under OAR 150-181.534(9)-(G);

(d) Is currently on probation, parole, or another form of post-prison supervision for a crime listed under OAR 150-181.534(9)-(G);

(e) Has a deferred sentence or conditional discharge or is participating in a diversion program in connection with a crime listed under OAR 150-181.534(9)-(G); or

(f) Has been adjudicated in a juvenile court and found to be within the court's jurisdiction for an offense that would have constituted a crime listed in OAR 150-181.534(9)-(G) if committed by an adult.

(4) If the information available to the authorized designee discloses one or more of the circumstances identified in section (3), the authorized designee may nonetheless approve a subject individual as fit on a preliminary basis if the authorized designee concludes, after evaluating all available information, that hiring or appointing the subject individual on a preliminary basis does not pose a risk of harm to the Department, its client entities, the State, or members of the public.

(5) If a subject individual is either approved or denied on the basis of a preliminary fitness determination, an authorized designee thereafter shall conduct a fitness determination under OAR 150-181.534(9)-(F).

(6) A subject individual may not appeal a preliminary fitness determination, under the process provided under OAR 150-181.534(9)-(J) or otherwise.

Stat. Auth.: ORS 181.534, 305.100

Stats. Implemented: ORS 181.534

Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(E)

Hiring or Appointing on a Preliminary Basis

(1) The Department may hire or appoint a subject individual on a preliminary basis if an authorized designee has approved the subject individual on the basis of a preliminary fitness determination under OAR 150-181.534(9)-(D).

(2) A subject individual hired or appointed on a preliminary basis under this rule may participate in training, orientation, or work activities as assigned by the Department.

(3) A subject individual hired or appointed on a preliminary basis is deemed to be on trial service and, if terminated prior to completion of a final fitness determination under OAR 150-181.534(9)-(F), may not appeal the termination under the process provided under OAR 150-181.534(9)-(J).

(4) If a subject individual hired or appointed on a preliminary basis is denied upon completion of a final fitness determination, as provided under OAR 150-181.534(9)-(F)(3)(d), then the Department shall immediately terminate the subject individual's employment or appointment.

(5) A subject individual whose employment or appointment is terminated under subsection (4) of this rule may avail himself or herself of the appeal process provided under OAR 150-181.534(9)-(J).

Stat. Auth.: ORS 181.534, 305.100

Stats. Implemented: ORS 181.534

Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(F)

Final Fitness Determination

(1) An authorized designee shall make a fitness determination about a subject individual based on information provided by the subject individual under OAR 150-181.534(9)-(C)(1), the criminal records check(s) conducted, if any, and any false statements made by the subject individual.

(2) In making a fitness determination about a subject individual, an authorized designee shall consider the factors in subsections (2)(a) through (f) of this rule in relation to information provided by the subject individual under OAR 150-181.534(9)-(C) (1), any LEDS report or criminal offender information obtained through a criminal records check, and any false statement made by the subject individual. To assist in considering these factors, the authorized designee may obtain other criminal records information from the subject individual or any other source, including law enforcement agencies or courts within or outside of Oregon. To acquire other criminal offender information from the subject individual, an authorized designee may request to meet with the subject individual, to receive written materials from him or her, or both. The authorized designee will use all collected information in considering:

(a) Whether the subject individual has been convicted of, found guilty except for insanity (or a comparable disposition) of, or has a pending indictment for a crime listed in OAR 150-181.534(9)-(G);

(b) The nature of any crime identified under subsection (2)(a) of this rule;

(c) The facts that support the conviction, finding of guilty except for insanity, or pending indictment;

(d) The facts that indicate the subject individual made a false statement;

(e) The relevance, if any, of a crime identified under subsection (2)(a) of this rule or of a false statement made by the subject individual to the specific requirements of the subject individual's present or proposed position, services or employment; and

(f) The following intervening circumstances, to the extent that they are relevant to the responsibilities and circumstances of the services or employment for which the fitness determination is being made:

(A) The passage of time since the commission or alleged commission of a crime identified under subsection (2)(a) of this rule;

(B) The age of the subject individual at the time of the commission or alleged commission of a crime identified under subsection (2)(a) of this rule;

(C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another crime listed in OAR 150-181.534(9)-(G);

(E) Whether a conviction identified under subsection (2)(a) of this rule has been set aside or pardoned, and the legal effect of setting aside the conviction or of a pardon;

(F) A recommendation of an employer;

(G) The disposition of a pending indictment identified under subsection(2)(a) of this rule;

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(H) Whether the subject individual has been arrested for or charged with a crime listed under OAR 150-181.534(9)-(G) within the last five years;

(I) whether the subject individual is being investigated, or has an outstanding warrant, for a crime listed under OAR 150-181.534(9)-(G);

(J) whether the subject individual is currently on probation, parole or another form of post-prison supervision for a crime listed under OAR 150-181.534(9)-(G);

(K) whether the subject individual has a deferred sentence or conditional discharge or is participating in a diversion program in connection with a crime listed under OAR 150-181.534(9)-(G);

(L) whether the subject individual has been adjudicated in a juvenile court and found to be within the court's jurisdiction for an offense that would have constituted a crime listed in OAR 150-181.534(9)-(G) if committed by an adult;

(M) Periods of incarceration of the subject individual;

(N) whether the subject individual has a history of drug or alcohol abuse which relates to his or her criminal activity and the subject individual's history of treatment or rehabilitation for such abuse; and

(O) The education and work history (paid or volunteer) of the subject individual since the commission or alleged commission of a crime.

(3) Possible Outcomes of a Final Fitness Determination

(a) Automatic Approval. An authorized designee shall approve a subject individual if the information described in sections (1) and (2) of this rule shows:

(A) No credible evidence that the subject individual has been convicted of, or found guilty except for insanity (or comparable disposition) of a crime listed in OAR 150-181.534(9)-(G)(1);

(B) No credible evidence that the subject individual had been convicted of, or found guilty except for insanity (or comparable disposition) of a crime listed in OAR 150-181.534(9)-(G)(2) within ten years of the date that the subject individual signed the Department of Revenue Criminal Records Request form;

(C) No credible evidence that the subject individual had been convicted of, or found guilty except for insanity (or comparable disposition) of a crime listed in OAR 150-181.534(9)-(G)(3) within five years of the date that the subject individual signed the Department of Revenue Criminal Records Request form;

(D) No credible evidence that the subject individual has a pending indictment for a crime listed in OAR 150-181.534(9)-(G);

(E) No credible evidence of the subject individual having made a false statement; and

(F) No discrepancies between the criminal offender information, other criminal records information and information obtained from the subject individual.

(b) Evaluative Approval. If a fitness determination under this rule shows credible evidence of any of the factors identified in paragraphs (3)(a)(A)-(F) of this rule, an authorized designee may approve the subject individual only if, in evaluating the information described in sections (1) and (2), the authorized designee determines that the subject individual acting in the position for which the fitness determination is being conducted would not pose a risk of harm to the Department, its client entities, the State, or members of the public.

(c) Restricted Approval.

(A) If an authorized designee approves a subject individual under subsection (3)(b) of this rule, the authorized designee may restrict the approval to specific activities or locations.

(B) An authorized designee shall complete a new criminal records check and fitness determination on the subject individual prior to removing a restriction.

(d) Denial.

(A) If a fitness determination under this rule shows credible evidence of any of the factors identified in paragraphs (3)(a)(A)-(F) of this rule and, after evaluating the information described in sections (1) and (2) of this rule, an authorized designee concludes that the subject individual acting in the position for which the fitness determination is being conducted would pose a risk of harm to the Department, its client entities, the State, or members of the public, the authorized designee shall deny the subject individual as not fit for the position.

(B) Refusal to Consent. If a subject individual refuses to submit or consent to a criminal records check including fingerprint identification, the authorized designee shall deny the subject individual as not fit without further assessment under the fitness determination process.

(C) If a subject individual is denied as not fit, then the subject individual may not be employed by or provide services as a volunteer, contrac-

tor or vendor to the Department in a position covered by OAR 150-181.534(9)-(B)(2).

(4) Final Order. A completed final fitness determination becomes a final order of the Department unless the affected subject individual appeals by requesting either a contested case hearing as provided by OAR 150-181.534(9)-(J)(2)(a) or an alternative appeals process as provided by OAR 150-181.534(9)-(J)(6).

Stat. Auth.: ORS 181.534, 305.100
Stats. Implemented: ORS 181.534
Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(G)

Crimes Relevant to a Fitness Determination

(1) Permanent Review Crimes.

(a) ORS 162.015, Bribe giving;

(b) ORS 162.025, Bribe receiving;

(c) ORS 162.065, Perjury;

(d) ORS 162.085, Unsworn falsification;

(e) ORS 162.235, Obstructing governmental or judicial administration;

(f) ORS 162.265, Bribing a witness;

(g) ORS 162.275, Bribe receiving by a witness;

(h) ORS 162.305, Tampering with public records;

(i) ORS 162.405, Official misconduct II;

(j) ORS 162.415, Official misconduct I;

(k) ORS 162.425, Misuse of confidential information;

(l) ORS 163.005, Criminal homicide;

(m) ORS 163.095, Aggravated murder;

(n) ORS 163.115, Murder;

(o) ORS 163.118, Manslaughter I;

(p) ORS 163.125, Manslaughter II;

(q) ORS 163.145, Criminally negligent homicide;

(r) ORS 163.160, Assault IV;

(s) ORS 163.165, Assault III;

(t) ORS 163.175, Assault II;

(u) ORS 163.185, Assault I;

(v) ORS 163.187, Strangulation;

(w) ORS 163.190, Menacing;

(x) ORS 163.200, Criminal mistreatment II;

(y) ORS 163.205, Criminal mistreatment I;

(z) ORS 163.207, Female genital mutilation;

(aa) ORS 163.208, Assault of Public Safety Officer;

(bb) ORS 163.213, Unlawful use of an electrical stun gun, tear gas, or mace I;

(cc) ORS 163.225, Kidnapping II;

(dd) ORS 163.235, Kidnapping I;

(ee) ORS 163.275, Coercion;

(ff) ORS 163.355, Rape III;

(gg) ORS 163.365, Rape II;

(hh) ORS 163.375, Rape I;

(ii) ORS 163.385, Sodomy III;

(jj) ORS 163.395, Sodomy II;

(kk) ORS 163.405, Sodomy I;

(ll) ORS 163.408, Unlawful Sexual penetration II;

(mm) ORS 163.411, Unlawful Sexual penetration I;

(nn) ORS 163.415, Sexual abuse III;

(oo) ORS 163.425, Sexual abuse II;

(pp) ORS 163.427, Sexual abuse I;

(qq) ORS 163.435, Contributing to the sexual delinquency of a minor;

(rr) ORS 163.452, Custodial sexual misconduct I;

(ss) ORS 163.454, Custodial sexual misconduct II;

(tt) ORS 163.465, Public indecency;

(uu) ORS 163.537, Buying or selling a person under 18 years of age;

(vv) ORS 163.670, Using child in display of sexually explicit conduct;

(ww) ORS 163.684, Encouraging child sexual abuse I;

(xx) ORS 163.686, Encouraging child sexual abuse II;

(yy) ORS 163.687, Encouraging child sexual abuse III;

(zz) ORS 163.688, Possession of materials depicting sexually explicit conduct of a child I;

(aaa) ORS 163.689, Possession of materials depicting sexually explicit conduct of a child II;

(bbb) ORS 163.732, Stalking;

(ccc) ORS 164.057, Aggravated theft I;

(ddd) ORS 164.075, Theft by extortion;

(eee) ORS 164.085, Theft by deception;

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- (fff) ORS 164.125, Theft of services;
(ggg) ORS 164.162, Mail theft or receipt of stolen mail;
(hhh) ORS 164.225, Burglary I;
(iii) ORS 164.325, Arson I;
(jjj) ORS 164.377, Computer crime;
(kkk) ORS 164.395, Robbery III;
(ll) ORS 164.405, Robbery II;
(mmm) ORS 164.415, Robbery I;
(nnn) ORS 165.007, Forgery II;
(ooo) ORS 165.013, Forgery I;
(ppp) ORS 165.017, Criminal possession of a forged instrument II;
(qqq) ORS 165.022, Criminal possession of a forged instrument I;
(rrr) ORS 165.032, Criminal possession of a forgery device;
(sss) ORS 165.042, Fraudulently obtaining a signature;
(ttt) ORS 165.055, Fraudulent use of a credit card;
(uuu) ORS 165.080, Falsifying business records;
(vvv) ORS 165.095, Misapplication of entrusted property;
(www) ORS 165.100, Issuing a false financial statement;
(xxx) ORS 165.800, Identity theft;
(yyy) ORS 166.015, Riot;
(zzz) ORS 166.155, Intimidation II;
(aaaa) ORS 166.165, Intimidation I;
(bbbb) ORS 166.220, Unlawful use of weapon;
(cccc) ORS 166.270, Possession of weapons by certain felons;
(dddd) ORS 166.720, Racketeering activity unlawful;
(eeee) ORS 167.065, Furnishing obscene materials to minors;
(ffff) ORS 167.070, Sending obscene materials to minors;
(gggg) ORS 167.075, Exhibiting an obscene performance to a minor;
(hhhh) ORS 167.080, Displaying obscene materials to minors;
(iiii) ORS 167.262, Adult using minor in commission of controlled substance offense;
(jjjj) ORS 192.852/865, Prohibited obtaining or disclosing of protected information;
(kkkk) ORS 411.630, Unlawfully obtaining public assistance;
(llll) ORS 411.675, Submitting wrongful claim or payment (e.g., public assistance);
(mmmm) ORS 411.840, Unlawfully obtaining or disposing of food stamp benefits;
(nnnn) ORS 475.840, Prohibited acts generally (regarding drug crimes);
(oooo) ORS 475.846, Unlawful manufacture of heroin;
(pppp) ORS 475.848, Unlawful manufacture of heroin within 1,000 ft of school;
(qqqq) ORS 475.850, Unlawful delivery of heroin;
(rrrr) ORS 475.852, Unlawful delivery of heroin within 1,000 ft of school;
(ssss) ORS 475.854, Unlawful possession of heroin;
(tttt) ORS 475.856, Unlawful manufacture of marijuana;
(uuuu) ORS 475.858, Unlawful manufacture of marijuana within 1,000 ft of school;
(vvvv) ORS 475.860, Unlawful delivery of marijuana;
(wwww) ORS 475.862, Unlawful delivery of marijuana within 1,000 ft of school;
(xxxx) ORS 475.864, Unlawful possession of marijuana;
(yyyy) ORS 475.866, Unlawful manufacture of 3,4-methylenedioxymethamphetamine;
(zzzz) ORS 475.868, Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 ft of school;
(aaaaa) ORS 475.870, Unlawful delivery of 3,4-methylenedioxymethamphetamine;
(bbbbb) ORS 475.872, Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 ft of school;
(ccccc) ORS 475.874, Unlawful possession of 3,4-methylenedioxymethamphetamine;
(dddd) ORS 475.876, Unlawful manufacture of cocaine;
(eeee) ORS 475.878, Unlawful manufacture of cocaine within 1,000 ft of school;
(ffff) ORS 475.880, Unlawful delivery of cocaine;
(ggggg) ORS 475.882, Unlawful delivery of cocaine within 1,000 ft of school;
(hhhhh) ORS 475.884, Unlawful possession of cocaine;
(iiiiii) ORS 475.886, Unlawful manufacture of methamphetamine;
(jjjjj) ORS 475.888, Unlawful manufacture of methamphetamine within 1,000 ft of school;
(kkkkk) ORS 475.890, Unlawful delivery of methamphetamine;
(lllll) ORS 475.892, Unlawful delivery of methamphetamine within 1,000 ft of school;
(mmmmm) ORS 475.894, Unlawful possession of methamphetamine;
(nnnnn) ORS 475.904, Penalty for manufacture or delivery of controlled substance within 1000 feet of school;
(ooooo) ORS 475.906, Penalties for distribution to minors;
(ppppp) ORS 475.908, Causing another person to ingest a controlled substance;
(qqqqq) ORS 475.910, Application of controlled substance to the body of another person;
(rrrrr) ORS 475.916, Prohibited acts involving records and fraud;
(sssss) ORS 475.918, Falsifying drug test results;
(ttttt) ORS 475.920, Providing drug test falsification equipment
(uuuuu) ORS 475.967, Possession of precursor substance with intent to manufacture controlled substance;
(vvvvv) ORS 475.975, Unlawful possession & distribution of iodine in its elemental form;
(wwwww) ORS 475.976, Unlawful possession & distribution of iodine matrix;
(xxxxx) ORS 803.230, Forging, altering or unlawfully producing or using title or registration;
(yyyyy) ORS 811.140, Reckless driving;
(zzzzz) ORS 811.182, Criminal driving while suspended or revoked;
(aaaaa) ORS 811.540, Fleeing or attempting to elude police officer;
(bbbbb) ORS 811.700, Failure to perform duties of driver when property is damaged;
(ccccc) ORS 811.705, Failure to perform duties of driver to injured persons;
(dddd) ORS 813.010, Driving under the influence of intoxicants (DUII);
(eeeee) ORS 819.300, Possession of a stolen vehicle;
(ffffff) Any federal crime;
(ggggg) Any unclassified felony defined in Oregon Revised Statutes not listed elsewhere in this rule;
(hhhhh) Any other felony under the statutes of Oregon or any other jurisdiction not listed elsewhere in this rule that the authorized designee determines is relevant to performance of the subject individual's present or proposed position as a Department employee, contractor, vendor or volunteer;
(iiiiii) Any crime of attempt, solicitation or conspiracy to commit a crime listed in this section (1) pursuant to ORS 161.405, 161.435, or 161.450;
(jjjjj) Any crime based on criminal liability for conduct of another pursuant to ORS 161.155, when the underlying crime is listed in this section (1);
(kkkkk) Any crime in any other jurisdiction that is the substantial equivalent of any of the Oregon crimes listed in this section (1) as determined by the authorized designee;
(lllll) Any offense that no longer constitutes a crime under Oregon law or the laws of any other jurisdiction, but is the substantial equivalent of any of the crimes listed in this section (1) as determined by the authorized designee.
(2) Ten-Year Review Crimes.
(a) ORS 133.076, Failure to appear on criminal citation;
(b) ORS 162.075, False swearing;
(c) ORS 162.117, Public investment fraud;
(d) ORS 162.175, Unauthorized departure;
(e) ORS 162.185, Supplying contraband;
(f) ORS 162.195, Failure to appear II;
(g) ORS 162.205, Failure to appear I;
(h) ORS 162.285, Tampering with a witness;
(i) ORS 162.295, Tampering with physical evidence;
(j) ORS 162.365, Criminal impersonation;
(k) ORS 162.367, Criminal impersonation of peace officer;
(l) ORS 162.369, Possession of false law enforcement identification card;
(m) ORS 162.375, Initiating a false report;
(n) ORS 162.385, Giving false information to police officer for a citation or arrest warrant;
(o) ORS 163.195, Recklessly endangering another person;
(p) ORS 163.445, Sexual misconduct;
(q) ORS 163.467, Private indecency;
(r) ORS 163.700, Invasion of personal privacy;
(s) ORS 163.750, Violating court's stalking protective order;

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- (t) ORS 164.043, Theft III;
 - (u) ORS 164.045, Theft II;
 - (v) ORS 164.055, Theft I;
 - (w) ORS 164.095, Theft by receiving;
 - (x) ORS 164.140, Criminal possession of rented or leased personal property;
 - (y) ORS 164.215, Burglary II;
 - (z) ORS 164.235, Possession of burglar's tools or theft device;
 - (aa) ORS 164.255, Criminal trespass I;
 - (bb) ORS 164.265, Criminal trespass while in possession of firearm;
 - (cc) ORS 164.272, Unlawful entry into motor vehicle;
 - (dd) ORS 164.315, Arson II;
 - (ee) ORS 164.335, Reckless burning;
 - (ff) ORS 164.354, Criminal Mischief II;
 - (gg) ORS 164.365, Criminal Mischief I;
 - (hh) ORS 165.037, Criminal simulation;
 - (ii) ORS 165.065, Negotiating a bad check;
 - (jj) ORS 165.074, Unlawful factoring of payment card transaction;
 - (kk) ORS 165.085, Sports bribery;
 - (ll) ORS 165.090, Sports bribe receiving;
 - (mm) ORS 165.102, Obtaining execution of documents by deception;
 - (nn) ORS 165.572, Interference with making a report;
 - (oo) ORS 166.023, Disorderly conduct I;
 - (pp) ORS 166.025, Disorderly conduct II;
 - (qq) ORS 166.065, Harassment;
 - (rr) ORS 166.370, Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school;
 - (ss) ORS 167.212, Tampering with drug records;
 - (tt) ORS 807.620, Giving false information to police officer;
 - (uu) Any other misdemeanor under the statutes of Oregon or any other jurisdiction and not listed elsewhere in this rule that the authorized designee determines is relevant to performance of the subject individual's present or proposed position as a Department employee, contractor, vendor or volunteer;
 - (vv) Any crime of attempt, solicitation or conspiracy to commit a crime listed in this section (2) pursuant to ORS 161.405, 161.435, or 161.450;
 - (ww) Any crime based on criminal liability for conduct of another pursuant to ORS 161.155, when the underlying crime is listed in this section (2);
 - (xx) Any crime in any other jurisdiction which is the substantial equivalent of any of the Oregon crimes listed in this section (2) as determined by the authorized designee;
 - (yy) Any offense that no longer constitutes a crime under Oregon law or the laws of another jurisdiction, but is the substantial equivalent of any of the crimes listed in this section (2) as determined by the authorized designee.
- (3) Five-Year Review Crimes.
- (a) ORS 164.245, Criminal trespass II;
 - (b) ORS 164.345, Criminal mischief III;
 - (c) ORS 830.053/990, Fraudulent report of theft of boat;
 - (d) Any crime of attempt, solicitation or conspiracy to commit a crime listed in this section pursuant to ORS 161.405, 161.435 or 161.450;
 - (e) Any crime based on criminal liability for conduct of another pursuant to ORS 161.155, when the underlying crime is listed in this section (3).
 - (f) Any crime in any other jurisdiction which is the substantial equivalent of any of the Oregon crimes listed in this section (3) as determined by the authorized designee.
 - (g) Any offense that no longer constitutes a crime under Oregon law or the law of another jurisdiction, but is the substantial equivalent of any of the crimes listed in this section (3) as determined by the authorized designee.
 - (4) Evaluation Based on Oregon Laws. An authorized designee shall evaluate a crime on the basis of Oregon laws and, if applicable, federal laws or the laws of any other jurisdiction in which a criminal records check indicates a subject individual may have committed a crime, as those laws are in effect at the time of the fitness determination.
 - (5) Expunged Juvenile Record. Under no circumstances shall a subject individual be denied under these rules on the basis of the existence or contents of a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262.

Stat. Auth.: ORS 181.534, 305.100
Stats. Implemented: ORS 181.534
Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(H)

Incomplete Fitness Determination

(1) The Department will close a preliminary or final fitness determination as incomplete when:

(a) Circumstances change so that a person no longer meets the definition of a "subject individual" under OAR 150-181.534(9)-(B);

(b) The subject individual does not provide materials or information under OAR 150-181.534(9)-(C)(1) within the timeframes established under that rule;

(c) An authorized designee cannot locate or contact the subject individual;

(d) The subject individual fails or refuses to cooperate with an authorized designee's attempts to acquire other criminal records information under OAR 150-181.534(9)-(F)(2); or

(e) The Department determines that the subject individual is not eligible or not qualified for the position (of employee, contractor, vendor or volunteer) for a reason unrelated to the fitness determination process.

(2) A subject individual does not have a right to a contested case hearing under OAR 150-181.534(9)-(J) to challenge the closing of an incomplete fitness determination.

Stat. Auth.: ORS 181.534, 305.100
Stats. Implemented: ORS 181.534
Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(I)

Notice to Subject Individual of Fitness Determination

(1) An authorized designee shall provide, in a format approved by the Department, written notice to a subject individual upon completion of a preliminary or final fitness determination, or upon the closing a fitness determination due to incompleteness.

(a) The authorized designee shall record on the notice the date on which the fitness determination was either closed as incomplete or completed.

(b) If the notice pertains to a completed final fitness determination, it shall be accompanied by a separate notice addressing the subject individual's right to request a contested case hearing to appeal the Department's determination and containing the information required by OAR 137-003-0505.

(2) An authorized designee shall provide for hand delivery or first class mail delivery of the notice as soon as possible after completion or closure of a fitness determination, but in no case later than 14 calendar days after the date of completion or closure, to the address provided by the subject individual on the DAS Criminal Records Request form, or to an updated address as provided in writing by the subject individual.

Stat. Auth.: ORS 181.534, 305.100
Stats. Implemented: ORS 181.534
Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(J)

Appealing a Fitness Determination

(1) Purpose. This rule sets forth a contested case hearing process by which a subject individual may appeal a completed final fitness determination made under OAR 150-181.534(9)-(F) that he or she is fit or not fit to hold a position with, or provide services to the Department as an employee, volunteer, contractor, or vendor. Section (6) of this rule identifies an alternative appeal process available only to current Department of Revenue employees.

(2) Process:

(a) A subject individual may appeal a fitness determination by submitting a written request for a contested case hearing to the address specified in the notice provided under OAR 150-181.534(9)-(I) within 14 calendar days of the date appearing on the notice. The Department shall address a request received after expiration of the deadline as provided under OAR 137-003-0528.

(b) When a timely request is received by the Department under subsection (a), a contested case hearing shall be conducted by an administrative law judge assigned by the Office of Administrative Hearings, pursuant to the Attorney General's Uniform and Model Rules, "Procedural Rules, Office of Administrative Hearings" OAR 137-003-0501 to 137-003-0700, as supplemented by the provisions of this rule.

(c) The Department shall provide the subject individual or the subject individual's legal representative with all of the information required under OAR 137-003-0510 in writing before the hearing.

(d) As provided in OAR 137-003-0510(3), if participating in a contested case hearing, the Department and the subject individual may agree to use a collaborative method of dispute resolution designed to encourage

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them to work together to develop a mutually agreeable solution, such as negotiation or a settlement conference.

(3) Discovery:

(a) A subject individual's hearing request under section (2)(a) of this rule shall constitute a discovery request for the following records:

(A) Any records the subject individual has a right to inspect under OAR 150-181.534(9)-(K)(2)(e), and

(B) In accordance with the Public Records Law, any records described in OAR 150-181.534(9)-(K)(3)(a).

(b) The Department or the administrative law judge may protect information made confidential by ORS 181.534(15) or other applicable law as provided in OAR 137-003-0570(7) or (8).

(4) No Public Attendance. Contested case hearings on fitness determinations are closed to non-participants.

(5) Proposed and Final Order:

(a) Proposed Order. After a hearing, the administrative law judge shall issue a proposed order. If the subject individual or subject individual's legal counsel does not file written exceptions with the Department within 14 calendar days after service of the proposed order, the proposed order shall become the final order.

(b) Exceptions. If the subject individual or the subject individual's legal counsel files timely written exceptions to the proposed order with the Department, the Department Director or the Director's designee shall consider the exceptions and serve a final order, or request a revised proposed order from the administrative law judge.

(c) Default. A completed final fitness determination made under OAR 150-181.534(9)-(F) shall constitute a final order without a hearing as provided under OAR 137-003-0672.

(6) Alternative Process. A subject individual currently employed by the Department of Revenue may choose to appeal a fitness determination either under the process made available by this rule or through the process made available by applicable personnel rules, policies and collective bargaining provisions. A subject individual's decision to appeal a fitness determination through applicable personnel rules, policies, and collective bargaining provisions is an election of remedies as to the rights of the individual with respect to the fitness determination and is a waiver of the contested case process made available by this rule.

(7) Challenging Criminal Offender Information. A subject individual may not use the appeals process established by this rule to challenge the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or agencies reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation.

(a) To challenge information identified in this section (7), a subject individual may use any process made available by the providing agency.

(b) If the subject individual successfully challenges the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or an agency reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation, the subject individual may request that the Department conduct a new criminal records check and re-evaluate the original fitness determination made under OAR 150-181.534(9)-(F) by submitting a new Department of Revenue Criminal Records Request form.

Stat. Auth.: ORS 181.534, 305.100
Stats. Implemented: ORS 181.534
Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(K) Recordkeeping and Confidentiality

(1) An authorized designee shall document a preliminary or final fitness determination, or the closing of a fitness determination due to incompleteness, in writing.

(2) Records Received from the Oregon Department of State Police.

(a) Records the Department receives from the Oregon Department of State Police resulting from a criminal records check, including but not limited to LEDS reports and state or federal criminal offender information originating with the Oregon Department of State Police or the Federal Bureau of Investigation, are confidential pursuant to ORS 181.534(15).

(b) Within the Department, only authorized designees shall have access to records the Department receives from the Oregon Department of State Police resulting from a criminal records check.

(c) An authorized designee shall have access to records received from the Oregon Department of State Police in response to a criminal records check only if the authorized designee has a demonstrated and legitimate need to know the information contained in the records.

(d) Authorized designees shall maintain and disclose records received from the Oregon Department of State Police resulting from a criminal records check in accordance with applicable requirements and restrictions in ORS chapter 181 and other applicable federal and state laws, rules adopted by the Oregon Department of State Police pursuant thereto (see OAR chapter 257, division 15), these rules, and any written agreement between the Department and the Oregon Department of State Police.

(e) If a fingerprint-based criminal records check was conducted with regard to a subject individual, the Department shall permit that subject individual to inspect his or her own state and federal criminal offender information, unless prohibited by federal law.

(f) If a subject individual with a right to inspect criminal offender information under subsection (2)(e) of this rule requests, the Department shall provide the subject individual with a copy of the individual's own state and federal criminal offender information, unless prohibited by federal law.

(3) Other Records.

(a) The Department shall treat all records received or created under these rules that concern the criminal history of a subject individual, other than records covered under section (2) of this rule, including Department of Revenue Criminal Records Request forms and fingerprint cards, as confidential pursuant to ORS 181.534(15).

(b) Within the Department, only authorized designees shall have access to the records identified under subsection (3)(a) of this rule.

(c) An authorized designee shall have access to records identified under subsection (2)(a) only if the authorized designee has a demonstrated and legitimate need to know the information contained in the records.

(d) A subject individual shall have access to records identified under subsection (2)(a) pursuant to the terms of the Public Records Law, ORS 192.410 to 192.505.

Stat. Auth.: ORS 181.534, 305.100
Stats. Implemented: ORS 181.534
Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(L) Authorized Designees

(1) Appointment.

(a) The Department Director or the Director's designee shall designate positions within the Human Resources Unit of the Department's Administrative Services Division as including the responsibilities of an authorized designee.

(b) Appointment to one of the designated positions shall be contingent upon an individual being approved under the Department's criminal records check and fitness determination process.

(c) Appointments shall be made by the Department Director or the Director's designee at his or her discretion.

(2) The Department Director and Deputy Director may also serve as authorized designees, contingent on being approved under the Department's criminal records check and fitness determination process.

(3) Conflict of Interests. An authorized designee shall not participate in a fitness determination or review any information associated with a fitness determination for a subject individual if either of the following is true:

(a) The authorized designee is related to the subject individual; or

(b) The authorized designee has a financial or close personal relationship with the subject individual. If an authorized designee is uncertain of whether a relationship with a subject individual qualifies as a financial or close personal relationship under this subsection (3)(b), the authorized designee shall consult with his or her supervisor prior to taking any action that would violate this rule if such a relationship were determined to exist.

(4) Termination of Authorized Designee Status.

(a) When an authorized designee's employment in a designated position ends, his or her status as an authorized designee is automatically terminated.

(b) The Department shall suspend or terminate a Department employee's appointment to a designated position within the Human Resources Unit of the Department's Administrative Services Division, and thereby suspend or terminate his or her status as an authorized designee, if the employee fails to comply with OAR 150-181.534(9) through 150-181.534(9)-(L) in conducting criminal records checks and fitness determinations.

(c) An authorized designee shall immediately report to his or her supervisor if he or she is arrested for or charged with, is being investigated for, or has an outstanding warrant or pending indictment for a crime listed in OAR 150-181.534(9)-(G). Failure to make the required report is grounds for termination of the individual's appointment to a designated position within the Human Resources Unit of the Department's Administrative Services Division, and thereby termination of his or her status as an authorized designee.

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(d) The Department will review and update an authorized designee's eligibility for service in a designated position within the Human Resources Unit of the Department's Administrative Services Division, during which a new criminal records check and fitness determination may be required:

(A) Every three years; or

(B) At any time the Department has reason to believe that the authorized designee has violated these rules or no longer is eligible to serve in his or her current position within the Human Resources Unit of the Department's Administrative Services Division.

(5) A denial under OAR 150-181.534(9)-(F)(3) related to a designated position within the Human Resources Unit of the Department's Administrative Services Division is subject to the appeal rights provided under OAR 150-181.534(9)-(J).

Stat. Auth.: ORS 181.534, 305.100

Stats. Implemented: ORS 181.534

Hist.: REV 5-2008, f. 8-29-08

150-181.534(9)-(M)

Fees

(1) The Department may charge a fee for acquiring criminal offender information for use in making a fitness determination. In any particular instance, the fee shall not exceed the fee(s) charged the Department by the Oregon Department of State Police and the Federal Bureau of Investigation to obtain criminal offender information on the subject individual.

(2) The Department may charge the fee to the subject individual on whom criminal offender information is sought, or, if the subject individual is an employee of a Department contractor or vendor and is undergoing a fitness determination in that capacity, the Department may charge the fee to the subject individual's employer.

(3) The Department shall not charge a fee if the subject individual is a Department employee, a Department volunteer, or an applicant for employment or a volunteer position with the Department.

Stat. Auth.: ORS 181.534, 305.100

Stats. Implemented: ORS 181.534

Hist.: REV 5-2008, f. 8-29-08

150-314.400(1)

Delinquency Penalty

(1) Although ORS 314.400(1) refers to a delinquency penalty for (A) failure to file a report or return by the due date or (B) failure to pay a tax due by the due date, only one five-percent penalty is added, even though there is a failure as to both requirements.

Example 1: Joe did not obtain an extension to file his tax return, which was due on April 15. On July 1, he filed the return and paid \$2,000 of tax plus interest of \$40. Joe will be charged a penalty of \$100 ($\$2,000 \times 5$ percent).

(2)(a) The delinquency penalty is based on the tax required to be shown on the return, reduced by credits claimed on the return and by any amount of the tax that is paid on or before the due date for payment. If the department determines that the tax shown on the return is greater than the tax required to be shown, the lesser amount is used to determine the penalty.

Example 2: Jeanette filed her tax return on time. The tax shown on the return was \$800. Jeanette claimed credits of \$150, withholding of \$150, and showed a balance due of \$500. She did not pay the \$500 with the filing of the return. The department determined in processing the return that the tax required to be shown on the return was \$600. The delinquency penalty of \$15 is based on five percent of \$300 ($\600 tax required to be shown on the return, less credits of \$150 and withholding of \$150).

(b) The 20-percent penalty is in addition to the five-percent penalty. A 20-percent penalty is charged when:

(A) A tax return that is required to be filed annually or for a one-year period is not filed within three months of the due date (determined with regard to any extension of time to file granted to the taxpayer); or

(B) A tax return that is required to be filed more frequently than annually is not filed within one month of the due date (determined with regard to extensions).

Example 3: Pierre did not request an extension to file his return, which was due on April 15. He filed the return on November 1, showing tax of \$900, credits of \$300, and withholding of \$200. Pierre sent a check for the balance due of \$400 with the tax return. A total penalty of \$100 will be charged; \$20 for failure to pay the tax when due ($\$400 \times 5$ percent), and \$80 for failing to file the return within three months of the due date ($\$400 \times 20$ percent).

Example 4: Same facts as Example 3, except Pierre received an extension to file until October 15. Pierre will be charged a five-percent penalty for failure to pay the tax when due. The 20-percent penalty for failure to file the return will not be charged because Pierre filed the return within three months of the extended due date.

Example 5: French Bakery did not file its Oregon Quarterly Tax Report for 1st quarter 2008 withholding, which was due on April 30, 2008. It filed the return on July 1, 2008, showing tax of \$800 and prepayments of \$500. French Bakery sent a check for the balance due of \$300 with the tax return. A total penalty of \$75 will be charged; \$15 for failure to pay the tax when due ($\$300 \times 5$ percent), and \$60 for failing to file the return within one month of the due date ($\$300 \times 20$ percent).

(c) If a taxpayer is required to file a federal income tax return for a period of less than 12 months under section 443 of the Internal Revenue Code, the Oregon personal income or corporate excise or income tax return required to be filed for that period is considered an annual filing thus subject to the additional 20-percent penalty.

(d) If a return or report is required to be filed on a one-time basis such as with inheritance returns, the return or report is considered an annual filing thus subject to the 20-percent penalty.

(e) If a taxpayer fails to file a return and the department must determine and assess the amount of tax, the penalties are based on the tax required to be shown on the return. The tax required to be shown on the return is reduced by any credits that may be lawfully claimed on the return and by any amount of the tax that is paid on or before the due date for payment.

Example 6: Isabelle filed her 2005 tax return on July 1, 2007. The tax shown on the return was \$800 and Isabelle claimed credits of \$300 and withholding of \$400. She paid the balance due of \$100 when she filed the return. Isabelle will be charged a five-percent failure-to-pay penalty, plus a 20 percent penalty for filing the return more than three months after the due date. The total penalty of \$25 is based on \$100 ($\$800$ tax shown on the return less credits of \$300 and withholding of \$400).

Example 7: Same facts as Example 6, except that Isabelle did not file her 2005 tax return after being requested to do so by the department. The department determined that the tax required to be shown on the return was \$900, allowable credits were \$150 and withholding was \$400. The penalty will be based on \$350.

(3) Exceptions to the penalty for failure to pay tax when due.

(a) Payment of 90 percent of the tax shown on the return. Income and excise tax returns filed within the period of an extension granted are not considered delinquent with regard to the time of filing. However, an extension of time to file a return does not extend the time for paying the tax. Thus, if the tax is not paid by the original due date of the return, a delinquency penalty of five percent is added to the total unpaid tax unless the taxpayer has met all of the following conditions:

(A) Filed for a federal automatic extension of time to file or filed for a separate Oregon extension, in accordance with current Oregon tax return instructions;

(B) At least 90 percent of the tax after credits as shown on the return was paid on or before the original due date of the return;

(C) The taxpayer's return is filed timely within the extension period;

(D) The balance of the tax as shown on the return is paid when the return is filed and any interest due is either paid when the return is filed or within 30 days of billing by the department.

Example 8: Henry filed an extension request with Oregon on April 15, along with a payment of \$600. He filed his tax return on October 15. The tax shown on the return was \$1,200 and Henry claimed total tax credits on the return of \$200. Henry paid the balance due of \$400 with the return. A five-percent penalty would be charged on the \$400 paid on October 15 because Henry did not pay at least \$900 (90 percent of the tax shown on the return, less withholdings and credits), on or before the original due date of the return. Interest on the unpaid balance would be due from April 16 to October 15.

Example 9: Jan was granted an extension to file her federal tax return until October 15. She filed her Oregon return on June 14. The tax shown on the return was \$2,500 and she had made estimated tax payments totaling \$2,300. Jan paid the \$200 tax due with the return. The five-percent penalty will not be charged on the \$200 paid on June 14 if interest from April 16 to June 14 accompanies the \$200 payment or if Jan pays the interest due on the unpaid balance of \$200 within 30 days of billing by the department.

(b) Amended tax returns. If a taxpayer (individual or corporate) files an amended income or excise tax return accompanied by less than full payment of tax and interest, the department must send a billing notice indicating the amount of tax plus accrued interest to be paid. If the taxpayer pays the full amount of tax plus interest within 30 days of the date on the billing notice, the five-percent penalty for failure to pay the tax with the amended return will not apply.

Example 10: ABC Corporation filed an amended income tax return showing a balance of tax due of \$1,000. A payment of \$1,000 was submitted with the return. The \$1,000 payment is first applied to interest that has accrued from the original due date of the return. The department determines that \$200 of interest has accrued on the \$1,000 of additional tax. Because the corporation has underpaid the tax by \$200, ($\$1,000$ payment less \$200 applied to interest equals \$800 of tax paid with the return), a five-percent penalty applies to the \$200 of tax due. However, if ABC Corporation pays the \$200 of tax plus any additional interest within 30 days of the date on the billing notice, the five-percent penalty will not apply.

(c) Deficiencies. If the department issues a Notice of Deficiency and the taxpayer pays the full amount of tax plus interest within 30 days of the date on the Notice of Deficiency, the five-percent penalty for failure to pay the tax required to be shown on the return will not apply.

Example 11: Hanna filed her original return timely but the department issued a Notice of Deficiency for \$500 plus \$75 interest. Hanna paid \$300 within 30 days of the Notice of Deficiency. However, the five-percent penalty will apply to the entire deficiency (\$500) because she did not pay the deficiency plus interest in full within 30 days of the Notice of Deficiency.

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(d) Differences in the amount of prepaid tax. If a taxpayer (individual or corporate) files an income tax return or an excise tax return and the taxpayer overstates the amount of tax that was paid on or before the due date, the department must send a billing notice indicating the amount of additional tax and interest due. If the taxpayer pays the full amount of tax plus interest within 30 days of the date on the billing notice, the five-percent penalty for failure to pay the tax by the due date does not apply.

Example 12: Maria filed her individual income tax return on April 15. The tax shown on the return was \$1,300. She claimed credits of \$300 and state income tax withholding of \$600. The \$400 balance of tax due as shown on the return was paid with the return. During processing of the return, the correct amount of state income tax withholding is determined to be \$350. Because Maria did not pay \$250 of tax by the due date, a five-percent penalty applies. If Maria pays the additional tax due of \$250 plus any additional interest within 30 days of the date on the department's notice, the five-percent penalty will not be charged.

Example 13: Same facts as Example 12, except Maria did not pay the \$400 balance due when she filed the return. A penalty of \$20 (\$400 x 5 percent) is charged for failure to pay the \$400 of tax when due. The \$250 of additional tax resulting from the error in the amount of withholding will not have a five-percent penalty added if Maria pays the \$250 of tax plus additional interest within 30 days of the department's notice.

(4) The penalties provided under ORS 305.265(13) and 314.400(6) are not combined. Only one 100 percent penalty may be assessed on a particular report or return.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.400

Hist.: 11-71; 12-19-75; TC 9-1981, f. 12-7-81, cert. ef. 12-31-81; RD 16-1982, f. 12-6-82, cert. ef. 12-31-82; RD 12-1985, f. 12-16-85, cert. ef. 12-31-85; RD 12-1985, f. 12-16-85, cert. ef. 12-31-85; RD 9-1987(Temp), f. & cert. ef. 7-8-87; RD 11-1987, f. & cert. ef. 11-1-87; RD 12-1990, f. 12-20-90, cert. ef. 12-31-90; RD 7-1993, f. 12-30-93, cert. ef. 12-31-93; RD 3-1995, f. 12-29-95, cert. ef. 12-31-95; REV 3-2006, f. & cert. ef. 7-31-06; REV 5-2008, f. 8-29-08

150-317.660(2)

Insurers; Wage and Commission Factor

(1) For tax years beginning on or after January 1, 2007, ORS 317.660 provides that the apportionment factor for insurance companies consists of only the insurance sales factor.

(2) For tax years beginning prior to January 1, 2007, the wages, salaries, commissions and other compensation for personal services included in the wage and commission apportionment factor denominator for insurers are the amounts required to be included in appropriate schedules of the annual report filed with the Insurance Division of the Department of Consumer and Business Services.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 317.660

Hist.: REV 5-2000, f. & cert. ef. 8-3-00; REV 5-2008, f. 8-29-08

150-320.308

State Lodging Tax Exemptions

(1) The following are exempt from the state lodging tax:

(a) Health care facilities certified, licensed or registered by the Department of Human Services.

(b) Drug and alcohol abuse and mental health treatment facilities.

(c) All dwelling units during the time a federal instrumentality pays for use of the units.

Example 1: The Red Cross (RC) contracts with several area motels to provide temporary emergency housing for victims of disasters. Because RC is a federal instrumentality, these units are not subject to the state lodging tax.

(d) Dwelling units at a nonprofit facility.

Example 2: A nonprofit church camp is organized to serve the congregations of the Southern Willamette Valley. This camp is solely for the use of these congregations and is not rented to the general public for profit. The church camp is not subject to the state lodging tax.

(e) Dwelling units occupied by:

(A) The same person for a consecutive period of 30 days or more during the year. "Person" means either the occupant of the dwelling unit or the one who pays for the transient lodging. After 30 consecutive days, the person is considered a tenant and is no longer considered an occupant of transient lodging. In this case, the 30 days must be consecutive.

Example 3: A major airline has an annual contract with a hotel near the airport. These dwelling units are used by out of town airline employees. Because the airline contracts and pays for the units for a consecutive period of more than 30 days per year, these units are not subject to the state lodging tax.

(B) A person who pays for lodging on a monthly basis, regardless of the number of days in such month.

(C) Federal employees and employees of federal instrumentalities, (i.e.: American Red Cross), on official business. (D) Persons with diplomatic immunity.

(f) Dwelling units used by the general public for less than 30 days per year. This refers to a total of 30 days over the course of the calendar year; the 30 days need not be consecutive. Even if a dwelling unit becomes temporarily exempt under section (5), that period of usage applies toward the 30 day requirement of this subsection.

Example 4: Ralph owns a hunting lodge in the mountains. He rents the lodge out to the general public for three weeks a year during the hunting season. Because Ralph rents the lodge out for fewer than 30 days per year, he is not required to collect the state lodging tax.

Example 5: Dave rents his vacation home to the Wright family for 45 consecutive days in May and June. This rental period is not subject to the state lodging tax as it is rented to the same person for more than 30 days. In July of that year Dave rents the same vacation home for 10 days to the Jacobson family. Because Dave rented his vacation home for more than 30 days over the course of the calendar year, a total of 55 days (45 plus 10), he is subject to the state lodging tax and must collect and pay the tax on the 10 day stay of the Jacobson family.

(2) If a member or employee of a non-profit organization stays at a facility that is subject to the state lodging tax, they are not exempt from the lodging tax and are required to pay the tax.

(3) Employees of state and local governments of Oregon or any other state are subject to the Oregon state lodging tax.

Stat. Auth.: ORS 305.100 & 320.308

Stats. Implemented: ORS 320.308

Hist.: REV 5-2008, f. 8-29-08, cert. ef. 8-31-08

150-323.320-(C)

Refund Value of Stamps on Unsalable and Misstamped Cigarette Packages and Cartons

(1) Refund provisions of the cigarette tax act apply only to duly licensed Oregon cigarette distributors. Unsalable stamped cigarettes may include product no longer approved for sale in Oregon, stale product, or product inventory of a closed business. Refund certification appointments are scheduled at the discretion of the department. Misuse of this provision may cause license revocation. Cigarette stamp refunds outside of Oregon must be certified by an appointed representative of the department. A refund equal to the face value, less the discount allowed, on identifiable stamps affixed to unsalable packages of cigarettes may be obtained as follows:

(2) Unsalable stamped cigarette packages re-stamped for sale outside Oregon. An appointment for refund certification must be made with the department. A department representative will cancel the Oregon indicia in such a manner as to permanently identify the packages. Indicia from the state into which those packages will be sold must be affixed to the packages during the certification appointment. The request for refund must be sent to the department and be accompanied by the properly executed certification completed by the department.

(3) Unsalable stamped cigarette packages to be sold outside Oregon. An appointment for refund certification must be made with the department. A department representative will cancel the Oregon indicia in such a manner as to permanently identify the packages. The request for refund must be sent to the department and be accompanied by a copy of the shipping document used to send the cigarettes to the purchasing party, and any other proof of the cigarettes not being used for smoking in the State of Oregon.

(4) Unsalable stamped cigarette packages to be destroyed. An appointment for refund certification must be made with the department. A department representative will cancel the Oregon indicia in such a manner as to permanently identify the packages. Packages of cigarettes must be destroyed during the certification appointment and in the presence of an appointed representative of the department. The request for refund must be sent to the department and be accompanied by the properly executed certification completed by the department.

(5) Unsalable stamped cigarette packages returned to the manufacturer. The claim for refund must be sent to the department on a form supplied by the department and be accompanied by a properly executed manufacturer's statement of returned cigarettes and a copy of the shipping document used to return the cigarettes to the manufacturers.

(6) Misstamped cigarette packages, where at least fifty percent of a stamp is affixed to a cigarette package. An appointment for refund certification must be made with the department. A department representative will cancel the partial indicia inadvertently affixed to packages of cigarettes in a manner as to permanently identify the packages. Indicia from the state into which those packages will be sold must be affixed to the packages during the certification appointment. The request for refund must be sent to the department and be accompanied by the properly executed certification completed by the department.

(7) Misstamped cigarette packages, where more than one stamp is affixed to a cigarette package. An appointment for refund certification must be made with the department. A department representative will cancel the duplicated indicia inadvertently affixed to packages of cigarettes in a manner as to permanently identify the packages. The request for refund must be sent to the department and be accompanied by the properly executed certification completed by the department.

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(8) Misstamped, where stamps are affixed to packaging. The request for refund must be sent to the department and be accompanied by the packaging to which indicia was inadvertently affixed.

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 323.320
Hist.: 12-19-75; RD 8-1984, f. 12-5-84, cert. ef. 12-31-84; REV 6-1999, f. 12-1-99, cert. ef. 12-31-99; Renumbered from 150-323.320(2), REV 5-2008, f. 8-29-08

150-323.505(2)

Determining Wholesale Sales Price

(1) In a transaction between parties who are not related or affiliated and who are presumed to have roughly equal bargaining power, the wholesale sales price is the price paid by the purchaser for the untaxed tobacco products.

(2) If a seller and purchaser are related or affiliated or presumed not to have roughly equal bargaining power, the wholesale sales price is determined based upon comparable wholesale distributors' arm's-length wholesale transactions of similar tobacco products sold to retailers that meet the requirements of section (1).

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 323.505
Hist.: REV 5-2008, f. 8-29-08, cert. ef. 8-31-08

Rule Caption: Disclosure; estimated tax; kicker; farm capital gain.

Adm. Order No.: REV 6-2008

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Rules Adopted: 150-291.349, 150-316.045, 150-316.119

Rules Amended: 150-305.193, 150-316.037, 150-316.587(5)(d), 150-316.587(8)-(A)

Rules Repealed: 150-316.NOTE

Subject: 150-291.349 describes the procedure used by the department for calculating certain surplus refunds.

150-316.045 clarifies requirements for qualifying for the reduced tax rate on capital gain from the sale of a farming activity. The rule defines what is meant by (1) substantially complete termination of a farming activity, and (2) predominant use of an asset in a farming business. Examples are provided.

150-305.193 is amended to explain that a taxpayer who electronically transmits his or her tax return is considered to have given implied consent for the department to disclose information to the transmitter of the file when necessary to process the return.

150-316.037 and 150-316.119 are amended and adopted, respectively, to move section (4) of the former to a more appropriate location in the latter.

150-316.587(5)(d) and 150-316.587(8)-(A) are amended to move section (1) of the former to a more appropriate location in the latter.

150-316.587(8)-(A) is also amended to clarify that recognition of income under IRC 6654 applies to shareholders of S corporations for purposes of calculating interest on the underpayment of estimated tax.

150-316.NOTE is repealed and relevant material is transferred to 150-291.349.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-291.349

Procedures for Handling State Personal Income Tax Surplus Refund

(1) Surplus Refunds Generally. When a refund of personal income tax revenues is due under ORS 291.349(6), the department must distribute the refund by mailed check. If a surplus refund is due, it is paid in odd-numbered years and based on the tax return information for the immediately preceding even-numbered year (base year).

(a) If a taxpayer files the taxpayer's original return for the base year before August 15 of the subsequent year, the department must mail the surplus refund on or before December 15 of the odd-numbered calendar year.

(b) If a taxpayer files the taxpayer's original tax return for the base year on or after August 15 in the subsequent year, the department must mail a surplus refund to the taxpayer by check as soon as practicable.

(2) Surplus Refund Offset Procedure. The surplus refund is an overpayment of tax under ORS 291.349(8) and may be offset against any tax, penalty, interest, or other debt owing to the State of Oregon at the time the

refund is disbursed. For offset purposes, a surplus refund includes the original surplus refund and any subsequent change that increases it.

(a) If the department determines under ORS 314.415(2)(f) that an offset of the surplus refund is warranted because of a taxpayer's outstanding tax debt, the department will issue the taxpayer a Proposed Notice of Adjustment and/or Distribution. The department will follow the applicable appeal procedures for offsets of surplus refunds to the extent that they are codified in ORS 305.280 and any applicable associated rule.

(b) Other debt owed by the taxpayer may be offset by the surplus refund pursuant to ORS 293.250 consistent with the priority set out in OAR 150-314.415(2)(f)-(B).

(3) Surplus Refund and subsequent increase in tax liability. If a taxpayer files a tax return for a year for which a surplus refund is paid and subsequently there is an increase in tax liability for the base year, the taxpayer's surplus refund will be recalculated in the following manner:

(a) Determine the taxpayer's revised income tax liability (before credits) as determined in an audit or review (or as self-assessed by the taxpayer if an amended return is filed with the department);

(b) Determine the surplus refund attributable to the revised tax due by multiplying the revised tax liability by the surplus refund percentage for the corresponding year as determined in ORS 291.349(6)(a);

(c) Net all previous surplus refund transactions with the revised amount determined in subsection (b).

Example 1: Trish files her 2006 Oregon income tax return showing a tax liability of \$5,000 (before credits) on April 14, 2007. She is issued a surplus refund check of \$930 (18.6%) by the department on December 6, 2007. On March 14, 2008, the department makes an adjustment to Trish's 2006 return and notifies her that she owes an additional \$1,000 in tax for 2006. Trish's revised tax liability of \$6,000 will be multiplied by the surplus refund percentage (18.6%) to determine the revised surplus refund (\$6,000 x 0.186 = \$1,116). The department will then subtract the surplus refund Trish previously received (\$930) to arrive at \$186, which is the additional surplus refund that Trish is now entitled to. That amount will offset to Trish's outstanding liabilities, if any, as of the date the additional tax was assessed.

(4) Surplus Refund and subsequent decrease in liability. If a taxpayer files a tax return for a year for which a surplus refund is paid and there is a subsequent decrease in tax liability, the taxpayer's surplus refund will be recalculated in the following manner:

(a) Determine the revised tax liability (before credits) as determined by the taxpayer if an amended return is filed with the department (or determined by the department through an audit or review);

(b) Determine the surplus refund attributable to the revised tax liability by multiplying the revised tax liability by the surplus refund percentage as determined in ORS 291.349(6)(a);

(c) Net all previous surplus refund transactions with the revised amount determined in subsection (b).

Example 2: The same facts as in Example 1 except Trish amends her return in March, 2008 and shows a revised tax liability of \$3,600 and requests a refund of \$1,400 (\$5,000 [tax liability on Trish's original return filed with the department] - \$3,600 [Trish's amended tax liability as shown on her amended return] = \$1,400). Trish received a surplus refund check of \$930 on December 6, 2007, which was based on a tax liability of \$5,000. The department will recalculate Trish's surplus refund to reflect her revised tax liability by multiplying the surplus refund percentage (18.6%) attributable to the revised tax liability of \$3,600 (\$3,600 x 0.186 = \$670). The department will subtract the revised surplus refund amount from the original surplus refund Trish already received in December (\$930-\$670 = \$260) to determine the amount of the surplus refund Trish received in error. She will receive a revised refund of approximately \$1,140 (\$1,400 less the \$260 overpaid surplus refund and any interest that has accrued thereon from the date when the original surplus refund was issued).

(5) Interest accrual date. When the surplus refund is recalculated due to a decrease in the original base year tax liability under section (4) of this rule, interest will begin to accrue on the day the original surplus refund was issued.

Example 3: Steve filed his 2006 return July 28, 2007 showing tax before credits of \$8,000; however, he claimed a \$15,000 subtraction on his return that the department disallowed because he failed to respond to the department's requests for information during the processing of his return. The department issued a deficiency of \$1,500 on October 10, 2007. His revised tax liability was \$9,500. The department issued Steve's surplus refund on December 6, 2007 for \$1,767 (\$9,500 x 18.6%). Steve did not pay the \$1,500 deficiency and appealed it. During the appeal process, he provided the required information to claim the subtraction and the department abated the \$1,500 deficiency. However, the surplus refund was overpaid because it was based on the larger tax liability (\$9,500). The department will recalculate the surplus refund based on \$8,000. Steve should have received \$1,488 but actually received \$1,767. The department will issue a deficiency for the overpaid surplus in the amount of \$279. Interest will accrue beginning December 6, 2007, the date the original surplus was issued by the department.

(6) Tax determined by the department on behalf of a delinquent taxpayer. If a taxpayer fails to file a return, the department may determine a delinquent taxpayer's tax liability under ORS 314.400. For a tax year for which a surplus refund is issued, the amount of surplus refund will not be included as an offset against the department's calculation of tax liability until and unless the taxpayer subsequently files a return with the department, accepts the tax liability assessed by the department, or the taxpayer's liability is determined by the court.

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(7) Returns filed beyond the three year statute of limitations. In no circumstance will a surplus refund be calculated on an original return unless the return is filed (or the assessment accepted by the taxpayer) within three years of the due date of the return (excluding extensions of time to file). A surplus refund will not offset a tax liability for tax years in which a taxpayer files an amended return beyond three years of the due date of the return in which their tax liability increases (see ORS 314.415).

(8) Underpayment of estimated tax. For purposes of determining underpayment of estimated tax for tax years beginning on or after January 1, 1995, the surplus refund may not be used to reduce the amount of the "net income tax" due for the tax year for which the surplus refund was granted.

Stat. Auth. ORS 305.100
Stat. Implemented ORS 291.349
Hist.: REV 6-2008, f. 8-29-08, cert. ef. 8-31-08

150-305.193

Implied Consent

(1) A "designee" as used in this rule is a person, firm, organization, or agency authorized by a taxpayer to receive the taxpayer's confidential information. Taxpayer consent for the department to disclose to a designee may be in writing, oral, or implied. See OAR 150-314.840.

(2) Without evidence of the filing of written consent to disclose the taxpayer's information, the department may determine that a person is authorized to receive confidential information with respect to a particular tax matter by that person representing to the department that they are authorized to receive the information and revealing to the department knowledge of tax information that is:

(a) Related to the tax matter that is the subject of the inquiry or communication;

(b) Of a nature that is generally known only to the taxpayer; and

(c) Of a nature that taxpayers ordinarily do not share with others except for the purpose of empowering the person to participate in the taxpayer's tax matters. Information disclosed by the department will be limited based on the nature of information a person presents.

(3) The following examples illustrate how the department may conclude that a taxpayer has given implied consent to the department to disclose confidential information.

Example 1: A Certified Public Accountant (CPA) calls the department, states that he is authorized to receive confidential tax information and reveals knowledge of Mary's private tax information from a department billing or notice. The department concludes that Mary has given the department implied consent to disclose information to the CPA relating to that issue since she presumably gave a copy of her billing or notice to the CPA.

Example 2: A Licensed Tax Consultant (LTC) calls the department while preparing Tom and Sue's tax return to confirm estimated tax payments made during the tax year. The practitioner, after representing that Tom and Sue have authorized disclosure, is able to provide the date and amount of each scheduled payment. The department concludes that Tom and Sue have given the department implied consent to confirm the payment information provided since they presumably gave the LTC their tax information.

Example 3: A lawyer qualified to practice in Oregon calls the department wanting to set up a payment arrangement for her client, Ashley. She states that she is representing Ashley and presents knowledge of the tax debt and Ashley's personal financial situation. The department concludes that Ashley has given implied consent to discuss and negotiate a payment plan with the lawyer.

Example 4: While speaking on the telephone with a department customer service representative, Margaret asks if she may have her daughter listen and participate in the conversation on another telephone extension or a speaker phone. The department concludes that Margaret has given consent to disclose her confidential information to her daughter during the telephone call.

Example 5: Carlos comes to the department's walk-in assistance center and brings a friend to help interpret his questions. The department concludes that Carlos has given implied consent to disclose his confidential tax information to his friend during that visit.

Example 6: Jerry, age 19, is stationed overseas with the U.S. Army. His mother calls the department indicating that she is authorized to receive Jerry's confidential tax information and with information from a billing notice issued to Jerry three months previously, along with a copy of Jerry's return. She offers to make full payment on the debt using her credit card, if the department will provide the payoff balance. The department concludes that Jerry has given the department implied consent to provide the balance due to his mother.

Example 7: Jim and Julie file Oregon personal income tax returns jointly, but Jim files a Lane Transit District Self-Employment Tax return in his name only for his Schedule C business. Julie calls the department to discuss a billing notice issued on the LTD return. She tells the department that she performs all bookkeeping services for his business and has the return, notices and knowledge of all business transactions. The department concludes that Jim has given implied consent for the department to disclose information to Julie to resolve the billing notice.

Example 8: Martin, representing that he is an employee in the tax section of XYZ, Inc. authorized to discuss the business's tax matters, calls the department with information from a department billing notice requesting a payoff amount. The department concludes that XYZ, Inc. has given the department implied consent to provide Martin with the payoff amount.

Example 9: ZYX Corporation contracts with Advent Payroll Service to perform all of its payroll functions, including remittance of payroll withholding deposits and quarterly payroll reports. Advent registers with the department to remit ZYX's pay-

ments via electronic funds transfer by filing required tax information. The department concludes that ZYX has given the department implied consent to disclose payment-related confidential information to Advent in order to process payments received.

Example 10: Connie, an Elderly Rental Assistance recipient, asks her caseworker from Senior and Disabled Services to contact the department regarding benefits she received from that agency. The caseworker indicates that Connie has authorized her to receive confidential information and demonstrates full knowledge of Connie's ERA claim. The department concludes that Connie has given implied consent for the department to discuss her claim with the caseworker.

Example 11: Joseph electronically filed his individual income tax return. Joseph's tax return information is sent to an electronic return transmitter (e-file transmitter). The e-file transmitter in turn, sends it to the Internal Revenue Service (IRS) who then forwards it to the department. By receiving Joseph's tax return information from the e-file transmitter (via the IRS), the department concludes that the taxpayer has provided implied consent for the department to discuss information about Joseph's return with the transmitter. The types of disclosures the department may make to e-file transmitters about Joseph's information include, but are not limited to: acknowledgement of the receipt of his e-filed return, the reason for any delay in processing, refund payment dates or delays, and any other information the taxpayer has given to the e-file transmitter for purposes of transmitting such information to the department.

(4) If the department is unable to sufficiently determine that a taxpayer has given express or implied consent to disclose confidential information, written consent will be required.

Example 12: Donna calls the department inquiring as to whether Avis, her mother, received tax refunds during the past two years. Donna indicates that Avis has authorized her to receive confidential information. Although Donna provides Avis' full name, address, and social security number, she does not demonstrate any knowledge of Avis' tax returns or filing history. She does not have any notices or department letters to Avis in her possession. The department concludes that Avis has not given the department implied consent to disclose her confidential tax information to Donna. To receive the information, Donna will need to provide the department with written consent to disclose from Avis.

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 305.193
Hist.: REV 4-2003, f. & cert. ef. 12-31-03; Renumbered from 150-OL 2003, Ch. 541, Sec. 3, REV 5-2004, f. 7-30-04, cert. ef. 7-31-04; REV 6-2008, f. 8-29-08, cert. ef. 8-31-08

150-316.037

Taxable Income of Nonresidents and Part-year Residents

(1) The taxable income of a nonresident is the taxpayer's federal taxable income from Oregon sources as defined in ORS 316.127, with the modifications provided in ORS Chapter 316 and other Oregon laws as they relate to nonresidents. In computing taxable income, nonresident taxpayers are allowed a proportionate share of all deductions, with required modifications. This includes the accrued federal tax deduction, and itemized deductions or the optional standard deduction. The fraction to be used in making the proration of deductions is provided in OAR 150-316.117-(A).

(2) The taxable income of a part-year resident is the taxpayer's federal taxable income, as defined in the laws of the United States, modified and adjusted by ORS Chapter 316 and other Oregon laws. The tax on the entire taxable income of part-year residents is multiplied by the fraction provided in OAR 150-316.117-(A) to determine the tax on income derived from Oregon sources.

(3) For purposes of determining the proration of tax under ORS 316.117, a part-year Oregon resident includes in Oregon source income the sum of:

(a) All guaranteed payments and taxable cash distributions from a partnership or S corporation received while the partner or shareholder was an Oregon resident, plus

(b) Payments or distributions received from an entity that has business activity in Oregon while the taxpayer was not an Oregon resident. The payments or distributions are subject to the allocation and apportionment provisions of ORS 314.605 to 314.675.

Example: Joe was a California resident all of 2000 and a partner in a California partnership. The partnership has no property, payroll, or sales in Oregon. Joe moved to Oregon March 1, 2001. He files calendar year returns. He receives \$1,000 each month as a guaranteed payment. The payments received through February, 2001 are not Oregon source income because they were received prior to the date Joe became an Oregon resident from an entity with no business activity in Oregon.

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 316.037
Hist.: RD 7-1983, f. 12-20-83, cert. ef. 12-31-83; RD 12-1985, f. 12-16-85, cert. ef. 12-31-85; RD 12-1985, f. 12-16-85, cert. ef. 12-31-85; RD 11-1988, f. 12-19-88, cert. ef. 12-31-88; RD 7-1989, f. 12-18-89, cert. ef. 12-31-89, Renumbered from 150-316.037(1)(b); REV 7-2001(Temp), f. & cert. ef. 12-31-01 thru 6-28-02; REV 3-2002, f. 6-26-02, cert. ef. 6-30-02; REV 6-2008, f. 8-29-08, cert. ef. 8-31-08

150-316.045

Farm Capital Gain

(1) Definitions. For purposes of ORS 316.045 and this rule:

(a) "Substantially complete termination" means the taxpayer is:

(A) No longer involved, directly or indirectly, in a trade or business engaged in farming, or

(B) No longer owns, directly or indirectly, property used in the trade or business of farming.

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(b) "A trade or business engaged in farming" means a distinct farming operation separately run from the taxpayer's other businesses. Businesses that share employees, equipment, buildings, or land are not separate businesses. Businesses that share records, accounts, registration, identification numbers, or a business name are also not separate businesses.

(2) A taxpayer's net long-term capital gain qualifies for the reduced tax rate if all four of the following tests are met:

(a) Asset Test. The gain is derived from either IRC section 1231 assets or an ownership interest of at least 10 percent in an entity.

(b) Use Test. The property that was sold consisted of:

(A) An ownership interest in an entity engaged in the trade or business of farming; or

(B) Property that was predominantly used in the trade or business of farming.

(c) Relationship Test. The assets are not sold to a related taxpayer as defined under IRC section 267.

(d) Termination Test. The sale is a substantially complete termination of all of the taxpayer's ownership interests in:

(A) A trade or business engaged in farming; or

(B) Property that is predominantly used in the trade or business of farming.

(3) Asset Test. The part of the taxpayer's net long-term capital gain that is eligible for the reduced rate must be from capital assets under IRC section 1231 or a 10 percent or more ownership interest in an entity engaged in the trade or business of farming (see section (13) for related examples).

Example 1: Sofie owns 50 acres of land. Of the 50 acres, she used 10 acres for her hobby of showing horses. She had a small arena and stables on the land for her horses. Sofie sold the entire 50 acres to her neighbor. The gain from the sale does not qualify for the reduced tax rate because the asset does not meet the asset test. The land was not used in a trade or business, thus the asset was not an IRC section 1231 asset. If Sofie had been in the trade or business of showing horses, the land used would have been a qualifying asset and Sofie would then be required to look at the other three tests to determine whether she qualifies for the reduced tax rate.

Example 2: Forty years ago, Wayne and Patty purchased an orchard next to their home. They did not regularly harvest the fruit, care for the trees, or file farm schedules with any of their tax returns. They mostly used the property for themselves and the horses they owned for personal use and usually gave extra fruit away to family and friends. Every two or three years they held U-Pick sales at the orchard, and claimed the not-for-profit income as required. Last year, the urban growth boundary moved to include their parcel. Wayne and Patty wanted to sell the property to developers so they had all the trees removed and sold the property. The sale of the orchard does not qualify for the reduced rate because it was not held as a trade or business thus it was not an IRC section 1231 asset. It was land held for investment and personal use.

(4) Use Test. The asset that was sold must be predominantly used in the trade or business of farming. Any other use of the asset must be incidental to, and not interfere with, the primary purpose of being engaged in the trade or business of farming.

(a) Property used 80 percent or more in a farming trade or business. Property used 80 percent or more in the trade or business of farming is considered and presumed to be predominant use. Accepted farming practices common to the type of farming activity and region, such as land lying fallow for one year, are included in the trade or business of farming.

(b) Property used more than 50 percent but less than 80 percent in a farming trade or business. Upon review of the facts and circumstances of each case, property used more than 50 percent but less than 80 percent in the trade or business of farming qualifies as predominant if the difference between the actual percentage use in a farming trade or business and 80 percent use in a farming trade or business is incidental. Incidental use does not include holding property as an investment, using property for personal (non-business) use, or using property for another business. Incidental use includes, but is not limited to:

(A) Farmland that is bordered by or contains a waterway;

(B) Land that consists of terrain that cannot be farmed (i.e. marshland, desert);

(C) Land that contains a utility easement which makes farming impracticable or impossible; or

(D) The period of the time when the farm property or business was "actively for sale" immediately prior to the sale. A property was "actively for sale" if the property was listed and advertised for sale for a price comparable to similar properties and the seller did not reject any reasonable offers.

(c) Property used for personal or business activities that take place on the land concurrently and do not interfere with the primary farming trade or business use are considered incidental use.

(d) Allocation. Property that is used less than 80 percent in a farm trade or business may be allocated between the actual portion that is predominantly used in the business of farming and the portion not predominantly used in the business of farming.

Example 3: Cinda raised corn and beans on 500 acres the entire time she owned the acreage. She used the cornfields as a corn maze after she harvested all the corn. She sold the 500 acres of corn and bean fields to the cannery and recognized a capital gain. Assuming the gain from the sale meets the other three tests, the gain from the sale of Cinda's farm qualifies for the reduced tax rate because Cinda used the property predominantly (80 percent or more) in the trade or business of farming even though Cinda used the farmland for an incidental purpose after the harvest.

Example 4: Hilda and Steve owned and operated a 30 acre farm. Their farm had a waterway and riparian land that was not farmed which took up 10 acres of the farm. Assuming they meet the other three tests, Hilda and Steve qualify for the reduced tax rate because their property was predominantly used in the business of farming. The farm use qualifies as predominant for the entire 30 acres because their farm use was more than 50 percent, but less than 80 percent and the 33 percent (10 acres/30 acres) not used for farming was incidental.

Example 5: Deborah sold 20 acres of land. While she owned the land, she leased out 15 acres to a farmer who grew crops. She used the remaining 5 acres as a motor cross training area where she ran a business giving riding lessons and charging people to use it for practice. Assuming Deborah meets the other three tests, the 15 acres used for farming qualifies for the reduced tax rate. If Deborah had used the 5 acres for personal use instead of a separate business, she still would qualify for the reduced tax rate on the 15 acres used for farming.

Example 6: Lois inherited some land 20 years ago. At that time, a farmer was leasing the land and continued to farm the land until he retired 5 years later. For the last 15 years, Lois held the land for investment and did not use the land in the trade or business of farming. Lois does not qualify for the reduced tax rate because she only used the property in the business of farming for 25 percent of the time she owned it (5/20 years = .25 or 25%).

(5) Relationship test. The gain from the sale of an asset does not qualify for the reduced tax rate if the asset is sold to a related taxpayer under IRC section 267 even if all of the other three tests are met.

Example 7: Claudia and Janie are cousins who own a farm together as a partnership. They decide to sell the business to Darren, Claudia's brother (and Janie's cousin). Assume the sale meets the other three tests. Janie's qualifying capital gain is eligible for the reduced tax rate. Claudia's capital gain is not eligible because Darren is a related party according to IRC section 267.

(6) Termination Test. If a taxpayer sold the taxpayer's interest in a trade or business that is engaged in farming, the taxpayer may not be directly or indirectly engaged in that farming trade or business. The sale of the taxpayer's interests through an installment sale constitutes a substantially complete termination for purposes of ORS 316.045 and this rule. A taxpayer has substantially terminated his interests in the trade or business of farming even though the taxpayer retained a portion of the farm for personal use.

Example 8: Rich and Darcy own 20 acres. They grow corn and squash on 15 acres, and have a five-acre apple orchard. They operate their orchard and crops as one business. They sell the five-acre apple orchard for a gain of \$50,000 and retain the other 15 acres. The gain from the sale of the apple orchard does not qualify for the reduced rate because they did not substantially terminate all of their interests in a trade or business engaged in farming. If Rich and Darcy had sold the entire business including all of their property used in the trade or business of farming and the other three tests were met, the gain from the sale would qualify for the reduced tax rate.

Example 9: Bill and Sharon owned a dairy operation and a hops farm. The two businesses were completely separate. They had separate employees, equipment, and records. The two businesses also had different names, records, and federal identification numbers. Bill and Sharon sold the dairy farm. After selling all of their dairy equipment and dairy cows (Holstein), they realized a capital gain of \$350,000. They decided not to sell the hops farm. Their gain on the sale of the dairy operation qualifies for the reduced tax rate. Even though Bill and Sharon still own the hops farm, they have sold their entire dairy business.

Example 10: Shawn sold 18 of his 20 acres in which he farmed Christmas Trees. The 2 acres Shawn still owns are for personal use and he does not sell the trees produced on his personal farm. Assuming the other three tests are met, Shawn is no longer in the business of farming and he qualifies for the reduced tax rate on the capital gain from the sale.

(7) A sale that includes the farm dwelling or homesite. The sale of a homesite and the land and structures consistently and routinely used in conjunction with the home at the same time as the sale of a farming activity requires allocation of the gain between the homesite and the other assets. The proceeds from the sale of the homesite is not property employed in the trade or business of farming and do not qualify for the reduced tax rate.

Example 11: Homer and Ruth raised various crops on 80 acres of farmland they owned. Homer and Ruth lived close to town so they rented the farm home that was located on a parcel next to the acreage. Homer and Ruth retired from the farming business and sold the farmland and the rental for a gain of \$1 million (\$400,000 attributed to the farmland and \$600,000 attributed to the homesite and structures and land associated with the homesite). Because the sale of the 80 acres met each of the four tests, the \$400,000 capital gain from the sale of the farmland qualifies for the reduced tax rate. The proceeds from the sale of the rental do not qualify for the reduced rate because rental real estate is not employed in the trade or business of farming.

Example 12: Assume the same facts as Example 11 except that when Homer and Ruth sold the farm, they had lived in the home that was adjacent to the farmland for the entire twenty-five years. The gain from the sale that is attributable to the farmland, or \$400,000, qualifies for the reduced rate. The gain of \$600,000 on the sale of the residence does not qualify for the reduced rate; however, a portion of it may qualify for the principal residence exclusion under IRC section 121.

(8) Depreciation Recapture. IRC section 1231 gain may be treated as ordinary income under IRC sections 1245 and 1250 recapture rules. If the capital asset is subject to depreciation recapture under IRC sections 1245 or 1250, the portion of the gain that is treated as ordinary income does not qualify for the reduced tax rate.

Example 13: Frank sold his farm, which included three silos, and all four tests were

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met. The silos are capital assets subject to IRC section 1245 recapture. The part of the gain from the sale of the silos that is treated as ordinary income is not eligible for the reduced tax rate. However, the part of the gain from the sale of the silos that is treated as long-term capital gain on the federal return is eligible for the reduced tax rate on the Oregon return.

(9) **Capital loss.** If all four tests are met and the taxpayer is reporting a capital loss, it could affect the capital gain eligible for the reduced tax rate. Compute the net capital gain or loss from all other property sales or exchanges for the year that are taxable to Oregon. If this is a net capital loss, the amount eligible for the reduced tax rate is the qualifying farm capital gain minus the net capital loss from other property sales or exchanges taxable to Oregon.

Example 14: Ron sold his farming business for a net long-term capital gain of \$800,000. During the year, he also sold other property for a net capital loss of \$150,000. Assuming his sale of a farm business meets all four tests, he is only eligible for the reduced tax rate on \$650,000 (net farm long-term capital gain minus other net capital loss) of his taxable income.

(10) **Installment Method under IRC §453.** Installment sales are eligible for the reduced tax rate if the sale meets all four tests as explained in section (2) of this rule. The amount of capital gain eligible for the reduced tax rate must be determined each year. The percentage of gain eligible for the reduced tax rate is equal to the qualifying farm long-term capital gain from the sale divided by all capital gain from the sale. Apply this percentage to the capital gain from the sale reported each year to determine the amount that qualifies for the reduced tax rate. If there is capital loss from the sale of other property as described in section (9) of this rule, during a tax year that the installment sale is reported, this may reduce the gain eligible for the reduced tax rate.

Example 15: Larry sells his farm in 2007 and meets all four tests to receive the reduced tax rate. He elects to recognize the income from the sale using the installment method under IRC §453. Larry will receive half of the sale price in 2007 and one-fourth of the sale price each in 2008 and 2009 plus interest. Of the capital gain from the sale, \$300,000 qualifies for the reduced tax rate and \$100,000 does not. Larry's percentage eligible for the reduced tax rate is \$300,000 of eligible capital gain divided by \$400,000 of total capital gain, or 75 percent. The buyer also paid interest to Larry, but it is claimed separately on the return. In 2007, Larry will claim his capital gain from the sale of \$200,000. Of that amount, 75 percent or \$150,000 is eligible for the reduced tax rate. In 2008 and 2009, Larry will claim the farm capital gain rate for \$75,000 (\$100,000 x 75 percent) of capital gain from the sale reported each year.

Example 16: Assume the same facts as example 15 except that Larry has a net capital loss of \$40,000 in 2008 from the sale of other property. In 2008, the amount eligible for the reduced tax rate is \$35,000 (qualifying net long-term capital gain minus other capital loss) of his capital gain.

(11) **Like-kind Exchanges.** Like-kind exchanges may be eligible for the reduced tax rate when the gain is recognized assuming all four tests are met. The taxpayer must keep detailed records to show that the property would have qualified for the reduced tax rate if it had been a sale instead of an exchange.

Example 17: Morgan had farmland and decided to exchange it for land that he wants to hold for investment. The exchange meets all four tests. If Morgan had sold the property, he would have had capital gain of \$400,000 that would have qualified for the reduced tax rate. Later Morgan sells the investment property and claims capital gain of \$700,000. Of this amount, \$400,000 is eligible for the reduced tax rate for farm capital gain, because it would have been eligible if he had not deferred it.

(12) **Sale of property by pass-through entities.** Trust, partnership, or S corporation sale of farm property may be eligible for the reduced tax rate. To qualify, each individual beneficiary, partner, or shareholder (as the case may be) must meet all four tests as described in section (2) of this rule.

Example 18: Becky, Martha, and Jessica are equal owners of a partnership. The partnership sold its only farm property to Jessica's father for a gain of \$600,000. The sale was to a related party of Jessica, so Jessica does not meet all four tests even though her father was not a related party to the partnership. Becky and Martha are eligible for the reduced tax rate for their share of the gain. If the partnership still owned other farm property that was part of the same farm business as the property that was sold, none of the owners would be eligible for the reduced tax rate.

Example 19: Kendra owns 5 percent of an S-corporation that owns a cattle ranch and a crop operation. The cattle ranch and crop operation are completely separate businesses. The S-corporation sold the cattle ranch to a party unrelated to Kendra. The 1231 gain from the sale of a farming business flows through to Kendra and she is eligible for the reduced tax rate.

(13) **Sale of interest in pass-through entity.** Sale of interest in a pass-through entity (partnership or S-corporation) that is in the business of farming, may qualify for the reduced tax rate. All four tests must be met and the taxpayer must be a 10 percent owner of the pass-through entity to qualify. Assuming all four tests are met, the amount of gain eligible for the reduced tax rate is the amount of farming business of the entity divided by all business of the entity. The amount of capital gain eligible for the reduced tax rate can be determined using the "income method." The taxpayer may use a different method if the department determines it reasonably reflects the entity's income and expenses.

(a) **Income method** is the entity's farm income divided by the entity's total income as shown on the partnership or S-corporation return the year the interest is sold. Multiply this percentage by the capital gain reported from the sale of interest in the entity.

Example 20: Ian sold his entire partnership interest of 25 percent to an unrelated party

during the year. The partnership had various businesses, most were farming activities, but some were not. That year, the partnership reported farming income of \$600,000 and total income of \$800,000. Ian will report his share of the partnership income before the sale and the long-term capital gain from the sale of his interest in the partnership. Of the long-term capital gain from the sale, 75 percent (\$600,000 divided by \$800,000) qualifies for the reduced tax rate.

Example 21: Darlene owned shares in an S-corporation that were 10 percent of the total shares. The S-corporation sold a partnership that grew crops. The S-corporation owned 50 percent of the partnership and sold all of its interests. The partnership interest was sold to someone unrelated to Darlene and Darlene has no other interests in the partnership. The gain from Darlene's ownership interest in the partnership does not qualify for the reduced tax rate. Darlene was only a 5 percent owner of the partnership (10% x 50% = 5%). If the S-corporation had owned the business, Darlene would have been eligible for the reduced rate on her portion of the 1231 gain.

(14) **Sale in more than one tax year.** Prior-year sales of farm property or a farming business sold over more than one year may be eligible for the reduced tax rate. It can take more than one year to sell a farming business or all of a taxpayer's property used in farming because the property is sold to more than one buyer. To qualify for the reduced tax rate, all farm property (or all property from a farming business) must be actively for sale from the year of the first sale until the year of the final sale. Each sale is separately considered to see if it meets the requirements to qualify for the reduced tax rate, but all farm property or property from a farming business must be sold within a reasonable amount of time (usually no more than three tax years from the first sale to the final sale of qualifying farm property) for any of the prior year sales to qualify. The reduced tax rate on the prior year sales cannot be claimed until the taxpayer has sold all farm property or all property from a farming business. A property is "actively for sale" if the property was listed and advertised for sale for a price comparable to similar properties and the seller did not reject reasonable offers.

Example 22: Deanna wants to retire from farming. She owns 100 acres of farmland in four different locations all run as one business and all property is actively for sale. She sells 20 acres to an unrelated neighbor in 2006. She files her 2006 tax return and cannot claim the reduced tax rate on the gain because she is not out of the business of farming. In 2007, she gave one farm to her daughter and sold one farm to an unrelated party. She files her 2007 tax return and again cannot claim the reduced tax rate because she is still in the business of farming. Finally, in September 2008 Deanna sells the remaining farmland and equipment and is out of the business of farming. The long-term capital gain from three of the sales qualifies for the reduced tax rate because the property was actively for sale the entire time. The gift to a related party does not stop the other sales from qualifying for the reduced tax rate. Deanna may now amend her tax returns for 2006 and 2007 and claim the reduced tax rate on the qualifying capital gain from the earlier sales that qualify.

Example 23: Gary owned two farms and operated them as one business. He sold one of his farms in March 2006 to the farmer who had been leasing the property. In 2007, his health worsened and he decided to retire from farming and put his remaining farm up for sale. In 2008, he finds a buyer and sells the remaining farm and equipment. The sale in 2006 does not qualify for the reduced tax rate because Gary did not have his remaining farm property actively for sale and he had not sold all of the property from his farming business. The sale in 2008 does qualify for the reduced tax rate because Gary is now out of the business of farming.

(15) **Sold farm property and then bought another.** If a taxpayer sells farm property and then buys other farm property, they may qualify for the reduced tax rate. The taxpayer must meet all four tests as described in section (2) of this rule with the sale of farm property before purchasing other farm property to qualify for the reduced tax rate.

Example 24: Jeanine sold her farm and equipment so she could start a retail business. After difficulty getting started, she decided to go back to farming and purchased another farm. Jeanine qualifies for the reduced tax rate because she had completely terminated her interest in property used in farming at the time of the sale and met the other tests.

Example 25: Frances put her farm up for sale, but before it sold, her father died and she inherited some of his farming property. She decided not to sell the inherited property, but to continue to farm it as a separate business after her original farm was sold. Frances qualifies for the reduced tax rate because she sold a farming business.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100, 316.045

Stats. Implemented: ORS 316.045

Hist.: REV 6-2008, f. 8-29-08, cert. ef. 8-31-08

150-316.119

Proration for Pass-through Entity Income of Part Year Oregon Residents

A part-year Oregon resident with an ownership interest in a partnership or S corporation includes in Oregon adjusted gross income the sum of:

(1) All income derived from the ownership interest while the taxpayer was an Oregon resident. The amount included in Oregon income must be determined consistently with Internal Revenue Code sections 1366, 1377, 702, 704 and the corresponding Treasury Regulations and must reasonably reflect the taxpayer's share of income derived from the taxpayer's ownership interest, plus

(2) That portion of income derived from the ownership interest as a nonresident from an entity with business activity in Oregon. The taxpayer's share of the income is subject to the allocation and apportionment provisions of ORS 314.605 to 314.675 during the time that the taxpayer was not an Oregon resident.

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Example 1: Ralph was an Oregon resident who moved to Nevada on August 16. During the same year, Ralph was a shareholder of an Idaho S corporation with no business activity in Oregon. From January 1 to March 31, he owned 250 of 500 total issued shares. Additional shares were issued on April 1, giving Ralph 300 of 800 total shares. On July 1, more shares were issued and traded, giving him 450 of 1000 total shares. The S corporation's federal income is \$365,000; Ralph's share of federal income is \$161,925. Ralph determines his Oregon income of \$99,825 as follows:

Step 1. S corporation income assigned to each day:
 $\$365,000 / 365 \text{ days} = \$1,000$

Step 2. Figure per share, per day amount (per day amount / outstanding shares):

Jan 1 - Mar 31 -- \$1,000 per day / 500 shares = \$2.00 per share, per day
Apr 1 - Jun 30 -- \$1,000 per day / 800 shares = \$1.25 per share, per day
Jul 1 - Dec 31 -- \$1,000 per day / 1000 shares = \$1.00 per share, per day

Step 3. Figure shareholder income (per share, per day):

Jan 1 - Mar 31 -- 90 days x 250 shares x \$2.00 = \$45,000

Apr 1 - Jun 30 -- 91 days x 300 shares x \$1.25 = \$34,125

Jul 1 - Aug 15 -- 46 days x 450 shares x \$1.00 = \$20,700

Aug 16 - Dec 31 -- Nonresident, no Oregon activity -- \$0

Oregon income: \$99,825

Example 2: Assume the same facts as in Example 1, except that the S corporation also did business in Oregon and computed an Oregon apportionment percentage of 40 percent. Ralph's proportional share of this income reported to Oregon for the entire year is calculated as follows:

Jan 1 - Mar 31 -- 90 days x 250 shares x \$2.00 = \$45,000

Apr 1 - Jun 30 -- 91 days x 300 shares x \$1.25 = \$34,125

Jul 1 - Aug 15 -- 46 days x 450 shares x \$1.00 = \$20,700

Aug 16 - Dec 31 -- 138 days x 450 shares x \$1.00 x 40% = \$24,840

Oregon income: \$124,665

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 316.119

Hist.: REV 6-2008, f. 8-29-08, cert. ef. 8-31-08

150-316.587(5)(d)

Estimated Tax: Partnership and S Corporation Income of Part-year Residents and Nonresidents

For purposes of imposing interest on underpayment of estimated tax, an exception exists for part-year and nonresidents receiving income from an S corporation. No interest will be imposed on the underpayment attributable to the shareholders pro rata share of the S corporation income if the income is for the initial year in which S corporation status is elected and the shareholder is a nonresident or for the prior tax year was a part-year resident for Oregon. This exception applies to tax years beginning on or after January 1, 1987. Taxpayers may request that any interest on underpayment of estimated tax that is unpaid be canceled but no refunds of interest will be made due to the above exception.

Example: Frank and Ethel move to Oregon in August, 2006. Frank is a partner in an Oregon partnership. The partnership incorporates in 2007 and elects S corporation status. For 2007, Frank and Ethel file as full-year Oregon residents and report their share of the S corporation income. No interest is imposed on any underpayment attributable to Frank's share of the S corporation income because they meet the exception. They are part-year residents for 2006 and 2007 is the initial year of election of S corporation status.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 316.587

Hist.: 10-7-85, 12-31-85, Renumbered from 150-316.587(4); 12-31-87, Renumbered from 150-316.587(4)(A); RD 7-1989, f. 12-18-89, cert. ef. 12-31-89; RD 7-1991, f. 12-30-91, cert. ef. 12-31-91, Renumbered from 150-316.587(5); REV 6-2008, f. 8-29-08, cert. ef. 8-31-08

150-316.587(8)-(A)

Required Installments for Estimated Tax

(1) "Required installment" means the amount of the installment that would be due if the estimated tax were equal to the lesser of the amount determined using either Method 1, Method 2, or Method 3.

(2) Method 1: Ninety percent of the tax shown on the return for the taxable year (or, if no return is filed, ninety percent of the tax for such year).

Example 1: Don and Ethel are married and have three children. Don is self-employed. Ethel works part-time. They want to know if they must pay estimated tax for 2006 and how much each required installment would be. Their estimated 2006 adjusted gross income is \$75,000, their estimated net itemized deductions are \$13,500 and they expect to have \$630 withheld from Ethel's wages. They compute their required installment as follows:

\$ 75,000 — Estimated 2006 adjusted gross income

< 4,500> — less estimated federal tax subtraction

< 13,500> — less estimated net itemized deductions

\$ 57,000 — Estimated Oregon taxable income

\$ 4,746 — Oregon tax on \$57,000

< 795> — less exemption credit (\$159 x 5)

< 100> — less estimated political contribution credit

< 630> — less estimated withholding

\$ 3,221 — Tax after credits and withholding

Multiply their tax after credits and withholding (\$3,221) by 90 percent

\$ 2,899 — Total 2006 estimated tax

The 2006 estimated tax is more than \$1,000. Don and Ethel must make required installments of \$725 on each estimated payment date.

(3) Method 2: One hundred percent of the tax shown on the previous year's return.

Example 2: Amanda's adjusted gross income in 2006 was \$30,000 and her Oregon tax liability after credits was \$2,000. For 2007, Amanda can use Method 2 and pay 2007 estimated tax payments equal to 100 percent of her 2006 tax liability (\$500 on

each installment due date).

(a) Restrictions on the use of Method 2:

(A) If the taxpayer did not file a previous year's return, the taxpayer cannot use Method 2 to calculate the required payment.

(B) The previous year's return must be filed timely, including extensions, and must cover 12 months. A return will not cover 12 months if the taxpayer has a change in accounting period during the taxable year. A taxpayer who filed as a part-year resident for the previous year qualifies to use Method 2 if the previous taxable year covers 12 months.

Example 3: Royal moved to Oregon from California on July 1, 2006 and filed as a part-year resident. His 2006 Oregon tax after credits was \$1,500. Even though his 2006 return shows 6 months of Oregon residency, his taxable year for 2006 was 12 full months. He qualifies to use Method 2 to determine his required installment for 2007. His required installment would be \$375 (\$1,500 divided by 4) due on each estimated payment date.

(b) Effect of state surplus refund payments: The tax shown on the previous year's return must be determined without regard to any state surplus refund of personal income tax determined under ORS 291.349.

Example 4: Same facts as Example 3. Royal receives a surplus refund check in November 2007 of \$150.00. That payment is not taken into account in determining the required installments under Method 2.

(c) Amended Return: For amended returns filed on or after October 6, 2001, the tax shown on the previous year's return is the tax on the amended return if the amended return is filed within the extension period. For all other amended returns, the tax shown on the previous year's tax return is determined without regard to any amended return filed after the due date of the return, including extensions.

Example 5: Li's original tax return showed a tax liability after all credits of \$400. In July, the return was amended and the tax liability after credits was \$200. If Li chooses to use Method 2, the required installments must be based on the \$400 tax shown on the original return.

Example 6: Ann's original tax return was filed June 30, 2008 with an approved extension to October 15, 2008 showing a tax liability of \$1,975. On October 14, 2008, the return was amended and the tax liability was reduced to \$1,245. If Ann chooses to use Method 2, the required installments are based on the \$1,245 tax shown on the amended return filed within the extension period.

(4) Method 3: Ninety percent of the tax for the taxable year computed by placing on an annual basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. The tax on the annualized taxable income for each period must be reduced by the allowable income tax credits that apply to that period.

(a) Generally, credits based on income or deductions are figured on the annualized income or deductions for each period.

(b) Credits computed as a percentage of income must be based upon the annualized income for the period.

(c) Credits that use income as a basis for determining an applicable percentage or for otherwise limiting the allowable credit must be based upon the total annualized income before allocation to the installment period.

Example 7: Richard and Debra are married with no dependents. They had adjusted gross income of \$14,000 for the period of January 1, 2006 to March 31, 2006. For the same period, they had itemized deductions of \$2,810. For the period of January 1, 2006 to May 31, 2006, they had adjusted gross income of \$27,000 and itemized deductions of \$4,300. For the period of January 1, 2006 to August 31, 2006, they had adjusted gross income of \$41,000 and itemized deductions of \$6,300. For the period January 1, 2006 to December 31, 2006, they had adjusted gross income of \$69,000 and itemized deductions of \$14,100. For purposes of computing the required installment, the following computations are necessary:

Actual income from January 1 to March 31 x 4

Actual income from January 1 to May 31 x 2.4

Actual income from January 1 to August 31 x 1.5

Actual income from January 1 to December 31 x 1.0

First Estimated Tax Payment

\$ 56,000 — Annualized adjusted gross income (\$14,000 x 4)

< 11,240> — less annualized itemized deductions (\$2,810 x 4)

< 2,713> — less federal tax subtraction on annualized income

\$ 42,047 — Annualized taxable income

\$ 3,400 — Oregon tax on \$42,047

< 318> — less personal exemption credits (\$159 x 2)

\$ 3,082 — Annualized Oregon tax

90 percent of the annualized tax for the period of January 1, 2006 to March 31, 2006

is \$693.50

((3,082 - 90 percent) x (1 ÷ 4)). Richard and Debra's first required installment

would be \$693.50.

Second Estimated Tax Payment

\$ 64,800 — Annualized adjusted gross income (\$27,000 x 2.4)

< 10,320> — less annualized Itemized Deductions (\$4,300 x 2.4)

< 4,833> — less federal tax subtraction on annualized income

\$ 49,647 — Annualized taxable income

\$ 4,084 — Oregon tax on \$49,647

< 318> — less exemption credits (\$159 x 2)

\$ 3,766 — Annualized Oregon tax

90 percent of the annualized tax for the period of January 1, 2006 to May 31, 2006 is

\$1,695

((3,766 - 90 percent) x (2 ÷ 4)). Richard and Debra's second required installment

would be \$1,001.50 (\$1,695 less the prior installment of \$693.50).

Third Estimated Tax Payment

\$ 61,500 — Annualized adjusted gross income

< 9,450> — less annualized itemized deductions

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< 4,488 > — federal tax subtraction on annualized income
\$ 47,562 — Annualized taxable income
\$ 3,897 — Oregon tax on \$47,562
< 318 > — less exemption credits (\$159 x 2)
\$ 3,579 — Annualized Oregon tax
90 percent of the annualized tax for the period of January 1, 2006 to August 31, 2006 is \$2,416
(((\$3,579 _ 90 percent) x (3 ÷ 4)). Richard and Debra's third required installment would be \$721 (\$2,416 less the prior installments of \$1,695).
Fourth Estimated Tax Payment
\$ 69,000 — Annualized adjusted gross income
<14,100 > — less annualized itemized deductions
< 5,000 > — less federal tax subtraction on annualized income
\$ 49,900 — Annualized taxable income
\$ 4,107 — Oregon tax on \$49,900
< 318 > — less exemption credits (\$159 x 2)
\$ 3,789 — Annualized Oregon tax
90 percent of the annualized tax for the period of January 1, 2006 to December 31, 2006 is
\$3,410 (\$3,789 x 90 percent). Richard and Debra's fourth required installment would be \$994
(\$3,410 less the prior installments of \$2,416).

(d) Pass-through entity (PTE) income may be annualized following the methodology provided under Internal Revenue Code (IRC) section 6654, Treasury Regulation section 1.6654-2 and all other related regulations and rules, if using Method 3 more accurately reflects the fluctuations in income to the shareholder from the entity. Solely for purposes of this method, the shareholder or partner may recognize the distributable share of income or loss from the PTE for the months in the PTE's taxable year ending within the taxable year of the shareholder or partner that precede the month in which the estimated tax installment is due.

Example 8: Ed's Catering, Inc. (ECI) is a calendar year S corporation that is in the catering business. ECI has limited business outside of the busy holiday party season. The majority of its business occurs in October, November, and December. In 2007, ECI's income was \$30,000 from January 1 – March 31; \$25,000 from April 1 – June 30; \$20,000 from July 1 – September 30; and \$450,000 October 1 to December 31. An ECI shareholder who receives most of his or her income during the last quarter in ECI's tax year may choose to use Method 3 for purposes of determining estimated tax payments.

Example 9: Wedding Planner's, Inc. (WPI), an S corporation, has a fiscal year ending July 31st. The majority of its business occurs in May, June, and July. In fiscal year beginning 2007, WPI's income was \$30,000 from August 1, 2007 – October 31, 2007; \$25,000 from November 1, 2007 – January 31, 2008; \$20,000 from February 1, 2008 – April 30, 2008; and \$450,000 May 1, 2008 to July 31, 2008. The shareholder must include the income attributable to WPI as follows when determining the required installment for the shareholder's calendar year 2008 using the annual method: The 1st required installment is based on PTE income/loss from August 1st of the prior year to March 31st. Date payment is due is April 15th. The 2nd required installment is based on PTE income/loss from August 1st of the prior year to May 31st. Date payment is due is June 15th. The 3rd required installment is based on PTE income/loss from August 1st of the prior year to July 31st. Date payment is due is September 15th. The 4th required installment would already include the entire amount from the PTE received in the tax year of the shareholder but should not increase the underpayment for the 4th quarter since it was fully included by the third payment.

(5) Taxpayers may use any of the three methods to determine the required installment for a particular period.

Example 10: Emily used Method 1 to determine her required installment for the period ending March 31. For the period ended May 31, she may use whichever method results in the lowest required installment for that period.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 316.587

Hist.: RD 11-1988, f. 12-19-88, cert. ef. 12-31-88; RD 7-1989, f. 12-18-89, cert. ef. 12-31-89; RD 5-1994, f. 12-15-94, cert. ef. 12-31-94; RD 3-1995, f. 12-29-95, cert. ef. 12-31-95; REV 9-1999, f. 12-30-99, cert. ef. 12-31-99; REV 8-2001, f. & cert. ef. 12-31-01; REV 3-2006, f. & cert. ef. 7-31-06; REV 6-2008, f. 8-29-08, cert. ef. 8-31-08

Rule Caption: Tax deferral, exemption, special assessments, roll corrections, central assessment and industrial property definitions and calculation.

Adm. Order No.: REV 7-2008

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Rules Adopted: 150-307.495, 150-308.146(8), 150-308.205-(G), 150-308.290-(A)

Rules Amended: 150-306.126(1), 150-307.286, 150-307.289, 150-307.804, 150-308.704, 150-308.712, 150-311.205(1)(b)-(A), 150-311.668(1)(a)-(A), 150-311.668(1)(a)-(B), 150-457.440(9)

Rules Repealed: 150-294.381(3), 150-294.930(2), 150-308.290(3), 150-308.290(5), 150-308.890

Subject: 150-307.495 defines the meaning of "acquired" as it relates to newly built farm labor camps and associated child care facilities,

The rule clarifies the due date for filing a claim for exemption is in these situations.

150-308.146(8) prescribes the calculations to be used when an assessor reduces maximum assessed value (MAV) due to a building being demolished or removed from property. The rule is needed to prescribe the calculations procedure so as to maintain statewide consistency.

150-308.205-(G) defines the effective tax rate used for the valuation of specially assessed low income housing.

150-308.290-(A) describes the circumstances and methods used by the department and counties for granting, denying, or revoking property tax return extensions by the department and assessors, including extensions for multiple locations by the department.

150-306.126(1) is amended to clarify the process used to determine appraisal responsibility of account(s) comprising a unit of industrial property. Appraisal responsibility will be either the county or the Department of Revenue.

150-307.286 and 150-307.289 are amended to reflect changes enacted by Oregon Laws 277, chapter 604 (HB 2023) relating to property tax exemptions available to individuals performing active duty military service. 150-307.286 includes additional qualifying services and filing requirements and describes the property to which the exemption applies. 150-307.289 defines terms.

150-307.804 clarifies that real and personal property "located at" a rural health care facility may qualify for exemption. To clarify that the rural health care facility owner may file for exemption on behalf of persons whose property is "located at" the facility.

150-308.704 defines "assisted living facility" and "residential care facility" for the purpose of special assessment of government restricted multi-unit rental properties.

150-308.712 is amended to reference the new "effective tax rate" rule OAR 150-308.208-(G), so as to provide guidance for determining the specially assessed value (SAV) of government restricted multi-unit rental housing. It further clarifies the use of perma income and expense statements for recently constructed properties and prohibits the use of market derived rents for the purposes of determining the SAV.

150-311.205(1)(b)-(A) provides that, in general, an error in valuation judgment cannot be corrected. Oregon Laws 2007, chapter 590 (SB 814) amended ORS 311.205 to allow such corrections if the value has been appealed to tax court and the correction would result in reduction of the tax. This amendment brings the rule into conformity with the statute.

150-311.668(1)(a)-(B) and 150-311.668(1)(a)-(A) are amended to explain the filing requirements and qualifications that an applicant must meet in the year of the application in order to have property taxes deferred under the Senior Citizen's Property Tax Deferral program and the Disabled Citizen's Property Tax Deferral program. To update income limits to reflect 2008 limit.

150-457.440(9) is amended to prescribe the methods used by the assessor to calculate the amounts of division of tax for urban renewal. The division of tax calculation method is based in part on whether a plan is "standard rate" or "reduced rate." This amendment clarifies that substantial plan amendments do not change the rate method used for a plan by amending the definition of "reduced rate plan" and "standard rate plan."

150-294.381(3)(d) is repealed as obsolete due to changes to ORS 294.381 enacted by 2007 Oregon Laws chapter 894 (SB 808).

150-294.930(2) is repealed as obsolete. Oregon Laws 2007, chapter 198 (HB 2238) amended ORS 294.930 to eliminate the requirement that councils of governments file a copy of their budgets with the department.

150-308.290(3) and 150-308.290(5) are repealed and material transferred to a new rule, 150-308.290-(A). Oregon Laws 2007, chapter 613 (HB 2228) amended 308.290 to increase authority of county assessors to grant real and personal property return exten-

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sions, and to authorize the department to grant a company an extension when the company is required to file in multiple counties.

150-308.890 is repealed due to repeal of the relating statute.

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150-306.126(1)

Determination of Responsibility for the Appraisal of Industrial Property

The purpose of this rule is to determine the responsibility for the appraisal of industrial property between the Oregon Department of Revenue and the thirty-six Oregon county assessors' offices. Property classification for all purposes other than assigning appraisal responsibility is determined by OAR 150-308.215(1)-(A).

(1) Definitions for purposes of this rule:

(a) "Industrial property" means a facility or property engaged in manufacturing or processing which includes, but is not limited to sawmills, plywood and veneer plants, paper and pulp mills, food processing facilities, bakeries, flour mills, chemical processing operations refineries, breweries, wineries bottling operations, machine shops, metal rolling mills, metal fabrication facilities, smelters, printing and publishing operations, seed processing operations, permanent sand and gravel operations, and electronic and high technology manufacturing operations.

(b) "State Responsibility Industrial Property" means industrial property that had real market value for improvements of more than \$1 million for the preceding year. This includes all principal and secondary industrial property as defined in ORS 306.126(1).

(c) "Improvements" or "real property improvements", for determining responsibility for property of more than \$1 million, means improvements erected upon, above or affixed to the land but not the land itself. Improvements include, but are not limited to: yard improvements, buildings, structures, and real property machinery and equipment. Improvements do not include site development and personal property.

(A) "Yard improvements" include but are not limited to on-site: paving, exterior lighting, log ponds, underground fire systems, fences, access roads and roadways and railroad sidings.

(B) "Site developments" are defined in OAR 150-307.010(1).

(d) "Integrated" and "integral" means directly involved in the production of a new product.

(e) "Processing" means the treatment of materials to produce a new product.

(f) "Unit of industrial property" means, for appraisal purposes, a single facility or an integrated complex currently engaged in manufacturing or processing operations and may include one or more accounts.

(2) The department is responsible for the appraisal of industrial property that meets the definition of "state responsibility industrial property". The county is responsible for the appraisal of all land, including that for state responsibility industrial accounts.

(3) Property other than industrial property that is at the same location as the manufacturing or processing operation may be appraised as part of the unit of industrial property.

(4) The procedure for determining the appraisal responsibility for industrial property is as follows:

(a) On or before August 1 of each year, the department will provide each county a list of all industrial property accounts within their jurisdiction for which the state was responsible for appraising in the preceding year. The list will include the owner's name, the account number, and the real market value.

(b) The county will review the list, and all other industrial property accounts, to determine if there are any units of industrial property that have moved above or below the \$1 million threshold.

(A) Units of industrial property that have gone below the threshold will be placed on a list to be transferred to the county.

(B) Units of industrial property that have gone above the threshold will be placed on a list to be transferred to the department.

(C) Construction of a new industrial facility that will result in a real market value of more than \$1 million for the real property improvements will be placed on a list of properties recommended for transfer to the department. If construction has begun or is expected to begin by January 1 of the current tax year it will also be placed on the list to be transferred.

(c) By October 1, the county will submit a list of accounts recommended to become state responsibility.

(d) By November 15, the department will make a final determination of appraisal responsibility for all industrial property and provide this information to the county.

(5) For state responsibility industrial property in which the real property improvements are not all at the same location, the department and the county will evaluate each account to determine if the account should be appraised by the department. The criteria that will be used are:

(a) The combined value of the real property improvements from all locations is more than \$1 million, and

(b) The real property improvements are integral to the same manufacturing or processing operation.

(6) The party that valued the property will be responsible for defending any appeals. In all cases, the county is responsible for the defense of the land valuation.

(7) The department may return to the county the appraisal responsibility for any property that no longer qualifies as state responsibility industrial property. The department will forward to the county a copy of all appraisal material on file at the department and a copy of all industrial property returns filed by the taxpayer.

Stat. Auth.: ORS 305.100, 306.126
Stats. Implemented: ORS 306.126
Hist.: 12-55; 3-58; 11-59; 8-65; 1-66; 3-70; TC 10-1978, f. 12-5-78, cert. ef. 12-31-78; RD 9-1984, f. 12-5-84, cert. ef. 12-31-84; RD 3-1989, f. 12-18-89, cert. ef. 12-31-89; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; RD 8-1992, f. 12-29-92, cert. ef. 12-31-92; RD 1-1995, f. 12-29-95, cert. ef. 12-31-95; RD 9-1997, f. & cert. ef. 12-31-97, Renumbered from 150-306.126(1)-(A); REV 8-1998, f. 11-13-98, & cert. ef. 12-31-98; REV 3-2001, f. 7-31-01, cert. ef. 8-1-01; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-307.286

Oregon Active Military Service Member's Exemption — Eligibility

For purposes of ORS 307.286:

(1) A qualifying service member's homestead:

(a) Must be the qualifying service member's principal residence that is located in Oregon;

(b) Must be owned by the qualifying service member prior to July 1 of the tax year for which exemption is claimed;

(c) May be a personal property manufactured structure or a floating home; and

(d) Includes land under a manufactured structure if the land is owned by the qualifying service member.

(2) The right to claim the exemption will not be lost if the qualifying service member is temporarily absent from the homestead during the tax year for which exemption is claimed. Temporary absences include absences for vacation, business travel, hospitalization, or military service.(3) The exemption allowed under ORS 307.286 is limited to the lesser of the:

(a) Assessed value of the homestead property owned by the qualifying service member; or

(b) Statutory limitation, which is equal to \$60,000 for the 2005-06 tax year and adjusted annually as described in ORS 307.286(2).

Example 1: A qualified service member owns a homestead that has an assessed value of \$80,000. Because the assessed value of the homestead is more than \$60,000, the exemption allowed is \$60,000 for the 2005-06 tax year.

Example 2: A qualified service member owns a homestead consisting of a manufactured structure and the land upon which it is located. The manufactured structure is assessed as real property and has an assessed value of \$40,000. The land upon which the structure is located has an assessed value of \$15,000. Because the assessed value of the manufactured structure and the land combined is less than \$60,000, the exemption allowed is \$55,000 for the 2005-06 tax year. The amount of the exemption cannot exceed the assessed value of the homestead property.

Example 3: A qualified service member owns a homestead consisting of a manufactured structure, but does not own the land upon which it is located. The manufactured structure is assessed as personal property and has an assessed value of \$50,000. The exemption allowed for the 2005-06 tax year is \$50,000 and only applies to the manufactured structure. The exemption does not apply to the land, because the qualified service member does not own the land.

(4) An Oregon resident is eligible for the exemption provided under ORS 307.286, if:

(a) The individual is serving in the Oregon National Guard, military reserve forces, or other U.S. state's or territory's organized militia;

(b) The individual has been ordered to federal active duty under Title 10 United States Code (USC), or a deployment under the Emergency Management Assistance Compact; and

(c) The period of active duty exceeds 178 consecutive days.

(5) The qualifying service member must attach documentation to the claim for exemption that shows proof of active duty during each tax year for which exemption is claimed. The service member may claim the exemption for each tax year during which at least one day was served on active duty.

(a) Examples of valid documentation include, but are not limited to: military orders, form DD214, a letter on military letterhead, or other military record.

(b) Acceptable documentation for the exemption must show:

(A) Service in the Oregon National Guard, military reserve force, or other U.S. state's or territory's organized militia; and

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(B) Service performed for more than 178 consecutive days in federal active duty under Title 10 USC or in deployment under the Emergency Management Assistance Compact on or after January 1, 2005.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 307.286
Hist.: REV 4-2006, f. & cert. ef. 7-31-06; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-307.289

Oregon Active Military Service Member's Exemption Claimed By Lawful Occupant

For purposes of ORS 307.289:

(1) "Qualifying duty" means:

(a) An Oregon resident is serving in the Oregon National Guard, military reserve forces, or other U.S. state's or territory's organized militia;

(b) The individual has been ordered to federal active duty under Title 10 United States Code (USC), or a deployment under the Emergency Management Assistance Compact;

(c) The individual was ordered or deployed on or after January 1, 2005; and

(d) The period of ordered active duty service exceeds 178 consecutive days.

(2) A qualifying service member's homestead:

(a) Must be the qualifying service member's principal residence that is located in Oregon;

(b) Must be owned by the qualifying service member prior to July 1 of the tax year for which exemption is claimed;

(c) May be a personal property manufactured structure or a floating home; and

(d) Includes land under a manufactured structure if the land is owned by the qualifying service member.

(3) A lawful occupant is an individual who is using the qualifying service member's homestead as his or her principal residence at the time the claim is filed.

(a) The lawful occupant is not required to hold an ownership interest in the homestead.

(b) A lawful occupant may include, but is not limited to, a qualifying service member's: spouse, parent, adult child, or other relative; domestic partner; or roommate. A neighbor or caretaker, who has a key to the qualifying service member's homestead, but for whom the homestead is not a principal residence, does not qualify as a lawful occupant.

(4) The lawful occupant may claim the homestead exemption if the service member would otherwise qualify for this exemption but died while performing the qualifying duty during the current or prior tax year and before filing a claim.

(a) An individual claiming to be a lawful occupant must attach documentation to the claim for exemption that demonstrates the homestead is his or her principal residence at the time claim is made. The county assessor may require more than one piece of documentation.

(b) Documentation may include, but is not limited to, a valid driver's license, passport, election registration card, or the most recent property tax statement for the homestead.

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 307.289
Hist.: REV 4-2006, f. & cert. ef. 7-31-06; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-307.495

Filing a Claim for Exemption When a Farm Labor Camp or Child Care Facility is Acquired

(1) Each nonprofit corporation claiming exemption under ORS 307.485 shall file a claim with the county assessor on or before April 1 of each assessment year for which the exemption is claimed.

(2) Each nonprofit corporation claiming exemption under ORS 307.485 that acquires property after March 1 and before July 1 shall file a claim with the county assessor within 30 days after acquisition.

(3) For existing farm labor camps or child care facilities, "acquisition" occurs when:

(a) The nonprofit corporation takes ownership of the property; or

(b) The nonprofit corporation, who is operating the camp or facility, enters into a lease or lease-purchase agreement.

(4) For unimproved property, "acquisition" occurs when:

(a) The new improvements for the farm labor camp or child care facility are completed and have been issued a temporary or permanent certificate of occupancy; or

(b) If no certificate is required, is ready for occupancy.

(5) When the claim for exemption is filed, the farm labor camp or child care facility must qualify as being "eligible" within the definitions of

ORS 307.480(1) and (2) and must be in compliance with the required health and fire codes for farm labor camps or is a certified child care facility.

(6) Acquisition must occur before July 1 of the assessment year for which the exemption is claimed.

(a) If the farm labor camp or child care facility property qualifies before July 1, the property may be eligible for exemption for the ensuing tax year.

(b) If acquisition does not occur before July 1, or if the property does not meet other statutory requirements for a camp or facility before July 1, the property will not be eligible for the exemption for the ensuing tax year.

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 307.495
Hist.: REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-307.804

Rural Health Care Facilities

(1) Definitions:

(a) "Health care provider" has the meaning given that term as defined in ORS 127.505(11).

(b) "Medical care" has the same meaning as "health care services" as defined in ORS 750.005(5) and it must be provided by a health care provider.

(2) To qualify for the property tax exemption under ORS 307.804, the rural health care facility must be used exclusively to provide medical care.

(3) The following examples are types of facilities that do not provide medical care exclusively, and therefore do not qualify for the exemption provided in ORS 307.804. These include but are not limited to:

(a) Athletic clubs as defined in OAR 333-060-0015;

(b) Long term care facilities as defined in ORS 442.015(22);

(c) Nursing homes;

(d) Group homes; or

(e) Drug or alcohol treatment facilities.

(4) Real and personal property of a rural health care facility qualifying for exemption under ORS 307.804 includes:

(a) Real and personal property located at a rural health care facility and used exclusively to provide the medical care. The property may be owned by an entity other than the owner of the facility.

(b) Real and personal property equipment located at a rural health care facility and used exclusively to provide the medical care. The property may be owned by an entity other than the owner of the facility.

(5) The owner of the rural health care facility must file annually with the county assessor to receive the exemption.

(6) The owner of the rural health care facility may file on behalf of other persons whose property is located at the facility and used exclusively to provide medical care.

Stat. Auth.: 305.100
Stat. Implemented: 307.804
Hist.: REV 1-2003, f. & cert. ef. 7-31-03; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-308.146(8)

Reduction of Maximum Assessed Value (MAV) When a Building is Demolished or Removed

(1) As used in ORS 308.146(8)(a), "reduction in real market value" means the total real market value (RMV) after adjustment is less than it would otherwise have been, had the demolition or removal not occurred.

(2) As used in section (3) of this rule, the "year" in which the RMV is reduced due to demolition or removal is either:

(a) The assessment year, or

(b) The tax year, if RMV is determined as of July 1 under ORS 308.146(6).

(3) When a building is demolished or removed, use the following procedure to adjust the maximum assessed value (MAV) for the year in which the demolition or removal is reflected by a reduction in RMV.

Note: An example is incorporated into the steps with the following assumptions:

2007-08 MAV = \$87,379

2007-08 (1-1-07) total RMV = \$100,000.

2007-08 AV = \$87,379.

There is no market trending in this area.

On September 1, 2007 the house is demolished. The RMV of the house for 1-1-07 was \$75,000.

Step 1: Perform the 103% test as if the property had not changed. Multiply the prior year assessed value (AV) by 1.03. Compare the result to the prior year MAV to determine the larger amount. The larger amount becomes the current year MAV (unadjusted) as if the account had not changed.

Larger of: Prior year AV x 1.03 or prior year MAV = current year MAV of unchanged account.

Example: Larger of: \$87,379 x 1.03 = \$90,000 or \$87,379. Current year MAV = \$90,000.

Step 2: Determine the prior year RMV for the affected portion. The affected portion is the building or buildings that were demolished or removed. The RMV of the loss is the RMV of the affected portion.

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Example: RMV of affected portion = \$75,000.

Step 3: Determine the prior year RMV for the unaffected portion. Subtract the RMV of the affected portion (from Step 2) from the prior year total RMV to determine the RMV of the unaffected portion.

Prior year total RMV – RMV of the affected portion = RMV of the unaffected portion.

Example: \$100,000 - \$75,000 = \$25,000.

Step 4: Determine the percentage of the unaffected property. Divide the RMV of the unaffected portion (from Step 3) by the total prior year RMV to determine the percentage of the unaffected property.

RMV of the unaffected portion / total prior year RMV = percentage of the unaffected property.

Example: \$25,000 / \$100,000 = 25%

Step 5: Determine the MAV that has been adjusted to reflect the loss. Multiply the unadjusted MAV (from Step 1) by the percentage of the unaffected property (from Step 4) to determine an MAV that has been adjusted to reflect the loss from demolition or removal (MAV attributable to the unaffected portion only).

Unadjusted MAV x percentage of unaffected property = MAV adjusted to reflect the loss from demolition or removal.

Example: \$90,000 x 25% = \$22,500.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 308.146

Hist.: REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-308.205-(G)

Effective Tax Rate

(1) Definitions for this rule:

(a) “Changed property ratio” (CPR) is the ratio, not greater than 1.00, of the average maximum assessed value over the average real market value for the assessment year in the same area and property class.

(b) “Nominal tax rate” is the tentative consolidated ad valorem property tax rate by code area described in ORS 310.147(2). When applicable, the nominal tax rate can be adjusted to reflect a reduction of tax to meet the limitations identified under Section 11b, Article XI of the Oregon Constitution

(c) “Effective tax rate” for any given property is the nominal tax rate, as described in subsection 1(b), multiplied by the appropriate CPR, described in subsection 1(a).

(2) The effective tax rate can be determined by the following methodology:

(a) Select the nominal tax rate known on the assessment date. For example, the assessment date of January 1, 2008 requires the nominal tax rate calculated for the prior tax year, 2007-08.

(b) Multiply the nominal rate by the CPR applicable to the assessment date, considering the subject property classification and location. The result is the effective tax rate.

Example 1: An apartment complex is being valued for assessment purposes, in an area with a changed property ratio of 65% or 0.65 and a nominal tax rate of \$19.8615 per thousand of assessed value (1.98615%) or .0198615; the effective tax rate is calculated as follows: Changed Property Ratio (CPR) x Nominal Tax Rate (NTR) = Effective Tax Rate (ETR) 0.65 (CPR) x .0198615 (NTR) = 0.01291 (ETR) or 1.3%

Stat. Auth.: ORS 305.100, 308.205, 308.724

Stats. Implemented: ORS 308.205

Hist.: REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-308.290-(A)

Extending Filing Deadline for Property Tax Returns

For purposes of ORS 308.290 and this rule,

(1) “Property tax return” means a personal property tax return, a real property tax return, or a combined property tax return. Personal and real property tax returns are described in ORS 308.290(1) and filed with the county assessor in whose county the taxable property is sited. A combined property tax return is described in ORS 308.290(4) and filed with the Department of Revenue when the department is responsible for appraising the taxpayer’s property.

(2) “Office” means the office of one or more county assessors or the department to which property tax returns are delivered.

(3) “Good and sufficient cause” means an extraordinary circumstance that is beyond the control of the taxpayer, or the taxpayer’s agent or representative, which prevents the taxpayer from filing the property tax return by the deadline.

(a) An extension of the filing deadline for ‘good and sufficient cause’ applies to the property tax return for the current year only.

(b) “Good and sufficient cause” includes, but is not limited to:

(A) Unavoidable and unforeseen absence, illness, or disability of the person who is solely responsible for filing the return and which substantially impairs a taxpayer’s ability to file a timely property tax return. The substantial impairment must have been of such a nature that a reasonable and prudent taxpayer could not have been expected to conform to the deadline.

Example 1: The taxpayer’s spouse manages the financial records including tax returns for their construction business. In January, the spouse is diagnosed with lung cancer and begins in-patient treatment that is expected to continue for several months. The

assessor grants an extension of filing deadline for good and sufficient cause for the current year only.

Example 2: The accountant for a florist shop experiences a home tragedy (child in auto accident) and must take time away from work in February. As the only person responsible for the taxpayer’s books and tax filings, no one can step in to complete the property tax return timely. The assessor accepts a request for extension of filing deadline for good and sufficient cause for the current year only.

Example 3: The local accountant for a nationwide chain of auto stores wins a three week Caribbean cruise that must be taken in February. Management authorizes the vacation. The person who would have stepped in to cover the accountant’s work takes a new job and leaves January 15. The department denies a request for extension of filing deadline. This is not “good and sufficient cause,” as the taxpayer could have reasonably foreseen this situation and made other arrangements to complete the tax return by the March 1 deadline.

(B) Destruction by fire, natural disaster, or other casualty of the taxpayer’s records needed to prepare the return.

Example 4: ABZ Company buys an Oregon business in December. The records of the Oregon firm are not transferred to the new company’s accountant until early February and records of the prior tax returns are not included. The accountant cannot gather the information to provide an accurate tax return by March 1. The department grants a request for extension of filing deadline for good and sufficient cause for the current year only.

(4) “Administrative need” means the taxpayer has a recurring inability to obtain the information needed to complete and file the return by the March 1 deadline, due either to the volume of information that the taxpayer must process or competing internal year end reporting requirements.

(5) “Substantially complete” means a return that contains sufficient information to allow the return to be processed by the department or county. A return is not substantially complete if:

(a) It is submitted with blank or missing schedules unless the schedules are appropriately left blank and are labeled with an identifying notation such as “no”, “none”, or “not applicable”; or

(b) It is submitted with attachments that do not include required information as specified on the schedule.

(c) A return that is not substantially complete will not be considered “filed”.

(6) Requesting an Extension. Taxpayers may request an extension of filing deadline of property tax returns. Extensions will be granted for “good and sufficient cause” or “administrative need.”

(7) A taxpayer may apply for an extension to:

(a) The department, if the subject property is assigned to the department for appraisal under ORS 308.290(4);

(b) The department, if the taxpayer is required to file returns in more than one county and requests an extension for all property tax returns required to be filed within Oregon as provided by ORS 308.290(7); or

(c) The county assessor, if the taxpayer’s subject property is sited in only that county and appraised by that office as provided by ORS 308.290(1).

(8) A request for extension of filing deadline must meet all of the following requirements:

(A) The request must be postmarked on or before the March 1 filing deadline in the office responsible for appraisal of the subject property.

(b) The request for extension must be in writing and must contain:

(A) The business or company name on the property tax account(s),

(B) The company’s complete mailing address and telephone number,

(C) The county property tax account number(s) when known,

(D) The situs address and county of each property listed, and

(E) Other information as required by the assessor or the department.

(c) The request must be signed by the taxpayer(s), an officer of the taxpayer, or the authorized representative of the taxpayer;

(d) The request must contain all of the facts explaining the need for an extension, including, but not limited to:

(A) For a request due to good and sufficient cause, the taxpayer must describe the extraordinary circumstance that prevents the return from being filed timely.

(B) For a request due to administrative need, the taxpayer must describe the administrative need and how the conditions described in Sections 10 and 11 of this rule will be met.

(e) If the taxpayer is a leasing company (lessor) and is requesting an extension for locations in multiple counties as provided by ORS 308.290(7)(a):

(A) The lessor must have sole responsibility for payment of taxes charged to all property items on the asset listing; and

(B) The lessor must provide a list of all equipment classified as real or personal property and identify the situs and county of each property listed.

(9) The office receiving the request for extension will advise the taxpayer whether the request for extension of filing deadline is granted or denied. The department will notify both the taxpayer and the assessor when

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an extension is granted or denied by the department under ORS 308.290(7)(a).

(10) Granting an Extension. When a request for extension is granted, the office will send an "Extension Approval" letter along with instructions for reporting requirements which include, but are not limited to:

(a) A complete listing of assets describing each item of real and personal property (including those fully depreciated, expensed, or held in storage), the date each was purchased, original cost, and location; or

(b) A listing of equipment which identifies the situs and county of the property for both real and personal property reported by a leasing company; or

(c) A summary by classification of assets, with the specific real and personal property additions and retirements for the current year. This method is only acceptable if the office has agreed to an addition/deletion listing from the taxpayer.

(11) In addition to the requirements in Section 10 of this rule, the taxpayer must also:

(a) Provide a summary by classification of assets in a combined return that includes each asset's trending and depreciation codes or valuation factors applied to all property according to schedules supplied by the office; or

(b) Apply the personal property valuation factors provided by the office to the asset list(s) by property classification to develop the value of the personal property.

(12) When filing a return after approval of an extension, the taxpayer must:

(a) Submit a complete return;

(b) Submit information as required in Sections 10 and 11 of this rule; and

(c) Include a copy of the Extension Approval letter.

(13) Denying an Extension. When an office denies a request for extension of filing deadline:

(a) The office will promptly advise the taxpayer in writing of the denial, and

(b) The completed property tax return(s) must be filed with the office within 14 calendar days of the date of the denial, or March 1, whichever is later, to be considered timely filed.

(14) Reasons for denying a request for extension include, but are not limited to:

(a) The request for extension was not received on or before March 1;

(b) The office lacks authority to grant an extension because the office is not responsible for appraisal of the subject property;

(c) The request for extension is based on an administrative need that was previously denied or had been granted but subsequently revoked; or

(d) The reason for the request does not meet the definition of good and sufficient cause or an administrative need as described in this rule.

(15) If the taxpayer is granted an extension for administrative need, the extension will continue for subsequent tax years unless canceled by the taxpayer or revoked by the assessor or the department after discussion with the taxpayer concerning the taxpayer's failure to meet the requirements described in Sections 10 and 11 of this rule.

(16) Revoking an Extension. The assessor or the department may revoke an extension of filing deadline a year after written notification to the taxpayer explaining reasons for revocation. Reasons for revoking an extension include, but are not limited to:

(a) The property tax return is not received on or before April 15;

(b) The property tax return does not substantially comply with the requirements described in Sections 10 and 11 of this rule;

(c) The property tax return is not signed by the taxpayer(s), an officer of the taxpayer, or the authorized representative of the taxpayer;

(d) Property has been omitted from the property tax return;

(e) Property has been incorrectly classified;

(f) Responsibility for appraisal of the subject property transfers to another office. The taxpayer may then apply to the appropriate office for an extension; or

(g) Taxpayer fails to provide the county with a copy of the Extension Approval letter.

(17) Consequence of Filing after Extension Date. The taxpayer must submit a substantially complete property tax return to the proper office on or before April 15 to be considered timely filed by the extended deadline.

(18) If an office grants an extension and the taxpayer files a return that is not substantially complete by April 15, the office will reject the property tax return(s) and return it to the taxpayer with a request that the required information be added and the return re-submitted within the timeframe specified by the office.

(19) If the taxpayer fails to re-submit the return, the office shall list and value the taxable property based on the best information obtainable from other sources as described in ORS 308.290(9).

(20) Any return filed after April 15 will be considered as late filed and a penalty assessed as described in ORS 308.295 and 308.296.

Stat. Auth.: ORS 305.100, 308.290

Stats. Implemented: ORS 308.290

Hist.: REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-308.704

Qualification of Property for Special Assessment as Government Restricted Multiunit Rental Housing

(1) Definitions:

(a) "Qualified income rental housing" means property subject to the occupancy by tenants who meet restricted incomes and rents as described in the government incentive program in which the owner of the property is participating.

(b) "Dwelling unit" means a structure or the part of a structure that is used as a home or residence.

(c) "Contiguous" means having a common boundary to some extent greater than a point. Tax lots are contiguous if separated by public or county roads, state highways, or non-navigable streams or rivers. Tax lots are not contiguous if they are separated by interstate freeways or navigable streams or rivers, except where there is direct connecting access, such as an underpass, for property separated by an interstate freeway.

(d) "Assisted Living Facility" means a building, complex or distinct part thereof, consisting of fully self-contained individual living units where six or more seniors and adult persons with disabilities may reside in homelike surroundings. The facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, and independence.

(e) "Residential Care Facility" means a building, complex or distinct part thereof, consisting of shared or individual living units in a homelike surrounding where six or more seniors and adult persons with disabilities may reside. The facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, individuality, and independence.

(f) "Services" means supervision or assistance provided in support of a resident's needs, preferences and comfort, including health care and activities of daily living, that help develop, increase, maintain, or maximize the resident's level of independent, psychosocial and physical functioning.

(2) To qualify for special assessment as government restricted multi-unit rental housing, all of the following criteria must be met:

(a) The owner must file an application with the assessor in the county where the property is located;

(b) The property must be subject to a government restriction, which limits the use of the housing to qualified income rental housing, as of January 1 of the assessment year.

(c) The property owner must receive a government incentive for agreeing to limit the use of the property to qualified income rental housing. These incentives may include, but are not limited to:

(A) A low-income housing tax credit under section 42 of the Internal Revenue Code;

(B) Financing derived from exempt facility bonds for qualified residential rental projects under section 142 of the Internal Revenue Code;

(C) Financing derived from non-hospital bonds issued by entities that are tax-exempt pursuant to section 501(c)(3) of the Internal Revenue Code;

(D) A low interest loan under section 235 or sec 236 of the National Housing Act (12 U.S.C. 1715Z or 1715Z-1) or under 42 U.S.C. 1485;

(E) A government rent subsidy;

(F) A government guaranteed loan; or

(G) A rural development 515 low interest multifamily loan.

(d) The property must be residential rental housing consisting of four or more dwelling units situated on the same or contiguous tax lots. If there are multiple residential structures, at least 50 percent of the structures must contain two or more dwelling units; and

(e) The property must not be an assisted living or residential care facility, or provide a program of assisted living or residential care services.

(3) Examples of properties that may qualify for special assessment as having four or more dwelling units include:

(a) Two duplexes on the same tax lot.

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(b) Two tax lots, each having one duplex and separated by a local street.

(c) Two duplexes plus two single family units, one of which may be a manager's unit, with each structure on a separate but contiguous tax lot.

(4) Examples of properties that do not qualify for special assessment as having four or more dwelling units include:

(a) A triplex.

(b) Scattered, non-contiguous sites with no more than three units per site.

(c) One duplex plus two single family units.

(d) Single family homes, regardless of how many, whether on a single or contiguous tax lots.

(e) Group homes.

(5) If a single housing project consists of some units that qualify under this rule, such as two duplexes on the same tax lot, plus some units that do not qualify, such as two more duplexes on non-contiguous tax lots, only those units that qualify under this rule may be subject to special assessment.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 205.320, 308.205, 308.027, 308.156, 308.234, 308.704, 308.709, 308.205, 308.712, 308.714, 309.200, 311.806, 309.200, 457.450

Hist.: REV 6-2001, f. & cert. ef. 12-31-01; REV 10-2002, f. & cert. ef. 12-31-02; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-308.712

Special Assessment of Government Restricted Multiunit Rental Housing Property

(1) The assessed value (AV) of government restricted multiunit rental housing property is the lower of:

(a) The specially assessed value (SAV);

(b) The maximum assessed value based on the special assessment (MSAV); or

(c) The real market value (RMV).

(2) An owner of government restricted multiunit rental housing property may elect to have the property specially assessed using:

(a) An income approach method using actual income and stabilized expenses; or

(b) A ratio method.

(3) The income approach method: For the initial year of special assessment, the assessor must utilize the property's actual income statements for at least the prior three years if available. Pro forma statements may be used for recently constructed properties. Economic or market based rents cannot be used. A combination of actual and pro forma statements may be used.

(a) The goal of the income approach is to determine the value of only the real property. No personal property value should be included. The assessor may remove personal property value by one of the following methods:

(A) Include revenues and expenses for both the real and personal property. After the net operating income has been capitalized, deduct the value of the personal property; or

(B) Remove all income and expense generated by the personal property assets prior to capitalization.

(b) In determining the SAV, no income should be included for government income tax credits or mortgage interest subsidies.

(c) The assessor must use actual income (revenues) and stabilized expenses rather than market or economic rents. However for recently built or recent conversions to government restricted multi-unit rental housing, a combination of pro forma and actual rental income may be used.

(d) Actual revenues included are those that result from the operation of the property. They include the rent paid by tenants and any monthly rent subsidies. Also, rent for parking or other amenities must be included. Revenue not directly related to the property, such as interest income, should be excluded.

(e) Stabilized expenses are those that would be expected to be typical for the property, not those that reflect unusual or extraordinary circumstances. The assessor may use averages for the three years and may express expenses on a per-unit basis or as a percentage of revenue. Expenses for a particular year should be adjusted if they are atypical. The goal is to find the typical level of expenses.

(f) Expenses to include are those directly related to the operation of the property including, but not limited to, repairs and maintenance, utilities, government required tenant services, management, and insurance. Certain expenses such as depreciation, mortgage interest, payments to developers, and property taxes must be excluded. Reserves for replacements should be included, but any expense in the repair and maintenance category should be disallowed if it comes from the reserve account.

(g) The net operating income is determined from the above steps by subtracting the stabilized annual expenses from the actual annual revenues.

(h) The capitalization rate is estimated as follows:

(A) Factors to be considered in selecting a rate include the risks associated with multiunit rental housing subject to government restriction. These include diminished ownership control, income-generating potential, and liquidity. The assessor must also consider any other factors or risks typically taken into account when estimating a capitalization rate.

(B) The selected capitalization rate must be equal to or greater than the rate used by the assessor for similar unrestricted properties.

(C) To the selected rate, add the effective property tax rate for the code area where the property is located, as described in OAR 150-308.205-(G). This is the overall rate to use for capitalization.

(D) The value determined from the income approach is calculated by dividing the overall capitalization rate into the net operating income. This is the SAV. Notwithstanding the result of the calculation, the SAV of the real property land and improvements may not be less than \$1,000 per dwelling unit.

(4) The ratio method: This method utilizes a ratio of restricted to market rents.

(a) The assessor estimates the RMV of the property as if unrestricted.

(b) The actual annual total rent, including subsidies, is determined.

(c) The annual market rent for the property, if unrestricted, is estimated. If insufficient county data is available, the assessor may look to regional data.

(d) The ratio of the actual rent to the market rent is calculated.

(e) The unrestricted value from step (4)(a) is multiplied by the ratio from step (4)(d). This is the SAV. Notwithstanding the result of the calculation, the SAV of the real property land and improvements may not be less than \$1,000 per dwelling unit.

(5) Other issues of value, including unusual physical or functional circumstances affecting the property, are not considered in determining the SAV. They are appropriately addressed in estimating the property's RMV.

(6) Certain properties may have a mixed use. For example, a portion of the property may be used as government restricted multiunit rental housing property, while another portion may be commercial or retail. The special assessment applies only to the portion that is used as government restricted multiunit rental housing property. The assessment of the remainder of the property is unaffected by this rule.

(a) For mixed-use properties, a portion of the land value may be subject to special assessment as government restricted multiunit rental housing property. The remainder of the land value is not subject to this special assessment.

(b) The portion of the total land value subject to special assessment equals the portion that the gross square footage of the real property improvements used for government restricted multiunit rental housing bears to the total gross square footage of all the real property improvements, both restricted and unrestricted.

(7) The SAV must be allocated between land and improvements.

(a) The portion of the SAV allocated to the land is equal to the RMV of the land at its highest and best use.

(b) The remaining SAV is allocated to the improvements.

(c) If the SAV is equal to or less than the RMV of the land, a minimum value will be placed on the improvements and the remaining value will be assigned to the land.

(8) For the initial year of application, the MAV of the specially assessed property (MSAV) is found by multiplying the SAV determined using the method chosen by the property owner by the changed property ratio (CPR). The assessor must use the same CPR that is used for similar unrestricted multiunit housing.

(9) Following the initial year, the SAV may be redetermined using the income approach method or the ratio method (whichever the property owner elected) as follows:

(a) The property owner may request a redetermination of the SAV. The owner must make a written request to the assessor by April 1 of the assessment year and must provide necessary income statements.

(b) The assessor may decide to redetermine the SAV. No later than April 1 of the assessment year, the assessor will notify the property owner in writing and request income statements for the three most recent years (if not already provided).

(c) If the SAV is not redetermined under (9)(a) or (9)(b), the assessor may leave the SAV unchanged or may use an appropriate trend or index.

(10) For years after the initial year, the MSAV is 103% of the prior year's AV or 100% of the prior year's MSAV, whichever is greater.

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(a) If omitted property is assessed or there is a lot line adjustment, the MSAV is calculated as provided in ORS 308.149 to 308.166.

(b) If new improvements are made to the property, and the owner applies for special assessment of the new improvements, the MSAV of the new improvements as determined by this rule is added to the existing MSAV.

(c) If the property is disqualified from special assessment, and the property is not requalified, a new MAV, based on RMV, will be determined under ORS 308.149 to 308.166.

(d) If the property is disqualified from special assessment, and the property is later requalified, the MSAV will be determined using the same method as prescribed in this rule for the initial application.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 205.320, 308.205, 308.027, 308.156, 308.234, 308.704, 308.709, 308.205, 308.712, 308.714, 309.200, 311.806, 309.200 & 457.450

Hist.: REV 6-2001, f. & cert. ef. 12-31-01; REV 10-2002, f. & cert. ef. 12-31-02; REV 10-2002, f. & cert. ef. 12-31-02; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-311.205(1)(b)-(A)

Error Corrections and Valuation Judgment Under 311.205

(1) Except as provided in ORS 311.205(1)(b), and section (3) of this rule, the officer may not correct an error or omission on the roll of value of land; improvement; personal or other property; or of any part, parcel or portion of land, improvement, personal or other property, if the correction requires that the officer exercise judgment to determine the value, formulate an opinion as to value, or inquire into the state of mind of the appraiser. Mistakes of this nature may be:

(a) Thinking that a house has a basement when it does not;

(b) Making a mathematical error when computing the square footage, the acreage, or some other factor; or

(c) Errors made in calculating a real market value. For example, in appraising bare land, the appraiser may simply multiply the number of acres by the per acre value for that class of land. The appraiser may also then make adjustments to that result for size, shape, configuration, or other factors which affect the value of bare land. If the appraiser makes a mistake in any of these computations or assumptions of fact, these are mistakes that have entered into the appraiser's determination of judgment and are not subject to correction.

Example 1: Taxpayer owned some 33.07 acres of land. The assessor mistakenly carried the property on the roll as 37.63 acres. The assessor arrived at a value per acre for each classification and then multiplied the per acre value times the number of acres in the tract. Although the assessor used unit values in arriving at a total assessment, the assessor may also have made some adjustments in the final figure for special features or qualities peculiar to the property. The figures may be wrong but the assessor's judgment of the parcel's value may be right. Because it is the total assessment that is subject to question, and because more elements than simply the matter of acreage can be used to arrive at a total assessment, this is a case of value judgment and is not correctable.

Example 2: A taxpayer sold two acres of his 8.33 acre parcel. Upon notice of that sale, the assessor's office started the administrative process of setting up a new account and revising the value of the old account. The new account cards for the two-acre parcel were set up and the value put on the roll. However, in the administrative process, no change in the acreage and value was made on the old appraisal envelopes and cards for the remaining 6.33 acres. Consequently, the remaining 6.33 acres were placed upon the roll at the same values used prior to the sale. There are two errors to consider here. One is the fact that the assessor placed the original 8.33 acreage on the roll at the same value used prior to the sale. This is an error in valuation judgment, not a clerical error. Although this may appear to be a mathematical error due to the failure of one of the clerks, it could just as well be the assessor mistaken in fact and judgment. The situation is similar to that of an assessor mistaken as to the number of acres or the number of square feet in a given property. The figures may be wrong but the assessor's judgment of the parcel's value may be right. Simply "subtracting" the pro-rated value of the two-acre parcel from the value of the 8.33 acre parcel does not necessarily result in the real market value for the 6.33 acre parcel. The appraiser must also look to the highest and best use, lay of the land, and other considerations that would affect value. In these circumstances, the statutory scheme requires that the taxpayer be sufficiently cognizant of his property values to object and appeal if necessary. Since both the appraisal cards and the assessment roll were not changed, it must be presumed that the assessor intended those values to be used, subject to appeal. The second error is the failure of the assessor to reduce the acreage on the original parcel from 8.33 to 6.33 acres. This is a clerical error because the correct facts are evident from the assessor records and there is no speculation or conjecture as to value.

Example 3: A parcel of land has been carried on the roll for several years as five acres. The parcel sells and the buyer requires a survey. The surveyor arrives at a measurement of 4.72 acres. This is an error in valuation judgment and is not correctable under ORS 311.205(1)(a) as a clerical error or under ORS 311.205(1)(c) as an error or omission on the roll of any kind. Because it is the total assessment that is subject to question, and because more elements than simply the matter of acreage can be used to arrive at a total assessment, this is a case of value judgment and is not correctable. The assessor may correct the acreage on the next assessment and tax roll and reappraise the parcel for value, if necessary.

(2) If it is unclear whether an error or an omission on the roll is a clerical error or an error in valuation judgment, the error or omission on the roll shall be considered an error or omission in valuation judgment. For example, an error in acreage or square footage in the appraiser field notes or a failure to value or list a component upon physical reappraisal may not be

corrected because the error may not necessarily have resulted in an error of real market value as finally determined and carried to the assessment and tax roll.

(3) As provided in ORS 311.205(1)(b), the officer in charge of the roll may correct an error in valuation judgment when a timely appeal has been filed in the Magistrate Division or Regular Division of the Oregon Tax Court alleging that the value on the roll is incorrect, if the correction results in a reduction of the tax owed on the account. The officer may not correct an error in valuation judgment under ORS 311.205(1)(b) in response to an untimely appeal or an appeal that is otherwise not within the jurisdiction of the tax court.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 311.205

Hist.: RD 11-1990, f. 12-20-90, cert. ef. 12-31-90; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; Renumbered from 150-311.205(1)(b), REV 6-2003, f. & cert. ef. 12-31-03; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-311.668(1)(a)-(A)

Requirements to Qualify for Senior Citizen's Property Tax Deferral

Applicants for Senior Citizens Property Tax Deferral must file an application with the county assessor between January 1 and April 15 and meet the following requirements:

(1) A sole property owner, or a qualifying spouse, may apply as an individual applicant. The individual who files the application must:

(a) Be 62 years of age or older on April 15 of the year in which the claim is filed;

(b) Live on the homestead, except for an absence due to health related reasons; and

(c) Individually, or with his or her spouse, either own or be purchasing the fee-simple estate under a recorded instrument of sale.

(2) Joint property owners, other than spouses, must apply as joint applicants. All applicants must:

(a) Be 62 years of age or older on April 15 of the year in which the claim is filed;

(b) Live on the homestead, except for an absence due to health related reasons, and

(c) Either own or be purchasing the fee simple estate with a right of survivorship under a recorded instrument of sale.

(3) The combined household income, as defined in ORS 310.630(7), for individuals and their spouses or all joint applicants, must be less than the following limits:

(a) For applications filed in the calendar year 2008 for the deferral of 2008-2009 property taxes, the total household income limit for the income tax year 2007 is \$37,500.

(b) For applications filed in the calendar year 2009 and later, the total household income limit for the prior year is adjusted, based on the application of the U.S. City Average Consumer Price Index as provided in ORS 311.668(7). The Department of Revenue will publish the total household income limit each year in the deferral application booklet.

(4) To confirm that the taxpayer meets the qualifications for the program, the department may request from the applicant additional written information relating to program eligibility. Failure to provide the information as requested may result in denial of tax deferral.

(5) The department will review information submitted on the application.

(a) If the department determines that the property and applicant(s) qualify for deferral, it will send a preliminary notice of approval by July 1. The notice will inform that applicant that the approval is based on information provided on the application, and that if the department discovers additional information that indicates the person or property does not qualify for deferral the application will be denied.

(b) If the department determines that the property or applicant(s) do not qualify for deferral, it will send a Notice of Denial.

(6) By December 15 of each year, the department will send a notice to each person who has applied for deferral. The notice will:

(a) Inform the applicant whether the property taxes have or have not been deferred in the current year, and

(b) Include the total amount of deferred taxes, interest and fees remaining unpaid on the account.

(7) The applicant will have 90 days from the date he or she becomes aware of the denial, or no later than one year from the date of the determination, whichever comes first, to appeal to the Oregon Tax Court as provided in ORS 305.280.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100 & 311.668

Stats. Implemented: ORS 311.668

Hist.: RD 1-1995, f. 12-29-95, cert. ef. 12-31-95, Renumbered from 150-311.670; REV 2-2002, f. 6-26-02, cert. ef. 6-30-02, Renumbered from 150-311.668; REV 1-2003, f. & cert.

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ef. 7-31-03; REV 2-2005, f. 6-27-05, cert. ef. 6-30-05; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-311.668(1)(a)-(B)

Requirements to Qualify for Disabled Citizen's Property Tax Deferral

Applicants for Disabled Citizens Property Tax Deferral must file an application with the county assessor between January 1 and April 15 and meet the following requirements:

(1) A sole property owner, or a qualifying spouse, may apply as an individual applicant. The individual who files the application must:

(a) Live on the homestead, except for an absence due to health related reasons.

(b) Individually, or with his or her spouse, either own the fee simple estate, or be purchasing the fee simple estate under a recorded instrument of sale; and

(c) Be eligible to receive, or receiving, federal Social Security benefits due to disability or blindness on or before April 15 of the year in which the claim is filed.

(2) Joint property owners, other than spouses, must apply as joint applicants. At least one applicant must be eligible to receive or, be receiving, federal Social Security benefits due to disability or blindness on or before April 15 of the year in which the application is filed. All owners must:

(a) Own or be purchasing the fee simple estate with rights of survivorship under a recorded instrument of sale;

(b) Live on the homestead, except for an absence due to health related reasons.

(3) The combined household income, as defined in ORS 310.630(7), for individuals and their spouses, or all joint applicants, must be less than the following limits:

(a) For applications filed in the calendar year 2008 for the deferral of 2008-2009 property taxes, the total household income limit for the income tax year 2007 is \$37,500.

(b) For applications filed in the calendar year 2009 and later, the total household income limit for the prior year is adjusted, based on the application of the U.S. City Average Consumer Price Index as provided in ORS 311.668(7). The Department of Revenue will publish the total household income limit each year in the deferral application booklet.

(4) To confirm that the applicant meets the qualifications for the program, the department may request from the applicant additional written information relating to program eligibility. Failure to provide the information as requested may result in denial of tax deferral.

(5) The department will review information submitted on the application.

(a) If the department determines that the property and applicant(s) qualify for deferral, it will send a preliminary notice of approval by July 1. The notice will inform that applicant that the approval is based on information provided on the application, and if the department discovers additional information that indicates the person or property does not qualify for deferral the application will be denied.

(b) If the department determines that the property or applicant(s) do not qualify for deferral, it will send a Notice of Denial.

(6) By December 15 of each year, the department will send a notice to each person who has applied for deferral. The notice will:

(a) Inform the applicant whether the property taxes have or have not been deferred in the current year, and

(b) Include the total amount of deferred taxes, interest and fees remaining unpaid on the account,

(7) The applicant will have 90 days from the date he or she becomes aware of the denial, or no later than one year from the date of the determination, whichever comes first, to appeal to the Oregon Tax Court as provided in ORS 305.280.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 311.668

Hist.: REV 2-2002, f. 6-26-02, cert. ef. 6-30-02; REV 1-2003, f. & cert. ef. 7-31-03; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

150-457.440(9)

Urban Renewal Certification, Calculation and Distribution

(1) Definitions: For purposes of this rule:

(a) "Consolidated Billing Tax Rate" means

(A) For "Reduced Rate Plans," the total of all taxing district billing tax rates used to extend taxes, after any adjustments to reflect tax offsets, but does not include:

(i) Any urban renewal special levy rate,

(ii) Any local option tax rate if the tax was approved by the voters after October 6, 2001,

(iii) Any exempt bonded indebtedness tax rate (except for Portland Police and Fire Pension and Disability bonds, if so issued) approved by the voters after October 6, 2001.

(B) For "Standard Rate Plans," the total of all taxing district billing tax rates used to extend taxes, after any adjustments to reflect tax offsets, but does not include any urban renewal special levy rate.

(b) "Division of tax" means

(A) For purposes of determining the amount of division of tax to use in tax calculation, the amount calculated by multiplying the tax rate for each taxing district levy in a code area by the excess value used in that code area and summing the product for all code areas in the plan area. Only those taxing district tax rates that are part of the consolidated billing tax rate for that plan will be used for this calculation.

(B) For purposes of computing the estimate of the division of tax portion of the maximum authority for existing plans, the amount calculated by multiplying the consolidated billing tax rate for the code area by the excess value used in the code area and summing the product for all code areas in the plan. Only those taxing district tax rates that are part of the consolidated billing tax rate will be used for this calculation.

(c) "Division of tax rate" means the rate determined for each taxing district levy within the consolidated billing tax rate for an urban renewal plan. This rate is calculated by dividing the division of tax amount by the taxable assessed value of any shared property for that district. This is the rate that will be multiplied by the taxable assessed value of any shared property of the district to determine the amount of division of tax extended before compression on that property from that levy for that plan.

(d) "Excess Value" means the value obtained by subtracting the frozen value in a plan area from the total assessed value in a plan area calculated code area by code area.

(e) "Excess Value Used" means that portion of the excess value in an Option 3 existing urban renewal plan area necessary to supply the amount of division of tax as stated in the ordinance adopted by the urban renewal agency under ORS 457.435. For all other plans "Excess Value Used" means "Excess Value."

(f) "Existing Plan" means an urban renewal plan that provides for a division of ad valorem property taxes as described under ORS 457.420 to 457.460, adopted by ordinance before December 6, 1996, that meets the conditions of ORS 457.010(5).

(g) "Frozen Value" means the value certified by the assessor for the urban renewal plan area as required by ORS 457.430.

(h) "Maximum Authority" refers to the limitation on the amount of authority for an existing plan area. Only plans that are "existing plans" will have a maximum authority amount. 1997-1998 is the base year for the maximum authority for all existing plans. The maximum authority is adjusted each year to reflect growth in value within the plan area as provided in ORS 457.435(3)(b).

(i) "Rate Computation Value" means the total assessed value for the district, plus value for Fish and Wildlife and value for Non-Profit Housing, minus urban renewal excess value.

(j) "Reduced Rate Plan" means any urban renewal plan that is:

(A) Adopted prior to December 6, 1996, designated as an existing plan, and also designated as either an Option One or Option Two plan; or

(B) Adopted prior to December 6, 1996, was an existing plan designated as either an Option One or Option Two plan on October 6, 2001, and was substantially amended as described in ORS 457.085(2)(i)(A) or (B) on or after October 6, 2001; or

(C) Adopted on or after October 6, 2001.

(k) "Shared Property" is property that is both within a taxing district that overlaps an urban renewal plan area, and within the boundaries of a municipality that activated an urban renewal agency. It also includes any area of a plan that extends beyond the boundaries of the activating municipality for that plan.

(1) "Standard Rate Plan" means an urban renewal plan that is not a reduced rate plan.

(2) Urban renewal agencies making use of tax increment financing must certify their tax increment financing request to the county assessor under ORS 310.060 by July 15 using the Department of Revenue Form UR-50 for the current tax year. The assessor may grant an extension of this date for cause up to October 1.

(3) The assessor must separately calculate the estimated revenue to be raised from each plan area within the territory of a taxing district. To make this calculation the assessor will:

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(a) Determine whether the plan is a standard rate plan or a reduced rate plan. Calculate the consolidated billing tax rate accordingly.

(b) Determine the maximum authority of an existing plan by multiplying last year's maximum authority by the percentage growth in plan excess value this year as provided in ORS 457.435(3).

(c) Determine the estimated amount to be raised by the division of tax for the plan. For each code area within the plan area, multiply the consolidated billing tax rate by the excess value used in the code area. Add the amounts of all code areas within a plan.

(d) Determine the maximum amount of the special levy, if any, for each existing urban renewal plan by subtracting the estimated amount to be raised by the division of tax from the maximum authority of the plan. The maximum special levy cannot be less than zero.

(4) If the plan is an Option One plan:

(a) The assessor will calculate the maximum amount of urban renewal taxes to be raised through the division of tax as provided in section (3) of this rule.

(b) If the agency requests a special levy amount on the UR-50 form, the assessor will calculate and extend a special levy for the amount certified, provided the total amount of the special levy and estimated division of tax amount is equal to or less than the maximum authority of the plan as determined under subsection (3)(b) of this rule.

(c) If the total special levy certified for the plan area plus the estimated division of tax amount computed for the plan by the assessor exceeds the maximum authority of the plan, the assessor will reduce the amount of the special levy until the total of the special levy and the estimated division of tax amount equals the maximum authority for the plan.

(5) If the plan is an Option Two plan:

(a) The amount of taxes to be raised from a division of taxes is zero. All urban renewal excess value will be taxed by the ad valorem taxing districts, just as if the plan had been completed and the excess value returned to the taxing districts.

(b) If the agency requests a special levy amount on the UR-50 form, the assessor will calculate and extend a special levy for the amount certified, provided the amount of the special levy is equal to or less than the maximum authority of the plan as determined under subsection (3)(b) of this rule.

(c) If the total special levy certified exceeds the maximum authority of the plan, the assessor will reduce the amount of the special levy until the total of the special levy equals the maximum authority of the plan.

(6) If the plan is an Option Three plan:

(a) The agency must certify on the UR-50 form the amount established in the ordinance selecting Option Three as the amount to be collected through the division of taxes.

(b) The assessor will calculate the amount of excess value necessary to supply the estimated division of tax amount as stated in the ordinance and certified on the UR-50 form.

(A) If the excess value is not sufficient to raise the amount established in the ordinance selecting Option Three, the assessor will calculate the division of tax amount using the full excess value and no value will be returned to the taxing districts for that year.

(B) If the full excess value is not necessary to raise the amount established in the ordinance selecting Option Three, the remaining excess value will be returned to and be taxed by the ad valorem taxing districts for the current year.

(c) If the agency certifies a special levy and the total special levy plus the estimated division of tax amount computed for the plan by the assessor exceeds the maximum authority of the plan, the assessor will reduce the special levy until the total of the two equals the maximum authority.

(7) If the plan is not an existing plan, the agency must certify that 100 percent of the amount of the division of tax will be raised for the plan.

(8) The assessor will:

(a) Use the rate computation value in calculating taxes for a taxing district that has urban renewal plan areas within its boundaries and whose rate is part of the consolidated billing tax rate for the urban renewal plan.

(b) Calculate the urban renewal special levy tax rate using the current year taxable value on all taxable property in the municipality and any portion of the urban renewal plan area outside of the municipality. Current year taxable value includes the value of Non-profit Housing, and Fish and Wildlife and urban renewal excess value.

(c) Calculate urban renewal special levy tax rates on a plan area by plan area basis. If one plan area of an agency extends beyond the boundary limits of the activating municipality, only the special levy rate for that plan will be extended beyond the boundaries of the municipality.

(d) Unless otherwise specifically provided by law, no tax offset will apply to the special levy rate.

(9)(a) The assessor will determine the tax rate for each code area for each tax district certified as follows:

(A) Determine the rate for tax rate levies or calculate a tax rate for dollar amount levies.

(B) Subtract any offsets as applicable.

(C) Subtract any division of tax rate for that district applicable to that code area from the result of paragraph (9)(a)(B) of this rule.

(b) The assessor will calculate a total division of tax rate for each code area. This will be the total of the division of tax rates from all of the levies from all taxing districts with shared property in that code area, if such rates are in the consolidated billing tax rate.

(c) The division of tax rate may have two components. One will be the total rates derived from any local option tax levy rates. The other component will be the total rates derived from any other levy. The assessor must treat the amount of taxes derived from the two rates separately for purposes of determining the compliance with the limitations of section 11(b) Article XI of the Oregon Constitution.

(10) The assessor will calculate the amount of tax on an account that may be distributed to each urban renewal agency. This amount will be determined as follows:

(a) For each property within a shared property area the assessor will calculate the division of tax amount extended by multiplying the taxable assessed value of the account by the division of tax rates for each plan area.

(b) For each property within a shared property area that has an urban renewal special levy, the assessor will calculate the amount extended for the special levy by multiplying the taxable assessed value of the account by the rate calculated for each urban renewal special levy.

(c) If taxes in either category exceed the limitations of section 11(b) Article XI of the Oregon Constitution, the assessor will reduce the taxes to the limit. The division of tax portion derived from local option levies must be reduced proportionately with all other local option levies under the general government category before any other taxes in the category are reduced.

(11) The special levy and the division of tax will be imposed on all taxable property in the municipality and any portion of the urban renewal plan area outside of the municipality that is shared property for that plan.

(12) All urban renewal special levy and division of tax amounts will be categorized as being subject to the general government limitation under ORS 310.150.

(13) The tax statement must display at a minimum for each agency, under the general government category, the total combined dollar amount imposed for the urban renewal special levy and the division of tax for that account.

(14) In preparing the percentage distribution schedule under ORS 311.390, the tax collector will use the dollar amount generated for urban renewal division of tax and the dollar amount imposed for urban renewal special levy for each urban renewal agency.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 457.440

Hist.: REV 13-1999, f. 12-30-99, cert. ef. 12-31-99; REV 1-2002, f. & cert. ef. 5-23-02; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08

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Rule Caption: Renumbering of rules related to notices of deficiencies.

Adm. Order No.: REV 8-2008

Filed with Sec. of State: 8-29-2008

Certified to be Effective: 8-31-08

Notice Publication Date:

Rules Renumbered: 150-314.410(3) to 150-314.410(4), 150-314.410(5) to 150-314.410(6), 150-314.410(6) to 150-314.410(7), 150-314.410(8) to 150-314.410(9), 150-323.320(1) to 150-323.320-(B)

Subject: Renumbering of rules is to reflect renumbering of statute. OAR 150-323.320(1) is renumbered to reflect correct placement in series of rules.

Rules Coordinator: Debra L. Buchanan — (503) 945-8653

150-314.410(4)

Time Limit to Make Adjustment

(1) The provisions of this rule that apply to a federal change or correction apply to reports that are received by the department on or after October 4, 1997. The provisions of this rule that apply to another state's

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change or correction apply to changes or corrections made on or after October 23, 1999.

(2) The department may mail a Notice of Deficiency at any time within two years after the department receives notification of a change or correction contained in:

- (a) A federal revenue agent's report (RAR);
- (b) The audit report of another state's taxing authority; or
- (c) The written report filed by the taxpayer as required by ORS 314.380(2)(a).

Example 1: Ron filed his 1996 federal and state returns on time. The Internal Revenue Service (IRS) audited and adjusted his federal return in March 2000. The department may mail a Notice of Deficiency within two years of receiving the federal RAR.

(3) The department may mail a Notice of Deficiency if, at the time the change or correction in an RAR or the audit report of another state was made, an assessment of federal or other state's tax based on the change or correction was permitted by federal tax law or the tax law of the other state, as applicable. This provision applies regardless of whether an adjustment to the return is allowable under any other provision of Oregon law.

Example 2: ABC Corporation was audited by the IRS for tax year 1991. ABC Corporation signed an agreement with the IRS to extend the period of time for assessing federal tax. No separate extension agreement was signed with Oregon. Following completion of the federal audit, the department may mail a Notice of Deficiency at any time within two years of receiving the federal RAR.

Example 3: Sally filed a timely 1993 tax return. In 1999, the IRS determined that Sally had omitted an item of income that was more than 25 percent of the gross income shown on the return. The IRS assessed additional tax based on Internal Revenue Code section 6501(e), which allows an assessment to be issued within six years of the filing of the return when there is such an omission. The department may mail a Notice of Deficiency based on the federal RAR within two years of receiving that report.

(4) The department may not mail a Notice of Deficiency based on a federal RAR or the audit report of another state if, at the time of the change or correction, the tax year was closed to adjustment for Oregon purposes and also for adjustment under federal tax law, or the law of the other state, whichever applies.

Example 4: Lester filed timely 1995, 1996 and 1997 federal and state tax returns. In 1999, the IRS issued a federal RAR that indicated Lester had incorrectly figured a capital loss for 1995. However, the IRS did not assess additional federal tax for 1995 because the year was not open to adjustment under any provision of federal law. Because both the federal and state returns were closed to adjustment, the department may not use the provisions of ORS 314.410(3)(b) to issue a Notice of Deficiency based on the federal RAR.

(5) When the department is notified of a change or correction, the department is not limited to the adjustments reflected in the federal revenue agent's report, the report of the other state's taxing authority, or the taxpayer's written report submitted in the format required by OAR 150-314.380(2)-(B). The department may also make any adjustments deemed necessary to properly reflect Oregon taxable income or Oregon credits for the year in question.

Example 5: Paul, a California resident, worked temporarily in Oregon in 1995 before returning to California. In April 1996, Paul filed a nonresident Oregon return for 1995 and claimed a credit for taxes paid to California. In March 2000, California audited his 1995 California return and in July 2000 Paul paid additional tax to California based on additional wages earned in Oregon. Paul filed a claim for refund with Oregon in November 2000, as allowed by ORS 314.380(2)(b). In reviewing the claim, the department allowed the increase in the credit for taxes paid to another state based on the increased wages. However, the department determined Paul had incorrectly calculated the political contribution credit and issued an adjusted refund.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.410

Hist.: RD 10-1986, f. & cert. ef. 12-31-86; RD 7-1989, f. 12-18-89, cert. ef. 12-31-89; RD 9-1992, f. 12-29-92, cert. ef. 12-31-92; REV 9-1999, f. 12-30-99, cert. ef. 12-31-99; REV 12-2000, f. 12-29-00, cert. ef. 12-31-00; Renumbered from 150-314.410(3), REV 8-2008, f. 8-29-08, cert. ef. 8-31-08

150-314.410(6)

Notification of Gain Realized Upon the Sale or Exchange of a Principal Residence

(1) The period for the assessment of any deficiency attributable to any part of the gain realized upon the sale or exchange of the taxpayer's principal residence shall not expire prior to three years from the date the department is notified by the taxpayer of:

- (a) The cost of purchasing the new residence which the taxpayer claims results in nonrecognition of any part of such gain; or
- (b) The taxpayer's intention not to purchase a new residence; or
- (c) A failure to purchase a new residence within the prescribed period. The department is deemed to have been notified when the taxpayer provides this information to the department.

(2) Individuals who have deferred gain on the sale of a principle residence under Internal Revenue Code (IRC) Section 1034, or who have excluded gain on the sale of a residence under IRC 121, are not required to file notice directly with the department if:

- (a) They have met any applicable reinvestment requirements; and

(b) Notification of the reinvestment has been filed with the Internal Revenue Service. In this case, the department is deemed to have been notified on the date the Internal Revenue Service is notified.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 305.295

Hist.: RD 5-1997, f. 12-12-97, cert. ef. 12-31-97; Renumbered from 150-314.410(5), REV 8-2008, f. 8-29-08, cert. ef. 8-31-08

150-314.410(7)

Extension of Period for Assessment

Once the provisions of ORS 314.410(6) have been exercised, the Department and the taxpayer may, by written agreement, extend beyond the original agreed period the period for mailing a notice of deficiency or assessing a deficiency, provided the subsequent agreement is made before the original agreement expires.

Stat. Auth.: ORS 305.100

Stats. Implemented: 314.410

Hist.: 11-71; 12-31-77; Renumbered from 150-314.410(6), REV 8-2008, f. 8-29-08, cert. ef. 8-31-08

150-314.410(9)

Effect of Federal Extension of Period for Assessment

If a taxpayer and the Commissioner of Internal Revenue, or the taxing authority of another state, enter into an agreement, or renewal thereof, extending the period of time for giving notices of deficiencies and assessing deficiencies of income tax, the Department may give notice of a deficiency within the limits set forth in subsections (1) to (7) of ORS 314.410 or within six months from the expiration date of the agreement, whichever period expires the later.

Stat. Auth.: ORS 305.100

Stats. Implemented: 314.410

Hist.: 11-71; 12-31-77; REV 9-1999, f. 12-30-99, cert. ef. 12-31-99; Renumbered from 150-314.410(8), REV 8-2008, f. 8-29-08, cert. ef. 8-31-08

150-323.320-(B)

Refund of Value of Unused or Mutilated, but Identifiable, Stamps

When accompanied by a properly executed claim for refund, on forms supplied by the Department, a refund equal to the denominated value, less the discount allowed, will be made on all returned, unused or mutilated, but identifiable, cigarette revenue stamps.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 323.320

Hist.: 12-19-75; REV 6-1999, f. 12-1-99, cert. ef. 12-31-99; Renumbered from 150-323.320(1), REV 8-2008, f. 8-29-08, cert. ef. 8-31-08

Department of Transportation, Driver and Motor Vehicle Services Division Chapter 735

Rule Caption: Establishes Requirements for the Placement of Temporary Registration Permits.

Adm. Order No.: DMV 19-2008

Filed with Sec. of State: 8-26-2008

Certified to be Effective: 8-26-08

Notice Publication Date: 7-1-2008

Rules Amended: 735-032-0030

Subject: DMV designed a temporary permit specifically for motorcycles and mopeds (Temporary Motorcycle Permit, DMV Form 735-309). The permit is smaller than other temporary permits and is made of a water-resistant material. It's designed to be displayed on the rear of a motorcycle or moped where the license plate is normally attached. DMV amended 735-032-0030 to provide instructions for the placement of the new permit. Other amendments improve clarity and readability.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-032-0030

Display of Temporary Registration Permits

(1) Temporary registration permits issued under ORS 803.625 must be readable from the outside of the vehicle and placed as follows:

(a) Motorcycle or moped: on the rear of the vehicle where the license plate is normally attached. If the vehicle is not designed or equipped to accept a rear license plate, the permit must accompany the vehicle as described in section (2) of this rule.

(b) Vehicle with a rear window: inside, on the left side and lower corner of the rear window.

(c) Vehicle carrying a camper or canopy: inside, on the left side and lower corner of the rear window of the camper or canopy.

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- (d) Travel trailer: on the left side and lower corner of the rear window.
- (e) Vehicle with no rear window (including a camper, canopy or travel trailer): inside, on the left-rear side window.
- (f) Vehicle with no window or left-rear side window: inside, on the left side of the dashboard.

(2) If the permit cannot be placed as described in section (1) of this rule, it must accompany the vehicle and be available for inspection upon request by a law enforcement officer or any other person authorized to inspect vehicle registration. The permit may be kept on the vehicle operator's person or in a storage area on the vehicle.

(3) Temporary registration permits must be placed on or remain with the vehicle as described in sections (1) and (2) of this rule until replaced with valid license plate(s) or until the permit expires, whichever comes first.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.615, 803.625, 803.650 & 803.655
Stats. Implemented: ORS 803.540, 803.615, 803.625, 803.635, 803.650 & 803.655
Hist.: MV 1-1989, f. & cert. ef. 1-3-89; DMV 19-2008, f. & cert. ef. 8-26-08

Rule Caption: Eyesight Check Content and Standards.

Adm. Order No.: DMV 20-2008

Filed with Sec. of State: 8-26-2008

Certified to be Effective: 8-26-08

Notice Publication Date: 7-1-2008

Rules Amended: 735-062-0050

Subject: DMV amended OAR 735-062-0050 effective January 1, 2008. In doing so a word was inadvertently left out that changed the meaning of a sentence. This amendment corrects the error so that the rule reads: "DMV will not restrict a person whose vision is 20/40 or better to daylight driving only, unless in the written opinion of a licensed vision specialist, such restriction is warranted." The term "oculist" was removed based on public comment that indicated the term is obsolete. Other changes were made for clarity and ease of reading.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-062-0050

Eyesight Check Content and Standards

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will check the following items when testing the eyesight of an applicant for a driver permit or driver license:

- (a) Acuity; and
- (b) Field of vision.

(2) To qualify for driving privileges, a person must meet the following eyesight standards:

(a) Acuity: The person must have a visual acuity level of 20/70 or better when looking through both eyes (or one eye if the person has usable vision in only one eye). A person with usable vision in both eyes will meet the standard if the visual acuity level in one eye is worse than 20/70 so long as the visual acuity level in the other eye is 20/70 or better;

(b) Field of vision: The person must have a field of vision of at least 110 degrees; and

(c) Daylight driving only: DMV will restrict the person's driving privileges to daylight driving only, if the person's best eye is worse than 20/40 and no worse than 20/70, unless in the written opinion of a licensed vision specialist (ophthalmologist or optometrist), the person's driving should not be restricted. DMV will not restrict a person whose vision is 20/40 or better to daylight driving only unless in the written opinion of a licensed vision specialist, such restriction is warranted.

(3) DMV may issue a driver permit or driver license only to a person who meets the standards in Section (2) of this rule except as described in sections (4) and (5) of this rule.

(4) A person may meet the eyesight standards with the use of a corrective lens or lenses. When a person must use a corrective lens or corrective lenses to meet the eyesight standards, DMV will restrict the person to driving only when wearing corrective lenses.

(5) DMV may authorize a person to use a bioptic telescopic lens on a corrective lens, as defined in OAR 735-062-0310(1), if when looking through the carrier lens and not the telescopic device, the person meets the eyesight standards set forth in section (2) of this rule.

(6) A person who has a limited vision condition as described in Section 3, Chapter 277, Oregon Laws 2003, may be eligible for restricted driving privileges as set forth in OAR 735-062-0300 through 735-062-0390.

Stat. Auth.: ORS 184.616, 184.619, 802.020 & 807.070
Stats. Implemented: ORS 807.070

Hist.: MV 15-1987, f. 9-21-87, ef. 9-27-87; MV 38-1987(Temp), f. & ef. 12-7-87; MV 5-1988, f. 2-16-88, cert. ef. 2-17-88; Administrative Renumbering 3-1988, Renumbered from 735-031-0031; MV 11-1989, f. & cert. ef. 3-6-89; MV 1-1993, f. & cert. ef. 2-16-93; DMV 7-1996, f. & cert. ef. 8-15-96; DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04; DMV 18-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 20-2008, f. & cert. ef. 8-26-08

Rule Caption: Definition of Valid Commercial Driver License.

Adm. Order No.: DMV 21-2008(Temp)

Filed with Sec. of State: 8-26-2008

Certified to be Effective: 8-26-08 thru 2-20-09

Notice Publication Date:

Rules Adopted: 735-070-0043

Subject: The 2007 Legislature added a definition of "holds a commercial driver license" to the Vehicle Code and in ORS 153.090(7), which sets forth the requirements for entry of a judgment in a violation or traffic offense case. (Oregon Laws 2007, Chapter 122, HB 2268). Persons who hold a commercial driver license are subject to stricter requirements under the law, making it necessary to define when a person holds a valid commercial driver license. The term "valid" as used in ORS 801.307 and 153.090(7) has not been interpreted consistently, which led to confusion as to when a person holds a valid commercial driver license. For example, a medical certificate used to prove physical qualification for a CDL may expire, but that does not automatically invalidate the CDL. The person cannot drive a commercial vehicle until he or she has a current medical certificate (ORS 807.100), but the CDL remains valid until DMV suspends, cancels or revokes the license. DMV has defined by rule when a person's commercial driver license is valid. The definition is retroactive to January 1, 2008, the effective date of the Act.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-070-0043

Definition of Valid Commercial Driver License

(1) As used in the definition of "holds a commercial driver license" in ORS 801.307 and 153.090(7) "valid" means the commercial driver license was issued by DMV or another jurisdiction and is not expired, suspended, cancelled or revoked.

(2) This rule shall be applied retroactively to January 1, 2008.

Stat. Auth.: ORS 184.616, 184.619 & 802.020
Stats. Implemented: ORS 153.090(7) & 801.307
Hist.: DMV 21-2008(Temp), f. & cert. ef. 8-26-08 thru 2-20-09

Rule Caption: Removes References to Honorary Consular Corps Registration Plates to Conform DMV Rules with Law Change.

Adm. Order No.: DMV 22-2008

Filed with Sec. of State: 9-11-2008

Certified to be Effective: 9-11-08

Notice Publication Date: 8-1-2008

Rules Amended: 735-046-0000, 735-046-0010, 735-046-0050

Subject: Oregon Laws 1987, Chapter 25 repealed the statutory authority for DMV to issue Honorary Consular Corps vehicle registration plates. These amendments to OAR 735-046-0010 and 735-046-0050 delete references to the issuance of Honorary Consular Corps vehicle registration plates from DMV's special registration plate rules. The amendments to OAR 735-046-0000 reorganize and clarify the definitions set out in the rule.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-046-0000

Definitions

The following definitions apply to OAR 735-046-0000 through 735-046-0050:

(1) "Current Issue" means any registration plate type, plate background or plate series approved by DMV for issuance.

(2) "Current use" means any registration plate type, plate background or plate series that is no longer issued, but is approved for registration renewal or for special interest registration, or is a permanent registration plate. Examples of current use registration plates include:

- (a) Passenger vehicle plates issued in 1956 or later; and
- (b) Motorcycle or moped plates issued in 1968 or later.

(3) "Custom plates" mean customized registration plates authorized under ORS 805.240.

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(4) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(5) "Plate choice" means the numbers or letters, or combination of numbers and letters (characters), requested by an applicant for custom plates. For purposes of custom plates, the letter "O" and the number "zero" are identical. A plate choice does not include a plate's background, design, method of validation, or any other information DMV may require.

(6) "Plate configuration" means a unique combination of numbers or letters that have been or may be assigned to registration plates.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.103, 805.200 & 805.220
Stats. Implemented: ORS 803.535, 805.103, 805.200, 805.240 & 805.242
Hist.: MV 1-1981, f. & ef. 2-5-81; MV 1-1983, f. & ef. 1-28-83; MV 9-1987, f. & ef. 9-1-87; Administrative Renumbering 3-1988, Renumbered from 735-071-0058; MV 25-1988, f. & cert. ef. 10-3-88; MV 48-1989, f. & cert. ef. 11-16-89; DMV 9-1994, f. & cert. ef. 9-30-94; DMV 8-1997, f. & cert. ef. 10-16-97; DMV 15-2008, f. & cert. ef. 6-23-08; DMV 22-2008, f. & cert. ef. 9-11-08

735-046-0010

Custom Plates: Application and Standards

(1) A person who wishes to obtain custom plates must submit an application for custom plates and all applicable fees to DMV. Custom plate choices:

(a) May not be reserved in advance of application and payment of required fees; and

(b) Are approved and assigned by DMV on a first-come, first-served basis. When two or more applications requesting an identical plate choice are received, DMV will consider for approval the first one received with the required fees, without regard to whether the first application received is an original application for a custom plate or an application for renewal of a custom plate that has been expired for more than 30 days. "Application" as used in this subsection may include application by phone, provided DMV is in possession of the required fees.

(2) Except as provided for in OAR 735-046-0020, an applicant for custom plates must qualify for Oregon title and registration for the vehicle listed on the custom plate application.

(3) A custom plate choice is assigned to a vehicle at the time the plate is issued by DMV.

(4) A custom plate choice must:

(a) Be compatible with DMV's computer system;

(b) Not be identical to any plate configuration reserved for qualified Congressional Medal of Honor recipients, or current Oregon office holders, or the Governor unless the custom plate is being issued under the provisions of OAR 735-046-0050;

(c) Not begin with the letters CMH, MOH, SEN, REP, USS, or USR and be followed by numbers;

(d) Be alphabetic or numeric characters, or alphanumeric characters. A plate choice may not include punctuation or symbols other than a dash or space;

(e) Include at least one alphabetic or numeric character;

(f) Be limited to no more than six alphabetic characters, numeric characters, spaces or dashes, except that a seventh character may be a space or dash;

(g) Except as provided in section (5) of this rule, not be identical to any other plate configuration in current use. The use of a space or a dash within a plate choice is not considered when determining whether the plate is identical to another plate configuration.

(5) In addition to other provisions of this rule, all of the following apply to approval of a plate choice that is identical to a plate configuration that is in current use:

(a) DMV may approve a plate choice that conflicts with a plate configuration currently in use for motor vehicles registered under ORS 803.420(1) (i.e., passenger plated vehicles) if:

(A) The specific plate configuration requested has previously been issued and is not still in inventory or reserved for future issuance;

(B) The previously issued plates bearing the plate choice are surrendered to DMV with the custom plate request, or are no longer in circulation. If there is any question about such plates being in circulation, it is the applicant's responsibility to satisfy DMV that the plates have been destroyed, surrendered to DMV or another jurisdiction, or are not available for use on a vehicle; and

(C) The plate choice is to be assigned to a vehicle that qualifies for registration under ORS 803.420(1).

(b) For motor vehicles other than those registered under ORS 803.420(1), specifically, vehicles that are not passenger plated vehicles, DMV may approve a plate choice that is identical to a plate configuration that is in current use if:

(A) The vehicle to which the custom plates are to be issued is of a different type than the vehicle to which the plates bearing the identical plate configuration are in current use or could be issued. For example, a plate choice that is identical to a disabled veteran plate configuration (for example D00001) will not be assigned to a custom plate issued to either a passenger vehicle or motor home. A plate choice that is identical to a motor home plate configuration (for example H00001) will not be assigned to a custom plate issued to a motor home but can be assigned to a custom plate issued to a passenger vehicle;

(B) The plate choice requested is not currently assigned to a registration plate; and

(C) The plate choice requested will not be assigned to a future plate series.

(6) DMV will not approve a custom plate choice, including plate choices that would do so by means of foreign or slang words or phrases, by use of phonetic, numeric or reverse spelling, or by being viewed in mirror image, that:

(a) Would have the effect of alarming, threatening, offending or misleading a reasonable person. Such choices may include, but are not limited to, combinations of letters, numbers or both that:

(A) Refer to intimate bodily parts or to sexual or excretory acts or functions;

(B) Refer in an alarming or offensive manner to a person or class of persons on the basis of race, color, gender, ethnic heritage, national origin, or other characteristic;

(C) Suggest that the vehicle to which the custom plate is issued is an official vehicle of a public agency or official, when it is in fact not such a vehicle; or

(D) Refer to illegal acts.

(b) Refers to alcoholic beverages, or controlled substances or paraphernalia used in the consumption thereof by combinations of letters, numbers or both.

(7) DMV may use any reliable lexicological source to determine the meaning of any word, symbol or phrase.

(8) When reviewing a plate choice for approval, DMV need not consider the applicant's subjective intent or declared meaning.

(9) DMV will approve the transfer of registration plates that are not from a current issue of plates as custom plates under the provisions of ORS 805.242. All of the following apply to such a transfer:

(a) For vehicles that require two registration plates, the applicant must have two registration plates available for transfer to the vehicle;

(b) The registration plates being transferred must not be so old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes of identification;

(c) The registration plates being transferred must be from a series in current use;

(d) The registration plates may only be transferred to a vehicle type that is otherwise eligible for custom plates; and

(e) The registration plates may only be transferred to a vehicle of the same registration type to which they were originally issued (e.g., passenger vehicle to passenger vehicle).

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.103, 805.200, 805.205 & 805.220
Stats. Implemented: ORS 803.420, 803.535, 805.103, 805.200, 805.220, 805.240, 805.242 & 805.250
Hist.: MV 25-1988, f. & cert. ef. 10-3-88; MV 48-1989, f. & cert. ef. 11-16-89; DMV 9-1994, f. & cert. ef. 9-30-94; DMV 8-1997, f. & cert. ef. 10-16-97; DMV 23-2007(Temp), f. 12-24-07, cert. ef. 1-1-08 thru 6-27-08; DMV 15-2008, f. & cert. ef. 6-23-08; DMV 22-2008, f. & cert. ef. 9-11-08

735-046-0050

Congressional Medal of Honor and Elected Official Plates

(1) Requirements and Qualifications. In addition to all other requirements for registration, an applicant for Congressional Medal of Honor plates or elected official plates must submit to DMV an application for registration and all applicable fees, including any fee required for the custom plate requested. At the time of application, the applicant must:

(a) Be the registered owner of the vehicle listed on the application;

(b) For Congressional Medal of Honor recipients, meet the qualifications for issuance of Congressional Medal of Honor plates under ORS 805.103 and this rule;

(c) For elected officials, meet the qualifications of ORS 805.220, and hold the office specified on the application. DMV may contact the Secretary of State to verify compliance with this subsection.

(2) Elected official plates are assigned to a specific vehicle and — if requested by the applicant — are issued in addition to the regular registration plates issued to the vehicle. The fee for an elected official plate issued in addition to a regular series plate is the plate manufacturing fee estab-

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lished under ORS 803.570. Elected official plates may be transferred to another vehicle if:

(a) The vehicle to which the plates are to be transferred is registered in the name of the elected official who qualifies for the particular plate configuration; and

(b) The applicant submits to DMV a completed application that identifies the vehicle to which the elected official plates are to be assigned.

(3) Plate Transfer. In addition to all other requirements for transferring registration plates, an applicant for a plate transfer must submit to DMV a completed, signed application to transfer registration plates and all applicable fees. At the time of transfer, the applicant must be the registered owner of the vehicle listed on the application. There is no plate transfer fee for elected official plates.

(4) Plate Configurations. The following plate configurations are reserved as specified:

(a) For Congressional Medal of Honor recipients: Except as provided in paragraph (B) of this subsection, the applicant may choose the letter combination "MOH" or "CMH," which will be followed by a single number from 1 to 9, to be designated by DMV;

(A) A total of 18 pairs of Congressional Medal of Honor plates are reserved for issuance to qualified Congressional Medal of Honor recipients.

(B) When a Congressional Medal of Honor plate configuration is issued, it will be removed from the list of available plates and will not be issued again. For example, after plate configuration "CMH 1" is issued, that configuration is no longer available. The next qualified applicant is issued the next available plate number in numeric order.

(b) For elected officials:

(A) Governor: "GOV1";

(B) Secretary of State: "2";

(C) State Treasurer: "3";

(D) President of the Senate: "4";

(E) President pro tempore of the Senate: "4A";

(F) Speaker of the House of Representatives: "5";

(G) Speaker pro tem of the House: "5A";

(H) State Senators: "SEN," followed by the applicable Senate district number;

(I) State Representatives: "REP," followed by the applicable House district number;

(J) U.S. Senator: "USS," followed by a number; and

(K) U.S. Representative: "USR," followed by the House District number.

(5) In addition to the elected official plate for the Governor under subsection (3)(b) of this rule, DMV will issue regular series plates to the Governor upon request from the Governor's office. The fee for a regular series plate issued under this section is the plate manufacturing fee established under ORS 803.570.

(6) The plates must be removed from the vehicle to which they are assigned when the person no longer qualifies for elected official plates because the term of office or appointment expires, or the person otherwise ceases to act in the official capacity required to qualify for the plates. After removing the plates from the vehicle, the person may surrender the plates to DMV or retain the plates as a souvenir.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.103, 805.200, 805.205 & 805.220

Stats. Implemented: ORS 803.420, 803.530, 803.535, 805.103, 805.200, 805.220, 805.240, 805.242 & 805.250

Hist.: MV 25-1988, f. & cert. ef. 10-3-88; MV 13-1992, f. & cert. ef. 10-16-92; DMV 23-2007(Temp), f. 12-24-07, cert. ef. 1-1-08 thru 6-27-08; DMV 15-2008, f. & cert. ef. 6-23-08; DMV 22-2008, f. & cert. ef. 9-11-08

Rule Caption: Proof of Full Legal Name.

Adm. Order No.: DMV 23-2008(Temp)

Filed with Sec. of State: 9-11-2008

Certified to be Effective: 9-15-08 thru 3-13-09

Notice Publication Date:

Rules Adopted: 735-062-0014

Rules Amended: 735-010-0130, 735-062-0015, 735-062-0020

Subject: DMV implemented the changes required by Oregon Laws 2008, Chapter 1 (SB 1080) on July 1, 2008. Those changes include that all applicants for a driver license, driver permit or identification card must show proof of legal presence in the United States, proof of Social Security number (that must be verified) or proof of not being eligible for a Social Security number, and proof of full legal name.

In implementing the requirements of SB 1080, the department adopted OAR 735-062-0015 and amended OAR 735-062-0020 to

require documentation of a legal name change if the applicant's current legal name does not match the name on the document submitted as proof of legal presence or proof of identity. Documentary proof of a legal name change includes a government issued marriage document or certificate of domestic partnership, a judgment of dissolution or annulment, an adoption decree or a court judgment for change of name. DMV has determined that requiring documentary proof of a legal name change unnecessarily limits the proof an applicant may provide as proof of his or her current legal name and is overly burdensome for some applicants.

DMV therefore proposes to adopt a new rule, OAR 735-062-0014, which authorizes DMV to accept an identity document listed in OAR 735-062-0020 or in limited circumstances, the full legal name in the applicant's DMV customer record, as proof of the applicant's current legal name. There must be sufficient connection between the proof of the applicant's legal name and the name on the document submitted as proof of legal presence for DMV to determine the applicant is the person named in the legal presence document. If the applicant's current legal name is not on an identity document or in the DMV customer record, the applicant must provide proof of a legal name change as described above.

Making this change will eliminate much of the burden for providing proof of an applicant's current legal name without reducing the security and integrity of Oregon issued driver licenses, driver permits and identification cards.

Amendments are being proposed to OAR 735-062-0015, Establishment and Use of Full Legal Name by an Individual, to incorporate the new rule, and OAR 735-062-0015 Proof of Legal Presence and OAR 735-062-0020 Proof of Identity and Date of Birth Requirements to remove the sections dealing with a name change, as that information will now be provided in the proposed new rule.

These proposed rule amendments make no changes to the requirements that a person provide proof of legal presence in the United States and proof of Social Security number (that must be verified) or proof of not being eligible for a Social Security number.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-010-0130

Establishment and Use of Full Legal Name by an Individual

All of the following apply to establishment and use of a full legal name by an individual:

(1) An applicant for an Oregon driver license, driver permit or identification card, shall establish his or her full legal name as supported by one or more documents proving identity and date of birth required under OAR 735-062-0020 or proof of current legal name under OAR 735-062-0014.

(2) When conducting any business with DMV, including but not limited to obtaining driving privileges, an identification card, vehicle title and vehicle registration, an individual shall use only his/her full legal name.

(3) If an individual has not established a full legal name as provided in section (1) of this rule, DMV will use the name on his or her customer record as his or her name for vehicle title and registration purposes. An individual who is shown on any application for title as provided in ORS 803.050, any application for salvage title as provided under 803.140 or any transitional ownership record as defined in 801.562, shall use his/her full legal name.

(4) An individual shall use the same name in conducting all business with DMV. The individual must also provide the DMV-assigned customer number shown on the driver license, driver permit or identification card, if known.

(5) An individual's full legal name shall not include a title or honorific such as, but not limited to, Mr., Mrs., Reverend or Doctor.

Stat. Auth.: ORS 184.616, 184.619 & 802.010

Stats. Implemented: ORS 801.562, 803.015, 803.050, 803.140, 803.220, 803.370, 807.050, 807.420, 807.560, 809.135, 821.080 & 2008 OL Ch. 1

Hist.: DMV 6-1999, f. & cert. ef. 12-17-99; DMV 1-2008(Temp), f. 1-18-08, cert. ef. 2-4-08 thru 8-1-08; DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 23-2008(Temp), f. 9-11-08, cert. ef. 9-15-08 thru 3-13-09f. & cert. ef. 6-23-08; DMV 22-2008, f. & cert. ef. 9-11-08

735-062-0014

Proof of Legal Name

(1) If the applicant's current legal name is different from the name in the document submitted to prove legal presence pursuant to OAR 735-062-0015, the applicant must provide proof of the applicant's current legal name

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sufficient to establish that he or she is the same person named in the document submitted as proof of legal presence.

(2) There must be sufficient connection between information shown on the legal presence document and the proof of the applicant's current legal name for DMV to determine that the applicant is the person named in the legal presence document. Examples of connecting information include first name, middle name or middle initial, previous surnames used, date of birth, place of birth, social security number or mother's maiden name.

(3) DMV may accept the following as proof of the applicant's current legal name:

(a) An identity document listed in OAR 735-062-0020.

(b) DMV may use the applicant's DMV record to establish connection between the identity document and the legal presence document or if the applicant has lost, misplaced or otherwise does not possess the Oregon driver license or identification card issued to the applicant. The DMV record is proof of the applicant's full legal name (shown on the last issuance of a driver license, driver permit or identification card) as established under OAR 735-010-0130.

(4) If the applicant's proof of legal name does not establish the applicant is the same person named in the document submitted as proof of legal presence, or the applicant's identity document or DMV record do not show the person's current legal name, the applicant must provide documentary proof of a legal name change. Documentary proof of an applicant's legal name change may include, but is not limited to: an official government-issued marriage document, a divorce decree, a certificate of registered domestic partnership, a judgment of dissolution or annulment of marriage or domestic partnership, an adoption decree, and a court decree, order or judgment legally changing the applicant's name.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 2008 OL Ch. 1

Stats. Implemented: 2008 OL Ch. 1

Hist.: DMV 23-2008(Temp), f. 9-11-08, cert. ef. 9-15-08 thru 3-13-09

735-062-0015

Proof of Legal Presence

(1) Except as provided in OAR 735-062-0032 and 735-062-0033, a person who applies for any original, renewal or replacement driver permit, driver license, or identification card must provide valid documentary proof that the person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States in accordance with federal immigration laws. The documents provided must be either original or certified copies.

(2) Documents acceptable as proof of U.S. citizenship include, but are not limited to:

(a) A birth certificate issued by a U.S. Territorial government or the government of a state or political subdivision of a state of the United States. DMV will not accept a hospital-issued birth certificate, hospital card or birth registration or baptismal certificate.

(b) U.S. Consular Report of Birth Abroad (FS-240).

(c) U.S. government-issued Certification of Report of Birth (DS-1350 or FS-545).

(d) Request for Verification of Birth (DD372).

(e) United States passport, not expired more than five years.

(f) United States passport card, not expired more than five years.

(g) U.S. territory passport, not expired more than five years.

(h) Tribal ID card from a federally recognized tribe located in Oregon or a federally recognized tribe with an Oregon affiliation, if DMV determines:

(A) The procedures used in issuing the card are sufficient to prove that a member is legally present in the United States; and

(B) The card contains security features that are sufficient to prevent alteration or counterfeiting of the card.

(i) Certificate of Citizenship (N560 and N561).

(j) Certificate of Naturalization (N550, N570 and N578).

(3) Documents acceptable as proof of permanent legal residence in the U.S include, but are not limited to: Resident Alien card; Permanent Resident card (I-551); or a Permit to Re-Enter (I-327).

(4) Documents acceptable as proof that a person who is not a citizen or permanent legal resident of the United States is legally present in the United States include, but are not limited to:

(a) Valid foreign passport, not expired, with appropriate Arrival/Departure Record (I-94 or CBP I-94A) or a valid I-797 Notice of Action issued by the Department of Homeland Security or Custom and Border Protection.

(b) Federated States of Micronesia (FSM) passport (containing I-94), not expired more than five years.

(c) U.S. Department of Homeland Security issued documents, not expired, including:

(A) Temporary Resident ID card (I-688);

(B) Employment Authorization card (I-688A, I-688B and I-766); or

(C) Refugee Travel Document Form I-571.

(5) An applicant who must obtain a document in order to provide proof of legal presence may apply for an applicant temporary driver permit as described in OAR 735-062-0032 that will provide driving privileges for a limited time or an applicant temporary identification card as described in OAR 735-062-0033.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 2008 OL Ch. 1

Stats. Implemented: 2008 OL Ch. 1

Hist.: DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 23-2008(Temp), f. 9-11-08, cert. ef. 9-15-08 thru 3-13-09

735-062-0020

Proof of Identity and Date of Birth Requirements

(1) A person who applies for an original, renewal or replacement driver permit, driver license, or identification card must provide valid documentary proof of the person's identity and date of birth prior to the issuance of such driver permit, driver license, or identification card. Documents must be original or certified copies.

(2) Documents acceptable as proof of identity and date of birth include, but are not limited to:

(a) Any document that provides proof of legal presence as provided in OAR 735-062-0015.

(b) U.S. Military documents including:

(A) Military or Armed Forces ID card;

(B) Military Common Access Card; or

(C) U.S. Uniform Services ID and Privileges card (DD1173 and DD1173-1).

(c) Tribal ID card from a federally recognized tribe located in Oregon or a federally recognized tribe with an Oregon affiliation if DMV determines:

(A) The procedures used in issuing the card are sufficient to prove a member's identity and date of birth; and

(B) The card contains security features that are sufficient to prevent alteration or counterfeiting of the card.

(d) Canadian Government Issued Birth Certificate;

(e) Out-of-state, District of Columbia, U.S. Territorial government or Canadian driver license, instruction permit or identification card, that contains the applicant's photograph, not expired more than one year unless hole-punched or marked "Not Valid as ID."

(f) Oregon driver license, instruction permit, or identification card, not expired more than one year. For the purposes of this subsection, DMV will not accept a driver license that was issued without a photograph.

(g) U.S. Department of State driver license or Non-driver ID card not expired more than one year.

(h) Oregon Concealed Weapon Permit/Concealed Handgun License, not expired more than one year.

(i) A letter verifying identity provided by an Oregon County Community Corrections agency if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.

(j) A letter verifying identity provided by the U.S. Pretrial Services if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.

(k) A letter verifying identity provided by the Oregon Youth Authority Agency if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.

(l) A letter verifying identity provided by a U.S. District Court Probation Office if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

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(B) The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.

(m) Oregon Department of Correction Release Identification card, issued after April 30, 2005.

(3) DMV will not accept a document as proof of identity and date of birth if DMV has reason to believe the document is not valid. DMV may request an applicant for a driver permit, driver license, or identification card to present additional documentary proof of identity and date of birth if the document presented does not establish the applicant's identity or date of birth to the satisfaction of DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.050, 807.150 & 807.400
Stats. Implemented: ORS 807.050, 807.062, 807.150, 807.160, 807.220, 807.230 & 807.280
Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; March 1988, Renumbered from 735-031-0016; MV 6-1990, f. & cert. ef. 4-2-90; DMV 12-1997, f. & cert. ef. 11-17-97; DMV 7-2001, f. & cert. ef. 3-7-01; DMV 34-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 5-2004, f. & cert. ef. 3-25-04; DMV 21-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; DMV 8-2005, f. & cert. ef. 2-16-05; DMV 9-2006, f. & cert. ef. 8-25-06; DMV 2-2008(Temp), f. 1-18-08, cert. ef. 2-4-08 thru 8-1-08; DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 23-2008(Temp), f. 9-11-08, cert. ef. 9-15-08 thru 3-13-09

Rule Caption: Deletes Four to Eight Year License Rule; Amends When DMV May Reissue or Replace.

Adm. Order No.: DMV 24-2008

Filed with Sec. of State: 9-11-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 8-1-2008

Rules Amended: 735-062-0092, 735-062-0110, 735-062-0200

Rules Repealed: 735-062-0095

Subject: OAR 735-062-0095 established DMV's transition from driver licenses that are valid for four years to licenses that are valid for eight years. That transition period began on October 1, 2000 and ends on October 1, 2008. DMV is repealing OAR 735-062-0095 effective October 1, 2008 as it will no longer be needed.

OAR 735-062-0110 establishes when DMV will issue a replacement driver permit, driver license or identification card. OAR 735-062-0110(2)(L) previously authorized DMV to issue a replacement driver license or driver permit if a person obtains a driver license or driver permit in another state and then moves back to Oregon before the Oregon privileges expire or within one year of their expiration. OAR 735-062-0200 previously authorized DMV to replace or renew an Oregon CDL if the person obtains a CDL in another state and then moves back to Oregon before the Oregon CDL expires or within one year of its expiration. DMV changed this policy because Oregon driving privileges should end when another state issues driving privileges to a person. This helps to ensure that each person has only one driver license. In addition, this change will allow a more accurate count of Oregon drivers and will clarify for law enforcement when a person no longer has driving privileges granted by Oregon.

Beginning October 1, 2008, DMV will invalidate a person's driving privileges or identification card in Oregon upon notice from another state that an Oregon driver permit, driver license or identification card was surrendered to another state and the person obtained driving privileges or an identification card in the other state. The person will no longer be eligible for a replacement Oregon driver permit, driver license or identification card when the person returns to Oregon, but must reapply for Oregon driving privileges or an identification card as would any other person moving to Oregon from another state. DMV amended OAR 735-062-0110 by removing the subsection that allowed DMV to issue a Class-C replacement driver license or driver permit to a person who obtains driving privileges in another jurisdiction and then returns to Oregon. DMV amended OAR 735-062-0200 by removing the sections that authorized a replacement or renewal of an Oregon CDL when a person surrenders an Oregon CDL to another jurisdiction and then reapplies for a CDL in Oregon.

Under certain circumstances, DMV will reissue a driver license, driver permit or identification card for no fee if the applicant does not receive it in the mail. DMV amended OAR 735-062-0092 to specify when a driver license, driver permit or identification card will be reissued. DMV also amended OAR 735-062-0110 to clarify when a person must purchase a replacement license if the person's address

has changed and the driver license, driver permit or identification card was not received in the mail.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-062-0092

Mailing Driver Licenses, Driver Permits and Identification Cards

(1) DMV will mail a driver license, driver permit or identification card to the address provided by the applicant at the time of application.

(2) The delivery of the driver license, driver permit or identification card may be expedited if:

(a) The person requests expedited service at time of application;

(b) DMV determines that there is an opportunity to pull the license out of the normal mailing process in order to expedite delivery and otherwise approves the request; and

(c) The person pays additional monies to cover the cost of special handling and shipping.

(3) If the applicant does not receive the driver license, driver permit or identification card in the mail, it may be reissued by DMV at no-fee under the following circumstances:

(a) If the driver license, driver permit or identification card was returned to DMV as undeliverable and:

(A) It has been no more than 70 calendar days from the date the applicant was issued an interim card; and

(B) The applicant's current residence and/or mailing address has not changed from the address on the application; or

(b) If the driver license, driver permit or identification card has not been returned to DMV and:

(A) It has been at least 20 calendar days and less than 70 calendar days from the date the applicant was issued an interim card; and

(B) The applicant's current residence and/or mailing address has not changed from the address on the application; and

(C) DMV has not previously reissued the driver license, driver permit or identification card.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.024

Stats. Implemented: ORS 807.310 & 807.024

Hist.: DMV 5-2007, f. 5-24-07, cert. ef. 8-1-07; DMV 24-2008, f. 9-11-08, cert. ef. 10-1-08

735-062-0110

Replacement Driver Permits, Driver Licenses, and Identification Cards

(1) DMV will issue a replacement driver permit, driver license or identification card for one of the reasons listed in section (2) of this rule if the applicant meets the requirements set forth in ORS 807.160 and this rule and the person is eligible for the driver license, driver permit or identification card.

(2) DMV may issue a replacement driver license, driver permit or identification card when the applicant:

(a) Furnishes proof satisfactory to the department of the loss, destruction or mutilation of the person's driver license, driver permit or identification card.

(b) Changes a residence address or mailing address from the address noted on the person's driver license, driver permit or identification card or adds a mailing address.

(c) Is an officer or eligible employee who has requested, in accordance with ORS 802.250, that department records show the address of the person's employer.

(d) Changes names from the name noted on the person's driver license, driver permit or identification card.

(e) Is applying for or is required to add or remove a restriction on the person's driver license or driver permit.

(f) Is applying for or is required to add or remove an endorsement other than a motorcycle or farm endorsement on the person's driver license or driver permit.

(g) Furnishes proof satisfactory to the department or the department determines that the department made an error when issuing the person's driver license, driver permit or identification card.

(h) Surrenders the person's driver license that was issued without a photograph under OAR 735-062-0120 and requests a driver license with a photograph.

(i) Surrenders a driver license, driver permit or identification card to the department following a suspension and the person becomes eligible for driving privileges or an identification card.

(j) Has a driver license, driver permit or identification card that was confiscated by a police officer, a court or other agency and the person is eligible for a driver license, driver permit or an identification card.

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(k) Requests to change any physical description, notation, photograph or signature on the driver license, driver permit, or identification card or to add or delete an anatomical donor designation.

(l) Has not received his or her driver license, driver permit or identification card in the mail and the applicant does not meet the requirements under OAR 735-062-0092(3) for a reissued driver license, driver permit or identification card.

(m) Has a reason satisfactory to DMV to be issued a driver license, driver permit or identification card with a different distinguishing number than the one being replaced.

(n) Requests a downgrade from one license class to another (e.g., a Commercial Driver License to a non-commercial Class C driver license).

(o) Requests restoration of a Commercial Driver License following a suspension of the Commercial Driver License or a downgrade to non-commercial driving privileges and the person is eligible for commercial driving privileges.

(p) Requests to correct information on the driver license, driver permit or identification card that was provided to DMV in error.

(3) An applicant for a replacement driver license, driver permit, or identification card must:

(a) Provide proof of a verifiable SSN, or proof that the person is not eligible for a SSN, as provided in OAR 735-062-0005(2);

(b) Provide proof of legal presence as provided in OAR 735-062-0015;

(c) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016; and

(d) Provide proof of identity and date of birth as provided in OAR 735-062-0020.

(4) An applicant for a replacement driver license, driver permit, or identification card that includes a change of residence address must also present to DMV one of the proofs of residence address listed in OAR 735-062-0030 that shows the person's current residence address. Current residence address is the address where the person actually lives and DMV will include that address on the license, permit, or identification card issued.

(5) An applicant for a replacement driver license, driver permit, or identification card must surrender the license, driver permit or identification card replaced to DMV, if possible.

(6) Before issuing a replacement driver license or driver permit, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS), or both, to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction. Before processing a replacement commercial driver license or commercial driver permit, DMV will make an inquiry to CDLIS to determine if the applicant has been issued a CDL in another jurisdiction.

(7) If the applicant's driving privileges are suspended, revoked, canceled or otherwise invalid in any other jurisdiction, DMV will not issue a replacement driver license or driver permit until the applicant submits a clearance letter that complies with OAR 735-062-0160 or a DMV inquiry to the NDR/PDPS or CDLIS, or both, shows that the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.

(8) Notwithstanding section (7) of this rule, DMV will issue a replacement license or driver permit to an applicant whose driving privileges are suspended, revoked, canceled or otherwise invalid if the only remaining reinstatement requirement in the other jurisdiction is proof of future financial responsibility.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.160 & 2008 OL Ch. 1
Stats. Implemented: ORS 807.160, 807.220, 807.230, 807.280, 807.400 & 2008 OL Ch. 1
Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0013; DMV 24-2003, f. 12-15-03 cert. ef. 1-1-04; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05; DMV 1-2008(Temp), f. 1-18-08, cert. ef. 2-4-08 thru 8-1-08; DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 24-2008, f. 9-11-08, cert. ef. 10-1-08

735-062-0200

Conversion From Another Jurisdiction's Commercial Driver License

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will require an applicant for a commercial driver license in this state who currently holds a CDL issued by another jurisdiction to:

(a) Take and pass the Class C knowledge test and a vision screening; and

(b) Take and pass the pre-trip inspection, drive test and knowledge test required, if the person applies for a higher class license.

(2) DMV may waive the drive tests or knowledge tests, except the Class C knowledge test and the hazardous materials endorsement knowl-

edge test, if the applicant applies for a license equal to the CDL the applicant has been issued by another jurisdiction and the CDL has not been expired for more than one year.

(3) DMV may require any applicant to take a knowledge or drive test prior to issuing a CDL.

(4) DMV will submit an inquiry through the Commercial Driver License Information System (CDLIS) and the National Driver Register (NDR)/ Problem Driver Pointer System (PDPS) before issuing an Oregon CDL. DMV will not issue an Oregon CDL if the inquiry shows:

(a) The applicant has a current and valid CDL, issued by another jurisdiction unless the CDL is surrendered to DMV or the applicant certifies it has been lost or destroyed;

(b) The applicant's driving privileges are suspended, revoked or canceled in another jurisdiction; or

(c) The applicant is disqualified from operating a commercial motor vehicle in another jurisdiction.

(5) The driving record of the applicant from another jurisdiction will become a part of the Oregon driving record as provided in OAR 735-062-0210.

(6) A person whose driving privileges have been suspended, revoked, or canceled in another jurisdiction or who has been disqualified from operating a commercial motor vehicle in another jurisdiction, must be eligible for valid driving privileges in the other jurisdiction before an Oregon CDL may be issued. When the person is eligible for valid driving privileges in the other jurisdiction, he or she may ask that DMV check CDLIS and NDR/PDPS to verify the eligibility.

Stat. Auth.: ORS 184.616, 184.619, 807.045, 807.050 & 807.070

Stat. Implemented: ORS 807.045

Hist.: MV 6-1990, f. & cert. ef. 4-2-90; MV 14-1992, f. & cert. ef. 10-16-92; MV 12-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0015; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 4-2007, f. 5-24-07, cert. ef. 6-5-07; DMV 17-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 24-2008, f. 9-11-08, cert. ef. 10-1-08

Rule Caption: Regarding Period Sno-Park Permits Required, Removes Reference to "November 15," adds "November 1."

Adm. Order No.: DMV 25-2008

Filed with Sec. of State: 9-11-2008

Certified to be Effective: 9-11-08

Notice Publication Date: 8-1-2008

Rules Amended: 735-080-0000

Subject: This rulemaking implements Chapter 810, Oregon Laws 2007 (SB 566) which amended ORS 811.590, in part, to extend the period Sno-Park permits are required in order to park a vehicle in a winter recreation parking area under ORS 810.170. The extended period begins November 1, 2008.

DMV amended OAR 735-080-0000 to delete reference to "November 15" and replace it with "November 1." The amendment will conform DMV's rule to the law change. Other, non-substantive changes are made to improve readability.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-080-0000

Procedures for the Issuance of Parking Permits for Winter Recreation Parking Areas

The following procedures apply to the issuance of Winter Recreation Parking Permits (Sno-Park permits) that are required to park certain vehicles in winter recreation parking areas:

(1) There are three types of Sno-Park permits: Annual, Three-day, and Daily. Each permit type is printed a different color for purposes of identification. Sno-Park permits are valid as follows:

(a) The Annual permit is valid for a one year period beginning November 1 and must be displayed from November 1 to April 30;

(b) The Three-day permit is valid for three consecutive days. Example: a three-day Sno-Park permit purchased for use on Monday expires at midnight on Wednesday;

(c) The Daily permit is valid for one day, and expires at midnight on the day for which it is issued.

(2) Sno-Park permits must be displayed inside the vehicle, near the lower left corner of the windshield.

(3) Sno-Park permits are issued to any person upon request and payment of the applicable fees. Permits may be transferred from vehicle to vehicle.

(4) DMV may appoint Sno-Park permit sales agents to issue Sno-Park permits to the public on behalf of the Division. Any person or business

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wishing to be appointed as a Sno-Park permit sales agent must enter into a Sno-Park permit sales agent agreement with DMV.

(5) Sno-Park permit fees are established by the Oregon Transportation Commission under OAR 734-020-0070.

(6) DMV will maintain records on the number and type of Sno-Park permits issued, and the fee amounts collected from the sale of Sno-Park permits. The date of issuance or to whom a permit is issued will not be recorded.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.600 & 811.595
Stats. Implemented: ORS 802.600, 810.170, 811.590, 811.595 & 811.600
Hist.: MV 83, f. & ef. 11-16-77; MV 7-1978, f. 10-20-78, ef. 10-23-78; MV 1-1979(Temp), f. & ef. 1-22-79; MV 5-1979, f. & ef. 10-18-79; MV 10-1983, f. 10-5-83, ef. 10-15-83; MV 34-1987, f. & ef. 11-2-87; Administrative Renumbering 3-1988, Renumbered from 735-041-0010; MV 8-1993, f. & cert. ef. 10-21-93; DMV 4-2000(Temp), f. 7-18-00, cert. ef. 7-18-00 thru 1-13-01; DMV 14-2000, f. & cert. ef. 12-14-00; DMV 25-2008, f. & cert. ef. 9-11-08

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**Department of Transportation,
Highway Division
Chapter 734**

Rule Caption: Disabled, abandoned and otherwise unattended vehicles on state highways.

Adm. Order No.: HWD 7-2008

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Notice Publication Date: 7-1-2008

Rules Amended: 734-020-0147

Subject: SB 567 of the 2007 regular session modified the description of when a vehicle parked or left unattended along a state highway would be considered a hazard or obstruction to motor vehicle traffic. These rule amendments reflect those modifications and clarify the definition of terms used in the rule.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-020-0147

Disabled, Abandoned, and Otherwise Unattended Vehicles on State Highways Constituting Hazards or Obstructions to Motor Vehicle Traffic

(1) As used in this rule, the following definitions apply:

(a) "Freeway" means a highway for through traffic; access to the highway is fully controlled except as may be allowed at designated interchanges;

(b) "Expressway" means a highway for through traffic where access to the highway is partially controlled;

(c) "Interstate" means the National System of Interstate and Defense Highways that are marked with the distinctive red/white/ blue route shields; and

(d) "State Highway" means the public way for vehicular travel that is under the jurisdiction of the Oregon Department of Transportation, including the Interstate system.

(2) Pursuant to ORS 819.120, a vehicle that is disabled, abandoned, parked or left standing unattended on a state highway constitutes a hazard or obstruction to motor vehicle traffic and may be taken into immediate custody and removed by an appropriate authority as defined in ORS 819.140, when such vehicle meets any of the following criteria:

(a) Any vehicle, any part of which is on or extends within the travel portion of any state highway as identified by painted edge lines, or when there are no edge lines, other clear delineation of the travel portion from the highway shoulder;

(b) Any vehicle, any part of which is on or extends onto the inside or median paved shoulder (i.e., next to the high speed lane) of a freeway; or

(c) Any vehicle, any part of which is on or extends within a paved shoulder of:

(A) Any freeway or expressway within the city limits of any city in this state during the hours of 5 a.m. to 9 a.m. and 2:30 p.m. to 7 p.m. local time if the vehicle has a gross vehicle weight of more than 26,000 pounds;

(B) Any freeway or expressway within the city limits of any city in this state at any time if the vehicle has a gross vehicle weight of 26,000 pounds or less;

(C) Any freeway or expressway within 1,000 lineal feet of a freeway exit or entrance ramp gore area (the area where the ramp first enters or leaves the freeway);

(D) Any freeway ramp;

(E) Any state highway during or into a period between sunset and sunrise; or

(F) Any state highway where the sight distance is limited to 500 feet or freeway where the sight distance is limited to 1,000 feet because of roadway horizontal or vertical curvature.

(d) Any vehicle, any part of which is on or extends within a bicycle lane, or within a bicycle path which is immediately adjacent to a state highway.

(3) Section (2) of this rule, except for subsection (2)(a) of this rule, does not apply to vehicles for which there is an indication that the vehicle's position is temporary in nature, e.g., hazard flashers are operating, the hood of the vehicle is up, the vehicle engine remains running, or there is advance warning such as emergency flares or emergency signing in place. The indication of the vehicle's position being temporary in nature may be overcome by the passage of time, or a change in the condition or appearance of the vehicle. Section (2) of this rule also does not apply to appropriately signed or indicated parking areas including scenic viewpoints, winter recreation parking areas, rest areas and other locations or to areas where traffic has been restricted by an appropriate authority because of a special event.

(4) Section (2) of this rule, defining a vehicle on a state highway which is a hazard or obstruction to motor vehicle traffic, is not intended to impose a legal obligation upon any appropriate authority to remove the vehicle from a state highway. Removal of a vehicle defined under this rule as constituting a hazard or obstruction to motor vehicle traffic may be accomplished by an appropriate authority consistent with law enforcement priorities and budgetary constraints on the appropriate authority.

Stat. Auth.: ORS 184.616, 184.619 & 819.120(9)
Stats. Implemented: ORS 819.120
Hist.: 2HD 5-1986, f. & ef. 7-28-86; HWY 3-1987, f. & ef. 4-17-87; HWY 2-1997, f. & cert. ef. 3-24-97; HWD 7-2008, f. & cert. ef. 8-26-08

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Rule Caption: Pedestrian Activity.

Adm. Order No.: HWD 8-2008

Filed with Sec. of State: 8-26-2008

Certified to be Effective: 8-26-08

Notice Publication Date: 7-1-2008

Rules Adopted: 734-058-0010, 734-058-0020, 734-058-0030, 734-058-0040, 734-058-0050, 734-058-0060, 734-058-0070, 734-058-0080

Subject: SB 1084 of the 2008 special session grants an exception to a pedestrian committing the offense of pedestrian with improper position upon a highway if the pedestrian does not impede traffic or create a traffic hazard, posts advance warning signs, wears high-visibility safety apparel in compliance with standards adopted by the Oregon Transportation Commission, and obtains a permit from the appropriate road authority. These rules describe how a pedestrian would obtain a permit from the Department of Transportation for activities along a state highway.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-058-0010

Purpose

OAR 734-058-0010 through 734-058-0080 establish criteria for issuing permits for pedestrian activities, as defined in Division 58 rules, on state highway right of way.

Stat. Auth.: ORS 184.616, 184.619 & 814.070
Stats. Implemented: ORS 814.070
Hist.: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0020

Definitions

As used in OAR 734-058-0010 through 734-058-0080, the following definitions apply:

(1) "Applicant" means the individual or individuals, corporation, company, firm, business, partnership, organization or agency named in and signing the Permit and to whom the Permit is issued.

(2) "Department" means the Oregon Department of Transportation (ODOT).

(3) "DM" means the ODOT District Manager or designee. DMs are responsible for highway maintenance, operations and issuing permits for use of Right of Way for all State highways within a specific geographic area or "District."

(4) "General Provisions" means those provisions attached and made part of an issued Permit, which are generally applicable to all Permits. General Provisions are superior to any Standard or Special Provisions in a Permit if there is a conflict between them.

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(5) "MUTCD" means Manual on Uniform Traffic Control Devices for Streets and Highways.

(6) "Oregon Temporary Traffic Control Handbook" means a guide for traffic control operations of three days or less based upon the MUTCD.

(7) "Pedestrian Activity" or "Activity" means any planned activity that brings together a community or group of people for an expressed purpose, including soliciting contributions, business, or interest from motorists using the highway provided the activity does not impede traffic or cause a traffic hazard.

(8) "Permit" means the application as a fully executed form signed, issued and controlled by the DM on behalf of the State of Oregon, Department of Transportation, and allowing Applicant to conduct a Pedestrian Activity and all provisions and exhibits attached to the Permit as deemed necessary by the DM. A Permit does not convey any land right or easement.

(9) "Right of Way" means the entire width of real property delineated by property lines along each side of the highway, including the paved surface, shoulders, ditches and other drainage facilities, and all other highway facilities or lands within the boundaries of the right of way lines used for the operation of the highway.

(10) "Special Provisions" means those specific provisions under the heading "Special Provisions" which when attached to are made part of, and are unique to, the Permit. Special Provisions are subordinate to General Provisions and superior to Standard Provisions, if they are in conflict.

(11) "Standard Provisions" means provisions with standard wording under the heading "Standard Provisions" which are attached to and made part of the Permit. Standard Provisions are subordinate to General Provisions and Special Provisions if they are in conflict.

Stat. Auth.: ORS 184.616, 184.619 & 814.070
Stats. Implemented: ORS 814.070
Hist.: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0030

Requirements for Permit Application and Issuance

(1) The DM may grant permission for a Pedestrian Activity on a state highway by way of a Permit issued under the authority of Division 58 rules. A Permit is not necessary for pedestrians meeting the requirements for proper positioning and proper proceeding along a highway under ORS 814.070(1).

(2) Application for a Permit must be made at least 30 days but not more than 180 days prior to the planned activity date. Only one Permit will be issued for any particular location and date. If more than one application is received for a particular location and date, the successful Applicant will be selected based on the date of the first complete application received. Permits may be issued for up to three (3) consecutive calendar days.

(3) To obtain a Permit the Applicant shall:

(a) Apply in writing to the DM that has authority over the location where the Pedestrian Activity is proposed to be held. The application shall be made on an Application and Permit for Pedestrian Activities on a State Highway, Form 734-2708;

(b) Obtain and submit with the application written confirmation from the city, when the state highway is within the city limits, that the Pedestrian Activity does not violate city ordinances; and

(c) Provide a description of the Pedestrian Activity stating all information pertinent to an understanding of the activity and as may be requested by the DM, including a drawing showing the roadways on which the activity will be held.

(4) The Pedestrian Activity shall only be conducted during day light hours, when no adverse road conditions such as snow or ice exist, when there is no roadway construction, and the location is where traffic would otherwise stop as a result of an established official traffic control device such as a traffic signal or stop sign.

(5) The DM may use information provided by the Applicant as well as other information, such as traffic data and accident history, available to the DM when determining whether the Applicant has met the following requirements, and will only issue a Permit when it has been determined that:

(a) The location selected by the Applicant to conduct the activity will be reasonable and will avoid adverse impacts to traffic safety and the operation and maintenance of the highway; and

(b) The location selected by the Applicant will provide for a safe and unimpaired use of the highway, taking into consideration sight distance and roadway geometry.

(6) The DM may deny issuing a Permit:

(a) When the Applicant has failed to comply with Permit provisions on previous Permits;

(b) If the Applicant has conducted activities on state highway Right of Way without a Permit;

(c) When it is in the best interest of the public for protection of the highway and the traveling public;

(d) When the Applicant is not in compliance with ORS 814.070 or division 58 rules; or

(e) When the application is deemed by the DM to be incomplete.

(7) Permit provisions may be written by the Department and included with the Permit. Permit provisions may include General, Standard, and Special Provisions. Once received, should there be any questions about these provisions, Applicant shall, prior to beginning activity, contact the DM in writing and attempt to reach resolution of its questions. After 30-days of issuance of the Permit or upon commencement of the activity, whichever occurs first, the Permit provisions are deemed accepted by Applicant.

(8) An application is not a Permit until a copy of it, approved and signed by the DM, is furnished to the Applicant. No activities are to occur on highway Right of Way until the Applicant has obtained a valid Permit. The approved Permit must be physically present at the activity site when the activity is being performed. The Permit shall be available to the DM or law enforcement personnel upon request.

Stat. Auth.: ORS 184.616, 184.619 & 814.070
Stats. Implemented: ORS 814.070
Hist.: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0040

Effective Period and Cancellation of Permit

(1) The Permit will be in effect for the period of time provided in the Permit. Permits are not transferable and may be cancelled by mutual consent of the parties. The Department may revoke a Permit for non-compliance with the terms of the Permit.

(2) The Permit will be voided and all privileges there under forfeited if the Applicant fails to commence the activity covered by the Permit within the period specified in the Permit, unless a written extension of time is obtained from the DM.

(3) The DM may cancel a Permit for cause, including, but not limited to, weather conditions, safety considerations, in emergencies (i.e., fire, accidents), failure of the Applicant to comply with the terms of the Permit, or operation of law. Cancellation may be issued in writing, or be verbal followed by written confirmation of the verbal cancellation.

(4) A revoked Permit within the previous three (3) years or repeated failure to comply with the terms of the Permit may result in the Applicant's forfeiture of privilege to apply for and to receive a Permit for Pedestrian Activity.

Stat. Auth.: ORS 184.616, 184.619 & 814.070
Stats. Implemented: ORS 814.070
Hist.: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0050

Liability and Control

(1) An Applicant shall be responsible and liable for all damage or injury to any person or property resulting from the Pedestrian Activity for which the Permit is issued. The Applicant shall indemnify and hold harmless the State of Oregon, the Oregon Transportation Commission, the Department, its officers, agents and employees against any and all damages, claims, demands, actions, causes of action, costs and expenses of any nature which they or any of them may sustain by reasons of the acts, conduct, or operation of Applicant, its agents, employees, or other individuals conducting Pedestrian Activities under the Permit.

(2) During any permitted activity, the activity area shall be protected in accordance with the MUTCD, and any safety and operations standards as amended or supplemented by the Oregon Transportation Commission in force at the time the Permit is issued. Traffic control devices in place continuously for three days or less at the same location must comply with the "Oregon Temporary Traffic Control Handbook" in force at the time the Permit is issued.

(3) While performing activities under the Permit, the Applicant shall wear, on the outside of all other garments, a safety vest meeting ANSI/ISEA High Visibility Safety Apparel Guidelines, or equivalent revisions, and labeled as ANSI 107-1999 or later for standard performance for class two risk exposure.

(4) The Applicant shall be bound by all applicable laws and rules of any government entity.

(5) The Applicant shall be responsible and liable for:

(a) Investigating presence or absence of any legally protected or regulated environmental, historical, or archeological resource(s) in the activity area;

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(b) Determining and complying with any and all restrictions or requirements related to the proposed activities, including but not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resource(s), state and federal threatened or endangered species, etc.;

(c) Complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals. If the Applicant impacts a legally protected/regulated resource, the Applicant shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, defend, and hold harmless the State of Oregon, the Oregon Transportation Commission, the Department and its officers, agents, and employees against all damages, claims, demands, or actions of any nature arising out of the activities of the Applicant, its officers, contractors, subcontractors, agents, employees, or other individuals conducting Pedestrian Activities under the Permit.

(6) The Department or its employees shall not be responsible or liable for injury, damage, or loss sustained by the Applicant, its participants or the activity covered by the Permit as a result of Department maintenance and construction operations or resulting from motorist or road user operations, or Department contractor or other permitted operations, except injury or damage caused by the negligence of the Department or its employees.

(7) If highway facilities are damaged by the Applicant, the Applicant shall replace or restore the highway facilities to a condition satisfactory to the DM, whether discovered at the time of the activity or at a later date. The DM may require the Applicant to replace or restore the highway facilities to a condition satisfactory to the DM, or the DM may replace or restore the highway facilities by contractor or state forces and assess the costs incurred to the Applicant.

(8) No Permit will allow, or be interpreted as allowing vehicles to be parked, stopped or left standing, upon the state highway Right of Way in a manner that creates a hazard to motor vehicle traffic or interferes with the regular maintenance or operation of the roadway. Applicant shall move any of its vehicles if directed to do so by the Department or law enforcement personnel.

(9) Unless specifically authorized by a Permit, Applicant shall not place items including flags, banners, or pennants, other than official traffic control devices allowed in division 58 rules, on or over the highway. Unauthorized items shall be removed at the direction of the Department or law enforcement personnel.

(10) Any review, supervision or control exercised by Department personnel shall in no way relieve the Applicant of any duty or responsibility to the general public nor shall such review, supervision or control relieve the Applicant from any liability for loss, damage or injury to persons or property as provided in the Permit or OAR chapter 734, division 58.

Stat. Auth.: ORS 184.616, 184.619 & 814.070
Stats. Implemented: ORS 814.070
Hist.: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0060 Insurance

The Applicant shall obtain and carry liability and property damage insurance policy or policies providing coverage against claims, demands, suits or actions for property damage, personal injury, or death resulting from any activities of Applicant, its officers, employees, agents or contractors in connection with the activity being conducted as authorized by the Permit. In addition, Applicant shall include as additional insured the State of Oregon, the Commission, the Department, and members thereof, its officers, agents and employees. The Applicant shall provide proof of coverage of a combined single limit of \$1,000,000. The insurance policy or policies shall be with an insurance company duly authorized and licensed to do business in the State of Oregon. There shall be no cancellation, material change, potential exhaustion of aggregate limits, or non-renewal of insurance coverage without thirty (30) days written notice from the Applicant or its insurer to the Department. When the Applicant is a public body, self-insurance may be provided in lieu of liability and property damage insurance policy or policies. A copy of the certificate of insurance or self-insurance shall be submitted to and approved by the Department of Transportation, Office of Maintenance and Operations, 800 Airport Road, Salem, OR 97301 before any activity is commenced under the Permit.

Stat. Auth.: ORS 184.616, 184.619 & 814.070
Stats. Implemented: ORS 814.070
Hist.: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0070

Activity Details

(1) The Applicant shall advise the DM's office at least 48 hours in advance of commencing activity for which the Permit has been issued and within 48 hours of completion of the activity.

(2) The Applicant shall minimize the amount of debris, refuse and waste of all kinds on the highway Right of Way produced by activities of the Applicant. The Applicant shall remove any such debris, refuse or waste of any kind immediately upon completion of the activity, and restore the highway Right of Way to its pre-activity condition or better as determined by the DM.

(3) The Applicant shall minimize the amount of dirt or debris spread or tracked onto the highway from the activity area. The highway shall be cleaned of all dirt and debris at the end of each work day, or more frequently if so determined by the DM.

(4) The Applicant shall protect all existing highway features, including but not limited to the highway surface and structure, sidewalks and bicycle paths, bridges, signs, signals, pavement markers, guardrails and barriers, impact attenuators, drainage features, landscaping, and fences, from damage as a result of activity. The Applicant shall restore any damaged feature to the satisfaction of the DM whether discovered at the time of damage or at a later date. When planting is necessary to restore damaged landscape, the planting is subject to a plant establishment period of one year from the date of planting to ensure satisfactory growth of the planted materials. Unrepaired damage or unrestored features may be repaired or restored by the DM at the expense of the Applicant.

(5) Participation by or presence of individuals under 16 years of age at the activity site, other than in the regular pedestrian area of the roadway, is not allowed.

Stat. Auth.: ORS 184.616, 184.619 & 814.070
Stats. Implemented: ORS 814.070
Hist.: HWD 8-2008, f. & cert. ef. 8-26-08

734-058-0080

Coordination with Other Agencies

Nothing in the Permit is intended to grant rights or imply approval of activity in areas not falling within the authority and jurisdiction of the Department. It is the responsibility of the Applicant to determine the need for and to obtain such licenses, permits or other form of approval which may be required by other state agencies, federal agencies, cities or counties of Oregon, railroads, special Districts, or Indian Lands within the State.

Stat. Auth.: ORS 184.616, 184.619 & 814.070
Stats. Implemented: ORS 814.070
Hist.: HWD 8-2008, f. & cert. ef. 8-26-08

Rule Caption: Maximum width of a manufactured home that may be moved on Oregon's highways.

Adm. Order No.: HWD 9-2008

Filed with Sec. of State: 9-11-2008

Certified to be Effective: 9-11-08

Notice Publication Date: 8-1-2008

Rules Amended: 734-075-0010

Subject: Division 75 of chapter 734 of Oregon Administrative Rule limits the movement of over-dimensional mobile homes and modular building units on Oregon's highways. OAR 734-075-0010 previously prohibited movement of manufactured homes wider than 16 feet at the base and 18 feet overall under any circumstance. Since April 24, 2008, a temporary rule has allowed larger units to be moved under some circumstances. This rule amendment makes those provisions permanent.

Representatives of the manufactured home industry argued in favor of the permanent rule to capture significant economic benefit for Oregon and to provide harmonization of the way ODOT deals with all over-dimensional loads. They pointed out that since Division 82 allows movement of non-divisible loads wider than 16 feet at the base and 18 feet overall, fairness requires similar flexibility in Division 75, regulating the movement of manufactured homes.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-075-0010

Vehicle Combinations and Maximum Size Limitations

This rule establishes the maximum number of vehicles in combination and size of vehicles allowed when moving an overdimensional unit:

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(1) The combination shall not exceed two vehicles, the towing vehicle and the unit being transported.

(2) The maximum lengths are as follows:

(a) The maximum overall length of the combination:

(A) Shall not exceed 85 feet on State highways;

(B) Shall not exceed 95 feet on Group 1 highways; and

(C) Shall not exceed 110 feet on Interstate highways, multilane highways or highways approved for the longer length as authorized by a single trip permit or as authorized by written order of the Chief Engineer.

(b) The mobile home being towed shall not exceed 75 feet, including the tongue, except as provided in OAR 734-075-0011.

(3) The maximum widths are as follows:

(a) Units shall not exceed 14 feet overall width, unless a single trip permit or a limited duration permit is issued;

(b) Units transported under a single trip permit or limited duration permit are subject to the following:

(A) The unit shall not exceed 16 feet at the base except as described in subsection (e);

(B) The overall width shall not, except as described in subsection (e), exceed 18 feet.

(c) Except as prohibited by paragraph (b)(B) of this section, a unit may have an eave, provided the eave does not extend beyond either side by:

(A) More than 30 inches for units with a base width of less than 16 feet; or

(B) More than 16 inches for units with a base width of 16 feet or more.

(d) External appurtenances such as doorknobs, window fasteners, eave cap, clearance lights and load securement devices may exceed the width of the unit by a distance not greater than two inches on each side;

(e) A unit that exceeds 16 feet wide at the base may be allowed if the Administrator of MCTD determines that the public interest requires the impending movement, and the movement can be performed safely.

(4) The maximum height for the combination, while in transit, shall not exceed 14 feet unless proper route clearance has been obtained and is so indicated on the permit.

Stat. Auth.: ORS 184.616, 814.619, 810.060 & 818.200

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2 HD 7-1982(Temp), f. & ef. 11-22-82; 2HD 15-1983, f. & ef. 8-18-83; HWY 4-1988(Temp), f. & cert. ef. 6-23-88; HWY 4, 1989, f. & cert. ef. 5-23-89; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 7-1996, f. & cert. ef. 12-19-96; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98; TO 3-1999, f. & cert. ef. 10-13-99; TO 2-2001, f. & cert. ef. 6-14-01; HWD 3-2008(Temp), f. & cert. ef. 4-24-08 thru 10-21-08; HWD 9-2008, f. & cert. ef. 9-11-08

Economic and Community Development Department Chapter 123

Rule Caption: These rules have been revised to clarify procedural standards for contracts.

Adm. Order No.: EDD 26-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 8-1-2008

Rules Adopted: 123-006-0045

Rules Amended: 123-006-0005, 123-006-0015, 123-006-0020, 123-006-0025, 123-006-0030, 123-006-0035, 123-006-0040

Subject: The proposed administrative rule change addresses the statutory changes implemented in SB 350 (2007 Legislature) regarding the Oregon Economic Development Commission and advisory committees under its charge, as well as making technical correction regarding the Finance Committee to reflect current practice. In addition, the proposed rule clarifies the language regarding contested case proceedings for rejected applicants for certain programs.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-006-0005

Purpose

Pursuant to ORS 285A.075(3), the department may enter into contracts as necessary or appropriate to carry out its authorized mission. This rule sets forth the Department's procurement and contracting procedures. This rule does not apply to financing contracts, grants, interagency or intergovernmental agreements, office leases, or contracts specifically directed by statute.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075 & 279A.070

Hist.: EDD 4-1991, f. & cert. ef. 5-20-91; EDD 11-2003(Temp), f. & cert. ef. 12-23-03 thru 6-15-04; EDD 11-2004(Temp), f. & cert. ef. 6-15-04 thru 8-5-04; EDD 21-2004, f. & cert. ef. 8-5-04; EDD 11-2005, f. 11-30-05, cert. ef. 12-1-05; EDD 26-2008, f. 8-28-08, cert. ef. 9-1-08

123-006-0015

Definitions

(1) "Director" means the Director of the Economic & Community Development Department.

(2) "Department" means the Economic & Community Development Department.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075 & 279A.070

Hist.: EDD 4-1991, f. & cert. ef. 5-20-91; EDD 11-2003(Temp), f. & cert. ef. 12-23-03 thru 6-15-04; EDD 11-2004(Temp), f. & cert. ef. 6-15-04 thru 8-5-04; EDD 21-2004, f. & cert. ef. 8-5-04; EDD 26-2008, f. 8-28-08, cert. ef. 9-1-08

123-006-0020

Standard Procedures and Exceptions

The Department will comply with the Oregon Department of Justice Model Public Contract Rules, OAR chapter 137, divisions 046, and 047, as applicable, for all its procurement and contracting activity, with the following exceptions:

(1) For Architectural, Engineering, Land Surveying and Related Services contracts, a special class of personal services contracts, the Department will comply with OAR chapter 137, division 048. Services defined as Related Services are subject to 123, Division 6.

(2) For contracts relating to the Department's foreign trade offices operating outside the state, the Department will comply with OAR chapter 123, division 125.

(3) For contracts, other than those identified in (1) or (2) of this rule, that are best implemented as multiple work order contracts under an Agreement for Goods or Services, the Department will comply with OAR 123-006-0025.

(4) The provisions of OAR 137-047-0800, 137-047-0265(2) and 137-047-0270(4) (regarding contract amendments) do not apply to contracts by the Department.

(5) The provisions of OAR 137-047-0670 (regarding cancelled offers) do not apply to contracts by the Department.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075 & 279A.070

Hist.: EDD 4-1991, f. & cert. ef. 5-20-91; EDD 11-2004(Temp), f. & cert. ef. 6-15-04 thru 8-5-04; EDD 21-2004, f. & cert. ef. 8-5-04; EDD 11-2005, f. 11-30-05, cert. ef. 12-1-05; EDD 26-2008, f. 8-28-08, cert. ef. 9-1-08

123-006-0025

Use of Work Order Contracts

(1) Contracts may be implemented as multiple Work Order Contracts under an Agreement for Goods or Services instead of a single contract if that implementation will provide substantial savings in time or cost, or both.

(2) The Department and the selected contractor will sign a non-binding Agreement for Goods or Services, in which the Contractor acknowledges its readiness to enter into separate work order contracts with the Department that will describe, among other things, the specific goods or services to be performed, the timeline for delivery, and the compensation. Each Work Order Contract subsequently executed with the Contractor pursuant to the non-binding Agreement for Goods or Services must be within the scope of the solicitation, if any, and will constitute a separate legally binding contract between the Department and the Contractor.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075 & 279.070

Hist.: EDD 4-1991, f. & cert. ef. 5-20-91; EDD 11-2004(Temp), f. & cert. ef. 6-15-04 thru 8-5-04; EDD 21-2004, f. & cert. ef. 8-5-04; EDD 11-2005, f. 11-30-05, cert. ef. 12-1-05; EDD 26-2008, f. 8-28-08, cert. ef. 9-1-08

123-006-0030

Electronic Public Notice

For all required public notices or advertisements related to source selection methods, the Department may publish the notice or advertisement on the Department of Administrative Services ORPIN Electronic Procurement System instead of publishing notice in a newspaper of general circulation as described in ORS 279B.055(4)(b).

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075 & 279A.070

Hist.: EDD 11-2005, f. 11-30-05, cert. ef. 12-1-05; EDD 26-2008, f. 8-28-08, cert. ef. 9-1-08

ADMINISTRATIVE RULES

123-006-0035

Contract Amendments

(1) **General Rule.** The Department may amend any contract without additional competition, including reinstatements and cost overruns, but only when the Department has determined:

(a) The amended Contract is within the Scope of the Solicitation Document, or if no Solicitation Document, the Contract; or in the instance of a Special Procurement, the approval of Special Procurement;

(b) The amended Contract does not adversely affect the competitive conditions for the original contract; and

(c) If the Contract was selected according to the Small Procurement method, the total compensation does not exceed \$5000, or, if selected according to the Intermediate Procurement method, the total compensation does not exceed \$150,000.

(2) Anticipated Amendments.

(a) "Anticipated Amendment" means the Department has text in any Solicitation Document and the Contract that explains:

(A) The possibility of one or more Amendments;

(B) A general description of circumstances that might require an Amendment to be issued under the Contract and any changes to the requirements of the Contract that may be anticipated or even planned for, but not necessarily quantified at the time of Contract execution. These changes may be described in any Solicitation and Contract as, for example: Extra Work or Goods; Additional Work; Work to be done if certain situations are encountered; or Changes in terms, conditions, price, or type of Work; etc.; and

(C) The provisions of the Contract that are subject to negotiation in order to finalize the details and costs of such an Amendment.

(b) Anticipated Amendments do not include cost overruns or reinstatements.

(c) The Department may make one or more Anticipated Amendments to a Contract without any additional competitive process and for an unlimited amount, subject to section (1) of this rule.

(3) Unanticipated Amendments.

(a) Unanticipated Amendment" means any Amendment that does not meet the requirements of an Anticipated Amendment. Unanticipated Amendments do not include cost overruns or reinstatements.

(b) Limited Amount. The Department may make one or more Unanticipated Amendments to a Contract without any additional competitive process, provided the cumulative amounts of all Unanticipated Amendments do not exceed 20% of the Original Contract amount, and subject to section (1) of this rule.

(c) Unlimited Amount. The Department may make one or more Unanticipated Amendments to a Contract without any additional competitive process and for an unlimited amount, subject to section (1) of this rule, and provided the Department's Designated Procurement Officer gives written approval of the Unanticipated Amendment as meeting the following requirements:

(A) The Unanticipated Amendment is due to circumstances that were unforeseen at the time the original Contract was established;

(B) The Unanticipated Amendment does not represent any important general change that alters the essential identity or main purpose of the original Contract, nor is of such importance that it should be a new undertaking; and

(C) The Unanticipated Amendment serves the public interest, including specific reasoning to support that conclusion. Reasons may include, but are not limited to: To address emergencies arising in the course of the Contract that require prompt action to protect the Work already completed or Goods delivered; to comply with official or judicial commands or directives issued during contract performance; or to ensure that the purpose of the Contract will be realized.

(4) Cost Overruns.

(a) Unless the Contract provides that the maximum total compensation is based on an estimate and is subject to amendment, if Contractor expends all authorized compensation but the required Goods, Work or Services are not complete or are not satisfactory, Contractor is responsible to complete the Goods, Work or Services to Department's satisfaction without further compensation.

(b) Notwithstanding the general rule in subsection (4)(a) above, Department may, by Amendment to the Contract, agree to increases in the maximum total compensation, subject to section (1) of this rule, and provided the Department's Designated Procurement Officer gives written approval of the Cost Overrun Amendment as meeting the following requirements:

(A) The cost overrun arose out of circumstances or conditions encountered in the course of contract performance that were unavoidable and not reasonably anticipated at the time of the original Contract, or the most recent Amendment, if any;

(B) The cost overrun was incurred in good faith, results from the good faith performance by the Contractor, and is no greater than the prescribed hourly rate or the reasonable value of the additional Goods, Work or Services rendered; and

(C) The Cost Overrun Amendment serves the public interest, including specific reasoning to support that conclusion. Reasons may include, but are not limited to: To address emergencies arising in the course of the Contract that require prompt action to protect the Work already completed; to comply with official or judicial commands or directives issued during contract performance; or to ensure that the purpose of the Contract will be realized.

(5) Reinstatements.

(a) "Reinstatement" of an expired Contract means an amendment to restore the full action of the Contract as though the expiration had not occurred, and extend the Contract to a new expiration. A reinstatement may be combined with any other amendment allowed by this rule.

(b) The Department's Designated Procurement Officer may give written approval to reinstate an expired Contract if the following requirements are met:

(A) The failure to extend or renew the Contract in a timely manner was due to unforeseen or unavoidable conditions, or if due to administrative mistake, the reason for the mistake and the steps taken to prevent similar mistakes;

(B) The expiration occurred in good faith on the part of both the Department and the Contractor;

(C) The reinstatement furthers the public interest, compared to a separate procurement process, including specific reasoning to support that conclusion; and

(D) The request to reinstate must be made no later than 90 days after expiration of the original Contract.

(c) When a Contract is reinstated pursuant to this section, the Department may compensate the Contractor only at the rate or terms of compensation established in the original Contract, for Goods, Work or Services performed in the interim between the expiration of the original Contract and the execution of the Reinstatement Amendment.

(6) **Amendments of Contracts for Architectural, Engineering and Land Surveying Services and Related Services.** This rule does not apply to amendments of Contracts for Architectural, Engineering and Land Surveying Services and Related Services. The Department will comply with the Oregon Department of Justice Model Public Contract Rules, OAR chapter 137, division 048 for amendments to such contracts.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075 & 279.070

Hist.: EDD 11-2005, f. 11-30-05, cert. ef. 12-1-05; EDD 26-2008, f. 8-28-08, cert. ef. 9-1-08

123-006-0040

Contracts Must be Authorized Prior to Performance

All Contracts, including any amendments, must be in writing and fully executed before any Work or Services may be performed or payment made. Contractors are not entitled to payment for any Work or Services performed prior to such execution.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075 & 279.070

Hist.: EDD 11-2005, f. 11-30-05, cert. ef. 12-1-05; EDD 26-2008, f. 8-28-08, cert. ef. 9-1-08

123-006-0045

Sole Source Procurements, by Rule.

The Department may procure goods or services for the following subjects without competition:

(1) **Advertising.** This covers all types of advertising, including booth space at trade shows and exhibitions.

(2) **Bond Counsel.** The Department will follow the procedures and requirements of ORS 286A.130 and any applicable Oregon Administrative Rules.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075, 279A.070 & 279B.075

Hist.: EDD 26-2008, f. 8-28-08, cert. ef. 9-1-08

Rule Caption: Amend rules related to Distressed Areas to update distressed area determination methodology.

Adm. Order No.: EDD 27-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 9-1-08

ADMINISTRATIVE RULES

Notice Publication Date: 8-1-2008

Rules Amended: 123-024-0001, 123-024-0011, 123-024-0031

Rules Repealed: 123-024-0041

Subject: The proposed administrative rule change addresses the statutory changes implemented in SB 350 (2007 Legislature) regarding the Oregon Economic Development Commission and advisory committees under its charge, as well as making technical correction regarding the Finance Committee to reflect current practice. In addition, the proposed rule clarifies the language regarding contested case proceedings for rejected applicants for certain programs.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-024-0001

Scope and Purpose

In accordance with ORS 285A.020, the department shall give priority when providing funding for a project, a program or activity, to counties, cities, communities or other geographic areas that are designated as distressed by the department. The designation of distressed areas must be based on indicators of economic distress, including but not limited to unemployment, poverty and job loss.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.020, 285A.075, 285B.062, 285B.065

Hist.: EDD 12-1998, f. & cert. ef. 8-14-98; EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; EDD 10-2008(Temp), f. & cert. ef. 3-20-08 thru 9-15-08; EDD 27-2008, f. 8-28-08, cert. ef. 9-1-08

123-024-0011

Definitions

As used in this division of administrative rules, unless the context requires otherwise:

(1) "Department" means the State of Oregon Economic Development and Community Department as organized under ORS 285A.070.

(2) "Director" means the Director of the State of Oregon Economic and Community Development Department as appointed under ORS 285A.070.

(3) "City" means the area within the corporate limits or urban growth boundary, or both, of any incorporated city in Oregon.

(4) "Distressed area" means a geographic area within the state of Oregon that meets the criteria set forth under OAR 123-024-0031. All geographic areas within a county designated by the department as a distressed area shall be considered to be distressed areas.

(5) "Quartile" means any of the three values which divide a sorted data set into four equal parts, so that each part represents one fourth of the sampled population

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.020, 285A.075, 285B.062, 285B.065

Hist.: EDD 12-1998, f. & cert. ef. 8-14-98; EDD 4-2003, f. & cert. ef. 3-26-03; EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; EDD 10-2008(Temp), f. & cert. ef. 3-20-08 thru 9-15-08; EDD 27-2008, f. 8-28-08, cert. ef. 9-1-08

123-024-0031

Methodology for Determining Distressed Areas

The department will consider a county, incorporated city, or other geographic area to be a distressed area under one of the following methods:

(1) At the county level an index of four composite factors is used to determine whether a county is distressed. It is distressed if its index is less than 1.0 and if the index is more than 1.0 then it is considered non-distressed. The following are the four factors used to determine a distressed county:

(a) The county's unemployment rate divided by this state's unemployment rate;

(b) The county's per capita personal income divided by the state's per capita personal income;

(c) The change in the county's average covered payroll per worker over a two year period ;

(d) The sum of the change in the county's employment over a two year period ; or

(2) An incorporated city outside of a county identified as a distressed area under subsection (1) of this section may be designated as distressed when its indicator values are below the designated threshold value as determined by at least three of the four indicators listed below:

(a) Percent of city population of 25 years old with a bachelor's degree or higher;

(b) The city's unemployment rate;

(c) The percent of the city's population below the poverty level; and

(d) The city's per capita personal income.

(3) The threshold values for each of the four indicators in section (2) shall be determined by using reliable data from each of the distressed counties based on a demonstrated methodology, as approved by the director of the department. Threshold values are calculated using county level data for distressed counties only.

(a) The threshold value for variable A is calculated as follows: calculate the third quartile and the inter-quartile range. Multiply the inter-quartile range by 1.5 and add this to the third quartile. This is the threshold value for variable A. A value above this threshold is not distressed.

(b) The threshold value for variable B is calculated as follows: calculate the first quartile and the inter-quartile range. Multiply the inter-quartile range by 1.5 and add this to the first quartile. This is the threshold value for variable B. A value below this threshold is not distressed.

(c) The threshold value for variable C is calculated as follows: calculate the third quartile and the inter-quartile range. Multiply the inter-quartile range by 1.5 and add this to the third quartile. This is the threshold value for variable C. A value below this threshold is not distressed.

(d) The threshold value for variable D is calculated as follows: calculate the first quartile and the inter-quartile range. Multiply the inter-quartile range by 1.5 and add this to the first quartile. This is the threshold value for variable D. A value above this threshold is not distressed.

(4) A county, incorporated city, or other geographic area that has demonstrated in writing, to the satisfaction of the director of the department, that it is suffering or is likely to suffer economic distress equal to or greater than those counties and cities qualifying as distressed areas under subsections (1) and (2) of this section. The director shall have the authority to declare counties, cities, and other geographic areas distressed as allowed under this subsection.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.020, 285A.075, 285B.062, 285B.065

Hist.: EDD 12-1998, f. & cert. ef. 8-14-98; EDD 3-2005(Temp), f. & cert. ef. 4-21-05 thru 10-15-05; Administrative correction 10-19-05; EDD 7-2005(Temp), f. & cert. ef. 10-24-05 thru 12-21-05; EDD 10-2005(Temp), f. & cert. ef. 11-4-05 thru 12-21-05; Administrative correction 1-19-06; EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; EDD 10-2008(Temp), f. & cert. ef. 3-20-08 thru 9-15-08; EDD 27-2008, f. 8-28-08, cert. ef. 9-1-08

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Rule Caption: These rules have been revised to add additional language to include grants for water protection fund.

Adm. Order No.: EDD 28-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 8-1-2008

Rules Amended: 123-049-0005, 123-049-0010, 123-049-0020, 123-049-0030, 123-049-0040, 123-049-0050, 123-049-0060

Subject: These rules have been revised to add additional language under 123-049-0060 to include grants for water protection fund. Also, the rules have been edited to remove some capitalization.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-049-0005

Purpose, Scope and Incorporated Documents

(1) This division of administrative rules implements a federally funded state revolving fund to provide financing to community and nonprofit non-community drinking water systems for planning, design, construction or improvement of drinking water facilities or systems needed to maintain or achieve compliance with drinking water standards and to further public health protection goals of the federal Safe Drinking Water Act Amendments of 1996 P.L. 104-182 and this state's Drinking Water Quality Act.

(2) In accordance with ORS 285A.213, this division of administrative rules governs the administration of the moneys awarded through this Safe Drinking Water Revolving Loan Fund by the Economic and Community Development Department in cooperation with the State of Oregon's Health Services of the Oregon Department of Human Services, but not activities of Health Services itself.

(3) "SAFE DRINKING WATER IN OREGON: Program Guidelines & Applicant's Handbook for the Federally Funded Safe Drinking Water Revolving Loan Fund & Drinking Water Protection Loan Fund" (September 2008), including but not limited to its appendices, is:

(a) The principal source of information on this program, as prepared by the department;

(b) Available by contacting any of the department's regionally assigned staff;

(c) Incorporated into and adopted as part of this division of administrative rules, by reference; and

(d) Subject to the same definitions as used in this division of administrative rules.

ADMINISTRATIVE RULES

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 285A.075 & 285A.213(4)
Stats. Implemented: ORS 285A.213
Hist.: EDD 6-1999, f. & cert. ef. 8-26-99; EDD 11-2000(Temp), f. 7-20-00, cert. ef. 7-20-00 thru 1-16-01; EDD 1-2001, f. 1-11-01, cert. ef. 1-12-01; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08

123-049-0010

Definitions

As used in this division of administrative rules, unless the context clearly indicates otherwise:

(1) "Act" means the Safe Drinking Water Act Amendments of 1996, Public Law 104-182, and any subsequent amendments.

(2) "Applicant" means a community or nonprofit non-community water system that is applying for a loan from the Fund.

(3) "Community water system" means a public water system, other than one owned by an agency of the federal government, that:

(a) Has 15 or more service connections used by year-round residents; or

(b) Regularly serves 25 or more year-round residents.

(4) "Contract" means a legally binding agreement between the department and recipient that sets out the terms and conditions for award of project funds.

(5) "Department" means the State of Oregon's Economic and Community Development Department as (re)organized under ORS 285A.070.

(6) "Fund" means the Safe Drinking Water Revolving Loan Fund, which is the financing program managed by the Department under this division of administrative rules to pay for infrastructure improvements to eligible public water systems, and which includes moneys originating directly from federal capitalization grants (apart from set-asides), this state's match of such grants, program loan repayments, interest earnings and any additional funds provided by this state.

(7) "Intended Use Plan" is the description of how the state intends to use moneys awarded and loaned from the fund to meet the objectives of the Act, as annually prepared by Health Services pursuant to USEPA guidelines.

(8) "Nonprofit non-community water system" means a public water system that:

(a) Is not a community water system;

(b) Regularly serves at least 25 people, even if they are not year-around residents; and

(c) Is recognized under Oregon law as a nonprofit corporation.

(9) "Project" means facility design construction activities or related/preceding tasks identified in the contract and loan agreement for which the recipient may expend, obligate or commit funds to address a drinking water problem or a documented health hazard.

(10) "Project priority list" means the comprehensive priority list of potential, eligible activities, as developed under the Intended Use Plan in response to letters of interest from community and nonprofit non-community water systems.

(11) A "public water system" means a system or infrastructure for the provision to the public of water for human consumption through pipe or other constructed conveyances, regardless of ownership, including but not limited to facilities for source of supply, filtration, treatment, storage, transmission or metering of that water.

(12) "Recipient" means a community or nonprofit non-community water system that has been awarded a loan from the fund for a project.

(13) "USEPA" means the Environmental Protection Agency of the United States federal government.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 285A.075 & 285A.213(4)

Stats. Implemented: ORS 285A.213

Hist.: EDD 6-1999, f. & cert. ef. 8-26-99; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08

123-049-0020

Eligible Applicants and Activities

(1) All community water systems and nonprofit non-community water systems are eligible to apply for a fund loan except those determined to be ineligible by the department because of prior nonperformance.

(2) Eligible and ineligible activities are defined in the Act and in USEPA's Drinking Water State Revolving Fund Program Guidelines, EPA 816-R-97-005 (February 1997), as well as subsequent revisions or editions of such guidelines.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 285A.075 & 285A.213(4)

Stats. Implemented: ORS 285A.213

Hist.: EDD 6-1999, f. & cert. ef. 8-26-99; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08

123-049-0030

Program Information

(1) The department shall prepare program guidelines, application forms and other supplementary program information to help eligible applicants seek financing and prepare loan applications for the fund.

(2) Program guidelines as prepared under section (1) of this rule shall include an explanation of project eligibility, the project priority list, the Intended Use Plan, disadvantaged communities, types of financial assistance, loan rates and terms, borrowing limits, public notification process, contract administration, federal crosscutting requirements and environmental review process.

(3) In addition to this division of administrative rules, the department shall administer the fund in compliance with the requirements of the Act, as amended, and the Act's applicable rules, guidelines and requirements from USEPA.

(4) For purposes of land use coordination, any project activity paid for with fund loans shall comply with the applicable requirements of division 8 of this chapter of administrative rules and OAR chapter 660.

Stat. Auth.: ORS 285A.075 & 285A.213(4)

Stats. Implemented: ORS 285A.213

Hist.: EDD 6-1999, f. & cert. ef. 8-26-99; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08

123-049-0040

Program Rights and Remedies

(1) The department may exercise certain rights and remedies in the event the recipient fails to comply with contract provisions and the recipient fails to correct the deficiencies within a reasonable time after the recipient is notified of the deficiencies. The circumstances that may warrant the department's exercise of rights or remedies include, but are not limited to one or more of the following:

(a) None of the project activities have begun within six months after award;

(b) Any third party agreement relating to the project is not legally binding within six months of the award;

(c) Federal or state statutory or regulatory requirements have not been met;

(d) There is a significant deviation from the contract;

(e) The department finds that significant corrective actions are necessary to protect the integrity of the project funds, and those corrective actions are not, or will not, be made within a reasonable time; or

(f) A recipient defaults on loan payments, which may otherwise be made from any source of revenue at the recipient's disposal, including but not limited to General Fund revenue.

(2) One or more of the following rights and remedies may be exercised by the department if the recipient fails to comply with contract provisions and the recipient fails to correct the deficiencies within a reasonable time after recipient is notified of the deficiencies:

(a) Bar a recipient from applying for future department assistance;

(b) Revoke an existing department award;

(c) Withhold unexpended department funds;

(d) Require immediate return of unexpended department funds;

(e) Require repayment of expended department funds;

(f) Withhold other state funds otherwise due to the recipient, such as state-shared revenues; or

(g) Other remedies that may be incorporated into the contract.

(3) The remedies set forth in this rule are cumulative, are not exclusive, and are in addition to any other rights and remedies provided by law or under the contract.

(4) The recipient shall be responsible for ensuring that any subcontractor complies with the applicable terms and conditions of the contract. Nothing in this rule shall restrict the department's right to enforce independently the terms of any contract or to recover any sums that may become due as the result of a breach of such contract.

Stat. Auth.: ORS 285A.075 & 285A.213(4)

Stats. Implemented: ORS 285A.213

Hist.: EDD 6-1999, f. & cert. ef. 8-26-99; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08

123-049-0050

Private Ownership and Regulation of Loan Subsidies for Public Benefit

(1) Only if a privately owned public water system is regulated under the jurisdiction of the State of Oregon Public Utility Commission (PUC) may it enjoy the benefits of a "disadvantaged community," pursuant to section 1452(d) of the Act, in receiving financial assistance through the fund, including but not limited to principal forgiveness.

ADMINISTRATIVE RULES

(2) For purposes of principal forgiveness of a loan by the fund, the amount of forgiven principal shall not be treated as equity, but rather in all cases as a contingent liability on the balance sheet of the public water system receiving the loan and on the balance sheet of any entity that acquires that system or the assets financed by the loan.

(3) If a water system is sold that was awarded principal forgiveness by the fund, the value of the principal forgiveness shall be effectively excluded from the purchase price, consistent with section (2) of this rule, such that the benefit of the principal forgiveness continues to accrue to the ratepayers or users of the system rather than to the seller. (This section also applies to the sale or lease of system assets financed by the loan, and it pertains but is not limited to the privatization of a publicly owned system)

(4) If section (2) or (3) of this rule is violated, then the water system shall repay the full amount of the forgiven principal into the fund. The department shall determine the schedule of such repayment, as it deems appropriate under the circumstances.

(5) The Oregon Public Utility Commission has full authority to enforce the effects of this rule through applicable regulation of an affected water system.

Stat. Auth.: ORS 285A.075 & 285A.213(4)
Stats. Implemented: ORS 285A.213
Hist.: EDD 11-2000(Temp), f. 7-20-00, cert. ef. 7-20-00 thru 1-16-01; EDD 1-2001, f. 1-11-01, cert. ef. 1-12-01; EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08

123-049-0060

Drinking Water Protection Loan Fund

(1) For purposes of implementing section 1452(k)(1) of the Act, the department shall administer loans and grants to public water systems for protecting surface and underground sources of drinking water, in order to solve or prevent health problems before the water is collected or treated by the system.

(2) The moneys for these loans and grants are derived from the "local assistance" set-aside of the federal capitalization grant, such that unused amounts will be transferred to the fund, and repayments shall be either added to the fund or placed in a dedicated account for further lending under this rule.

(3) The loans and grants under this rule are distinct from the fund. Relevant provisions of this division of administrative rules, however, shall apply to the administration of such loans.

(4) For purposes of this rule, administration includes underwriting assessments, loan awards, grant awards, contract execution, disbursements, loan repayments and so forth.

(5) Health Services (Oregon Department of Human Services) and the Oregon Department of Environmental Quality shall handle determinations of eligibility, prioritization of loan and grant recipients and related duties.

(6) More specific guidelines for the loans and grants under this rule are available and included in the document incorporated by reference in OAR 123-049-0005(3).

Stat. Auth.: ORS 285A.075 & 285A.213(4)
Stats. Implemented: ORS 285A.213
Hist.: EDD 8-2004, f. & cert. ef. 2-3-04; EDD 28-2008, f. 8-28-08, cert. ef. 9-1-08

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Rule Caption: Amend rules related to changes brought about by Senate Bill 350 (2007 Legislature) & clarified rules.

Adm. Order No.: EDD 29-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 8-1-2008

Rules Amended: 123-055-0100, 123-055-0120, 123-055-0200, 123-055-0220, 123-055-0240, 123-055-0300, 123-055-0340, 123-055-0400, 123-055-0420, 123-055-0440, 123-055-0460, 123-055-0525, 123-055-0620, 123-055-0900

Subject: The proposed administrative rule change addresses the statutory changes implemented by SB 350 (2007 Legislature). In addition rules have been clarified. Content requirements for Regional Investment Strategy has been revised for clarity as well as language covering plan development.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-055-0100

Purpose and Scope

In implementing the Regional Economic Development Act under ORS 285B.230 to 285B.269, this division of administrative rules is intended to clarify, facilitate and establish the following key pieces in the suc-

cessful design, deliberation, execution and updating of a long-term planning framework for achieving economic development results:

(1) Regional associations and consensus among counties of this state;
(2) Boards of citizens for strategic planning and oversight of funded activities;

(3) Special, broad-based partnership arrangements to augment and, in some cases, to act as an umbrella for county-appointed boards;

(4) Processes for public development and approval of the locally determined investment strategies; and

(5) Statewide interaction and support.

Stat. Auth.: ORS 285A.075, 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0120

Definitions

For purposes of this division of administrative rules, unless the context demands otherwise:

(1) Commission means the State of Oregon Economic and Community Development Commission established by ORS 285A.040.

(2) County-based region means a region established by formal recognition of the Economic and Community Development Department on the basis of county government initiative, without a regional partnership.

(3) Department means the State of Oregon Economic and Community Development Department as organized under ORS 285A.070.

(4) Director means the director of the department as appointed under ORS 285A.070.

(5) Fiscal entity means a unit of local government, intergovernmental entity or nonprofit corporation jointly designated by the governing bodies of the counties comprising the region and responsible for assisting the regional board in developing, implementing and administering the investment strategy, such that:

(a) If the governing bodies of the counties comprising the region establish the regional board as an intergovernmental entity, the regional board may be the region's fiscal entity; and

(b) The fiscal entity must in all cases have the authority and legal power to enter into a contract with the department for receipt of regionally controlled funds and with other entities receiving such funds as authorized by the regional board pursuant to and for purposes of the investment strategy.

(6) Investment strategy means the document described under ORS 285B.239 and prepared by the regional board under ORS 285B.242, in accordance with OAR 123-055-0300 to 123-055-0399.

(7) Partnership-based region means a region for which:

(a) A regional partnership is associated with the regional board through and with agreement of the county partners; and

(b) Its specific geographic area essentially coincides with that of the regional partnership. (This definition in no way limits the types or purposes of regional partnerships).

(8) Region means a geographic area under ORS 285B.230(1), as described in OAR 123-055-0200, and represented by a regional board that prepares and submits an investment strategy. It may be either a county-based region or a partnership-based region.

(9) Regional board means a group of individuals appointed by county courts and boards of county commissioners under ORS 285B.230(2) and 285B.242(1), as described in OAR 123-055-0200 to 123-055-0299.

(10) Regional partnership means an association under ORS 285B.230(4), formed by agreement of local and regional partners with the requisite agencies of the state government. It includes but is not limited to a partnership-based region.

(11) Regionally controlled funds means the Regional Investment Fund described in division 057 of this chapter of administrative rules, and the moneys allocated, disbursed or expended thereunder for the projects of a particular region, and all interest earned on such money by or for the region. This term shall in no way be interpreted as affecting resources from any other fund or program under state law or associated with the department.

(12) Multi-region project means a project that has a demonstrable economic impact in more than one region where two or more regional investment boards participate in the funding of the project.

Stat. Auth.: ORS 285A.075, 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-

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2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0200

Formation and Reconfiguration

(1) Prior to designating a county-based region, the department shall do the following:

(a) Communicate with and assist representatives of county governments with considerations in forming a region, which may include special meetings, fora, etc.; and

(b) Receive materials and advice from the counties' governing bodies, describing the region's geographic area and the historical, cultural and economic linkages that underpin and justify its creation, including regional planning activities that already exist.

(2) The geographic area of a county-based region may not include any area in another region and shall consist of the following:

(a) Two or more counties;

(b) The entire area of the counties comprising the region, unless the remaining portion of a county is contained in a partnership-based region; and

(c) A common border between at least two member counties, although any other county in the region need not be contiguous to any or all of the other counties.

(3) Each regional board and its members, as well as the associated fiscal entity, operate in the public trust and shall comply (in relevant part or in entirety) with state and local statutes, laws and regulations for the following, and are solely responsible for legal adherence.

(4) A partnership-based region is not bound by section (1) or (2) of this rule, and may encompass any geographic area consistent with the participation/involvement of relevant sub-county partners. The department shall recognize it, insofar as it:

(a) Contains no area of another region;

(b) Includes area in at least two counties; and

(c) Is clearly described in or as part of the regional partnership memorandum of understanding or associated information as provided to the department.

(5) In order for any county area to be divided among two or more regions:

(a) At least part of the county must be in a partnership-based region;

(b) The county's governing body must be a party to each applicable agreement in OAR 123-055-0240 and must appoint one or more members to the respective regional boards; and

(c) No such constituent part of the county may be attached to a region as established or recognized by the department, until all such parts are associated with an acknowledged region.

(6) Regions may be reconfigured pursuant to the mutual consent of all affected counties (and partners of an ongoing regional partnership), and subject to the preparation, modification or amendment and approval of an investment strategy or strategies for the new/reconfigured region(s).

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230, 285B.236 & 285B.242

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0220

Board Composition and Implications

(1) Every region must have a regional board, whose members are:

(a) Named individuals appointed by the governing bodies of the counties, through any method of the bodies' choice, including by clear arrangement or extension of a regional partnership; and

(b) Effective representatives of the interests prescribed under ORS 285B.242(1).

(2) Each regional board and its members, as well as the associated fiscal entity, operate in the public trust and shall comply (in relevant part or in entirety) with state and local statutes, laws and regulations for the following, and are solely responsible for legal adherence and mandatory actions thereunder, regardless of any assistance provided by or through the commission or department:

(a) Public bodies, meetings and records (ORS Ch. 192);

(b) Government standards and practices (ethics, ORS Ch. 244);

(c) Public contracting and procurement (ORS Ch. 279A, 279B & 279C);

(d) Public funds (ORS Ch. 295);

(e) Minimum wage and hour standards;

(f) Municipal budgeting and audit laws; and

(g) Other similar matters.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230 & 285B.242

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0240

Regional Accords and Fiscal Entities

(1) The governing bodies of the counties comprising a region shall jointly enter into a written agreement forming the region and specifying applicable elements as follows:

(a) The size, makeup and organization of the regional board and the methods for nominating and appointing its members by the governing bodies;

(b) Indication of a regional partnership in the case of a partnership-based region;

(c) Any special name to be used in reference to the region;

(d) Procedures, policies, duties and authority for the activities of the regional board and for the preparation and implementation of the investment strategy;

(e) If desired by the governing bodies of the counties comprising the region, establishment of the regional board as an intergovernmental entity under ORS 190.010(5), 190.080 and 190.085 and designation of the regional board as the region's fiscal entity; or

(f) Any other matters deemed appropriate by the governing bodies.

(2) If the agreement described in section (1) of this rule establishes the regional board as an intergovernmental entity and designates the regional board as the region's fiscal entity, that agreement shall also specify the following:

(a) The authority, duties and functions of the regional board in its capacity as the fiscal entity for region;

(b) The regional board's financial responsibility and budgetary processes with respect to regionally controlled funds; and

(c) Contractual terms and other relevant administrative or fiduciary issues.

(3) If the regional board is not established as an intergovernmental entity that acts as the region's fiscal entity, then the governing bodies of the counties comprising the region shall jointly designate the fiscal entity for the regional board and enter into an agreement with that fiscal entity (preferably, one that is subsequent to and separate from the agreement described in section (1) of this rule) that specifies the following:

(a) The corporate/legal identity, role, function and duties of the fiscal entity for purposes of assisting the regional board in developing, implementing and administering the investment strategy;

(b) Powers and responsibilities of the regional board over the fiscal entity;

(c) The authority, financial responsibility and budgetary processes of the fiscal entity with respect to decisions by the regional board and with respect to the receipt and use of regionally controlled funds; and

(d) Contractual terms and other relevant administrative or fiduciary issues.

(4) The governing bodies of the counties comprising the region shall jointly notify the department in writing, as soon as reasonably possible, of the following:

(a) The identity of the fiscal entity; and

(b) Any actual or formally contemplated change in the designated fiscal entity.

(5) Alternatively for sections (3) and (4) of this rule, the regional board may directly designate and contract with the fiscal entity, and notify the department accordingly, if it is established as an intergovernmental entity but not as the region's fiscal entity.

(6) Other agreements that supplement or incorporate what is described in this rule may be executed as necessary and appropriate, especially for a partnership-based region.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0300

Content of Regional Investment Strategy

The regional investment program is intended to identify, address and coordinate economic development priorities, as well as coordinate public and private resources, in accordance with ORS 285B.233. Therefore, an investment strategy shall explicitly do the following:

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(1) Address the statewide economic development strategy outlined in ORS 285A.020(3) to:

(a) Promote a favorable investment climate to strengthen businesses, create jobs and raise real wages;

(b) Improve the national and global competitiveness of Oregon companies; and

(c) Assist Oregon communities in building capacity to retain, expand and attract businesses.

(2) Focus on priorities identified by the regional board, along with the following priorities, as taken from ORS 285B.230(3):

(a) Promote the structures and processes of public and private organizations to effectively create, adapt, foster and sustain economic development in this state, emphasizing rural and distressed areas;

(b) Ensure that economic strategies will reinforce Oregon's long-term prosperity and livability; and

(c) Coordinate economic development efforts and efforts to support a locally skilled workforce in order to compete in the global economy

(3) Address required elements in the form of an investment strategy pursuant to ORS 285B.239, including a rural action plan based on the strategy development handbook titled, "Elements of a Regional Investment Strategy" prepared by the department;

(4) Demonstrate in measurable terms the extent to which, as well as how, the priorities in section (1-2) of this rule will be accomplished, as required under ORS 285B.236(2), by relating these to the regional performance measurements and regional benchmarks in the investment strategy under ORS 285B.239(h) and to regional performance measures as described in OAR 123-055-0620.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285A.020, 285B.230, 285B.233, 285B.236 & 285B.239

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0340

Using Other Planning Exercises

Regions are encouraged to take advantage of other planning activities or sources of helpful guidance that exist in association with federal programs or resources, at the local level and in other circumstances, such that:

(1) In preparing and developing an investment strategy, a regional board may borrow and rely on technical resources and methods for strategic or economic planning, or the region may integrate and make reference to recently completed planning work, including those associated with but not limited to the following:

- (a) U.S. Economic Development Administration;
- (b) U.S. Empowerment Zone/Enterprise Community Initiative; or
- (c) Local comprehensive land use plans.

(2) In using models or relevant work as indicated in section (1) of this rule, the regional board shall ensure that all of the elements required under ORS 285B.230 to 285B.269 for a complete investment strategy are still included therein and are easily identified or identifiable through use of a key or other instructions in the primary document that the region adopts.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0400

Plan Development, Approval, Implementation and Update

For purposes of developing Investment Strategies:

(1) The department shall extend reasonable assistance to each regional board, its members and its fiscal entity, which may include provision of program guidance, attendance at local meetings or contact information for relevant organizations or government agencies, as the department's time and resources permit. The department shall guide in the development of investment strategies and shall assist with information gathering for any region, if so requested by the board chair.

(2) For all regions:

(a) In addressing the general preparation and substance of the investment strategy, the regional board shall provide opportunity for consultation with applicable representatives in the region from the following:

(A) Private industries, the for-profit business community, the non-profit sector and workforce committees;

(B) Local/city governments and public service providers, including ports and other special districts;

(C) Tribal governments or councils; and

(D) State and federal agency partners, especially those listed under ORS 285B.230(4).

(b) The regional board may work with the department in the refinement of the investment strategy through drafting stages and to ensure compliance with applicable statutes and addressing priorities outlined in OAR 123-055-0300.

(c) Public hearings shall be scheduled and conducted, as follows:

(A) A public hearing shall be held by each county governing body in the region, after published notice, in accordance with the county's adopted public notice requirement, inviting public comments on the proposed investment strategy. After the public hearing in that county, the governing body shall take formal action on the adoption of the investment strategy.

(B) The investment strategy shall be made available to the public for inspection during the public notice period preceding the public hearing.

(d) In order for the final investment strategy to be regionally adopted, it must be approved by motion or resolution of the following:

(A) All of the counties in the region (by a majority vote of each county governing body, as specified in the county charter); and

(B) The regional board (pursuant to its own procedures or bylaws).

(3) In response to a recommendation from the department, commission, or regional partnership, an investment strategy that has been regionally adopted may be modified, amended or appended by the regional board if the county governing bodies in the region, by formal action, authorize the Regional Board to make non-substantive or minor changes.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.242

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0420

Review/Approval by Commission or Through Regional Partnership

The regional board shall provide a complete copy of the regionally adopted investment strategy, as developed and adopted consistent with OAR 123-055-0400, to the department, at which point the investment strategy shall be handled according to either section (1) or (2) of this rule:

(1) Review and approval shall be done through a regional partnership, such that:

(a) These functions have been delegated to the regional partnership either by communication from the commission to the director or by a joint recommendation of the state agency directors under ORS 285B.230(4) (or their regional designees);

(b) The review and approval of the investment strategy proceeds according to the regional partnership's discretion and criteria, including but not limited to compliance with all applicable statutes; and

(c) Final approval of the investment strategy is formally submitted to the commission or the state agency directors under ORS 285B.230(4) (or their regional designees) for recognition by the department.

(2) Without delegation under subsection (1)(a) of this rule, review and approval shall proceed as follows:

(a) The department examines the investment strategy to ensure compliance with applicable statutes and may seek and obtain missing or corrected information, as necessary, from the regional board;

(b) The department submits the investment strategy to the commission with summaries or assessments, as are appropriate or requested by the commission;

(c) The commission considers the submission by the department and;

(d) Pursuant to any consultation that it chooses to have with the regional board, the commission takes action either by returning the investment strategy to the regional board with instructions for modification or granting final approval of the Investment Strategy.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.242

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0440

Strategy Implementation and Six-Year Update

Once approved as described in OAR 123-055-0420:

(1) An investment strategy shall be implemented at the direction and by authority of the regional board, in cooperation with a regional partnership as applicable, such that:

(a) The department shall assist with implementation, as staff resources and time permit, especially for purposes of coordination with resources at the department's disposal;

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(b) Leverage of resources and opportunities other than regionally controlled funds are to be continually considered for effectively and efficiently achieving economic development results; and

(c) Measuring and reporting progress, spending and so forth under the investment strategy shall be integral to implementation.

(2) An investment strategy is a living document, and at a minimum every six years, the regional board shall revise it as necessary and improve it wherever suitable. The revised and updated investment strategy shall be developed and approved consistent with OAR 123-055-0400 and 123-055-0420.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.242 & 285B.245

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0460

Relationship of Plan to Regionally Based Funding

For purposes of disbursing regionally controlled funds to a region, in accordance with division 057 of this chapter of administrative rules:

(1) All disbursements of regionally controlled funds will be made to the region's fiscal entity, as designated in accordance with OAR 123-055-0240.

(2) Except for moneys described in OAR 123-057-0330 or 123-057-0430, the department may make such disbursements only pursuant to final approval of the investment strategy.

(3) Such disbursements further depend on an effective and enforceable contract between the department and the fiscal entity, as described in OAR 123-057-0170 and will not be made without such a contract.

(4) If a region fails to adopt, submit or have an investment strategy finally approved, it may not receive its counties' regionally controlled fund allocations, and the department at the end of the biennium may proportionally reallocate such moneys to other regions.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0525

Relationship of Local Entities to Partnership

For purposes of regional partnerships under ORS 285B.230(4):

(1) The memorandum of understanding among local partners and the directors of the seven state agencies may take the form of two or more agreements or memoranda for purposes of establishing certain structures, objectives and efforts of the regional partnership.

(2) The local partners may join together under separate arrangements to form a mutual agreement as a unit, in order to achieve the following or comparable purposes:

(a) Simplify and more efficiently execute an agreement or memorandum between such unit and the directors of the seven state agencies; and

(b) Allow for designation of one or more representatives of the local partners to do the following:

(A) Act on behalf of that unit (or the union between that unit and the seven state agencies); and

(B) Interface with a fiscal agent for handling moneys (though not regionally controlled funds) on behalf of that unit, regardless of whether this fiscal agent is the same as the fiscal entity for a corresponding partnership-based region.

(3) Not all of the local partners as indicated in ORS 285B.230(4) need to be included in a regional partnership, but shall participate only as interested, however:

(a) The county governments, as well as the major cities that are central to the regional economy, are expected to be part of the regional partnership; and

(b) No local partner that has a significant and applicable presence in the regional partnership's area shall be excluded if expressing a clear desire to actively participate in the general business of the regional partnership, prior to its formation. A regional partnership may make accommodations for revising its composition, whenever it redefines its basic objectives.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0620

Regional Performance Measures and Periodic Performance Reports by Region

In direct relation to the regional benchmarks established in the investment strategy under ORS 285B.239(h):

(1) Every regional board shall identify quantitative targets for regional performance measures that measure and evaluate the accomplishments of the region's adopted priorities, including target goals for measuring:

(a) Long-term and short-term job creation and retention, including the number of jobs created and retained and wage levels.

(b) Leveraging long-term investments.

(c) Maximizing moneys leveraged with short-term investments;

(2) Every regional board shall propose criteria for the use, distribution and evaluation of its investment funds consistent with its adopted and approved implementation strategy.

(3) The proposed regional performance measures and distribution criteria shall be submitted to the department for review by the commission, which may recommend changes to the regional board, such that the regional board may adopt the recommendation or make counter-proposals to the commission, and so forth, or other procedures may be arranged for negotiating regional performance measures and distribution criteria between the commission and the region or regions, in order to finalize regional performance measures and distribution criteria, which the commission may ultimately resolve as necessary.

(4) In addition to sections (1) to (3) of this rule, the commission and the department may develop models or methods to coordinate and facilitate the adoption and use of regional performance measures and distribution criteria by regions at their discretion, and as the time and resources of the commission or department allow.

(5) Each report required under this rule shall be submitted to the governing bodies of the counties comprising the region, the commission, the Governor, the Legislative Assembly, the department and other parties of the regional board's choosing.

(6) Periodically as determined and described by the department, every regional investment board shall in accordance with ORS 285B.239(i) to submit reports on regional performance measures allowing the department, the commission, the Legislature and the Governor to evaluate the effectiveness of each region's implementation strategy and ensuring the resources are being effectively used.

(7) The reports shall, at a minimum, relate to and be integrated with the regional board's biennial report to the Governor, Commission and the Legislative Assembly on the expenditure of regionally controlled funds under 285B.239(h) and 285B.263(6).

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.239

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0900

Waiver of Provisions Not Required by Statute

The director or the director's designee may waive non-statutory requirements of this division of administrative rules, if demonstrated to the satisfaction of the director that such a waiver serves to further the goals and objectives of ORS 285B.230 to 285B.269, and that it contributes to sound economic or community development.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

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Rule Caption: Amend rules related to changes brought about by Senate Bill 350 (2007 Legislature) & clarified rules.

Adm. Order No.: EDD 30-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 8-1-2008

Rules Amended: 123-057-0110, 123-057-0130, 123-057-0150, 123-057-0190, 123-057-0210, 123-057-0230, 123-057-0330, 123-057-0350, 123-057-0410, 123-057-0430, 123-057-0450, 123-057-0470, 123-057-0510, 123-057-0530, 123-057-0710

Rules Repealed: 123-057-0310

Subject: The proposed administrative rule change addresses statutory changes implemented by SB 350 (2007 Legislature). In addition

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rules have been clarified. Rural Investment Fund language has been removed due to the changes from SB 350 and language has been added for the Rural Set Aside and Rural Action plan has added to statute.

Rules Coordinator: Janelle Lacefield—(503) 986-0036

123-057-0110

Purpose and Scope

This division of administrative rules is intended to establish technical clarity for the actual allocation, distribution, uses and evaluation of a regional board's past performance of their implementation strategies with moneys from the Regional Investment Fund for effective implementation of long-term regional investment strategy in addition to other available resources.

Stat. Auth.: ORS 285A.075, 285B.236(1) & 285B.263(2)
Stats. Implemented: ORS 285B.260 & 285B.263
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0130

Definitions

For purposes of this division of administrative rules, the definitions described in OAR 123-055-0120 apply. Moreover, unless the context demands otherwise:

(1) Fixed assets mean plant, equipment or other tangible assets of an individual private business that have a useful life lasting longer than one year, and that are normally subject to depreciation for income tax purposes.

(2) Grant contract means the contract between the department and the fiscal entity for disbursement of regionally controlled funds to the region, as described in OAR 123-057-0170.

(3) Strategic regional investment opportunity Fund project means a project or activity funded in collaboration by the department and regional boards, as determined under ORS 285B.263(2), to award projects or activities

(4) Regional fund means the Regional Investment Fund under ORS 285B.260 and 285B.263.

Stat. Auth.: ORS 285A.075, 285B.236(1), & 285B.263(2)
Stats. Implemented: 285B.260 & 285B.263
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0150

Allocation to Regions

For purposes of allocating moneys from the regionally controlled funds to each region for a biennium:

(1) The department shall in communication with interested parties devise a methodology for apportioning such moneys among all 36 counties, so that regions may align as is most suitable for serving their needs and relationships.

(2) This methodology shall utilize demographic, economic, financial or other data and statistics to appropriately and effectively capture both the relative size and economic conditions of the counties and thus the regions that comprise them.

(3) The department shall report the methodology to the commission for consideration.

(4) The department shall review and may make improvements to the methodology with each biennium.

(5) In the case where a region subdivides a county, the splitting of funds allocated to that county shall be determined by agreement among the regions that contain parts of the county, and the county in question shall provide the department with ratios for disbursement to the respective fiscal entities, such that:

(a) The ratios for the regional fund shall not greatly deviate from those of the relative population in each part of the county; and

(b) The department shall disburse no moneys to any affected region until the ratios have been determined and reported, as described in this section.

Stat. Auth.: ORS 285A.075, 285B.236(1), & 285B.263(2)
Stats. Implemented: ORS 285B.260 & 285B.263
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0190

General Availability and Use of Funds

Subject to the Grant Contract:

(1) No moneys shall be disbursed to the fiscal entity until the investment strategy or its relevant update has been finally approved in accordance with division 055 of this chapter of administrative rules, except as described in OAR 123-057-0330 and 123-057-0430.

(2) Unless otherwise directed by the department, regionally controlled funds that are received by the region through the fiscal entity shall be promptly returned to the department:

(a) If not obligated by formal action of the regional board on or before July 1, one year after the end of the biennium; and

(b) If unexpended at the termination or expiration of the grant contract.

(3) Public entities that directly or indirectly receive regionally controlled funds shall comply with public procurement guidelines, minimum wage and hour standards, municipal budget and audit laws, and other applicable state and local regulations.

(4) The department's payment of regionally controlled funds is subject to the availability of money in the regional fund. Regions shall proportionately share in any shortfall of lottery revenue.

(5) The fiscal entity shall maintain records of all activities associated with the investment strategy and expenditures of regionally controlled funds. The department is entitled to monitor the fiscal entity's records to verify compliance with the grant contract.

Stat. Auth.: ORS 285A.075, 285B.236(1), & 285B.263(2)
Stats. Implemented: 285B.260 & 285B.263
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0210

Common Requirements

Regionally controlled funds for implementing the investment strategy shall be obligated and expended subject to the regional board's evaluation of the merit and readiness of the project, in accordance with the adopted project selection criteria and subject to the consistency of the project with the priorities of the investment and implementation strategy, such that:

(1) All projects or activities funded meet the funding criteria as set forth in the investment strategy approved by the commission to ensure funded projects and activities are in compliance 285B.239(1)(a)-(j) and in accordance with OAR 123-055-0620.

(2) The expenditure of the regional controlled funds must be authorized by the regional board, according to the region's procedures governing such authorization.

(3) Regionally controlled funds shall not be used as prohibited in OAR 123-057-0230.

(4) Any activity or project funded through this division of administrative rules shall indicate that it is state lottery-funded and authorized by the regional board in all public documentation and on a publicly visible sign associated with any project involving construction activity. The sign shall be provided by the regional board funding the project and the sign shall be approved by the department prior to placing the sign at the project site.

(5) Any public facility, as defined in ORS 447.210, for which construction costs are in any part paid for with regionally controlled funds, shall be accessible to and made useable by handicapped persons in accordance with the U.S. Americans with Disabilities Act of 1990 (Public Laws 101-336).

(6) Any activity paid for in whole or in part with regionally controlled funds that affects physical development of land shall comply with the applicable requirements of division 008 of this chapter of administrative rules, this state's land use laws and the local comprehensive plan.

(7) An individual private business receiving direct or substantial benefits from regionally controlled funds may be required to comply with Division 070 of this chapter of administrative rules for entering into a first-source hiring agreement, but only if required by the regional board in the investment strategy.

(8) Regionally controlled funds may only be provided to private for-profit businesses for a project and activity, whether as a grant or a loan, if that project and activity is consistent in its own right with an activity specified in the investment strategy (apart from any general objective for financially inducing business development, recruitment or expansion) in accordance with ORS 285B.263(4).

Stat. Auth.: ORS 285A.075, 285B.236(1), & 285B.263(2)
Stats. Implemented: ORS 285B.245, 285B.260, 285B.263 & 461.740
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-

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2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0230

Common Prohibitions

Regionally Controlled Funds may not be used to do any of the following:

- (1) Retire any debt;
- (2) Reimburse any person or municipality for expenditures made or expenses incurred before final approval of the investment strategy, except for preparation and administration as described in 123-057-0430;
- (3) Substitute for available budgeted resources in supporting ongoing public services or infrastructure that already exist, but rather shall support only new or enhanced local services benefiting the region's capacity for economic development;
- (4) Maintain existing staff of a public or private entity, except for staff time dedicated to:
 - (a) The administrative needs of the investment strategy or the regional board;
 - (b) Redirected or augmented efforts consistent with the investment strategy, such as new technical assistance for enhancing regional coordination or local economic development activities/capacity; or
 - (c) Continue to fulfill objectives or activities of the investment strategy as initiated in a previous biennium; or
- (5) Assist in any way with the relocation of a business facility within this state from one labor market area to another, unless:
 - (a) The job losses in the originating labor market area are less than or equal to 0.1 percent of the most recently available estimate for the civilian labor force therein; or
 - (b) The relocation entails an improvement in the quality and a significant increase in the size of the business's total in-state employment, without being detrimental to any rural area, subject to determinations of the department.

Stat. Auth.: ORS 285A.075, 285B.236(1), & 285B.263(2)
Stats. Implemented: ORS 285B.245, 285B.260 & 285B.263
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0330

Rural Set Aside

Moneys dedicated to the rural set aside, as described in ORS 285B.239(2), shall be used for funding eligible activities in the rural action plan as a part of the investment strategy as described in ORS 285B.239, such that: The amount of money dedicated to the rural set aside is determined by the regional board prior to awarding funds for projects. The amount of money so dedicated each biennium to the rural set aside is sufficient to adequately implement the rural action plan in that biennium.

Stat. Auth.: ORS 285A.075 & 285B.236(1)
Stats. Implemented: ORS 285B.239
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0350

Rural Action Plan

(1) The rural action plan is an element of the investment strategy, and shall be reviewed and approved in the context of the six-year investment strategy subject to satisfaction of OAR 123-055-0400 and 123-055-0420

(2) The rural action plan may merely refer to and highlight other investment strategy elements if the investment strategy is entirely or mostly oriented towards rural areas.

Stat. Auth.: ORS 285A.075 & 285B.236(1)
Stats. Implemented: ORS 285B.239
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 8-2000(Temp), f. 5-2-00, cert. ef. 5-2-00 thru 9-30-00; EDD 13-2000, f. & cert. ef. 8-15-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0410

Components

The regional fund is used for the following:

(1) Technical assistance and staff support for preparation and update of the investment strategy and for development and administration of a regional partnership;

(2) Personnel and expenses for administering the investment strategy and its implementation; and

(3) Projects and activities implementing an approved investment strategy.

(4) Other activities consistent with the adopted investment strategy in accordance with ORS 285B.239.

Stat. Auth.: ORS 285A.075, 285B.236(1) & 285B.263(2)
Stats. Implemented: ORS 285B.260, 285B.263
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0430

Dedicated to Strategy Preparation

As determined by the commission, a maximum percentage of the moneys from the regional fund in each biennium may be dedicated by a regional board for preparation of the investment strategy and for support of a regional partnership, such that:

(1) The maximum limit established by the commission is expressive-ly included in the grant contract;

(2) The department shall take reasonable efforts to make such moneys available prior to approval of the investment strategy, including but not limited to executing the grant contract and specifically disbursing such moneys through it;

(3) The moneys may only be used for technical assistance and staff support for:

(a) Development and refinement of the investment strategy; or

(b) Development and administration of a regional partnership; and

(4) Such moneys may be spent on relevant work and expenses incurred prior to disbursement of the funds or final approval of the investment strategy, regardless of OAR 123-057-0230(2).

Stat. Auth.: ORS 285A.075 & 285B.236(1)
Stats. Implemented: ORS 285B.263
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0450

Guidelines for Financing Fixed Asset Acquisitions of Private Businesses

For purposes of grants or loans from the regional fund to individual private businesses for the acquisition of fixed assets, under ORS 285B.263(4), to complement existing public and private financing:

(1) Only a portion (not all) of the moneys for projects and activities in any biennium may be used for such purposes, including but not limited to the capitalization of a revolving loan fund or funds for private business projects.

(2) The investment strategy must contain the terms and conditions for such grants or loans, when the investment strategy is submitted for review pending final state-level approval, along with other provisions in the investment strategy applicable to relevant activities.

Stat. Auth.: ORS 285A.075 & 285B.236(1)
Stats. Implemented: ORS 285B.263
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0470

Tourism and Industrial Marketing

For purposes of ORS 285B.245(2) and expending regional fund money for projects to market a region for creating, expanding or retaining tourism or industrial activity, investments and related jobs:

(1) If a region intends to use any of its regional fund allocation for such purposes, then the investment strategy must generally show how the projects to be funded will complement and will not conflict with statewide marketing campaigns and efforts aimed at travelers/tourists or at industrial investors, such that:

(a) This section may be fulfilled by describing procedural steps, criteria or the like for selecting and authorizing projects; and

(b) The investment strategy needs only to address the basic thrust of statewide campaigns, as they exist at the time that the investment strategy is locally adopted or updated in each biennium.

(2) Consistent with OAR 123-055-0600, the department shall seek to coordinate such marketing efforts at the state and regional level, especially by emphasizing ways to effectively take advantage of each level's respective resources (or other types of resources).

Stat. Auth.: ORS 285A.075 & 285B.236(1)
Stats. Implemented: ORS 285B.245
Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08

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08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0510

Allocation

In each biennium: In accordance with ORS 285B.263 and 285B.266(3), the department may allocate a specific portion of the Strategic Reserve Fund to be used as the Strategic Regional Investment Opportunity Fund.

Stat. Auth.: ORS 285A.075, 285B.236(1) & 285B.263(2)

Stats. Implemented: ORS 285B.263

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0530

Use and Criteria of Strategic Regional Investment Opportunity Project Moneys

In each biennium, the commission may allocate funds from the Strategic Reserve Fund to create a Strategic Regional Investment Opportunity Fund. The department shall allocate a portion of the fund to each Regional Investment Board based upon consultation with Association of Oregon Counties, League of Oregon Cities, and Oregon Public Ports Association. This allocation shall:

(1) Ensure that each Strategic Regional Investment Opportunity Fund Project actualizes one or more of the following:

(a) The project is developed and brought forward to the department by a regional partnership or board, Business Development Officers or business partners;

(b) The project can demonstrate a significant private business investment, short or long term job creation or other long-term economic development impacts that results in job creation. ;

(c) Greater competitiveness and productivity by the regions' traded-sector industries resulting in short term job creation or retention;

(d) The investment of these funds will close a critical gap in funding for eligible activities;

(e) Significant improvement in the variety, wage level and quality of jobs in the participating regions;

(f) Collaboration with one or more industries or institutions that are important to the regions' future:

(A) Eliminate barriers that impede competitiveness of existing businesses;

(B) Foster new or expanded businesses emerging in the regions;

(C) Internationally market goods and services from the regions; or

(D)(i) Diversify the regional economies;

(ii) Similar goals consistent with or conducive to statewide efforts and priorities for economic and community development.

(2) Insist that Strategic Regional Investment Opportunity Projects adhere to funding standards, as follows:

(a) By satisfying sound investment/underwriting principles;

(b) By combining with funds from private, local, regional, state or federal sources; and

(c) By ensuring that the project is ready to proceed in terms of delivering planned outcomes in a reasonable time, including but not limited to a thorough scope of work in the project application, contract and reporting requirements as described in this rule, clear commitment of other resources and the absence of barriers to the project's timely commencement.

(3) Forbid Strategic Regional Investment Opportunity Fund Projects that amount to the following:

(a) A subsidy for ongoing capacity of an organization or for ongoing operation and maintenance of a facility;

(b) Open-ended efforts that lack a demonstrable and realistic plan for effectively concluding the project, generating future resources or ensuring the usefulness of any deliverables/capacity in the future; or

(c) A failure to demonstrate the criteria as described in section 1(b) of this rule.

(4) The department shall fund projects in accordance with the following:

(a) The department shall facilitate the identification and undertaking of Strategic Regional Investment Opportunity Fund Projects, through communications and assistance to regional boards and fiscal entities through the department's Business Development Officers. Regions seeking to access their allocated portion of the funds shall do so through their regionally assigned Business Development Officer.

(b) Strategic Regional Investment Opportunity Fund projects address projects that meet the criteria as described in this rule may be advanced

for approval upon joint recommendation of a regional partnership or regional boards response committee and a Business Development Officer. If the project is recommended, the Business Development Officer will draft a staff recommendation for signature.

(c) Following approval of project funding, projects are assigned to the most appropriate Division within the department to negotiate final project conditions if any, performance measures and to develop and execute contract documents. The contract will specify the process and timing of disbursements of funds, conditions for reporting results, terms for repayment of funds where appropriate and the process for project closeout.

Stat. Auth.: ORS 285A.075, 285B.236(1) & 285B.263(2)

Stats. Implemented: ORS 285B.263

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0710

General Guidance

For purposes of ORS 285B.263(6), each region shall prepare and submit a biennial report to the Governor, Commission and Legislative Assembly:

(1) This biennial report shall be prepared and submitted in conformance with the following:

(a) Format and procedures that the department may prescribe; and

(b) The region's periodic performance reports and regional performance measures and distribution criteria including goals pursuant to OAR 123-055-0620 and ORS 285B.239.

(2) The final biennial report shall be due at a time determined by the department in relation to each general session of the legislature, and shall include information from prior biennia not covered in the previous biennial report, as well as the most currently available information for the ongoing biennium.

(3) The biennial report shall describe all expenditures of regionally controlled funds and, where multiple state funds are invested in a job creation or retention projects such as Strategic Regional Investment Opportunity Fund projects, the department will:

(a) In some manner, differentiate and proportion between the funding sources when reporting these job creation projects to the legislature.

(4) The biennial report shall indicate the success of projects and programs as funded or completed, not only in terms of the project or program itself, but also in terms of how each one contributes to:

(a) Carrying out the investment strategy as whole;

(b) Carrying out the rural action plan specifically;

(c) Affecting performance measures and regional benchmarks specified therein; and

(d) Achieving identified priorities for regional economic priorities, as both defined in statute and by the regional board itself in the investment strategy.

(5) The biennial report may (in addition to information about expenditures of regionally controlled funds and about funded projects) address the regional board and the investment strategy's general progress and impact, especially in coordination with other resources and entities.

(6) The biennial report shall indicate the success of projects and activities as funded in accordance with the regionally adopted, six-year Commission approved investment strategy and project funding criteria that has been established by the adoption of the strategy and goals as described in ORS 285B.239 thru 285B.263. The regions will be evaluated by department staff in accordance with ORS 285B.239(1)(h)(A), (B), (C) and 285B.239(1)(i), (j). If the department determines the region has funded projects not complying with the approved investment strategy, the department shall reduce future allocations from the Regional Fund in a like percent of the funds spent on the projects not meeting the adopted criteria established by the investment strategy.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.260 & 285B.263

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

Landscape Contractors Board Chapter 808

Rule Caption: Corrects prior rule filing to change title of Landscape Contractor and Landscaping Business per HB 2117 (Oregon Laws 2007).

ADMINISTRATIVE RULES

Adm. Order No.: LCB 8-2008
Filed with Sec. of State: 9-5-2008
Certified to be Effective: 9-5-08
Notice Publication Date: 11-1-2007
Rules Amended: 808-003-0045

Subject: Changes title of Landscape Contractor and Landscaping Business per HB 2117 (Oregon Laws 2007). This filing is correct text errors made in earlier filings when old versions of the language were inadvertently filed.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-003-0045

Change to Limited Licenses

(1) Landscape construction professionals holding limited licenses may add to the phase of landscape work they perform by taking and passing additional sections of the exam. Licensees shall submit the required fees and a written request to take the additional sections of the exam.

(2) The following sections must be taken and passed to hold a standard landscape license:

(a) General license holders must take Laws and Rules, General A, General B, General C, and General D;

(b) Sod & Seed license holders must take General A, General B, General C, and General D.

(c) Tree license holders must take General A, General B, General C, and General D.

(3) Holders of a General license, Sod & Seed license or a Tree license must take and pass the irrigation and Backflow Prevention sections of the landscape examination to become licensed to perform irrigation work and install backflow prevention devices.

(4) Probationary license holders may obtain removal from probationary status by:

(a) demonstrating one or more of the following after the date of obtaining the probationary license:

(A) Completion of 24 months or more of employment with an actively licensed landscape contracting business under the direct supervision of a non-probationary licensed landscape construction professional,

(B) Completion of 24 months or more as an owner or employee of an actively licensed landscape contracting business providing supervision as described in ORS 671.540 (15) or 671.565(1)(b) for a period of 24 months where the landscaping work performed on any landscape job by the landscape contracting business did not exceed \$15,000 and where the landscape contracting business filed and maintained with the board a bond, letter of credit or deposit in the amount of \$15,000, or

(C) Completion of 24 months or more as an actively licensed construction contractor under ORS Chapter 701.

(b) Submitting a written request to the board for removal of the probationary status.

(5) A landscape contracting business shall notify the agency in writing (regular mail, fax or email) within ten (10) days after the date a landscape contracting business' phase of license changes:

(a) Because the license phase of an owner or employee who is the licensed landscape construction professional and phase basis of the business, changes; or

(b) Because the landscape construction professional ceases to own or be employed by the business, and

(c) The business for which this licensee worked must immediately stop performing those phases of work until they have an owner or employee who is licensed to perform those phases of work.

(6) An individual licensed landscape construction professional shall notify the agency in writing within ten (10) days of the date of departure of the individual license holder for a business who leaves the employ or ceases to be an owner of the business, and

(7) When license limitations change, the agency will issue new a license at no cost to the licensee. The landscape contracting business shall not offer or perform services for which it does not employ or have as an owner a landscape construction professional licensed to perform those phases of landscape work.

Stat. Auth.: ORS 183 & 671

Stats. Implemented: ORS 671.560

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. & ef. 2-1-88; Renumbered from 808-010-0022; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 4-2003, f. 5-27-03, cert. ef. 6-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 8-2008, f. & cert. ef. 9-5-08

Oregon Department of Education Chapter 581

Rule Caption: Prescribes requirements for school district interdistrict transfer agreements.

Adm. Order No.: ODE 21-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 8-29-08

Notice Publication Date: 7-1-2008

Rules Adopted: 581-021-0019

Subject: The rule prescribes requirements related to interdistrict transfer agreements used by school districts to transfer students from one district to another. The rule specifies the data that must be included in an agreement. The rule also provides that the Department of Education will provide a sample form.

Rules Coordinator: Paula Merritt—(503) 947-5746

581-021-0019

Interdistrict Transfer Agreement

(1) Definitions. As used in this rule:

(a) "ADM" means the average daily membership as defined in ORS 327.006.

(b) "Individualized education program" means a written statement of an educational program for a child with a disability that is developed, reviewed and revised in a meeting in accordance with criteria established by rules of the State Board of Education for each child eligible for special education and related services under ORS Chapter 343.

(c) "Interscholastic activities" includes but is not limited to athletics, music, speech, and other related activities.

(d) "Nonresident school district" means a school district that is not the resident school district of a child.

(e) "Person in parental relationship" means, as defined in ORS 339.133, an adult who has physical custody of a child or resides in the same household as the child, interacts with the child daily, provides the child with food, clothing, shelter and incidental necessities and provides the child with necessary care, education and discipline. "Person in parental relationship" does not mean a person with a power of attorney or other written delegation of parental responsibilities if the person does not have other evidence of a parental relationship.

(f) "Resident school district" means the school district that has a legal responsibility to education a child because the child resides in the district with a parent, guardian or person in parental relationship.

(g) "School district" means a school district as defined in ORS 332.002, a state-operated school or any legally constituted combination of such entities.

(2)(a) A nonresident school district may enroll a student who is a resident of another district and receive State School Fund money for the student only if there is a signed Interdistrict Transfer Agreement between the resident school district, nonresident school district, and the parent/guardian(s) or person in parental relationship.

(b) This section does not apply to qualified homeschooled children described in Section 4, Chapter 846, Oregon laws 2007.

(c) The provisions of this rule do not affect the authority of a school district to enter into a contract with another district under ORS 339.125.

(3) It is understood that upon approval by the district of the Interdistrict Transfer Agreement that:

(a) The Resident District shall fully release the student to the Nonresident District. The Nonresident District shall claim the student as a resident student for the purposes of claiming basic school support under the State School Fund and shall report itself as the Resident District of record for ADM purposes.

(b) The Nonresident District shall report the student as a resident student for ADM per ORS 339.133. The Resident District turns over to the Nonresident District all portions of the ADMr and the ADMw that is paid from the State School Fund. Funds may only be exchanged between the districts for the student based on the Interdistrict Transfer Agreement.

(c) The Nonresident District will be accountable for meeting the requirements of the standards described in OAR chapter 581, Division 22.

(d) The Resident District holds the responsibility of ensuring a free, appropriate public education (FAPE) in the least restrictive environment (LRE) for students on an Individualized Education Program (IEP).

(4) Modification to the original Interdistrict Transfer Agreement requires written consent by all parties (resident school district, nonresident school district, and parent/guardian or person in parental relationship).

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(5) The Interdistrict Transfer Agreement will only be in effect beginning with the effective date listed on the form. The resident and nonresident district policy must include an annual review of each approved interdistrict transfer agreement including an annual notification to parents/guardians or person in parental relationship of the children subject to the interdistrict transfer agreement.

(6) The Interdistrict Transfer Agreement must contain the following data about the student whom is the subject of the transfer:

- (a) Legal Last Name
- (b) Legal First Name
- (c) Legal Middle Name
- (d) Gender
- (e) Date of Birth
- (f) Enrolled Grade
- (g) House Number/Street Address: (P.O. Box as determined by District Superintendent or Designee)
 - (h) Apartment Complex
 - (i) Apartment Number
 - (j) City
 - (k) State
 - (l) Zip
 - (m) Resident School District
 - (n) Nonresident School District
 - (o) Effective Date of Transfer
 - (p) Primary Phone Number of Parent/Guardian/Person of Parental Relationship
 - (q) Secondary Phone Number
 - (r) Parent/Guardian/Person of Parental Relationship Name
 - (s) Individualized Education Plan (IEP) for Special Education Services: If the student seeking transfer has an IEP in place, both the sending and receiving districts need to ensure required services are provided.
 - (t) Interscholastic Organization participation: A transfer does not guarantee eligibility to participate in competitive activities/athletics at the receiving school. Competitive eligibility is determined by the organization's rules.

- (u) Student suspension reason and when
- (v) Student expulsion reason and when
- (w) Reason for the transfer request
- (x) Attendance records
- (y) Certification of truth: Parent/guardian/Person of Parental Relationship to certify the above information is true

(z) Signature of Parent/Guardian/Person of Parental Relationship with date

(aa) Final Action of Resident District with Approved or Denied; Reason for denial

(bb) Resident Superintendent/Designee Signature with date

(cc) Final Action of Nonresident District with Approved or Denied; Reason for denial

(dd) Nonresident Superintendent/Designee Signature with date

(7) The Oregon Department of Education (ODE) will provide a sample agreement form. Resident school districts are responsible for developing their own written instructions.

(8) An Interdistrict Transfer Agreement shall only be between districts within the state of Oregon.

(9) Upon request by the nonresident district, a resident district shall release student records to the nonresident district.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.133

Hist.: ODE 21-2008, f. 8-28-08, cert. ef. 8-29-08

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Rule Caption: Prescribes requirements for school district relating to anabolic steroids and performance enhancing substances.

Adm. Order No.: ODE 22-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 8-29-08

Notice Publication Date: 7-1-2008

Rules Adopted: 581-022-0416

Subject: The rule requires school districts to utilize evidence-based programs such as ATLAS and ATHENA. The rule also requires school district coaches and athletic directors to receive training every four years.

Rules Coordinator: Paula Merritt—(503) 947-5746

581-022-0416

Anabolic Steroids and Performance Enhancing Substances

(1) As used in this rule:

(a) "Anabolic steroid" includes any drug or hormonal substance chemically or pharmacologically related to testosterone, all prohormones, including dehydroepiandrosterone and all substances listed in the Anabolic Steroid Control Act of 2004. "Anabolic steroid" does not include estrogens, progestins, corticosteroids and mineralocorticoids.

(b) "Performance-enhancing substance" means a manufactured product for oral ingestion, intranasal application or inhalation containing compounds that:

(A) Contain a stimulant, amino acid, hormone precursor, herb or other botanical or any other substance other than an essential vitamin or mineral; and

(B) Are intended to increase athletic performance, promote muscle growth, induce weight loss or increase an individual's endurance or capacity for exercise.

(c) "School district employee" means:

(A) An administrator, teacher or other person employed by a school district;

(B) A person who volunteers for a school district; and

(C) A person who is performing services on behalf of a school district pursuant to a contract.

(2) Each school district shall:

(a) Utilize evidence-based programs such as the Oregon Health and Science University's Athletes Training and Learning to Avoid Steroids (ATLAS) and Athletes Targeting Healthy Exercise and Nutrition Alternatives (ATHENA) for the reduction in anabolic steroid and performance-enhancing substance abuse by high school athletes.

(b) Ensure school district employees who are coaches or athletic directors receive training once every four years on identifying the components of anabolic steroids abuse and prevention strategies for the use of performance-enhancing substances.

Stat. Auth.: ORS 326.051

Stat. Implemented: ORS 342.721 and 342.726

Hist.: ODE 22-2008, f. 8-28-08, cert. ef. 8-29-08

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Rule Caption: Clarifies calculation for State School Fund distribution amounts in response to Secretary of State audit.

Adm. Order No.: ODE 23-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 8-29-08

Notice Publication Date: 7-1-2008

Rules Amended: 581-023-0006, 581-023-0008

Subject: Clarifies appropriate use of instructional and other classroom assistants in calculating group size for purposes of funding distribution to alternative education programs. Clarifies what constitutes one-half day for purposes of determining withdrawal status of students.

Rules Coordinator: Paula Merritt—(503) 947-5746

581-023-0006

Student Accounting Records and State Reporting

(1) The following definitions and abbreviations apply to this rule:

(a) "Active roll" means the list of students enrolled and attending the school or program during the current school year;

(b) "ADA" means average daily attendance;

(c) "ADM" means average daily membership;

(d) "Alternative program" means any private or public alternative program providing instruction or instruction combined with counseling under ORS 336.635;

(e) "Class" means a separate group of students under the direction of a teacher.

(f) "Day in session" means a scheduled day of instruction during which students are under the guidance and direction of teachers;

(g) "Department" means the Oregon Department of Education;

(h) "Full school day" means the length of time a school or program is normally in session during the day in compliance with OAR 581-022-1620;

(i) "FTE" means full-time equivalency;

(j) "Inactive roll" means the list of students enrolled for purposes of credit but not attending the school or program. Includes students attending private alternative or Job Corps programs, students withdrawn after ten consecutive days' absence and students served on a tutorial basis outside the classroom;

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(k) "Instruction" for purposes of reimbursement of alternative programs means all activities that are approved by the student's resident school district, consistent with Oregon's academic and career related learning standards, and designed to lead to student achievement of those standards, including participation in Oregon state assessment, where applicable.

(l) "Instructional unit" means a school or other organizational arrangement which provides instruction of a given type or types;

(m) "Intermediate group" means instruction provided to a student receiving a comprehensive instructional program consistent with OAR 581-022-1210 and individually placed by a school district in an alternative program approved by a school district to a class of six to 15 students;

(n) "Large group" means instruction consistent with OAR 581-022-1210 and provided to a student individually placed by a school district in an alternative program approved by a school district to a class of 16 or more students;

(o) "Nonpublic school" means instruction provided by an individual or institution listed in ORS 339.030 as exemptions to the compulsory attendance requirements set out in ORS 339.010.

(p) "Regular school program" means that which is offered to comply with the standards adopted by the State Board of Education and compulsory school attendance law. This does not include summer school, adult education, or pre-kindergarten programs;

(q) "Small group" means instruction provided to a student receiving a comprehensive instructional program consistent with OAR 581-022-1210 and individually placed by a school district in an alternative program approved by the school district to a class of two to five students;

(r) "Superintendent" means the State Superintendent of Public Instruction;

(s)(A) "Teacher" means:

(i) An appropriately licensed staff member with the responsibilities of a teacher in OAR 584-036-0011 or with the responsibilities of teacher described in the definition of a teacher in ORS 342.120; and

(ii) For purposes of private alternative education programs, an appropriately licensed or unlicensed staff member with the responsibilities of a teacher in OAR 584-036-0011 or with the responsibilities of teacher described in the definition of a teacher in ORS 342.120.

(B) "Teacher" does not include an "Educational Assistant" as defined by ORS 342.120 and OAR 581-037-0005 or "Instructional Assistant" described in OAR 584-036-0011.

(t) "Tutorial" means instruction provided to a student receiving a comprehensive instructional program consistent with OAR 581-022-1210 and individually placed by a school district in an alternative program approved by a school district to one student.

(2) Instructions pertaining to the maintenance of student accounting records and state reporting shall be published by the Department.

(3) Each school district and ESD shall:

(a) Permanently maintain accounting records of student enrollment, attendance, membership, resident/nonresident status, and such other student information as may be required, for each student enrolled in regular school programs operating during the regular school year. Such records shall utilize uniform definitions of each student measure as stated in this rule;

(b) Designate the residency for school purposes, subject to the provisions of ORS 327.006 and 339.133 of each student enrolled in the district;

(c) Have in operation an attendance accounting system which is adequately controlled and enables the district's chief administrator to certify in writing the accuracy of reported data;

(d) Report enrollment, attendance, membership, and such other information as the Superintendent may require, within 10 days of the end of the December 31, March 31, and June 30 reporting periods. Reports for the period ending September 30 shall be submitted no later than November 15;

(e) Retain daily source records of enrollment, membership and attendance for a period of no less than two years. Records, whether paper or electronic, must be maintained in an accessible format; and

(f) Utilize the following enrollment codes for recording entry, re-entry, and withdrawal of students during the regular school year.

(A) Original entries:

(i) E1 — any student who has not previously, during the current year, entered any school in the United States;

(ii) E2 — any student who has been enrolled during the current school year in a school in another state and who has not previously, during the current school year, been enrolled in any school in Oregon.

(B) Re-entries:

(i) R1 — students received from another room in the same school;

(ii) R2 — students received from a public school in the same school district;

(iii) R3 — students received from a public school in the state but outside the local school district;

(iv) R4 — students re-entering after withdrawal or discharge;

(v) R5 — students received from a nonpublic school in the state.

(C) Withdrawals (or losses). Codes are recommended but not required:

(i) W1 — students transferred to another room or classroom in the same building;

(ii) W2 — students transferred to another public school in the same local district;

(iii) W3 — students transferred to a nonpublic school in the same local district;

(iv) W4 — students moved out of the local school district or state;

(v) W5 — students quitting school after passing compulsory attendance age;

(vi) W6 — students issued work permits;

(vii) W7 — students graduated early;

(viii) W8 — students withdrawn because of other reasons;

(ix) W — the total of W1 through W8.

(D) If a school district adopts a year-round schedule incorporating a track system in which one or more tracks are scheduled to cross school years (July 1 through June 30) the enrollment code shall be expanded to include:

(i) R9 — students received from a different grade level within the same district;

(ii) W9 — students transferred to a different grade level within the same district;

(iii) The use of the R9 and W9 codes shall be limited to those students who change grades within a track during the school year. A W9 entry shall be counted as a day of membership.

(4) Students shall be entered and withdrawn from the district roll as follows:

(a) A student shall be entered on the district active roll utilizing the appropriate E or R code on the first day of the student's actual attendance. A student with an excused absence of less than ten school days at the beginning of the school year may be counted in membership prior to the first day of attendance if the status has been verified by contact with the parent or guardian. A student participating in the program of more than one instructional unit shall be entered on the active roll of that instructional unit in which 50 percent or more of the student's time is scheduled and the student shall not be entered on the roll of other instructional units;

(b) A student whose withdrawal status can be determined within ten school days of their first day of absence shall be marked as a withdrawal on the school day following that determination. A student must be withdrawn from the active roll on the day following the tenth consecutive full school day of absence but may be retained on the inactive roll at the district's option. A student must be present for at least one-half day in order to restart the count of consecutive days' absence. Under no circumstances shall a student who is absent for the first ten days at the beginning of the school year be counted in membership prior to the first day of school attendance. A student whose attendance is reported as hours of instruction must be withdrawn from the active roll on the day following the tenth consecutive day of absence from the program in which they are enrolled. A student must be present for at least one hour of instruction in order to restart the count of consecutive days' absence. A student who is enrolled in dual programs and reported as both days present/days absent and hours of instruction must be withdrawn according to the instructional unit in which fifty percent or more of the student's time is scheduled. Under no circumstance shall a student who is absent for the first ten days at the beginning of the school year be counted in membership prior to the first day of school attendance.

(5) Membership and attendance accounting in instructional units scheduled to operate a full school day shall be recorded as follows:

(a) A full-time equivalency (FTE) for each student on the active roll shall be determined. Students participating in more than one-half of the full-day program shall be given an FTE of 1.0. Students participating in one-half or less of the full-day program shall be given an FTE of .5. The FTE computation of students placed in community college programs by the local school district shall include time spent in the community college program:

(A) Kindergarten students shall be assigned an FTE of 1.0. The Department shall adjust the total days membership of kindergarten students reflecting the permissible percentage as stated in statute;

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(B) Students participating in district supervised work-study programs may be credited as 1.0 FTE. If a student is released for work during school hours and the district assumes no supervisory responsibility for the time involved, that time shall not be counted as participation in the full-day program when determining the student's FTE.

(b) Membership of each student for the quarter shall be computed as follows: student FTE times days present plus student FTE times days absent equals total days membership of the student. The day upon which a student is marked as a W (except W9) shall not be counted as a day of membership. A student not scheduled to attend daily shall be marked present or absent only on the days the student is scheduled to attend;

(c) Total days membership of the instructional unit shall be the total of days membership of all students on the active roll of the instructional unit as computed in subsection (b) of this section. The computation of total days membership of the instructional unit shall yield subtotals indicating grade placement and resident/nonresident status of student membership;

(d) The Department shall compute the ADM and ADA of resident students, nonresident students, and attending students for each instructional unit reporting and derive totals of such data for each local school district in the state, subject to the following procedures:

(A) ADM is the total days membership of an instructional unit during a specific reporting period divided by the number of days the instructional unit was in session during that reporting period. The ADM of groups of instructional units having varying lengths of terms shall be the sum of the ADMs obtained for the individual instructional units. If a district school board adopts a class schedule that operates throughout the year under the provisions of ORS 336.012 for all or any instructional units in the district, the computation shall be made so that the resulting ADM will not be higher or lower than if the local board had not adopted such a schedule;

(B) ADA is the total days attendance of an instructional unit during a specific reporting period divided by the number of days the instructional unit was in session during that reporting period. The ADA of groups of instructional units having varying lengths of terms shall be the sum of the ADAs obtained for the individual instructional units. If a district school board adopts a class schedule that operates throughout the year under the provisions of ORS 336.012 for all or any instructional units in the district, the computation shall be made so that the resulting ADA will not be higher or lower than if the local board had not adopted such a schedule.

(6) Students enrolled in programs operating less than the full school day and nonpublic school students attending public schools part time shall be accounted for as follows:

(a) The ADM of students enrolled in schools under provisions of ORS 336.135 and students enrolled in nonpublic schools or taught by private teacher or parent under ORS 339.035 shall be computed by multiplying total hours of instruction given all students during the reporting period by .167 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(b) The ADM of students receiving tutorial instruction provided by licensed district staff shall be computed by dividing total number of hours of tutorial instruction given (not to exceed 5 hours per week for a single student) by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(c) The computation of ADM for each less than full-time program listed shall yield subtotals for resident and nonresident students;

(d) The ADM of students enrolled in less than full-time programs shall be reported to the Department for the quarter ending December 31 and for the year ending June 30.

(e) No more than five day's membership may be claimed for any student enrolled in any combination of programs during a one-week period.

(f) Kindergarten ADM will be adjusted by the Department to reflect the permissible percentage as stated in statute.

(7) A student enrolled in a public school district and receiving instruction in the district's comprehensive planned K-12 curriculum consistent with OAR 581-022-1210 and who is individually placed by the school district in an alternative education program under ORS 336.635 shall be accounted for as follows:

(a) The ADM of students enrolled in alternative programs scheduled to operate a full school day may be computed either on the basis of membership (section (5) of this rule) or on the basis of actual attendance (section (7)(b) of this rule);

(b) Equivalent ADM of students enrolled in alternative programs scheduled to operate less than full time shall be computed as follows:

(A) Equivalent ADM of students enrolled in large group instruction shall be computed by multiplying total hours of instruction given all students during the reporting period by a factor of .167 and dividing the prod-

uct by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(B) Equivalent ADM of students enrolled in intermediate group instruction shall be computed by multiplying the total hours of instruction given all students during the reporting period by a factor of .222 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(C) Equivalent ADM of students enrolled in small group instruction shall be computed by multiplying the total hours of instruction by a factor of .333 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(D) Equivalent ADM of students receiving individual instruction shall be computed by multiplying the total number of hours of tutorial instruction given by a factor of 1.0 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(E) Case management services (not limited to student contact) may be counted as large group instruction and constitute up to ten percent of equivalent ADM if specifically authorized by contract with the resident school district;

(F) Documented time in supervised work experience programs, supervised community service activities and supervised independent study, if performed as a part of the instructional programs designed to fulfill the student's educational goals, may be counted as large group instruction;

(G) Over any 20-day period, no more than 20 equivalent membership days may be claimed for any student receiving a combination of instructional services under paragraph (7)(b)(A), (B), (C) or (D) of this rule. Equivalent membership days for any student is equal to the hours of instruction given multiplied by the factor appropriate for the size of the instructional group.

(c) Students attending alternative programs part day and attending the home high school part day shall be reported by the home high school only, taking account of the total time spent in the alternative program and the home high school when determining FTE under section (5) of this rule;

(d) Students attending private alternative programs only, shall not be reported by the instructional unit placing the student for purposes of reporting membership or attendance.

(8) Each private alternative program shall:

(a) Maintain accounting records of student attendance, size of group attended, resident school district and such other student information as may be required by the contracting school district for each student attending the private alternative program;

(b) Report student name, dates served and hours served by group size to resident school district no less than twice yearly, once for the October 1 through December 31 period and an annual report ten days after the close of the school year; and

(c) Retain student attendance records for a period of no less than two years.

(9) Students in the following programs are not eligible to be counted in the resident average daily membership for purposes of ORS 327.013(7)(a):

(a) Students enrolled in special education programs under ORS 343.261, 343.961, and 346.010.

(b) Children enrolled in early intervention and early childhood special education programs under ORS 343.533;

(c) Students not receiving a free public education;

(d) Students in summer school programs;

(e) Students in adult education classes.

(10) Rules governing the reporting of students identified as dropouts are contained in the most recent edition of the Oregon Dropout Reporting Manual, published by the Oregon Department of Education. The State Board of Education adopts the procedures in this publication to govern the reporting of dropouts by school districts.

(11) For the purposes of dropout reporting, the following shall apply:

(a) A student is considered enrolled when the student is present at school and attends more than half of a school day;

(b) Acceptable alternative programs are those programs providing activities meeting OAR 581-023-0008 and provided by public school districts, ESDs, community colleges or private alternative programs registered with the Oregon Department of Education under OAR 581-021-0072;

(c) An absence, explained or unexplained becomes a withdrawal after an absence of 10 consecutive days. A student must be present for at least one-half day in order to restart the count of consecutive days absence;

(d) Standards for excused absences must be developed by local districts. Policies shall clearly define excused and unexcused absences and

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ensure the health and safety of the child. Parents shall be informed of the policies at enrollment. Policy should address the documentation required.

(12) The Superintendent shall prescribe the applicable student accounting procedures for any programs or specific situations not covered by the provisions of this rule.

Stat. Auth.: ORS 326.310 & 327.125

Stats. Implemented: ORS 325.125

Hist.: 1EB 1-1981, f. 2-5-81, ef. 7-1-81; 1EB 14-1985, f. 7-3-85, ef. 7-5-85; 1EB 28-1986, f. & ef. 7-18-86; EB 17-1987, f. & ef. 8-4-87; EB 18-1987(Temp), f. & ef. 8-4-87; EB 33-1987, f. & ef. 12-11-87; EB 38-1988, f. & cert. ef. 9-22-88; EB 30-1992, f. & cert. ef. 10-14-92; EB 6-1996, f. & cert. ef. 4-25-96; ODE 3-2007, f. & cert. ef. 2-21-07; ODE 23-2008, f. 8-28-08, cert. ef. 8-29-08

581-023-0008

Accountable Activities for Alternative Education Programs

(1) For purposes of determining class group size for alternative education programs, instruction must be provided by a teacher as defined in OAR 581-023-0006. For purposes of determining class group size, instruction may not be provided by an "Educational Assistant" or "Instructional Assistant" who provides support to a teacher.

(2) Alternative education programs must provide accountable activities. Accountable activities are defined as one or more of the following as approved by the school district by contract:

- (a) Tutorial Instruction;
- (b) Small group instruction;
- (c) Large group instruction;
- (d) Personal growth and development instruction;
- (e) Counseling and guidance;
- (f) Computer assisted instruction;
- (g) Vocational training;
- (h) Cooperative work experience and/or supervised work experience;
- (i) Instructional activities provided by institutions accredited by the Northwest Association of Schools and Colleges;

(j) Supervised community service activities performed as part of the instructional program; and

(k) Supervised independent study in accordance with a student's educational goals including classroom or equivalent work supervised by school district officials that serve as one component of the student's educational plan and profile and not the entire part. Examples of this include required and elective courses, supervised independent study, career-related learning experiences, and project based learning.

(3) Programs must provide instruction based on academic content standards adopted by the State Board of Education and must ensure students participate in district and state assessments of achievement for the grade level(s) the program serves and must:

(a) Assist the district in meeting its comprehensive K-12 instructional program in compliance with OAR 581-022-1210,

(b) Assist the district in awarding a High School Diploma according to ORS 329.451 and 581-022-1115, Modified Diploma described in OAR 581-022-1134, or Alternative Certificate described in 581-022-1135, to a student who completes the requirements established by the State Board of Education and the school district,

(c) Assist student in demonstrating Proficiency in Core or Academic Content Standards, and Essential Skills in accordance with OAR 581-022-1131,

(d) Provide evidence of academic progress included and maintained by the resident school district in the student's permanent record, as defined by OAR 581-021-0250,

(e) Provide a course of study and activities that are correlated with the academic content standards in accordance with OAR 581-022-1210,

(f) Provide National Education Statistics Course Codes and Descriptions for Secondary Courses where academic credit is offered,(4) Programs must provide teachers as defined in OAR 581-023-0006 and educational assistants as defined in ORS 342.120.

(g) Provide teachers as defined in OAR 581-023-0006 and educational assistants as defined ORS 342.120.

Stat. Auth.: ORS 36.051 & 336.635

Stats. Implemented: ORS 327.125 & 336.615 - 336.665

Hist.: EB 34-1987, f. & ef. 12-11-87; ODE 23-2008, f. 8-28-08, cert. ef. 8-29-08

Rule Caption: Formula for calculation of funding to be received by a qualified private alternative education program.

Adm. Order No.: ODE 24-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 8-29-08

Notice Publication Date: 7-1-2008

Rules Adopted: 581-023-0012

Subject: Provides a formula for the calculation of the amount of funding to be received by a qualified private alternative education program as specified in House Bill 2040 (2007).

Rules Coordinator: Paula Merritt—(503) 947-5746

581-023-0012

Funding of Qualified Alternative Education Programs

(1) The following definitions and abbreviations apply to this rule:

(a) "ADM" means the average daily membership as defined in ORS 327.006.

(b) "Class" means a separate group of students under the direction of a teacher.

(c) "Intermediate group" means instruction provided in a qualified private alternative education program approved by a qualified school district to a class of six to 15 students.

(d) "Large group" means instruction provided in a qualified private alternative education program approved by a qualified school district to a class of 16 or more students.

(e) "Qualified homeschooled child" means a child who is registered as a child who is taught by a parent, legal guardian or private teacher under ORS 339.035 and who is:

(A) A resident of a county with a population of more than 320,000 but less than 325,000 according to the federal decennial census conducted in 2000; or

(B) A resident of a school district that contracted with a qualified private alternative education program prior to the 2007-2008 school year.

(f) "Qualified private alternative education program" means a private alternative education program that:

(A) First contracted with a qualified school district beginning with the 1996-1997 school year, and has continued to have a contract with a qualified school district through the 2006-2007 school year, to provide services to homeschooled students; and

(B) Is in compliance with ORS 336.615 to 336.665 and rules adopted by the State Board of Education that relate to private alternative education programs.

(g) "Qualified school district" means a school district:

(A) With an administrative office located in the county seat of a county with a population of more than 320,000 but less than 325,000 according to the federal decennial census conducted in 2000; and

(B) That had a contract with a qualified private alternative education program during the 2006-2007 school year.

(h) "Small group" means instruction provided in a qualified private alternative education program approved by a qualified school district to a class of two to five students.

(i) "Teacher" means an appropriately licensed or unlicensed staff member with the responsibilities of a teacher in OAR 584-036-0011 or with the responsibilities of teacher described in the definition of a teacher in ORS 342.120. "Teacher" does not include an "Educational Assistant" as defined by ORS 342.120 and OAR 581-037-0005 or "Instructional Assistant" described in 584-036-0011.

(j) "Tutorial" means instruction provided in a qualified private alternative education program approved by a qualified school district to a class of one student.

(2) Notwithstanding OAR 581-023-0006, a qualified private alternative education program shall receive an amount of funding from a qualified school district or a school district that has contracted for services with the qualified private alternative education program based on this rule.

(3)(a) The amount of funding received by a qualified private alternative education program shall be based on the ADM of students enrolled in the program.

(b) Programs that are scheduled to operate a full school day may be computed either on the basis of membership under OAR 581-023-0006(5) or on the basis of actual attendance under section (4) of this rule.

(4) Equivalent ADM of students enrolled in qualified private alternative education programs scheduled to operate less than full time shall be computed as follows:

(a) Equivalent ADM of students enrolled in large group instruction shall be computed by multiplying total hours of instruction given all students during the reporting period by a factor of .167 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(b) Equivalent ADM of students enrolled in intermediate group instruction shall be computed by multiplying the total hours of instruction given all students during the reporting period by a factor of .222 and divid-

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ing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(c) Equivalent ADM of students enrolled in small group instruction shall be computed by multiplying the total hours of instruction by a factor of .333 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(d) Equivalent ADM of students receiving individual instruction shall be computed by multiplying the total number of hours of tutorial instruction given by a factor of 1.0 and dividing the product by 55 for the October 1 to December 31 quarterly report and by 175 for the June 30 annual report;

(e) Case management services (not limited to student contact) may be counted as large group instruction and constitute up to ten percent of equivalent ADM if specifically authorized by contract with the resident school district;

(f) Documented time in supervised work experience programs, supervised community service activities and supervised independent study, if performed as a part of the instructional programs designed to fulfill the student's educational goals, may be counted as large group instruction;

(g) Over any 20-day period, no more than 20 equivalent membership days may be claimed for any student receiving a combination of instructional services under section (4)(a), (b), (c) or (d) of this rule. Equivalent membership days for any student is equal to the hours of instruction given multiplied by the factor appropriate for the size of the instructional group.

(5) According to Section 4, Chapter 846, of Oregon laws 2007, if a qualified homeschooled child was enrolled in a qualified private alternative education program prior to July 31, 2007, additional approval from the resident or attending school district is not required and the qualified homeschooled child may continue to attend the program. A qualified homeschooled child who is currently enrolled in a qualified private alternative education program and was enrolled in a qualified private alternative education program prior to July 31, 2007 shall be considered as attending a part or full-time program and a qualified school district may receive funding for the child based on this rule.

(6) A qualified homeschooled child who is currently enrolled in a qualified private alternative education program and who did not attend the program prior to July 31, 2007 shall be considered as attending a part or full-time program in accordance with ORS 336.615 through 336.675 and the resident school district or a qualified school district may receive funding for the child based on this rule following an interdistrict transfer agreement between both the resident and attending districts.

(7) A child who is not a qualified homeschooled child and who is currently enrolled in a qualified private alternative education program shall be considered as attending part or full-time program in accordance with ORS 336.615 through 336.675 and the resident school district or a qualified school district may receive funding for the child based on this rule following an interdistrict transfer agreement between both the resident and attending districts.

(8) Sections (5), (6) and (7) of this rule do not apply to a child who is receiving special education and related services. The qualified private alternative education program must be approved by the Department of Education prior to the placement of the student in the program. In addition, other requirements found in federal or state law apply to a child who is receiving special education and related services.

(9) Qualified school districts shall evaluate and monitor a qualified private alternative education program using the Alternative Education Toolkit provided by the Oregon Department of Education. A qualified school district shall evaluate, assess effectiveness, ensure that students receive instruction in the educational standards, assure that students are taking the statewide assessment, request student data and statements of financial expenditures, and determine that the program complies with requirements of students participating in the program in accordance with ORS 336.615 through 336.675. A qualified school district must annually provide this evaluation, student data and statements of financial expenditures to the department and school districts that have students attending a qualified private alternative education program. This includes but is not limited to districts where a qualified homeschooled students reside and districts that where other students who are attending a qualified private alternative education program reside.

(10) A qualified private alternative education program may receive funding for a qualified homeschooled child only if the child enrolls in one or more of the following courses that meet the academic content standards adopted by the State Board of Education for that course:

- (a) Mathematics.
- (b) Science.
- (c) English.

- (d) History.
- (e) Geography.
- (f) Economics.
- (g) Civics.
- (h) Physical education.
- (i) Health.
- (j) The arts.
- (k) Second languages.
- (l) Computer technology.

(11) Each qualified private alternative program shall:

(a) Maintain accounting records of student attendance, size of group attended, resident school district and such other student information as may be required by a qualified school district or other contracting school district for each student attending the program;

(b) Report student name, dates served and hours served by group size to the school district no less than twice yearly, once for the October 1 through December 31 period and an annual report ten days after the close of the school year; and

(c) Retain student attendance records for a period of no less than two years.

(12) The method of calculating the amount of funding to be received by a qualified private alternative education established under this rule first applies to the 2007-2008 school year.

Stat. Auth.: ORS 336.675

Stats. Implemented: ORS 336.615 - 336.675

Hist.: ODE 24-2008, f. 8-28-08, cert. ef. 8-29-08

Oregon Health Licensing Agency Chapter 331

Rule Caption: Amend fee schedule based on revised agency cost allocation methodology.

Adm. Order No.: HLA 3-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 331-105-0030

Subject: Fee reductions proposed; standardization of administrative fees implemented. The Oregon Health Licensing Agency completed a comprehensive cost allocation analysis, evaluating expenditures, revenues, numbers of payers, direct and indirect costs, level of complexity in delivering services and growth/attrition ratios for each program, and overall agency operational costs, state agency assessments and inflation factors.

A new cost allocation methodology is being implemented and all fees adjusted agency wide based on the results of the analysis. The new structure simplifies the agency's accounting systems, streamlines business processes, and standardizes specific administrative fees, such as a monthly delinquency renewal fee in lieu of a variable annual flat rate, replacement fees, and official affidavits. All practitioner and business licenses have been extended from one-year to a two-year period as a cost savings and streamlining measure. The Board of Athletic Trainer's 222 registrants support approximately 1.83% of the overall agency budget.

Rules Coordinator: Patricia C. Allbritton—(503) 373-2088

331-105-0030

Fees

(1) Applicants and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

- (a) Application:
 - (A) Registration: \$100.
 - (B) Registration by reciprocity: \$150.
- (b) Examination — Oregon laws & rules: \$50.
- (c) Original issuance of registration (including by reciprocity): \$450.
- (d) Permits and waivers: \$150.
- (e) Renewal of registration: \$450.
- (f) Delinquent (late) renewal of registration: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.
- (g) Reinstatement: \$150.
- (h) Replacement of registration, including name change: \$25.

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- (i) Duplicate registration document: \$25 per copy with maximum of three.
- (j) Affidavit of licensure: \$50.
- (k) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: 1999 OL Ch. 736, Sec. 5(3) & (4) & Sec. 10
Stats. Implemented: 1999 OL Ch. 736, Sec. 5(3) & (4) & Sec. 10
Hist.: HDLB 2-1996, f. 12-13-96, cert. ef. 1-1-97; HDLP 1-2000(Temp), f. 2-14-00, cert. ef. 2-15-00 thru 8-11-00; Administrative correction 3-16-00; HDLP 3-2000, f. 7-26-00, cert. ef. 8-1-00; HLO 3-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 2-2006, f. 11-30-06, cert. ef. 12-1-06; HLA 3-2008, f. 9-15-08, cert. ef. 10-1-08

Rule Caption: Amend fee schedule based on revised agency cost allocation methodology.

Adm. Order No.: HLA 4-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 331-205-0020, 331-205-0030, 331-215-0000, 331-215-0010, 331-220-0020

Subject: Fee reductions proposed; increased service adjustments for application and temporary permits and standardization of administrative fees implemented. Distinguishes technician categories between ear lobe piercing and “body” piercing service providers.

The Oregon Health Licensing Agency completed a comprehensive cost allocation analysis, evaluating expenditures, revenues, numbers of payers, direct and indirect costs, level of complexity in delivering services and growth/attrition ratios for each program, and overall agency operational costs, state agency assessments and inflation factors.

A new cost allocation methodology is being implemented and all fees adjusted agency wide based on the results of the analysis. The new structure simplifies the agency’s accounting systems, streamlines business processes, and standardizes specific administrative fees, such as a monthly delinquency renewal fee in lieu of a variable annual flat rate, replacement fees, and official affidavits. All practitioner and business licenses have been extended from one-year to a two-year period as a cost savings and streamlining measure. The Body Piercing Licensing Program is supported by approximately 714 payees (applicants, technicians, facility owners and permit holders) that support approximately 2.50% of the overall agency budget.

Rules Coordinator: Patricia C. Allbritton — (503) 373-2088

331-205-0020

Definitions

The following definitions apply to OAR chapter 331, divisions 200 through 225:

- (1) “Acceptable” means satisfactory or adequate; fulfilling the needs or requirements of a specified rule, provision or policy.
- (2) “Agency” means the Oregon Health Licensing Agency. The agency is responsible for the budget, personnel, performance-based outcomes, consumer protection, fee collection, mediation, complaint resolution, discipline, rulemaking and record keeping.
- (3) “Antiseptic” means product used to stop or inhibit the growth of bacteria.
- (4) “Approved” means acceptable to the Oregon Health Licensing Agency.
- (5) “Clean” means the absence of soil and dirt.
- (6) “Communicable disease or condition” means diseases or conditions diagnosed by a licensed physician as being contagious or transmissible which include but are not limited to the following:
 - (a) Chickenpox;
 - (b) Diphtheria;
 - (c) Measles;
 - (d) Meningococcal Disease;
 - (e) Mumps;
 - (f) Pertussis (whooping cough);
 - (g) Plague;
 - (h) Poison oak (a transmittable form of “contact dermatitis”);
 - (i) Rubella;
 - (j) Scabies;
 - (k) Staphylococcal skin infection (boils, infected wounds);

- (l) Streptococcal infections (Strep throat);
- (m) Tinea (ring worm);
- (n) Tuberculosis.
- (7) “Completed procedure” means a piercing which has been finished.
- (8) “Cosmetic” means a preparation designed to beautify the body.
- (9) “Director” means the individual who is responsible for the performance of the agency as defined in ORS 676.610. The director appoints all subordinate officers and employees to carry out the duties of the agency.
- (10) “Earlobe” means the lowest part of the auricle; it consists of fat and fibrous tissue not reinforced by the auricular cartilage.
- (11) “Easily accessible” means unrestricted use or availability, easy to approach or enter.
- (12) “Enclosed storage area” means separate room, closet, cupboard or cabinet.
- (13) “Equivalent” means comparable but not identical, covering the same subject matter.
- (14) “Facility” means an establishment in which technicians perform the act of body piercing, and includes all areas used by a body-piercing technician and clients, including but not limited to treatment area and waiting/reception area.
- (15) “Health Licensing Office” means the agency.
- (16) “High-level disinfectant” means a chemical agent, which has demonstrated tuberculocidal activity and is registered with the EPA and approved by the FDA.
- (17) “Instruments” means body-piercing equipment. Such equipment includes but is not limited to piercing needles, forceps, hemostats, tweezers, or other implements used to pierce, puncture, or be inserted into any part of the human body for the intended purpose of making a permanent hole. Such equipment also includes studs, hoops, rings or other decorative jewelry, materials or apparatuses inserted into any part of the human body for the intended purpose of placement in the hole resulting from piercing.
- (18) “Linens” means cloths or towels used for such things as draping or protecting table.
- (19) “Low-level disinfectant” means a chemical agent, which has demonstrated bactericidal, germicidal, fungicidal and limited virucidal activity and is registered with the EPA.
- (20) “Needle” means implement used to pierce or puncture a hole in any part of the human body.
- (21) “Operatory” means:
 - (a) A screened or separated area away from public access and viewing, isolated from a reception or waiting area, when piercings are conducted upon the genital, nipple, or any other discreet part of a person’s body; or
 - (b) A designated area, which is segregated from other business activities or services, when ear-piercing services are conducted. The designated area may consist solely of a table, workstation and/or chair independent of any other retail or merchandise activities.
- (22) “Owner” means and includes every person having ownership, control or custody of any place of business or employment.
- (23) “Permanent Hole” means a hole produced by piercing or puncturing any part of the human body, with instruments intended to leave an opening in body tissue(s) into which an appropriate device or apparatus may be inserted. Permanent hole includes any body part newly pierced or punctured which is undergoing a healing process; and, any piercing whether or not removal of a device or apparatus from the perforation would result in fusing or healing of the tissue or skin structures.
- (24) “Person” means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons.
- (25) “Piercing gun” means a hand-held tool manufactured exclusively for piercing the earlobe, into which studs and clutches are placed and inserted into the earlobe by a hand-squeezed action to create a permanent hole. The tool is made of plastic, stainless steel or other material that can be disinfected.
- (26) “Place or places of business” means the name, mailing address, and location where the registrant or person provides piercing services.
- (27) “Premises” means the entire area of the facility where body-piercing services are provided.
- (28) “Program” means established within the agency with no advisory board.
- (29) “Protective gloves” means gloves made of vinyl, latex or “Nitrile”.
- (30) “Public view” means open to view and easy for the public to see, located in the waiting or lobby area of place of business.

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(31) "Renew" means to extend a current license or registration for a two year period beyond expiration or to bring an inactive license or registration to current, active status.

(32) "Sharps" means any object that can penetrate the skin, including but not limited to needles, scalpel blades, lancets, glass tubes that could be broken during handling and syringes that have been removed from their original sterile containers.

(33) "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal. The container must be red and may be labeled with the "Biohazard" symbol.

(34) "Single Use" means products, instruments or items that are disposed of after each use, including but not limited to cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, piercing needles and protective gloves.

(35) "Standard Precautions" means a set of guidelines and controls, which outline certain practices which health workers should employ in order to prevent parenteral, mucous-membrane, and no intact skin exposure to blood-borne pathogens as published by the Centers for Disease Control (CDC).

(36) "Sterilization" means destruction of all forms of macrobiotic life, including spores.

Stat. Auth.: ORS 690.540, 690.560 & 690.570 (1995 OL Ch. 562)
Stats. Implemented: ORS 676.605, 676.615 & 690.570
Hist.: HDLB 1-1996, f. & cert. ef. 4-1-96; HDLP 4-2001, f. & cert. ef. 11-1-01; HLO 7-2004, f. 6-29-04, cert. 7-1-04; HLA 4-2008, f. 9-15-08, cert. ef. 10-1-08

331-205-0030

Fees

(1) Applicants, licensees and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

- (a) Application:
 - (A) Technician registration — earlobe piercing: \$25.
 - (B) Technician registration — body piercing: \$50.
 - (C) Facility license: \$200.
- (b) Examination — Oregon laws and rules: \$50.
- (c) Original issuance of authorization to practice:
 - (A) Technician registration — earlobe piercing: \$50.
 - (B) Technician registration — body piercing: \$100.
 - (C) Facility license: \$350.
- (d) Renewal of authorization to practice:
 - (A) Technician registration — earlobe piercing: \$50.
 - (B) Technician registration — body piercing: \$100.
 - (C) Facility license: \$350.
- (D) Expired technician registration — earlobe piercing: \$75.
- (E) Expired technician registration — body piercing: \$150
- (F) Expired facility license: \$500.

(e) Replacement of license or registration, including name change: \$25.

- (f) Duplicate registration document: \$25.
- (g) Affidavit of licensure: \$50.

(h) An addition \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for the payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615, 690.550 & 690.570 (1995 OL Ch. 562, effective 9-9-95)
Stats. Implemented: ORS 676.605, 676.615, 690.550 & 690.570 (1995 OL Ch. 562, effective 9-9-95)
Hist.: HDLB 1-1996, f. & cert. ef. 4-1-96; HLO 2-2003, f. 5-6-03, cert. ef. 5-15-03; HLO 7-2004, f. 6-29-04, cert. 7-1-04; HLA 4-2008, f. 9-15-08, cert. ef. 10-1-08

331-215-0000

Issuance and Renewal of Facility Licenses

(1) Issuance and renewal of a facility license is subject to the provisions of OAR 331-030-0010.

- (2) Application for renewal shall include the following information:
 - (a) Facility license number and expiration date;
 - (b) Name and place of business, or business mailing address;
 - (c) Area code and telephone number; and
 - (d) A list of registered technicians currently providing services on the premises of facility.

(3) Failure to renew a license requires payment of the facility license expired renewal fee in order to renew the license. Refer to OAR 331-205-0030(2)(d).

(4) Failure to renew a license after one year from the expiration date requires reapplication, meeting all requirements of OAR 331-210-0000 and

payment of the application and two-year license fees in order to obtain licensure.

Stat. Auth.: ORS 690.520, 676.605, 676.615, 690.550 & 690.570
Stats. Implemented: ORS 690.520, 676.605, 676.615, 690.550, & 690.570
Hist.: HDLB 1-1996, f. & cert. ef. 4-1-96; HDLP 4-2001, f. & cert. ef. 11-1-01; HLO 7-2004, f. 6-29-04, cert. 7-1-04; HLA 4-2008, f. 9-15-08, cert. ef. 10-1-08

331-215-0010

Issuance and Renewal of Technician Registrations

(1) Issuance of a technician registration authorizes the registrant to provide body-piercing services in a licensed facility. Issuance and renewal of a technician registration is subject to the provisions of OAR 331-030-0010.

- (2) Application for renewal shall include the following information:
 - (a) Applicant's name and current residential and mailing address;
 - (b) Applicant's registration number and expiration date;
 - (c) The facility name and license number, business address where services are being provided and business area code and telephone number.

(3) Failure to renew a registration before the expiration date requires payment of the technician registration expired renewal fee in order to renew the registration. Refer to OAR 331-205-0030.

(4) Failure to renew a registration after one year from the date of expiration requires reapplication and payment of the application and registration fees in order to obtain a registration.

Stat. Auth.: ORS 690.520, 676.605, 676.615, 690.550 & 690.570
Stats. Implemented: ORS 690.520, 676.605, 676.615, 690.550 & 690.570
Hist.: HDLB 1-1996, f. & cert. ef. 4-1-96; HDLP 4-2001, f. & cert. ef. 11-1-01; HLO 7-2004, f. 6-29-04, cert. 7-1-04; HLA 4-2008, f. 9-15-08, cert. ef. 10-1-08

331-220-0020

Earlobe Piercing Services

Facilities and registered technicians who provide earlobe piercing services exclusively, shall be subject to the following standards:

(1) Facilities and registered technicians shall use a piercing instrument or gun that pierces an individual's earlobe using a sterile, encapsulated single-use stud with clasp earlobe piercing system. A pre-packaged sterilized ear-piercing stud must be inserted into the earlobe simultaneously with piercing.

(2) The piercing gun shall be made of material which can be disinfected. All parts of the gun in direct contact with the client's skin shall be disinfected with a high-level disinfectant before being used on a client.

(3) Single-use prepackaged sterilized ear piercing studs shall be used for each client.

(4) Single use piercing instruments must be discarded in a medical waste container immediately after use.

(5) Facilities and registered technicians providing earlobe-piercing services exclusively using a manufactured earlobe piercing gun and single-use prepackaged sterilized ear studs are exempted from use of an autoclave.

(6) Earlobe piercing services shall be conducted in an area of the facility, which is separately maintained from other business activities or services as defined in OAR 331-205-0020.

(7) New or disinfected piercing gun tools shall be stored separately from used or soiled tools or instruments.

(8) Facilities and registered technicians shall comply with the licensing, registration and safety/infection control regulations of OAR 331, divisions 200 through 225.

Stat. Auth.: ORS 676.605, 676.615 & 690.570
Stats. Implemented: ORS 676.605, 676.615 & 690.570
Hist.: HDLB 1-1996, f. & cert. ef. 4-1-96; HDLP 4-2001, f. & cert. ef. 11-1-01; HLO 7-2004, f. 6-29-04, cert. 7-1-04; HLA 4-2008, f. 9-15-08, cert. ef. 10-1-08

Rule Caption: Amend fee schedule bases on revised agency cost allocation methodology; and other technical adjustments.

Adm. Order No.: HLA 5-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 331-405-0030, 331-415-0000, 331-415-0010

Subject: Fee reductions proposed; increased service adjustments for application and standardization of administrative fees implemented.

The Oregon Health Licensing Agency completed a comprehensive cost allocation analysis, evaluating expenditures, revenues, numbers of payers, direct and indirect costs, level of complexity in delivering services and growth/attrition ratios for each program, and overall agency operational costs, state agency assessments and inflation factors. A new cost allocation methodology is being implemented and

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all fees adjusted agency wide based on the results of the analysis. The new structure simplifies the agency's accounting systems, streamlines business processes, and standardizes specific administrative fees, such as a monthly delinquency renewal fee in lieu of a variable annual flat rate, replacement fees, and official affidavits. All practitioner and business licenses have been extended from one-year to a two-year period as a cost savings and streamlining measure. The Board of Denture Technology's 112 licensees support approximately 1.71% of the overall agency budget.

Rules Coordinator: Patricia C. Allbritton—(503) 373-2088

331-405-0030 Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) License: \$350.

(B) License by reciprocity: \$450.

(C) Training registration: \$200.

(b) Examination:

(A) Oregon laws & rules: \$50.

(B) Written: \$350.

(C) Practical: \$650.

(c) Original issuance of license (including by reciprocity): \$700.

(d) Renewal of license: \$700.

(e) Delinquent (late) renewal of license: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(f) Replacement of license, including name change: \$25.

(g) Duplicate license document: \$25 per copy with maximum of three.

(h) Affidavit of licensure: \$50.

(i) An additional \$25 Administrative Processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615 & 680.525

Stats. Implemented: ORS 676.605, 676.615 & 680.525

Hist.: HD 11-1979(Temp), f. & cert. 8-23-79; HD 2-1980, f. & cert. 2-14-80; HD 11-1981(Temp), f. & cert. 7-15-81; HD 9-1985(Temp), f. & cert. 5-24-85; HD 15-1985, f. & cert. 9-4-85; HD 25-1988(Temp), f. & cert. 11-1-88; HD 4-1989, f. & cert. 6-1-89; HD 13-1991(Temp), f. & cert. 9-30-91; HD 3-1992, f. & cert. 3-25-92; HD 22-1993, f. 12-30-93, cert. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. 7-1-98, Renumbered from 333-020-0035; HDLP 1-2001, f. 3-21-01, cert. 4-1-01; HLO 3-2003, f. 5-6-03, cert. 5-15-03; HLO 2-2004, f. 6-29-04, cert. 7-1-04; HLO 2-2005, f. 12-15-05, cert. 1-1-06; HLA 5-2008, f. 9-15-08, cert. 10-1-08

331-415-0000 Purpose

(1) To ensure continuing efforts on the part of Oregon licensed denturists to remain current with new developments in the denture technology and health care field and to encourage diversified training and qualifications in the profession continuing education is required as a condition of licensure.

(2) Continuing education requirements apply whether the applicant renewing a license is living or working within Oregon or outside of the state so long as Oregon licensure is maintained.

(3) Continuing education is required for renewal, every two years, even if the denturist license has been inactive during that period.

Stat. Auth.: ORS 680.530

Stats. Implemented: ORS 680.530

Hist.: HDLP 3-1998, f. 6-26-98, cert. 7-1-98; HLO 2-2004, f. 6-29-04, cert. 7-1-04; HLA 5-2008, f. 9-15-08, cert. 10-1-08

331-415-0010

Continuing Education Requirements

(1) Each denturist must complete 20 contact hours of continuing education every two years from the date of licensure to qualify for renewal of the denturist's license. Four of the required 20 hours must be directly related to partial denture services.

(2) Each denturist shall report compliance with the continuing education requirement through attestation on the license renewal document. Licensees shall be subject to the provisions of OAR 331-415-0020 pertaining to the periodic audit of continuing education.

(3) Continuing education includes attendance or participation at an instructional program presented, recognized, or under the auspices of any permanently organized institution, agency, or professional organization or

association. For example, lectures, post-secondary school or post-graduate courses, scientific sessions at conventions, teaching (provided that no more than half the required hours be in teaching), or correspondence courses, or video tapes, or similar self-study provided an examination is taken and passed as part of the course.

(4) Subject matter shall be related specifically to denture technology as set forth in ORS 680.515(1)(a), the law and rules regulating licensed denturists, science, related dental practices, health care professional concerns such as infection control or medical emergencies, ethics, and business practices. A Board member will be designated to review the content of continuing education courses upon request by Oregon Health Licensing Agency.

(5) Proof of participation in required continuing education is the responsibility of the denturist. To ensure that adequate proof of attainment of required continuing education is available for audit or investigation by the agency, denturists shall maintain a record of attendance for two years following the two-year continuing education cycle and renewal of the denturist license.

(6) Hours obtained in excess of the 20 contact hours required each two-year period will not be carried forward as credit for the succeeding two-year continuing education requirement.

Stat. Auth.: ORS 676.605, 680.530 & 680.565

Stats. Implemented: ORS 676.605, 680.530 & 680.565

Hist.: HD 10-1989, f. & cert. 11-21-89; HD 13-1991 (Temp), f. & cert. 9-30-91; HD 3-1992, f. & cert. 3-25-92; HD 22-1993, f. 12-30-93, cert. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. 7-1-98, Renumbered from 333-020-0041; HDLP 1-2001, f. 3-21-01, cert. 4-1-01; HLO 2-2004, f. 6-29-04, cert. 7-1-04; HLA 5-2008, f. 9-15-08, cert. 10-1-08

Rule Caption: Amend fee schedule bases on revised agency cost allocation methodology; and other technical adjustments.

Adm. Order No.: HLA 6-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 331-601-0000, 331-601-0010, 331-620-0020, 331-630-0000

Subject: The Oregon Health Licensing Agency completed a comprehensive cost allocation analysis, evaluating expenditures, revenues, numbers of payers, direct and indirect costs, level of complexity in delivering services and growth/attrition ratios for each program, and overall agency operational costs, state agency assessments and inflation factors. A new cost allocation methodology is being implemented and all fees adjusted agency wide based on the results of the analysis. The new structure simplifies the agency's accounting systems, streamlines business processes, and standardizes specific administrative fees, such as a monthly delinquency renewal fee in lieu of a variable annual flat rate, replacement fees, and official affidavits. All practitioner and business licenses have been extended from one-year to a two-year period as a cost savings and streamlining measure. The Advisory Council on Hearing Aides 468 licensees (permanent and temporary status) support approximately 2.18% of the overall agency budget.

Rules Coordinator: Patricia C. Allbritton—(503) 373-2088

331-601-0000

Definitions

The following definitions apply to OAR 331-610-0000 through 331-650-0010.

(1) "Advisory Council" means, pursuant to ORS 694.165, the entity that advises the agency in matters relating to the practice of hearing aid dispensing in accordance with ORS 694.170. The agency director controls the regulatory operations and has decision-making authority on all substantive matters.

(2) "Agency" means the Health Licensing Agency. The agency is responsible for the budget, personnel, performance-based outcomes, consumer protection, fee collection, mediation, complaint resolution, discipline, rulemaking and record keeping.

(3) "Application" means an original document provided by the agency, bearing an original signature of the applicant.

(4) "Application fee" means fee for processing application or reapplication for licensure, including administering an examination.

(5) "Assistive listening device" means a device that may meet the statutory definition of a hearing aid but has been determined by the agency

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not to be a hearing aid for the purposes of ORS 694 and OAR 331, divisions 610 through 650.

(6) "Audiologist" means a person licensed under ORS 681 and who practices audiology as defined by that statute.

(7) "Consummation of sale" means when the purchaser takes delivery or possession of the hearing aid after agreeing to purchase the hearing aid.

(8) "Demonstration instrument" means a hearing aid that has been worn by a prospective user as part of a bona fide hearing aid evaluation conducted in the presence of the hearing aid specialist.

(9) "Delivery" means, as used in ORS 694.042(2), acceptance and possession of the hearing aids by the consumer, which starts the 30 calendar day rescission right period. Hearing aids that have been out of the consumer's possession for a period of 72 hours or more for any alternation or adjustment during the 30 calendar day rescission right period restarts the 30 calendar day rescission right period. Delivery includes:

(a) The initial fitting and delivery of the hearing aid(s) must be performed in person by a licensed hearing aid specialist, including the acceptance and possession of the hearing aid(s);

(b) Return of hearing aid by the consumer to the specialist may be hand carried or mailed by certified mail to the official place of business of the hearing aid specialist.

(10) "Direct supervision" means the supervisor is present in the facility for the purpose of supervising and in view the procedures performed by a registered trainee who has not completed the training requirements stated in OAR 331-610-0010.

(11) "Director" means the individual who is responsible for the performance of the agency as defined in ORS 676.610. The director appoints all subordinate officers and employees to carry out the duties of the agency.

(12) "Equivalent" means comparable but not identical, covering the same subject matter.

(13) "Facility" means physical place of business where services defined in ORS 694.015(4) are conducted, including but not limited to all areas used by hearing aid dealer specialist and client, i.e. testing location, waiting/reception area.

(14) "Health Licensing Office" means the agency.

(15) "Hearing aid" as defined in ORS 694.015(3) does not mean assistive listening devices as set forth in OAR 331-640-0000.

(16) "High level disinfectant" means a chemical agent, which has demonstrated tuberculocidal activity.

(17) "Indirect supervision" means the supervisor is not required to be on the premises while the procedures are performed by a temporary hearing aid specialist.

(18) "Licensed" means the authority to practice pursuant to ORS 694.025, which has not been revoked or expired without renewal.

(19) "Place or places of business" means the name, mailing address, telephone number and location where the licensee deals in hearing aids.

(20) "Probation" means continuation of licensure under conditions set by the agency.

(21) "Public view" means open to view and easy for the public to see.

(22) "Purchase price" means:

(a) The total amount paid or agreed to be paid by or on behalf of the consumer includes the cost of the hearing aid(s) and related professional fees.

(b) Professional fees shall include fees charged for the actual fitting and sale of the hearing aid(s):

(A) The evaluation or measurement of the powers or range of human hearing as they relate to hearing aid fitting;

(B) Hearing aid evaluation;

(C) Hearing aid consultation;

(D) Hearing aid recommendation;

(E) Hearing aid selection;

(F) Hearing aid fitting and dispensing;

(G) Adaptation of a hearing aid, if related to the original purchase;

(H) Counseling, if related to the original purchase and done by the person dealing in hearing aids and/or company, firm or facility involved in dispensing of the original hearing aid, and any other fees for service which are charged in regards to a hearing aid being fitted as a therapeutic device;

(I) Ear impression and ear molds.

(c) Professional fees charged for diagnostic testing for medical use when done by a physician or on a physician's order shall be excluded from this definition of professional fees.

(23) "Reconditioned" means a used hearing aid that has been rebuilt or is a hearing aid that consists of both old and new parts.

(24) "Renew" means to extend a current license for two years beyond expiration or to bring an inactive license to current, active status.

(25) "Used hearing aid" means any hearing aid that has been worn for any period of time, except where the hearing aid is defined as a demonstration instrument in OAR 331-601-0000(8).

(26) "Temporary hearing aid specialist" means an individual who has applied for and received a provisional license to work under the supervision of a licensed hearing aid specialist.

Stat. Auth.: ORS 676.615, 694.155 & 694.170

Stats. Implemented: ORS 676.615, 694.155 & 694.170

Hist.: HD 12, f. 4-20-72, ef. 5-1-72; HD 13-1984, f. & ef. 6-28-84, Renumbered from 333-025-0025; HD 8-1986, f. & ef. 5-29-86; HD 11-1987, f. & ef. 7-28-87; HD 8-1990, f. 4-4-90, cert. ef. 4-5-90; HD 23-1993, f. 12-30-93, cert. ef. 1-1-94; HD 18-1997, f. 12-12-97, cert. ef. 12-15-97; Renumbered from 333-025-0000, HLO 6-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 6-2008, f. 9-15-08, cert. ef. 10-1-08

331-601-0010

Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) License: \$125.

(B) Temporary license: \$150.

(C) Trainee registration: \$100.

(b) Examination:

(A) Oregon laws & rules: \$50.

(B) Written: \$150.

(C) Practical: \$175.

(D) Audiologist: \$50.

(c) Original issuance of license:

(A) License: \$250.

(B) Temporary license: \$100.

(d) Renewal of license: \$250

(e) Delinquent (late) renewal of license: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(f) Replacement of license, including name change: \$25.

(g) Duplicate license document: \$25 per copy with maximum of three.

(h) Affidavit of licensure: \$50.

(i) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615, 694.155 & 694.185

Stats. Implemented: ORS 676.605, 676.615, 694.155 & 694.185

Hist.: HD 24-1985(Temp), f. & ef. 10-17-85; HD 33-1985, f. & ef. 12-13-85; HD 8-1990, f. 4-4-90, cert. ef. 4-5-90; HD 14-1990, f. 6-1-90, cert. ef. 7-1-90; HD 17-1990(Temp), f. 6-15-90, cert. ef. 7-1-90; HD 21-1990(Temp), f. & cert. ef. 7-3-90; HD 22-1990, f. & cert. ef. 8-15-90; HD 14-1991(Temp), f. 9-30-91, cert. ef. 10-1-91; HD 21-1991, f. & cert. ef. 12-31-91; HD 18-1997, f. 12-12-97, cert. ef. 12-15-97; OHD 9-1999, f. & cert. ef. 11-15-99; OHD 10-2000, f. & cert. ef. 11-15-00; Renumbered from 333-025-0005, HLO 6-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 6-2008, f. 9-15-08, cert. ef. 10-1-08

331-620-0020

Licensure

(1) Licensees are subject to the provisions of OAR 331-030-0010 regarding the issuance and renewal of a license, and to the provisions of OAR 331-030-0020 regarding the authorization to practice, identification, and the requirements for issuance of a duplicate authorization.

(2) A license renewal application received by the agency or post-marked after a license has expired but within three years from the expiration date, may be approved upon payment of the renewal and delinquency fees and attestation of having obtained required continuing education pursuant to OAR 331-630-0000.

(3) A person who fails to renew within three years following the date of expiration may be granted a license upon reapplication, payment of required fees, and successful passage of the written and practical examination required by OAR 331-610-0040. Upon passing the examination the original license number will be reinstated and a license issued.

(4) All license holders must obtain 24 contact hours of continuing education training every two years as a condition of renewal whether the license is active or inactive.

(5) Evidence of required continuing education must be provided at the time of renewal by means of a prescribed self-attestation form certifying participation in approved continuing education.

(6) Appropriate documentation required in OAR 331-630-0000 must be accumulated and held by the license holder for a period of two years following renewal, or until submitted to the agency at the time of audit within the two-year period.

Stat. Auth.: ORS 676.605, 676.615, 694.085, 694.124, 694.125 & 694.155

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Stats. Implemented: ORS 676.605, 676.615, 694.085, 694.124, 694.125 & 694.155
Hist.: HD 8-1990, f. 4-4-90, cert. ef. 4-5-90; HD 3-1991, f. 3-15-91, cert. ef. 4-1-91; HD 23-1993, f. 12-30-93, cert. ef. 1-1-94; Renumbered from 333-025-0009, HLO 6-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 6-2008, f. 9-15-08, cert. ef. 10-1-08

331-630-0000

Continuing Education Requirements

(1) After October 1, 2009, all licensees submitting application for renewal must have completed 24 contact hours of approved continuing education during the proceeding two years.

(2) A licensee must report compliance with continuing education requirements through attestation on the license renewal document. Licensees will be subject to provisions of OAR 331-630-0010 pertaining to periodic audit of continuing education.

(3) Approved continuing education includes, at the agency's discretion:

(a) Participation or attendance at an instructional program presented, recognized, or under the auspices of any institution, agency, professional organization or association, or licensees or hearing aid manufacturers and approved by the agency.

(b) Education in subject matter related specifically to hearing or hearing aid technology, related health care, or laws and rules governing hearing aid dispensing. Approved subject matter may include but not be limited to the following: anatomy and physiology, disorders of hearing, audiology, habilitation and counseling, physics of sound, safety and sanitation, practice management, ethics, first aid, CPR, AIDS training for health care workers and ORS 694 and OAR 331, divisions 601 through 650.

(c) Education in subject matter that advances the licensee's knowledge and skills to benefit the hearing impaired public.

(d) Credit will be limited to three hours collectively per year for subjects relating to practice management, ethics, sales, first aid, CPR and AIDS training. Licensees may not receive credit for repeat of courses taken within the same continuing education reporting period.

(4) The agency will maintain a list of approved continuing education programs. The list will be available upon request to the agency.

(5) For each college "credit hour", 12 continuing education contact hours will be recognized.

(6) To receive prior approval of a continuing education program, an individual or group sponsor must submit a written request to the agency, at least 30 days prior to the first scheduled presentation. The documentation required for agency review includes:

- (a) An outline of the subject matter to be covered;
- (b) Method of presentation;
- (c) Qualifications of person or persons presenting instruction;
- (d) Estimated duration;
- (e) Criteria for positive achievement, e.g., examination, attendance, participation by written or oral report; and

(f) Statement of how the program relates to a licensee's knowledge and skills and how it benefits the hearing impaired public.

(7) The agency, in consultation with the Advisory Council on Hearing Aids or a standing subcommittee of the Council, will determine if the continued education program meets criteria for approval. The agency will establish the number of hours it will recognize or accept for programs obtaining prior approval of the agency.

(8) The agency will notify the program or course sponsor in writing of its determination regarding continuing education including, as applicable, acceptable credit or contact hours and explain any denial of the program or adjustment to creditable hours.

(9) Approval of a continuing education program may be retained for a maximum of two years, at which time the sponsor will be required to resubmit the documentation listed in subsection (6) of this rule to continue agency approval of the program.

(10) The agency may withdraw approval of a continuing education program if it is determined that:

(a) The program teaching method or content has changed significantly without notice to the agency;

(b) A certificate of participation was not issued to an individual who completed the program in accordance with the standards provided to the agency; or

(c) A certificate of participation was issued to an individual who did not complete the program in accordance with the standards provided to the agency.

(11) Evidence of participation in required continuing education is the responsibility of the hearing aid specialist. Evidence of participation must include the documentation listed in OAR 331-630-0010.

(12) Hours obtained in excess of the 24 contact hours required every two years will not be carried forward as continuing education credit for the succeeding reporting period.

(13) Continuing education requirements apply whether the renewal applicant is living or working within Oregon or outside of the state, if Oregon licensure is maintained.

Stat. Auth.: ORS 676.605, 676.615, 694.125 & 694.155

Stats. Implemented: ORS 676.605, 676.615, 694.125 & 694.155

Hist.: HD 8-1986, f. & ef. 5-29-86; HD 8-1990, f. 4-4-90, cert. ef. 4-5-90; HD 27-1990(Temp), f. & cert. ef. 12-31-90; HD 3-1991, f. 3-15-91, cert. ef. 4-1-91; HD 23-1993, f. 12-30-93, cert. ef. 1-1-94; HD 18-1997, f. 12-12-97, cert. ef. 12-15-97; Renumbered from 333-025-0040, HLO 6-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 6-2008, f. 9-15-08, cert. ef. 10-1-08

Rule Caption: Amend fee schedule bases on revised agency cost allocation methodology; and other technical adjustments.

Adm. Order No.: HLA 7-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 331-705-0060

Subject: The Oregon Health Licensing Agency completed a comprehensive cost allocation analysis, evaluating expenditures, revenues, numbers of payers, direct and indirect costs, level of complexity in delivering services and growth/attrition ratios for each program, and overall agency operational costs, state agency assessments and inflation factors. A new cost allocation methodology is being implemented and all fees adjusted agency wide based on the results of the analysis. The new structure simplifies the agency's accounting systems, streamlines business processes, and standardizes specific administrative fees, such as a monthly delinquency renewal fee in lieu of a variable annual flat rate, replacement fees, and official affidavits. All practitioner and business licenses have been extended from one-year to a two-year period as a cost savings and streamlining measure. The Respiratory Therapist Licensing Board's 1,600 licensees support approximately 3.68% of the overall agency budget.

Rules Coordinator: Patricia C. Allbritton—(503) 373-2088

331-705-0060

Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) License: \$150.

(B) Temporary license: \$150.

(b) Examination — Oregon laws & rules: \$50.

(c) Original issuance of authorization to practice:

(A) License: \$100.

(B) Temporary license (six month, non renewable): \$100.

(d) Renewal of license: \$100.

(e) Delinquent (late) renewal of license: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(f) Restoration of license: \$100.

(g) Replacement of license, including name change: \$25.

(h) Duplicate license document: \$25 per copy with maximum of three.

(i) Affidavit of licensure: \$50.

(j) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 688.830(9)

Stats. Implemented: ORS 688.830(9)

Hist.: HDLB 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 1-1998(Temp), f. & cert. ef. 3-20-98 thru 4-1-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HDLP 2-2002, f. 12-20-02 cert. ef. 1-1-03; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 7-2008, f. 9-15-08, cert. ef. 10-1-08

Rule Caption: Amend fee schedule bases on revised agency cost allocation methodology; and other technical adjustments.

Adm. Order No.: HLA 8-2008

Filed with Sec. of State: 9-15-2008

ADMINISTRATIVE RULES

Certified to be Effective: 10-1-08
Notice Publication Date: 7-1-2008
Rules Amended: 331-800-0020

Subject: The Oregon Health Licensing Agency completed a comprehensive cost allocation analysis, evaluating expenditures, revenues, numbers of payers, direct and indirect costs, level of complexity in delivering services and growth/attrition ratios for each program, and overall agency operational costs, state agency assessments and inflation factors.

A new cost allocation methodology is being implemented and all fees adjusted agency wide based on the results of the analysis. The Se Offender Treatment Board was newly established by the 2007 Legislative Assembly, with an effective date of legislation July 2007. The agency has extended an amended fee schedule to coincide with the grandfathering period, scheduled to end March 14, 2009. Fees will be re-evaluated based on the number of certification holders and fiscal stability of the program at that time. This certification is a voluntary cost associated with continued administration of the program and the projections stated during the 2007 Legislative Session have yet to be realized. The cost of administering this program, is projected to account for approximately 1.9% of the overall agency budget. Fee adjustments will take effect October 1, 2008, be extended during the grandfathering period until March 14, 2009.

Rules Coordinator: Patricia C. Allbritton—(503) 373-2088

331-800-0020

Fees

Fees established by the Oregon Health Licensing Agency are as follows:

- (1) Application for certification: \$75.
 - (2) Original certificate — one year grandfathering period until March 14, 2009: \$325.
 - (3) Original two year certification — as of March 15, 2009: \$650.
 - (4) Application for renewal — two year certificate: \$650.
 - (5) Replacement certificate, including name change: \$25.
 - (6) Duplicate certificate document: \$25 per copy with a maximum of three.
 - (7) Delinquency fee: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.
 - (8) Examination — Oregon laws & rules: \$50.
 - (9) Affidavit of licensure: \$50.
 - (10) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.
- Stat. Auth.: ORS 675.405, 675.410 & 676.625
Stat. Implemented: ORS 675.405
Hist.: HLA 1-2008(Temp), f. 3-14-08, cert. ef. 3-15-08 thru 9-1-08; HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 8-2008, f. 9-15-08, cert. ef. 10-1-08

Rule Caption: Establish specific waivers for certification qualification requirements during grandfathering period.

Adm. Order No.: HLA 9-2008(Temp)

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 9-15-08 thru 12-1-08

Notice Publication Date:

Rules Adopted: 331-810-0038

Subject: Passage of HB 3233 (Oregon Laws 2007, Chapter 841) by the 2007 Legislature created the Sex Offender Treatment Board within the Oregon Health Licensing Agency, and established a Title Act for certifying clinical and associate sex offender therapists. The law became effective July 27, 2007.

The agency, in consultation with the Board, adopted permanent operating rules effective on June 1, 2008. The rules address definitions of terms used in the rules, the program fee structure, requirements for application and certification of clinical and associate level therapists, qualification criteria/certification requirements under a one-year time limitation (grandfather provision) for individuals who are currently providing sex offender therapy, and reciprocal qualification criteria. Rules clarifying waivers of specific qualification criteria during the grandfathering period are authorized under ORS 675.410(2)(b). Waivers pertain to specific criteria requiring verifi-

cation of training or direct supervision that pre-dated implementation of the certification program.

Rules Coordinator: Patricia C. Allbritton—(503) 373-2088

331-810-0038

Waivers

If an applicant is unable to provide verification of the experience or supervision required under OAR 331-810-0020, 331-810-0030 or 331-810-0035, the board may consider the following information in determining whether a waiver of verification will be issued:

- (1) When the training or direct client services occurred;
- (2) Where the training or direct client services occurred;
- (3) The reasons for the inability of the applicant to provide training verification or substantiate the required supervision; and
- (4) The diligence the applicant used in attempting to provide the training verification or to document supervision.

NOTE: This provision does not disregard or unilaterally exempt the applicant from meeting the education, training and experience required under ORS 675.365; however, it enables the Board to exercise discretion in accepting alternative means of documentation when deemed appropriate, on a case-by-case basis.

Stat. Auth.: ORS 675.375, 675.400, 675.410, 676.615

Stat. Implemented: ORS 675.375, 675.400, 675.410

Hist.: HLA 9-2008(Temp), f. & cert. ef. 9-15-08 thru 12-1-08

Rule Caption: Amend fee schedule based on revised agency cost allocation methodology; and other technical adjustments.

Adm. Order No.: HLA 10-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 331-505-0000, 331-505-0010, 331-525-0000, 331-530-0000, 331-565-0000

Subject: Fee reductions proposed; standardization of administrative fees implemented. The Oregon Health Licensing Agency completed a comprehensive cost allocation analysis, evaluating expenditures, revenues, numbers of payers, direct and indirect costs, level of complexity in delivering services and growth/attrition ratios for each program, and overall agency operational costs, state agency assessments and inflation factors.

A new cost allocation methodology is being implemented and all fees adjusted agency wide based on the results of the analysis. The new structure simplifies the agency's accounting systems, streamlines business processes, and standardizes specific administrative fees, such as a monthly delinquency renewal fee in lieu of a variable annual flat rate, replacement fees, and official affidavits. All practitioner and business licenses have been extended from one-year to a two-year period as a cost savings and streamlining measure. The Advisory Council for Electrologists, Permanent Color technicians and Tattoo Artists licensees, totaling 1,255 practitioners and businesses, support approximately 3.18% of the overall agency budget.

Rules Coordinator: Patricia C. Allbritton—(503) 373-2088

331-505-0000

Definitions

The definitions of terms used in ORS 690.350 to 690.430 and 690.992 and the rules of OAR chapter 331, divisions 500 through 590, are:

- (1) "Advisory Council" means, pursuant to ORS 690.425, the entity that advises the agency in matters relating to the practice of electrology, permanent coloring and tattooing in accordance with ORS 690.430. The agency director controls the regulatory operations and has decision-making authority on all substantive matters.
- (2) "Agency" means the Oregon Health Licensing Agency. The agency is responsible for the budget, personnel, performance-based outcomes, consumer protection, fee collection, mediation, complaint resolution, discipline, rulemaking and record keeping.
- (3) "Antiseptic" means product used to stop or inhibit the growth of bacteria.
- (4) "Clean" means the absence of soil and dirt by washing, sweeping, clearing away, or any other appropriate method rendering a sanitary condition.
- (5) "Closed book" means without aid from or availability of written material.

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(6) "Director" means the individual who is responsible for the performance of the agency under ORS 676.610. The director appoints all the subordinate officers and employees to carry out the duties of the agency.

(7) "Easily accessible" means unrestricted use or availability, easy to approach or enter.

(8) "Enclosed storage area" means separate room, closet, cupboard or cabinet.

(9) "Equivalent" means comparable but not identical, covering the same subject matter.

(10) "Facility" means an establishment in which a licensee(s) performs electrolysis, permanent coloring or tattooing, or any combination thereof.

(11) "Health Licensing Office" means agency.

(12) "High-level disinfectant" means a chemical agent, which has demonstrated tuberculocidal activity and is registered with the Environmental Protection Agency.

(13) "Incompetence" includes, but is not limited to, a demonstrated lack of ability or fitness to perform.

(14) "Linens" means cloths or towels used for such things as draping or protecting table.

(15) "Low-level disinfectant" means a chemical agent, which has demonstrated bactericidal, germicidal, fungicidal and limited virucidal activity and is registered with Environmental Protection Agency.

(16) "Official transcript" means an original document certified by a licensed or accredited school indicating hours and types of course work, examinations and scores that the student completed. The transcript must be mailed or delivered directly from the school to the agency by one of the following methods:

(a) Regular USPS mail service;

(b) Recognized mail service provider, such as UPS or FEDEX;

(c) Authorized courier;

(d) Electronic or facsimile transmission to specified agency email address and/or FAX number.

(17) "One year of work experience" means employment consisting of a 40-hour work week for a minimum of 50 consecutive weeks during a 12 month period or a cumulative total of 2,000 clock hours within a 24 month period.

(18) "Operatory" means isolated area where treatment or services are provided.

(19) "Part-time experience" means engaging in practice for a period of at least 24 weeks or 1,000 hours during a 12 month time period.

(20) "Photographic identification" means an official document issued by a recognized governmental agency or entity, including but not limited to a valid driver's license, passport, health identification card, or other document which contains personal information pertaining to the individual, a photograph and signature.

(21) "Place or places of business" means the physical location where services are performed or will be performed.

(22) "Premises" means the entire building or structure within which services are performed.

(23) "Probation" means continuation of licensure under conditions set by the agency.

(24) "Protective gloves" means gloves made of vinyl, latex or "Nitrile".

(25) "Public view" means open to view and easy for the public to see, located in the operatory/treatment area, or waiting/lobby area at the place of business.

(26) "Reactivate" means to change an expired license to an active license.

(27) "Reciprocity" means that an applicant, holding an active certificate or license in another state, meets the qualifications and requirements for licensure based on satisfactory completion of education, training, and/or work experience determined equivalent to Oregon standards, and further that the applicant has demonstrated competency by satisfactory completion of a national or state written and/or practical examination recognized or approved by the agency.

(28) "Renew" means to extend a current license for two years beyond expiration or to bring an expired license to current, active status.

(29) "Residence address or place(s) of business" means a street, route or location address, not a post office box.

(30) "Sharps" means any object that can penetrate the skin, including but not limited to needles, scalpel blades, lancets, glass tubes, or other instruments that could be broken during handling, and syringes that have been removed from their original sterile containers.

(31) "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal. The container must be red and labeled with the "Biohazard" symbol.

(32) "Single Use" means products or items that are disposed of after each use, including but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings.

(33) "Sterilization" means destruction of all forms of microbotic life, including spores.

(34) "Suspend" refers to two distinct meanings defined by statute: ORS 690.385(2) pertaining to voluntary license expiration, and ORS 676.612 pertaining to disciplinary action.

(35) "Under direct supervision of a physician" means employed by and working in the office of a physician, with treatment ordered by and reimbursed to the physician.

Stat. Auth.: ORS 676.615 & 690.405(9)

Stats. Implemented: ORS 676.615 & 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0020; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2008, f. 9-15-08 & cert. ef. 10-1-08

331-505-0010

Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) Practitioner license — Permanent color and tattoo: \$100.

(B) Practitioner license — Electrology: \$50.

(C) Practitioner license by reciprocity — permanent color and tattoo: \$150.

(D) Practitioner license by reciprocity — electrology: \$150.

(E) Facility license — Permanent color and tattoo: \$150.

(F) Facility license — Electrology: \$100.

(G) Temporary facility license: \$100.

(H) Demonstration permit: \$100.

(b) Examination:

(A) Permanent color and tattoo — Oregon laws & rules: \$50.

(B) Permanent color and tattoo — written: \$50.

(C) Permanent color and tattoo — skills assessment: \$100.

(D) Electrology — Oregon laws & rules: \$50.

(E) Electrology — written: \$50.

(F) Electrology — practical: \$100.

(c) Original issuance of authorization to practice:

(A) Practitioner license — Permanent color and tattoo (including by reciprocity): \$125.

(B) Practitioner license — Electrology (including by reciprocity): \$50.

(C) Facility license — Permanent color and tattoo: \$125.

(D) Facility license — Electrology: \$100.

(d) Permits:

(A) Temporary facility: \$50.

(B) Demonstration: \$50.

(e) Renewal of authorization to practice:

(A) Practitioner license — Permanent color and tattoo: \$100.

(B) Practitioner license — Electrology: \$38.

(C) Facility license — Permanent color and tattoo: \$100.

(D) Facility license — Electrology: \$100.

(f) Other administrative fees:

(A) Delinquent (late) renewal of license: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(B) Replacement of license, including name change: \$25.

(C) Duplicate license document: \$25 per copy with maximum of three.

(D) Affidavit of licensure: \$50.

(E) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615 & 690.415

Stats. Implemented: ORS 676.605, 676.615 & 690.415

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; OHD 14-1998, f. 12-9-98, cert. ef. 12-15-98; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0155; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04; HLO 8-2004(Temp), f. & cert. ef. 8-20-04 thru 2-16-05; HLO 9-2004, f. 10-25-04, cert. ef. 11-1-04; HLA 2-2007, f. & cert. ef. 3-30-07, cert. ef. 4-1-07; HLA 10-2008, f. 9-15-08 & cert. ef. 10-1-08

ADMINISTRATIVE RULES

331-525-0000

License Issuance; Renewal

(1) Licensees are subject to the provisions of OAR 331-030-0010 regarding issuance and renewal of a license, and to the provisions of 331-030-0020 regarding authorization to practice, identification and requirements for issuance of a replacement or duplicate authorization.

(2) Renewal payments received by the agency, or postmarked, after the expiration date but within three years of expiration, will be assessed delinquency (late) fees in addition to the renewal fee.

(3) Failure to meet continuing education requirements listed in OAR 331-530-0000 will require reapplication, submission of required fees and successfully passing all sections of the examination before a license will be reissued.

(4) Failure to renew or reactivate a license within three years from the date of expiration will require submitting a new application, required fees and successfully passing the qualifying examination according to provisions of OAR 331, divisions 515 and 520 before a license will be reissued.

Stat. Auth.: ORS 690.385

Stats. Implemented: ORS 690.385

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0115; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2008, f. 9-15-08 & cert. ef. 10-1-08

331-530-0000

Continuing Education for License Renewal

To maintain licensure in the field in which they are licensed to practice, electrologists must comply with the following continuing education requirements:

(1) Complete 15 clock hours of satisfactory continuing education courses either as one unit or combination of units, not less than one hour each, every two years.

(2) Satisfactory continuing education courses shall fit into the approved curriculum objectives listed in ORS 690.410(1) and the courses of study outlined in OAR 331-515-0010 and must be obtained by:

(a) Participation or attendance at an instructional program presented, recognized, or under the auspices of any permanently organized institution, agency, association or completion and certification by an approved national home study organization; or

(b) Self-study, participation, or attendance not covered by subsection (a) of this rule may comprise up to eight hours of the total requirement. Self-study may include continuing education obtained by means of the following:

(A) Correspondence courses;

(B) Review of publications, textbooks, printed material, or audio cassette(s);

(C) Viewing of films, videos, or slides; or

(c) Attendance at meetings of the Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists may be credited for a maximum of three hours per meeting, totaling no more than four hours per two year period.

(3) Licensees shall report compliance with the continuing education requirement through attestation on the license renewal document. Licensees shall be subject to the provisions of OAR 331-530-0020 pertaining to periodic audit of continuing education.

(4) Continuing education requirements apply whether the applicant renewing a license is living or working within Oregon or outside of the state, if Oregon licensure is maintained.

(5) Hours of continuing education, in excess of the requirement for renewal every two years, will not be carried forward.

(6) Continuing education is required for renewal, every two years, even if the license has been inactive or suspended during that period.

(7) To ensure adequate evidence of attainment of required continuing education is available for audit or investigation by the agency, records of attendance must be maintained by licensees for two years following the two-year continuing education cycle and renewal of the electrologist license.

(8) Licensees failing to obtain 15 clock hours of continuing education every two years must reapply and qualify according to the requirements of OAR 331-515-0030 and successfully pass a written and practical examination.

Stat. Auth.: ORS 676.605, 676.615 & 690.385

Stats. Implemented: ORS 676.605, 676.615 & 690.385

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0125 & 333-305-0130; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04, Renumbered from 331-530-0010; HLA 10-2008, f. 9-15-08 & cert. ef. 10-1-08

331-565-0000

License Issuance; Renewal

(1) Licensees are subject to the provisions of OAR 331-030-0010 regarding issuance and renewal of a license, and to the provisions of 331-030-0020 regarding the authorization to practice, identification, and the requirements for issuance of a replacement or duplicate authorization.

(2) Renewal payments received by the agency, or postmarked, after the expiration date but within three years of expiration, will be assessed delinquency (late) fees in addition to the renewal fee.

(3) Failure to meet continuing education requirements listed in OAR 331-570-0000 will require reapplication, submission of an application fee, examination fees and one-year licensee fee, and successfully passing all sections of the examination before a license will be reissued.

(4) Failure to renew or reactivate a license within three years from the date of expiration will require reapplication, submission required fees and successfully passing all sections of the examination before a license will be reissued.

Stat. Auth.: ORS 690.385 & 690.405

Stats. Implemented: ORS 690.385 & 690.405

Hist.: HD 16-1988, f. & cert. ef. 7-15-88; HD 4-1991, f. 3-15-91, cert. ef. 4-1-91; HD 24-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 1-1999, f. 1-26-99, cert. ef. 2-1-99, Renumbered from 333-305-0115; HDLP 2-1999, f. & cert. ef. 7-1-99; HLO 5-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 10-2008, f. 9-15-08 & cert. ef. 10-1-08

Oregon Health Licensing Agency, Board of Cosmetology Chapter 817

Rule Caption: Amend fee schedules based on revised agency cost allocation methodology; and other technical adjustments.

Adm. Order No.: BOC 2-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 817-030-0020, 817-035-0010, 817-035-0050, 817-040-0003

Subject: The Oregon Health Licensing Agency completed a comprehensive cost allocation analysis, evaluating expenditures, revenues, numbers of payers, direct and indirect costs, level of complexity in delivering services and growth/attrition ratios for each program, and overall agency operational costs, state agency assessments and inflation factors.

A new costs allocation methodology is being implemented; specific fees at being adjusted at this time for business status and administrative fees based on the results of the analysis. The new structure simplifies the agency's accounting systems, streamlines business processes, and standardizes specific administrative fees, such as a monthly delinquency renewal fee in lieu of a variable annual flat rate, replacement fees, and official affidavits. All practitioner and business licenses have been extended from one-year to a two-year period as a cost savings and streamlining measure. The Board of Cosmetology's more than 70,000 authorization holders support approximately 79.39% of the overall agency budget. Over the last two biennia the board has not been paying the cost of its direct/indirect assessments, but has been subsidizing increased costs and inflation factors through spend down of the carry over balance from previous biennia. Cost adjustments are necessary to recoup actual and necessary expenses and align this board with its overall consumption of agency resources.

Rules Coordinator: Patricia C. Allbritton—(503) 378-8667, ext. 4322

817-030-0020

Examination Requirements

(1) The agency will conduct examinations for certification. A schedule of examination dates and times shall be available upon request. The agency reserves the right to alter or adjust examination dates, times and locations as it deems necessary to meet emergency situations and will notify applicants and schools in advance whenever possible.

(2) Applicants may request special examination accommodation according to requirements of OAR 817-030-0080. Special examinations will be scheduled at a date and time determined by the Oregon Health Licensing Agency Director.

ADMINISTRATIVE RULES

(3) Applicants will qualify for examination upon compliance with relevant provisions of OAR 817-030-0005 and 817-030-0015. Applicants will not be allowed to take the examination until all requirements for examination have been met. If documentation is incomplete or incorrect, applicants will not be allowed to sit for the examination.

(4) Applicants shall present photographic identification, such as a driver's license.

Stat. Auth.: ORS 676.615, 690.065 & 690.165

Stats. Implemented: ORS 676.615, 690.065 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08

817-035-0010

Issuance and Renewal of Certificates, Licenses and/or Registrations

(1) Individuals will be subject to the provisions of ORS 690.046, 690.055, 690.057, 690.085 and OAR 331-030-0010 for issuance and renewal of certificates, licenses and registrations.

(2) An applicant whose renewal payment is received by the agency, or is postmarked, after the expiration date will be assessed a delinquency (late) fee, as specified in ORS 690.085(4). A late renewal fee of \$25 for each year in expired status will be required to renew a certificate.

(3) Practitioners who fail to renew a certificate within two years from the expiration date must reapply and meet requirements of ORS 690.085(5) and OAR 331-030-0000.

(4) Independent contractors who fail to renew their registration within one year from the date of expiration must reapply and pay the required fees.

(5) The agency may also request that applicants provide their Social Security number at the time of renewal.

(6) Practitioner Certificates. When renewing a certificate, applicants must provide the following information to the agency:

(a) Name and current residential or mailing address;

(b) Certificate number and expiration date;

(c) Residence area code and telephone number;

(d) Date of birth;

(e) Selection of field(s) of practice for renewal to maintain active certification;

(f) The name, address, telephone number and facility license or independent contractor registration number where services are being performed, or other work location where service is performed;

(g) Social Security Number.

(7) Independent Contractor Registration. When renewing an independent contractor registration, applicants must provide the following information to the agency:

(a) Independent contractor registration number and expiration date;

(b) Assumed Business Name if using name other than full legal name in business;

(c) Name, address and license number of facility where working under lease agreement, or business mailing address;

(d) Residential address;

(e) Business area code and telephone number; and

(f) Information regarding whether actively engaged in performing services within a field(s) of practice.

(8) Facility Licenses. When renewing a facility license, applicants will be subject to requirements of ORS 690.085(2) and (4). Applicants must provide the following information to the agency at the time of renewal:

(a) Facility license number and expiration date;

(b) Name and place of business, or business mailing address;

(c) Business area code and telephone number; and

(d) Whether regulated services outside the scope of ORS 690.005 to 690.235 are being performed within the premises of the facility. Such services include but are not limited to electrolysis, tanning, ear and body piercing, or tattooing, i.e. permanent makeup.

Stat. Auth.: ORS 676.605, 676.615, 690.085 & 690.165

Stats. Implemented: ORS 676.605, 676.615, 690.085 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 2-1994(Temp), f. 2-15-94, cert. ef. 3-1-94 thru 8-28-94; Renumbered from 817-040-0008, BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-040-0015, BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08

817-035-0050

Application and Criteria for Certificate of Identification

(1) A practitioner who provides services outside of a licensed facility must hold a certificate of identification.

(2) The applicant for a certificate of identification must submit:

(a) A completed application, indicating applicant's name, current residential address (and mailing address if applicable), telephone number, and certificate number;

(b) A legible copy of photographic identification such as a driver's license;

(c) Payment of application, examination and certificate of identification fees; and

(d) The assumed business name (ABN) filed with and issued by the Corporations Division, Assumed Business Names section, if applicable.

(3) The agency will conduct an examination of the applicant's safety and infection control practices, which the applicant must pass prior to issuance of the certificate of identification. The examination will be performed at a time and place determined by the agency.

(4) Upon qualification, the agency will issue a certificate of identification indicating the fields of practice the practitioner is certified to perform outside of a licensed facility.

(5) The certificate of identification is issued as a separate document from the certificate authorizing the holder to perform services, for a period of two years and expires on the last date of the month two years from the date all qualifications were met.

(6) A certificate of identification is not automatically renewable. Applicants must reapply and meet qualification criteria prior to issuance.

(7) A holder of a certificate of identification shall:

(a) Provide each client with a card indicating the name and address of the agency, that specifically states the client may contact the agency to comment on any of the services received or on any of the sanitary procedures followed while performing services;

(b) Display the practitioner's certificate number on all advertising and the card required by subsection (7)(a) of this section when soliciting business; and

(c) Be subject to the Board's health, safety, and infection control rules and regulations.

(8) The certificate of identification may be suspended or revoked by the Board if the certificate holder:

(a) Practices or performs services at the practitioner's residence when the residence is not licensed as a facility under OAR 817-020-0005;

(b) Practices or performs services on clients other than those who either reside at or are employed at the residence, office or business where services are provided; or

(c) Both practices and resides outside the state of Oregon.

(9) The certificate of identification may be suspended or revoked by the agency if the Board has taken action to refuse to issue or renew, or has suspended or revoked the practitioner's certificate.

Stat. Auth.: ORS 676.615, 690.048, 690.123 & 690.165

Stats. Implemented: ORS 676.615, 690.048, 690.123 & 690.165

Hist.: BH 4-1984, f. & cert. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, f. & cert. ef. 7-1-94; Renumbered from 817-020-0040; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08

817-040-0003

Fees

(1) Applicants and authorization holders are subject to provisions of OAR 331-010-0010 and 331-010-0020 regarding payment of fees, penalties and charges.

(1) Applicants and authorization holders are subject to provisions of OAR 331-010-0010 and 331-010-0020 regarding payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency, in consultation with the Board, are as follows:

(a) Application:

(A) Practitioner certificate: \$15.

(B) Practitioner certificate by reciprocity: \$50.

(C) Independent contractor registration: \$50.

(D) Certificate of identification: \$25.

(E) Facility license: \$100.

(F) Temporary facility permit: \$50.

(G) Demonstration permit: \$25.

(b) Examination:

(A) Oregon laws & rules: \$25.

(B) Barbering: \$25.

(C) Hair design: \$25.

(D) Esthetics: \$25.

(E) Nail technology: \$25.

(F) Certificate of identification: \$25

ADMINISTRATIVE RULES

- (c) Original issuance of authorization to practice:
- (A) Practitioner certificate (including by reciprocity): \$33.
- (B) Independent contractor registration: \$75.
- (C) Certificate of identification: \$100.
- (D) Facility license: \$100.
- (d) Permits:
- (A) Temporary facility: \$100.
- (B) Demonstration: \$50.
- (e) Renewal of authorization to practice:
- (A) Practitioner certificate: \$33.
- (B) Practitioner certificate — on line payment: \$33.
- (C) Independent contractor registration: \$100.
- (D) Facility license: \$100.
- (f) Other administrative fees:
- (A) Delinquent (late) renewal of certificate: \$25 for each year in expired status.
- (B) Delinquent (late) renewal of license or registration: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.
- (C) Replacement of certificate, license or registration, including name change: \$25.
- (D) Duplicate certificate, license or registration document: \$25 per copy with maximum of three.
- (E) Affidavit of licensure: \$50.
- (F) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615 & 690.235
Stats. Implemented: ORS 676.605, 676.615, 690.235 & 30.701
Hist.: BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 1-1990(Temp), f. 4-20-90 & cert. ef. 6-1-90; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08

**Oregon Health Licensing Agency,
Board of Licensed Direct Entry Midwifery
Chapter 332**

Rule Caption: Amend fee schedules based on revised agency cost allocation methodology; and other technical adjustments.

Adm. Order No.: DEM 1-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 332-020-0000, 332-020-0020

Subject: Fee reductions proposed, increased service adjustments for application and standardization of administrative fees implemented.

The Oregon Health Licensing Agency completed a comprehensive cost allocation analysis, evaluating expenditures, revenues, number of payers, direct and indirect costs, level of complexity in delivering services and growth/attrition ratios for each program, and overall agency operational costs, state agency assessments and inflation factors.

A new cost allocation methodology is being implemented and all fees adjusted agency wide based on the results of the analysis. The new structure simplifies the agency's accounting systems, streamlines business processes, and standardizes specific administrative fees, such as a monthly delinquency renewal fee in lieu of a variable annual flat rate, replacement fees, and official affidavits. All practitioner and business licenses have been extended from one-year to a two-year period as a cost saving and streamlining measure.

The Board of Direct Entry Midwifery's 54 licensees support approximately 1.63% of the overall agency budget.

Rules Coordinator: Patricia C. Allbritton—(503) 378-2088

332-020-0000

License Issuance and Renewal; Reactivation

(1) **LICENSING:** Licensees are subject to the provisions of OAR 331-030-0010 regarding the issuance and renewal of a license, and to the provisions of OAR 331-030-0000 and 331-030-0020 regarding authorization to practice, identification, and requirements for issuance of a duplicate authorization.

(2) **RENEWAL:** License renewal must be made in advance of the license expiration date by submitting the following:

- (a) Renewal application form;
- (b) Payment of required license renewal fee;
- (c) Evidence of continuing education and peer review as required in subsection 3 of this rule, OAR 332-020-0010 and 332-025-0020(2);

(d) Evidence of current certification in cardiopulmonary resuscitation for adults and newborns, which includes newborn bag and mask ventilation; and

(e) Evidence of required education in approved legend drugs and devices as prescribed in OAR 332-015-0070 and subsection 3 of this rule.

(3) **CONTINUING EDUCATION ATTESTATION:** Applicants for license renewal must submit the completed renewal form, with their signature affixed as attestation to completion of required continuing education hours. Documentation of continuing education hours earned must be provided to the agency only when selected for audit. Refer to OAR 332-020-0015.

(4) Any license that is not renewed prior to the license expiration date will automatically revert to inactive status.

(5) **REACTIVATION:** Direct entry midwives may reactivate a license within three years from date of expiration by submitting the following:

- (a) Re-activation application form;
- (b) Payment of required application, reactivation and license fees pursuant to OAR 332-020-0020;

(c) Continuing education and peer review as required in OAR 332-020-0010 and 332-025-0020(2);

(d) Evidence of required education in approved legend drugs and devices as provided in OAR 332-015-0070;

(e) Evidence of current certification in cardiopulmonary resuscitation for adults and newborns, which includes newborn bag and mask ventilation;

(f) Failure to meet requirements set forth in subsections (c) through (e) within three years from the date of license expiration will require passage of a Board approved national examination within one year preceding the date of application for reactivation of license. Verification of successful passage of the examination must be sent directly to the agency from the originating authority.

(6) Direct entry midwives who have not reactivated their license within three years of the expiration date, and who have not engaged in active practice, may be granted a reactivated license after submission of the following:

- (a) Re-activation application form;
- (b) Payment of required application, reactivation and license fees pursuant to OAR 332-020-0020;

(c) Evidence of current certification in cardiopulmonary resuscitation for adults and newborns, which includes newborn bag and mask ventilation;

(d) Evidence of required education in approved legend drugs and devices, the basic course that is 40 hours if three years have passed, as provided in OAR 332-015-0070;

(e) Evidence of successful passage of a Board approved examination within one year preceding the date of application for reactivation of license. Verification of successful passage of the examination must be sent directly to the agency from the originating authority.

(7) An applicant who was previously licensed in Oregon and who has been engaged in the active practice of direct entry midwifery during the last three years preceding reapplication for Oregon licensure will not be required to pass the written examination for reactivation according to ORS 687.425, if the following documentation and fees are submitted:

- (a) Re-activation application form and requirements listed in OAR 331-030-0000;

(b) Payment of required application, reactivation and license fees pursuant to OAR 332-020-0020;

(c) Verification of active practice of direct entry midwifery through submission of tax records, client letters, or participation in peer review. Documentation must substantiate practice with an average of five clients per year with a minimum of 15 clients in a three-year period;

(d) Evidence of continuing education and peer review as required in OAR 332-020-0010 and 332-025-0020(2);

(e) Evidence of current certification in cardiopulmonary resuscitation for adults and newborns, which includes newborn bag and mask ventilation;

(f) Evidence of required education in approved legend drugs and devices as provided in OAR 332-015-0070;

ADMINISTRATIVE RULES

(g) Failure to meet requirements set forth in subsections (7)(c) through (f) of this rule will require passage of a Board approved national examination within one year preceding the date of application for reactivation of license. Verification of successful passage of the examination must be sent directly to the agency from the originating authority.

Stat. Auth.: ORS 676.605, 676.615, 687.420, 687.425, 687.430, 687.485 & 687.493
Stats. Implemented: ORS 676.605, 676.615, 687.420, 687.425, 687.430, 687.485 & 687.493
Hist.: DEM 1-1993(Temp), f. & cert. ef. 12-22-93; DEM 1-1994, f. & cert. ef. 6-15-94; DEM 1-2001(Temp), f. & cert. ef. 10-1-01 thru 3-29-02; DEM 1-2002, f. 2-25-02 cert. ef. 3-1-02; DEM 1-2004, f. 6-29-04, cert. ef. 7-1-04; DEM 1-2008, f. 9-15-08 cert. ef. 10-1-08

332-020-0020

Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency, in consultation with the Board, are as follows:

(a) Application:

(A) License: \$500.

(B) License by reciprocity: \$750.

(b) Examination — Oregon laws & rules: \$50.

(c) Original issuance of license (including by reciprocity): \$1900.

(d) Renewal of license: \$1900.

(e) Delinquent (late) renewal of license: \$50.

(f) Reactivation (expired over one year but less than three years): \$300.

(g) Reactivation (expired over three years): \$500.

(h) Replacement of license, including name change: \$25.

(i) Duplicate license document: \$25 per copy with maximum of three.

(j) Affidavit of licensure: \$50.

(k) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615, 687.435 & 687.485

Stats. Implemented: ORS 676.605, 676.615, 687.435 & 687.485
Hist.: DEM 1-1993(Temp), f. & cert. ef. 12-22-93; DEM 1-1994, f. & cert. ef. 6-15-94; DEM 1-1997(Temp), f. 7-22-97, cert. ef. 7-23-97; DEM 1-1999(Temp), f. 9-1-99, cert. ef. 9-9-99 thru 2-29-00; DEM 2-1999, f. 12-17-99, cert. ef. 12-20-99; DEM 1-2004, f. 6-29-04, cert. ef. 7-1-04; DEM 1-2008, f. 9-15-08 cert. ef. 10-1-08

Rule Caption: Amend continuing education to align with 2 year renewal cycle effective as of October 1, 2008 due to omission

Adm. Order No.: DEM 2-2008(Temp)

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-1-08 thru 3-30-09

Notice Publication Date: 3-30-2008

Rules Amended: 332-015-0070, 332-020-0010

Subject: The License cycle is being expanded from one to two years for the original issuance and renewal period, effective October 1, 2008. An oversight during the initial filing of the Notice of Rule-making Hearing (filed on June 13, 2008), inadvertently omitted continuing education rules in the filing.

This notice is to correct the oversight and amend continuing education requirements to align with changes from the one to two-year licensing/renewal cycle.

All Oregon Health Licensing Agency programs are standardizing continuing education dates to align with a revised "two-year" licensing/renewal cycle for efficiency and streamlining of agency business practices.

Rules Coordinator: Patricia C. Allbritton — (503) 373-2088

332-015-0070

Approved Legend Drugs and Devices Prescribed Education

To be granted a license endorsement authorizing access to administer legend drugs and devices an applicant or licensee must successfully complete the Basic Program Curriculum consisting of 40 clock hours of instruction in the approved curriculum. Each licensed midwife shall also complete the Renewal Program every three two years, consisting of 12.5 clock hours of continuing education. The Basic Program and the Renewal Program must be taught by a MEAC accredited or pre-accredited school, the Oregon Midwifery Council or by an organization authorized by the Board to provide continuing education. A list of approved sources of instruction shall be available from the agency. Both the Basic Program and the Renewal Program are comprised of theory, hands on practice and skills testing for competency.

(1) The Basic Program consists of:

(a) EIGHT CLOCK HOURS in Pharmacology covering drugs listed in OAR 332-025-0040 and 332-025-0050;

(A) Mechanism of Pharmacological Action;

(B) Indications;

(C) Therapeutic Effects;

(D) Side Effects/Adverse Reactions;

(E) Contraindications;

(F) Incompatibilities/Drug Interactions; and

(G) Drug administration including:

(i) Dosage;

(ii) Dosage Form and Packaging;

(iii) Routes of Administration;

(iv) Onset of Action;

(v) Peak Effect; and

(vi) Duration of Action.

(b) TWO CLOCK HOURS of administration of medications through injection, which includes:

(A) Universal precautions including the use and disposal of sharps;

(B) Equipment including:

(i) Needles;

(ii) Filter Needles (for use with glass ampules);

(iii) Syringes;

(iv) Skin surface disinfectants; and

(v) Medication containers (ampules, multi- and single-use vials).

(C) Appropriate injection sites;

(D) Procedures for drawing up and administering drugs;

(E) Special case: Administration of Medications Intravenously; and

(F) Care of equipment.

(c) SIXTEEN CLOCK HOURS in advanced treatment of shock, which includes:

(A) Theory of shock;

(B) Non-invasive treatment of shock;

(C) Intravenous fluid therapy;

(D) Purpose of IV fluid therapy;

(E) Equipment;

(F) Appropriate sites;

(G) Procedure;

(H) Rate of administration; and

(I) Care of equipment.

(d) SIX CLOCK HOURS in Maternal and neonatal resuscitation including:

(A) Basic life support techniques;

(B) Cardio-Pulmonary Resuscitation (CPR);

(C) Use of oxygen; and

(D) Positive pressure ventilation (bag, valve, mask).

(A) Assessing the degree of damage for repair;

(B) Use of local anesthetic;

(C) Equipment including:

(i) Suture;

(ii) Needles; and

(iii) Instruments.

(D) Use of needle holder and working with curved needle;

(E) Knot tying (Instrument knot);

(F) Basic stitching techniques including:

(i) Interrupted;

(ii) Basting;

(iii) Lock Blanket; and

(iv) Running mattress.

(G) Repairing the simple first-degree tear; and

(H) Repairing a second-degree tear.

(2) The Renewal Program consists of 12.5 clock hours drawn for the subjects covered in the Basic Program.

(3) The requirements in subsection (1), for the Basic Program Curriculum consisting of 40 clock hours of instruction in the approved curriculum, must be completed within the three years immediately before the date of application for licensed endorsement in legend drugs and devices.

(4) Authority for licensed direct entry midwives to access and administer legend drugs and devices is contingent upon meeting continuing education requirements as a condition of license renewal. Refer to OAR 332-020-0010.

(5) A copy of Board approved curriculum objectives will be retained on file at the agency and made available upon receipt of a written request and payment of an administrative fee for acquiring public records. Refer to OAR 331-010-0030.

Stat. Auth.: ORS 676.615, 687.485 & 687.493

ADMINISTRATIVE RULES

Stats. Implemented: ORS 676.615, 687.485 & 687.493
Hist.: DEM 1-2001(Temp), f. & cert. ef. 10-1-01 thru 3-29-02; DEM 1-2002, f. 2-25-02 cert. ef. 3-1-02; DEM 1-2004, f. 6-29-04, cert. ef. 7-1-04; DEM 2-2008(Temp), f. 9-15-08 cert. ef. 10-1-08 thru 3-30-09

332-020-0010 Continuing Education

(1) **HOURLY REQUIREMENTS:** To qualify for license renewal a direct entry midwife must complete approved continuing education every **two** years from the date of initial licensure or as specified for issuance, renewal and reactivation of the license with endorsement for administration of legend drugs and devices. The number of required hours is as follows:

(a) **Thirty (30)** clock hours pertaining to scope of practice issues, standards of midwifery care, the law and rules regulating the practice of direct entry midwifery, science, health care professional concerns such as infection control or medical emergencies, ethics, and business practices. Infection control, as used in this rule section, includes but is not limited to appropriate protocols for labeling, handling and disposing of bio-hazard products, including sharps and medical waste; exposure to blood-borne pathogens and prevention of cross-contamination through appropriate sterilization, disinfection, hand-washing and gloving standards, and correct disposal of articles/items in contact with blood and/or bodily fluids.

(b) Twelve and one half (12.5) clock hours pertaining to Board approved legend drugs and devices as referenced in OAR 332-025-0040, 332-025-0050, and 332-025-0060, which includes current information on approved drugs, administration procedures, treatment of shock including IV therapy, maternal and neonatal resuscitation and suturing. Education must consist of theory, hands on practice, and skills testing for competency assurance. The 12.5 clock hours of education applies after completion of the initial approved 40 course hours for license endorsement to administer legend drugs and devices.

(2) **CONTINUING EDUCATION PROVIDERS/SPONSORS:** Continuing education includes attendance or participation at an instructional program presented, recognized, or under the auspices of any Board approved permanently organized institution or professional organization or association:

(3) CONTINUING EDUCATION PATHWAYS:

(a) Attendance at lectures, post-secondary school or postgraduate courses, scientific sessions at conventions, courses offered by an approved association or licensed/accredited school, classes or courses offered through an institution such as the American Red Cross, hospitals, health care clinics, correspondence courses or internet courses.

(b) Continuing education relating to subject matter listed in subsection (1)(a) of this rule may be also be obtained through research or teaching (provided that no more than half the required hours be in teaching).

(c) Up to nine clock hours of continuing education relating to subject matter listed in subsection (1)(a) of this rule may be completed through self-study and documented on forms provided by the agency.

(4) **DOCUMENTATION REQUIREMENTS:** Submission to the agency of proof of participation in continuing education is the responsibility of the direct entry midwife. The following provisions specify requirements for documenting completion of continuing education:

(a) Documentation shall include the name of the sponsoring institution, association or organization, title of presentation, description of content, name of instructor or presenter, date, duration in hours, and license or statement of attendance or completion provided by the sponsor.

(b) Documentation verifying completion of all required continuing education shall be accumulated and held by the direct entry midwife for **two** years following any reporting period, or until notification of audit is received. Continuing education documentation must be available and provided to the agency upon request. Refer to OAR 332-020-0015.

(5) **ADDITIONAL REQUIREMENTS AND PROVISIONS:** In addition to other requirements specified in this rule section, the following provisions apply toward meeting continuing education requirements as a condition of license renewal and reactivation:

(a) A midwife who has attended fewer than five births in the previous year shall be required to take an additional 10 hours of continuing education specific to basic midwifery practice outlined in subsection (1)(a) of this rule.

(b) Failing to obtain the prescribed number of clock hours and/or complete appropriate continuing education content must reapply and meet requirements listed in OAR 332-015-0030.

(c) Hours of continuing education that are obtained in "excess" of the minimum requirements listed in subsection (1)(a) and (b) of this rule will not be carried forward as credit for the subsequent license renewal reporting cycle.

(d) Continuing education is required for renewal even if the direct entry midwife license has been inactive, revoked or suspended during that period.

(6) Notwithstanding subsection (1) of this rule, the agency may adjust the requirements for legend drugs and devices continuing education to coincide with the licensee's current continuing education **two** year reporting period.

Stat. Auth.: ORS 676.615, 687.425 & 687.485

Stats. Implemented: ORS 676.615, 687.425 & 687.485

Hist.: DEM 1-1993(Temp), f. & cert. ef. 12-22-93; DEM 1-1994, f. & cert. ef. 6-15-94; DEM 1-2001(Temp), f. & cert. ef. 10-1-01 thru 3-29-02; DEM 1-2002, f. 2-25-02 cert. ef. 3-1-02; DEM 1-2004, f. 6-29-04, cert. ef. 7-1-04; DEM 2-2008(Temp), f. 9-15-08 cert. ef. 10-1-08 thru 3-30-09

Oregon Health Licensing Agency, Sanitarians Registration Board Chapter 338

Rule Caption: Amend fee schedule based on revised agency cost allocation methodology; and other technical corrections.

Adm. Order No.: SRB 1-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-1-08

Notice Publication Date: 7-1-2008

Rules Amended: 338-005-0030, 338-010-0038, 338-010-0050

Subject: The Oregon Health Licensing Agency completed a comprehensive cost allocation analysis, evaluating expenditures, revenues, numbers of payers, direct and indirect costs, level of complexity in delivering services and growth/attrition ratios for each program, and overall agency operational costs, state agency assessments and inflation factors.

A new costs allocation methodology is being implemented and all fees adjusted agency wide based on the results of the analysis. The new structure simplifies the agency's accounting systems, streamlines business processes, and standardizes specific administrative fees, such as a monthly delinquency renewal fee in lieu of a variable annual flat rate, replacement fees, and official affidavits. All practitioner and business licenses have been extended from one-year to a two-year period as a cost savings and streamlining measure.

The Environmental Health Registration Board's 334 registrants support approximately 2% of the overall agency budget.

Rules Coordinator: Patricia C. Allbritton—(503) 378-8667, ext. 4322

338-005-0030

Fees

(1) Applicants and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) Registration — environmental health specialist: \$150.

(B) Registration — waste water specialist: \$150.

(C) Registration by reciprocity: \$200.

(D) Trainee registration — environmental health specialist: \$150.

(E) Trainee registration — waste water specialist: \$150.

(b) Examination:

(A) Oregon laws & rules: \$50;

(B) Written — environmental health specialist: \$250.

(C) Written — waste water specialist: \$250.

(c) Original issuance of registration (including by reciprocity):

(A) Environmental health specialist: \$300.

(B) Waste water specialist: \$300.

(C) Trainee registration — environmental health specialist: \$ 300.

(D) Trainee registration — waste water specialist: \$300.

(d) Renewal of registration:

(A) Environmental health specialist: \$300.

(B) Waste water specialist: \$ 300.

(e) Trainee extension (six month increments):

(A) Environmental health specialist: \$100.

(B) Waste water specialist: \$100.

(f) Other administrative fees:

ADMINISTRATIVE RULES

(A) Delinquent (late) renewal of registration: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(B) Restoration of expired registration (payable up to three years of expiration): \$150.

(C) Replacement of registration, including name change: \$25.

(D) Duplicate registration document: \$25 per copy with maximum of three.

(E) Affidavit of licensure: \$50.

(F) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 700.080 & 700.240

Stats. Implemented: ORS 676.605, 700.080 & 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 4(Temp), f. & ef. 7-1-75 thru 10-28-75; SRB 5, f. 10-14-75, ef. 11-11-75; SRB 1-1981, f. & ef. 4-8-81; SRB 1-1984, f. & ef. 10-26-84; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1993(Temp), f. & cert. ef. 10-22-92; SRB 1-1993, f. & cert. ef. 3-18-93; SRB 1-1996(Temp), f. 5-15-96, cert. ef. 6-1-96; SRB 3-1996, f. 6-28-96, cert. ef. 7-1-96, Renumbered from 338-010-0020; SRB 1-1997(Temp), f. & cert. ef. 7-23-97; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-1999(Temp), f. 3-30-99, cert. ef. 4-1-99 thru 9-27-99; Administrative correction 11/17/99; SRB 1-2000, f. 1-28-00, cert. ef. 2-1-00; SRB 2-2000, f. 9-29-00, cert. ef. 10-1-00; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

338-010-0038

Renewal

(1) Renewal applications received by the agency or postmarked after a registration has expired, but within one year from the expiration date, may be approved upon payment of the renewal fee and delinquency fees.

(2) A registration that has been expired for more than one, but less than three years, may be renewed upon payment of the registration renewal fee and a restoration fee.

(3) All registered environmental health specialists and waste water specialists shall obtain 2.0 credits or 20 contact hours of continuing education training every two years as a condition of renewal, whether registration is current or expired.

(4) Submission of appropriate continuing education documentation required in OAR 338-020-0050(1) shall be accumulated and held by the registrant until such time as notified of audit by the agency according to provisions of OAR 338-020-0030(3) and 338-020-0050(1) and (2).

(5) A registrant who fails to renew within three years following the date of expiration, may be granted a registration upon reapplication, payment of registration and/or examination fee(s), and successful completion of examination according to OAR 338-010-0030(4).

Stat. Auth.: ORS 676.605, 676.615, 700.100 & 700.240

Stats. Implemented: ORS 676.605, 676.615, 700.100 & 700.240

Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

338-010-0050

Trainee Registration

(1) An environmental health specialist trainee or waste water specialist trainee registration will be issued to individuals when all qualifications have been met and payment of the required fees have been received. The registration will be valid for a period of two years, expiring on the last day of the month two years from the date of issuance. The original two-year trainee registration fee will not be prorated.

(2) The trainee registration will state the registrant's name, address, registration number, expiration date and bear the signature of the registrant.

(3) The trainee registration will not be extended beyond a two-year period unless the cumulative hours of work experience total less than 3,840 clock hours. In the event the trainee has acquired less than 3,840 clock hours, the registration may be extended for an additional period of time in increments of six months based on projected completion date of work experience. The extension fee will be prorated at \$100 per six-month period.

(4) The registrant must complete the Certificate form and obtain a supervisor's signature, attesting to the following information:

(a) Trainee name;

(b) Work location;

(c) Date(s) work experience started and if applicable, ended;

(d) Total hours of work experience recorded as of the date of certification;

(e) Disclosure as to whether the work experience is based on full time or part time employment;

(f) Activity performed and clock hours recorded for work experience per activity.

(5) Holding a trainee registration does not prevent a registrant from taking the board prescribed examination for registration as an environmental health specialist or waste water specialist before completion of the required work experience. The trainee must satisfactorily complete pre-

scribed work experience and the written examination within the two-year registration period or within a 3,840 total clock hour limitation.

(6) All registered trainees shall obtain 1.0 credits or 10 contact hours of continuing education training every year as a condition of holding the registration.

(7) Persons who previously held a trainee registration, which expired without attainment of permanent registration or fulfillment of the two year or 3,840 clock hour limitation, may be issued an extension to their trainee registration subject to the following conditions:

(a) Submission of the Certification of Work Experience form documenting previous hours of work experience attained while in trainee status;

(b) Submission of satisfactory evidence that the trainee is or will be working in the field of environmental sanitation and will be under the direct supervision of an Oregon registered environmental health specialist or other person possessing equivalent credentials approved by the Board;

(c) Submission of continuing education required in subsection (6) of this rule and in accordance with provisions of OAR 338-020-0030. Documentation must meet the requirements of OAR 338-020-0050(3).

(8) The trainee registration issued will be valid only for the remaining period of time from those hours previously accumulated for a maximum cumulative total of two years or 3,840 clock hours.

(9) Trainees who fail to meet requirements of subsection (7)(a) through (c) will not be eligible for a registration extension until all qualifications have been met.

(10) An individual who holds a trainee registration that has been expired for more than three years, and who has not yet completed the 3,840 required hours of training, will be required to reapply and meet all registration requirements in accordance with ORS 700.100(4). Trainee registrations that are extended under this rule will only be valid for the time remaining to complete an aggregate 3,840 hours of training or six months, whichever occurs first.

Stat. Auth.: ORS 676.605, 700.035, 700.062 & 700.240

Stats. Implemented: ORS 676.605, 700.035, 700.062 & 700.240

Hist.: SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

Oregon Liquor Control Commission Chapter 845

Rule Caption: Adopt 14 employment criminal records check and fitness determination rules to comply with HB 2157.

Adm. Order No.: OLCC 10-2008

Filed with Sec. of State: 8-18-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 6-1-2008

Rules Adopted: 845-002-0200, 845-002-0210, 845-002-0220, 845-002-0230, 845-002-0240, 845-002-0250, 845-002-0260, 845-002-0270, 845-002-0280, 845-002-0290, 845-002-0300, 845-002-0310, 845-002-0320, 845-002-0330

Subject: The Commission is adopting 14 new rules to bring us into compliance with HB (House Bill) 2157. The Commission currently conducts Criminal Records Checks on certain subject individuals who are employed or applying for employment with the Commission pursuant to our statutory authority (ORS 471.695). There will be no change to our existing policy and procedure; HB 2157 requires that our existing process be codified in administrative rule. These rules control the Commission's acquisition of information about a subject individual's criminal history through criminal records checks and other means and its use of that information to determine whether the subject individual is fit to provide services to the Commission as an employee, volunteer, contractor or vendor in a position covered by OAR 845-002-0220. The fact that the Commission approves a subject individual as fit does not guarantee the individual a position as a Commission employee, volunteer, contractor or vendor.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-002-0200

Statement of Purpose and Statutory Authority

(1) Purpose. These rules control the Commission's acquisition of information about a subject individual's criminal history through criminal records checks or other means and its use of that information to determine whether the subject individual is fit to provide services to the Commission as an employee, volunteer, contractor or vendor in a position covered by

ADMINISTRATIVE RULES

OAR 845-002-0220. The fact that the Commission approves a subject individual as fit does not guarantee the individual a position as a Commission employee, volunteer, contractor or vendor.

(2) Authority. These rules are authorized under ORS 181.534, and 471.030, 471.040, 471.695 and 471.730.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730

Stats. Implemented: ORS 181.534, 471.695

Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0210

Definitions

As used in OAR chapter 845, division 002, unless the context of the rule requires otherwise, the following definitions apply:

(1) "Approved" means that, pursuant to a preliminary fitness determination under OAR 845-002-0240 or a final fitness determination under OAR 845-002-0260, an authorized designee has determined that the subject individual is fit to be an employee, volunteer, contractor or vendor in a position covered by OAR 845-002-0220.

(2) "Authorized Designee" means a Commission employee authorized to obtain and review criminal offender information and other criminal records information about a subject individual through criminal records checks and other means, and to conduct a fitness determination in accordance with these rules.

(3) "Commission", "The Commission" or "OLCC" means the Oregon Liquor Control Commission or any subdivision thereof.

(4) "Conviction" means that a court of law has entered a final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere (no contest) against a subject individual in a criminal case, unless that judgment has been reversed or set aside by a subsequent court decision.

(5) "Criminal Offender Information" includes records and related data as to physical description and vital statistics, fingerprints received and compiled by the Oregon Department of State Police Bureau of Criminal Identification for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole and release.

(6) "Criminal Records Check" or "CRC" means one of three processes undertaken to check the criminal history of a subject individual:

(a) A check of criminal offender information and motor vehicle registration and driving records conducted through the Law Enforcement Data System (LEDS) maintained by the Oregon Department of State Police, in accordance with the rules adopted and procedures established by the Oregon Department of State Police (LEDS Criminal Records Check);

(b) A check of Oregon criminal offender information, including through fingerprint identification, conducted by the Oregon Department of State Police at the Commission's request (Oregon Criminal Records Check); or

(c) A nationwide check of federal criminal offender information, including through fingerprint identification, conducted by the Oregon Department of State Police through the Federal Bureau of Investigation or otherwise at the Commission's request (Nationwide Criminal Records Check).

(7) "Criminal Records Check and Fitness Determination Rules" or "These Rules" means OAR chapter 845, division 002.

(8) "Denied" means that, pursuant to a preliminary fitness determination under OAR 845-002-0240 or a final fitness determination under OAR 845-002-0260, an authorized designee has determined that the subject individual is not fit to be an employee, volunteer, contractor or vendor in a position covered by OAR 845-002-0220.

(9) "False Statement" means that, in association with an activity governed by these rules, a subject individual either provided the Commission with materially false information about his or her criminal history, such as materially false information about his or her identity or conviction record, or failed to provide to the Commission information material to determining his or her criminal history.

(10) "Fitness Determination" means a determination made by an authorized designee pursuant to the process established in OAR 845-002-0240 (preliminary fitness determination) or 845-002-0260 (final fitness determination) that a subject individual is or is not fit to be a Commission employee, volunteer, contractor or vendor in a position covered by OAR 845-002-0220.

(11) "Other Criminal Records Information" means any information, in addition to criminal offender information, sought or obtained by the Commission about a subject individual relevant to determining the individual's criminal history.

(12) "Potentially Disqualifying Crimes" means a crime listed or described in OAR 845-002-0270.

(13) "Related" means that an individual has a relationship with another person described by one of the following labels: spouse, domestic partner, natural parent, foster parent, adoptive parent, stepparent, child, foster child, adopted child, stepchild, sibling, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, aunt, uncle, niece, nephew or first cousin.

(14) "Subject Individual" means an individual identified in OAR 845-002-0220 as someone whom the Commission may require fingerprints for the purpose of conducting a criminal records check.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730

Stats. Implemented: ORS 181.534, 471.695

Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0220

Subject Individual

"Subject Individual" means a person from whom the Commission may require fingerprints for the purpose of conducting a criminal records check because the person:

(1) Is employed by or applying for employment with the Commission; or

(2) Provides services or seeks to provide services to the Commission as a volunteer, contractor, or vendor; and

(3) Is, or will be, working or providing services in a position:

(a) In which the person works in the licensing or enforcement divisions; or

(b) In which the person has access to criminal background information.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730

Stats. Implemented: ORS 181.534, 471.695

Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0230

Criminal Records Check Process

(1) Disclosure of Information by Subject Individual.

(a) Preliminary to a criminal records check, a subject individual shall complete and sign the OLCC Criminal Records Request form and, if requested by the Commission, a fingerprint card. Both forms ask for identifying information, e.g., name, birth date, Social Security Number, physical characteristics, marital status, driver's license or identification card number, and current address. The OLCC Criminal Records Request form also asks for information about prior residences and for details concerning circumstances listed in OAR 845-002-0240(3)(a)-(f).

(b) A subject individual shall complete and submit to the Commission the OLCC Criminal Records Request form and, if requested, a fingerprint card within three business days of receiving the forms. An authorized designee may extend the deadline for good cause.

(c) The Commission shall receive a fingerprint card from a subject individual under the age of 18 years only if the subject individual also submits the written consent of a parent or guardian.

(d) Within a reasonable period of time as established by an authorized designee, a subject individual shall disclose additional information as requested by the Commission in order to resolve an issue hindering the completion of a criminal records check, e.g., providing additional proof of identity.

(2) When a Criminal Records Check is Conducted. An authorized designee may conduct, or request that the Oregon Department of State Police conduct, a criminal records check when:

(a) An individual meets the definition of "subject individual", but has not been approved under these rules, unless the individual was a Commission employee serving in his or her current position prior to the effective date of these rules and that position does not involve authorized designee responsibilities;

(b) an individual employed by the Commission meets the definition of "subject individual" because he or she is either moving to or applying for a position that meets the criteria of OAR 845-002-0220(2)(a)-(b), if:

(A) The Commission has not conducted a fitness determination on the subject individual within the previous three years;

(B) The subject individual had been previously approved under OAR 845-002-0260(3)(b); or

(C) An authorized designee determines that the new position requires greater responsibility for functions covered by OAR 845-002-0220(2)(a)-(b) than the subject individual's prior position;

(c) An authorized designee has reason to believe that a subject individual committed a crime listed or described in OAR 845-002-0270 and either a fitness determination has not yet been done on the subject individual or the crime had not been identified in a prior fitness determination;

ADMINISTRATIVE RULES

(d) An authorized designee has reason to believe that a factor relevant to a fitness determination listed in OAR 845-002-0260(2), not previously identified in a fitness determination, applies to a subject individual who had been previously approved under OAR 845-002-0260(3)(b); or

(e) As required by federal law or regulation, by state law or administrative rule, or by contract or written agreement with the Commission.

(3) Which Criminal Records Check(s) Is Conducted. When an authorized designee determines under subsection (2) of this rule that a criminal record check is needed, the authorized designee shall proceed as follows:

(a) LEDS Criminal Records Check. The authorized designee shall conduct a LEDS criminal records check as part of any fitness determination conducted in regard to a subject individual.

(b) Oregon Criminal Records Check. The authorized designee shall request that the Oregon Department of State Police conduct an Oregon criminal records check as part of any fitness determination conducted in regard to a subject individual.

(c) Nationwide Criminal Records Check. The authorized designee shall request that the Oregon Department of State Police conduct a nationwide criminal records check as part of any fitness determination conducted in regard to a subject individual.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730
Stats. Implemented: ORS 181.534, 471.695
Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0240

Preliminary Fitness Determination

(1) An authorized designee may conduct a preliminary fitness determination if the Commission is interested in hiring or appointing a subject individual on a preliminary basis, pending a final fitness determination.

(2) An authorized designee shall make a preliminary fitness determination about a subject individual based on information disclosed by the subject individual under OAR 845-002-0230(1) and a LEDS criminal records check.

(3) The authorized designee shall approve a subject individual as fit on a preliminary basis if the authorized designee has no reason to believe that the subject individual has made a false statement and the information available to the authorized designee does not disclose that the subject individual:

(a) Has been convicted of, found guilty except for insanity (or comparable disposition) of, or has a pending indictment for a crime listed or described under OAR 845-002-0270;

(b) Within the last five years, has been arrested for or charged with a crime listed or described under OAR 845-002-0270;

(c) Is being investigated for, or has an outstanding warrant for a crime listed or described under OAR 845-002-0270;

(d) Is currently on probation, parole, or another form of post-prison supervision for a crime listed or described under OAR 845-002-0270;

(e) Has a deferred sentence or conditional discharge or is participating in a diversion program in connection with a crime listed or described under OAR 845-002-0270; or

(f) Has been adjudicated in a juvenile court and found to be within the court's jurisdiction for an offense that would have constituted a crime listed or described under OAR 845-002-0270.

(4) If the information available to the authorized designee discloses one or more of the circumstances identified in section (3), the authorized designee may nonetheless approve a subject individual as fit on a preliminary basis if the authorized designee concludes, after evaluating all available information, that hiring or appointing the subject individual on a preliminary basis does not pose a risk of harm to the Commission, its client entities, the State, or members of the public.

(5) If a subject individual is either approved or denied on the basis of a preliminary fitness determination, an authorized designee thereafter shall conduct a fitness determination under OAR 845-002-0260.

(6) A subject individual may not appeal a preliminary fitness determination, under the process provided under OAR 845-002-0300 or otherwise.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730
Stats. Implemented: ORS 181.534, 471.695
Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0250

Hiring or Appointing on a Preliminary Basis

(1) The Commission may hire or appoint a subject individual on a preliminary basis if an authorized designee has approved the subject individual on the basis of a preliminary fitness determination under OAR 845-002-0240.

(2) A subject individual hired or appointed on a preliminary basis under this rule may participate in training, orientation, or work activities as assigned by the Commission.

(3) A subject individual hired or appointed on a preliminary basis is deemed to be on trial service and, if removed from trial service prior to completion of a final fitness determination under OAR 845-002-0260, may not appeal the trial service removal under the process provided under OAR 845-002-0300.

(4) If a subject individual hired or appointed on a preliminary basis is denied upon completion of a final fitness determination, as provided under OAR 845-002-0260(3)(d), then the Commission shall immediately terminate the subject individual's employment or appointment.

(5) A subject individual whose employment or appointment is terminated under subsection (4) of this rule may avail himself or herself of the appeal process provided under OAR 845-002-0300.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730
Stats. Implemented: ORS 181.534, 471.695
Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0260

Final Fitness Determination

(1) An authorized designee shall make a fitness determination about a subject individual based on information provided by the subject individual under OAR 845-002-0230(1), the criminal records check(s) conducted, if any, and any false statements made by the subject individual.

(2) In making a fitness determination about a subject individual, an authorized designee shall consider the factors in subsections (a)–(f) in relation to information provided by the subject individual under OAR 845-002-0230(1), and LEDS report or criminal offender information obtained through a criminal records check, and any false statement made by the subject individual. To assist in considering these factors, the authorized designee may obtain other criminal records information from the subject individual or any other source, including law enforcement agencies or courts within or outside of Oregon. To acquire other criminal offender information from the subject individual, an authorized designee may request to meet with the subject individual, to receive written materials from him or her, or both. The authorized designee will use all collected information in considering:

(a) Whether the subject individual has been convicted of, found guilty except for insanity (or a comparable disposition) of, or has a pending indictment for a crime listed or described under OAR 845-002-0270;

(b) The nature of any crime identified under subsection (a);

(c) The facts that support the conviction, finding of guilty except for insanity, or pending indictment;

(d) The facts that indicate the subject individual made a false statement;

(e) The relevance, if any, of a crime identified under subsection (a) or of a false statement made by the subject individual to the specific requirements of the subject individual's present or proposed position, services, or employment; and

(f) The following intervening circumstances, to the extent that they are relevant to the responsibilities and circumstances of the services or employment for which the fitness determination is being made:

(A) The passage of time since the commission or alleged commission of a crime identified under subsection (a);

(B) The age of the subject individual at the time of the commission or alleged commission of a crime identified under subsection (a);

(C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another crime listed or described under OAR 845-002-0270;

(E) Whether a conviction identified under subsection (a) has been set aside or pardoned, and the legal effect of setting aside the conviction or of a pardon;

(F) A recommendation of an employer;

(G) The disposition of a pending indictment identified under subsection (a);

(H) Whether the subject individual has been arrested for or charged with a crime listed or described under OAR 845-002-0270 within the last five years;

(I) Whether the subject individual is being investigated, or has an outstanding warrant, for a crime listed or described under OAR 845-002-0270;

(J) Whether the subject individual is currently on probation, parole or another form of post-prison supervision for a crime listed or described under OAR 845-002-0270;

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(K) Whether the subject individual has a deferred sentence or a conditional discharge or is participating in a diversion program in connection with a crime listed or described under OAR 845-002-0270;

(L) Whether the subject individual has been adjudicated in a juvenile court and found to be within the court's jurisdiction for an offense that would have constituted a crime listed or described under OAR 845-002-0270 if committed by an adult;

(M) Periods of incarceration of the subject individual;

(N) Whether the subject individual has a history of drug or alcohol abuse which relates to his or her criminal activity and the subject individual's history of treatment or rehabilitation for such abuse; and

(O) the education and work history (paid or volunteer) of the subject individual since the commission or alleged commission of a crime.

(3) Possible Outcomes of a Final Fitness Determination:

(a) Automatic Approval. An authorized designee shall approve a subject individual if the information described in sections (1) and (2) shows:

(A) No credible evidence that the subject individual has been convicted of, or found guilty except for insanity (or comparable disposition) of a crime listed or described under OAR 845-002-0270;

(B) No credible evidence that the subject individual has a pending indictment for a crime listed or described under OAR 845-002-0270;

(C) No credible evidence of the subject individual having made a false statement; and

(D) No discrepancies between the criminal offender information, other criminal records information and information obtained from the subject individual.

(b) Evaluative Approval. If a fitness determination under this rule shows credible evidence of any of the factors identified in paragraphs (3)(a)(A)-(D) of this rule, an authorized designee may approve the subject individual only if, in evaluating the information described in sections (1) and (2), the authorized designee determines that the subject individual acting in the position for which the fitness determination is being conducted would not pose a risk of harm to the Commission, its client entities, the State, or members of the public.

(c) Restricted Approval.

(A) If an authorized designee approves a subject individual under subsection (3)(b) of this rule, the authorized designee may restrict the approval to specific activities or locations.

(B) An authorized designee shall complete a new criminal records check and fitness determination on the subject individual prior to removing a restriction.

(d) Denial.

(A) If a fitness determination under this rule shows credible evidence of any of the factors identified in paragraphs (3)(a)(A)-(D) of this rule and, after evaluating the information described in sections (1) and (2) of this rule, an authorized designee concludes that the subject individual acting in the position for which the fitness determination is being conducted would pose a risk of harm to the Commission, its client entities, the State, or members of the public, the authorized designee shall deny the subject individual as not fit for the position.

(B) Refusal to Consent. If a subject individual refuses to submit or consent to a criminal records check including fingerprint identification, the authorized designee shall deny the subject individual as not fit without further assessment under the fitness determination process.

(C) If a subject individual is denied as not fit, then the subject individual may not be employed by or provide services as a volunteer, contractor or vendor to the Commission in a position covered by OAR 845-002-0220(2).

(4) Final Order. A completed final fitness determination becomes a final order of the Commission unless the affected subject individual appeals by requesting either a contested case hearing as provided by OAR 845-002-0300(2)(a) or an alternative appeals process as provided by OAR 845-002-0300(6).

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730
Stats. Implemented: ORS 181.534, 471.695
Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0270

Potentially Disqualifying Crimes

(1) FELONIES AND MISDEMEANORS. A conviction of any of the following crimes is potentially disqualifying. The lists include offenses that are crimes and are not intended to include offenses that are classified as violations (See ORS 161.505 through 161.565). No crimes are considered automatically disqualifying under these rules.

(a) Any federal crime.

(b) Any U.S. military crime.

(c) Felonies and misdemeanors in Oregon. Any felony or misdemeanor in Oregon Revised Statutes.

(d) Crimes Outside Oregon. Any felony or misdemeanor in a jurisdiction outside Oregon (including crimes outside the United States) that is the substantial equivalent of any Oregon crime, or that is serious and indicates behavior that poses a threat or jeopardizes the safety of the Commission, its client entities, the State, or members of the public as determined by the authorized designee.

(e) Inchoate crimes. Any inchoate crime or attempt, solicitation or conspiracy to commit a crime listed or described in this section pursuant to ORS 161.405, 161.435, or 161.450, including any crime based on criminal liability for conduct of another pursuant to ORS 161.155. If the crime occurred outside Oregon, similar inchoate crimes from local jurisdictions shall be considered by the authorized designee.

(f) Repealed crimes. Any offense that no longer constitutes a crime under Oregon law or the law of another jurisdiction, but is the substantial equivalent of any of the crimes listed or described in this section (section (1)) as determined by the authorized designee.

(2) Evaluation Based on Oregon Laws. An authorized designee shall evaluate a crime on the basis of Oregon laws and, if applicable, federal laws or the laws of any other jurisdiction in which a criminal records check indicates a subject individual may have committed a crime, as those laws are in effect at the time of the fitness determination.

(3) Expunged Juvenile Record. Under no circumstances shall a subject individual be denied under these rules because of the existence or contents of a juvenile record that has been expunged pursuant to ORS 419A.260 through 419A.262.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730
Stats. Implemented: ORS 181.534, 471.695
Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0280

Incomplete Fitness Determination

(1) The Commission will close a preliminary or final fitness determination as incomplete when:

(a) Circumstances change so that a person no longer meets the definition of a "subject individual" under OAR 845-002-0220;

(b) The subject individual does not provide materials or information under OAR 845-002-0230(1) within the timeframes established under that rule;

(c) An authorized designee cannot locate or contact the subject individual;

(d) The subject individual fails or refuses to cooperate with an authorized designee's attempts to acquire other criminal records information under OAR 845-002-0260(2); or

(e) The Commission determines that the subject individual is not eligible or not qualified for the position (of employee, contractor, vendor or volunteer) for a reason unrelated to the fitness determination process.

(2) A subject individual does not have a right to a contested case hearing under OAR 845-002-0300 to challenge the closing of an incomplete fitness determination.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730
Stats. Implemented: ORS 181.534, 471.695
Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0290

Notice to Subject Individual of Fitness Determination

(1) An authorized designee shall provide, in a format approved by the Commission, written notice to a subject individual upon completion of a preliminary or final fitness determination, or upon the closing of a fitness determination due to incompleteness.

(a) The authorized designee shall record on the notice the date on which the fitness determination was either closed as incomplete or completed.

(b) If the notice pertains to a completed final fitness determination, it shall be accompanied by a separate notice addressing the subject individual's right to request a contested case hearing to appeal the Commission's determination and containing the information required by OAR 137-003-0505.

(2) An authorized designee shall provide for hand delivery or first class mail delivery of the notice as soon as possible after completion or closure of a fitness determination, but in no case later than 14 calendar days after the date of completion or closure, to the address provided by the subject individual on the OLCC Criminal Records Request form, or to an updated address as provided in writing by the subject individual. If the separate notice regarding hearing rights is included pursuant to subsection

ADMINISTRATIVE RULES

(1)(b) of this rule, then such notice shall be provided by personal service or service by registered or certified mail.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730
Stats. Implemented: ORS 181.534, 471.695
Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0300

Appealing a Fitness Determination

(1) Purpose. This rule sets forth a contested case hearing process by which a subject individual may appeal a completed fitness determination made under OAR 845-002-0260 that he or she is fit or not fit to hold a position with, or provide services to the Commission as an employee, volunteer, contractor, or vendor. Section (6) of the rule identifies an alternative appeal process available only to current Commission employees.

(2) Process:

(a) A subject individual may appeal a fitness determination by submitting a written request for a contested case hearing to the address specified in the notice provided under OAR 845-002-0290(1)(b), within 14 calendar days of the date appearing on the notice. The Commission shall address a request received after expiration of the deadline as provided under OAR 137-003-0528.

(b) When a timely request is received by the Commission under subsection (a), a contested case hearing shall be conducted by an administrative law judge assigned by the Office of Administrative Hearings, pursuant to the Attorney General's Model Rules for Contested Cases, "Rules for the Office of Administrative Hearings" OAR 137-003-0501 to 137-003-0700, as supplemented by the provisions of this rule.

(c) The Commission shall provide the subject individual or the subject individual's legal representative with all of the information required under OAR 137-003-0510.

(d) As provided in OAR 137-003-0510(3), if participating in a contested case hearing, the Commission and the subject individual may agree to use a collaborative method of dispute resolution designed to encourage them to work together to develop a mutually agreeable solution, such as negotiation or a settlement conference.

(3) Discovery:

(a) A subject individual's hearing request under section (2)(a) of this rule shall constitute a discovery request for the following records:

(A) Any records the subject individual has a right to inspect under OAR 845-002-0310(2)(e); and

(B) In accordance with the Public Records Law, any records described in OAR 845-002-0310(3)(a).

(b) The Commission or the administrative law judge may protect information made confidential by ORS 181.534(15) or other applicable law as provided in OAR 137-003-0570(7) or (8).

(4) No Public Attendance. Contested case hearings on fitness determinations are closed to non-participants.

(5) Proposed and Final Order:

(a) Proposed Order. After a hearing, the administrative law judge shall issue a proposed order. If the subject individual or subject individual's legal counsel does not file written exceptions with the Commission within 15 calendar days of the mailing of the proposed order, the proposed order shall become the final order.

(b) Exceptions. If the subject individual or the subject individual's legal counsel files timely written exceptions to the proposed order with the Commission, the Commission Administrator or Administrator's designee shall consider the exceptions and serve a final order, or request a revised proposed order from the administrative law judge.

(c) Default. A completed final fitness determination made under OAR 845-002-0260 shall constitute a final order without a hearing as provided under OAR 137-003-0672.

(6) Alternative Process. A subject individual currently employed by the OLCC may choose to appeal a fitness determination either under the process made available by this rule or through the process made available by applicable personnel rules, policies, and collective bargaining provisions. A subject individual's decision to appeal a fitness determination through applicable personnel rules, policies, and collective bargaining provisions is an election of remedies as to the rights of the individual with respect to the fitness determination and is a waiver of the contested case process made available by this rule.

(7) Challenging Criminal Offender Information. A subject individual may not use the appeals process established by this rule to challenge the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or agencies reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation.

(a) To challenge information identified in this section (7), a subject individual may use any process made available by the providing agency.

(b) If the subject individual successfully challenges the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or an agency reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation, the subject individual may request that the Commission conduct a new criminal records check and re-evaluate the original fitness determination made under OAR 845-002-0260 by submitting a new OLCC Criminal Records Request form.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730
Stats. Implemented: ORS 181.534, 471.695
Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0310

Record Keeping and Confidentiality

(1) An authorized designee shall document a preliminary or final fitness determination, or the closing of a fitness determination due to incompleteness, in writing.

(2) Records Received from the Oregon Department of State Police.

(a) Records the Commission receives from the Oregon Department of State Police resulting from a criminal records check, including but not limited to LEDS reports and state or federal criminal offender information originating with the Oregon Department of State Police or the Federal Bureau of Investigation, are confidential pursuant to ORS 181.534(15).

(b) Within the Commission, only authorized designees shall have access to records the Commission receives from the Oregon Department of State Police resulting from a criminal records check.

(c) An authorized designee shall have access to records received from the Oregon Department of State Police in response to a criminal records check only if the authorized designee has a demonstrated and legitimate need to know the information contained in the records.

(d) Authorized designees shall maintain and disclose records received from the Oregon Department of State Police resulting from a criminal records check in accordance with applicable requirements and restrictions in ORS chapter 181 and other applicable federal and state laws, rules adopted by the Oregon Department of State Police pursuant thereto (see OAR chapter 257, division 15), these rules, and any written agreement between the Commission and the Oregon Department of State Police.

(e) If a fingerprint-based criminal records check was conducted with regard to a subject individual, the Commission shall permit that subject individual to inspect his or her own state and federal criminal offender information, unless prohibited by federal law.

(f) If a subject individual with a right to inspect criminal offender information under subsection (e) requests, the Commission shall provide the subject individual with a copy of the individual's own state and federal criminal offender information, unless prohibited by federal law.

(3) Other Records.

(a) The Commission shall treat all records received or created under these rules that concern the criminal history of a subject individual, other than records covered under section (2) of this rule, including OLCC Criminal Records Request forms and fingerprint cards, as confidential pursuant to ORS 181.534(15).

(b) Within the Commission, only authorized designees shall have access to the records identified under subsection (a).

(c) An authorized designee shall have access to records identified under subsection (a) only if the authorized designee has a demonstrated and legitimate need to know the information contained in the records.

(d) A subject individual shall have access to records identified under subsection (a) pursuant to the terms of the Public Records Law, ORS 192.410 to 192.505.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730
Stats. Implemented: ORS 181.534, 471.695
Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0320

Authorized Designees

(1) Appointment.

(a) The Commission Administrator or the Administrator's designee shall designate positions within the Human Resources Unit and the Enforcement & Compliance Unit as including the responsibilities of an authorized designee.

(b) Appointment to one of the designated positions shall be contingent upon an individual being approved under the Commission's criminal records check and fitness determination process.

(c) Appointments shall be made by the Commission Administrator or the Administrator's designee at his or her discretion.

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(2) The Commission Administrator and Deputy Administrator may also serve as authorized designees, contingent on being approved under the Commission's criminal records check and fitness determination process.

(3) Conflict of Interests. An authorized designee shall not participate in a fitness determination or review any information associated with a fitness determination for a subject individual if either of the following is true:

(a) The authorized designee is related to the subject individual; or

(b) The authorized designee has a financial or close personal relationship with the subject individual. If an authorized designee is uncertain of whether a relationship with a subject individual qualifies as a financial or close personal relationship under this subsection (b), the authorized designee shall consult with his or her supervisor prior to taking any action that would violate this rule if such a relationship were determined to exist.

(4) Termination of Authorized Designee Status.

(a) When an authorized designee's employment in a designated position ends, his or her status as an authorized designee is automatically terminated.

(b) An authorized designee shall immediately report to his or her supervisor if he or she is arrested for or charged with, is being investigated for, or has an outstanding warrant or pending indictment for a crime listed or described under OAR 845-002-0270. Failure to make the required report is grounds for termination of his or her status as an authorized designee.

(c) The Commission must suspend or terminate the appointment as an authorized designee if the authorized designee fails to comply with the rules of the Commission or fails to continue to meet the qualifications for the status of authorized designee, as applicable.

(d) A termination of authorized designee status due to a Final Fitness Determination is not subject to hearing rights under these rules unless the termination results in loss of employment or position, in which case they have the same hearing rights related to Fitness Determinations as other subject individuals under these rules.

(5) Review of Appointment. The Commission will develop a procedure to review and update appointments of authorized designees, up to and including a new application and criminal records check, to assure that all requirements of this rule are met:

(a) Every three years; or

(b) If the Commission has reason to believe the person no longer meets the qualifications to be an authorized designee, such as but not limited to, any indication of criminal behavior.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730

Stats. Implemented: ORS 181.534, 471.695

Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

845-002-0330

Fees

(1) The Commission may charge a fee for acquiring criminal offender information for use in making a fitness determination. In any particular instance, the fee shall not exceed the fee(s) charged the Commission by the Oregon Department of State Police and the Federal Bureau of Investigation to obtain criminal offender information on the subject individual.

(2) The Commission may charge the fee to the subject individual on whom the criminal offender information is sought, or, if the subject individual is an employee of a Commission contractor or vendor and is undergoing a fitness determination in that capacity, the Commission may charge the fee to the subject individual's employer.

(3) The Commission shall not charge a fee if the subject individual is a Commission employee, a Commission volunteer, or an applicant for employment or a volunteer position with the Commission.

Stat. Auth.: ORS 181.534 & 471.030, 471.040, 471.730

Stats. Implemented: ORS 181.534, 471.695

Hist.: OLCC 10-2008, f. 8-18-08, cert. ef. 9-1-08

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Rule Caption: Amend two advertising rules to allow modern signing and display practices in retail liquor stores.

Adm. Order No.: OLCC 11-2008

Filed with Sec. of State: 8-18-2008

Certified to be Effective: 9-1-08

Notice Publication Date: 5-1-2008

Rules Amended: 845-015-0175, 845-015-0177

Subject: OAR 845-015-0177 Specific Requirements for Signs and Displays in a Retail Liquor Store

This rule describes the Commission's specific requirements governing signs and displays in retail liquor stores. Southern Wine/Spirits West and Diageo petitioned the Commission to amend this rule to both add and delete language which would allow mod-

ern signing and display practices, including the use of electronics and digital displays, in retail liquor stores.

OAR 845-015-0175 General Requirements for Advertising in a Retail Liquor Store

This rule regulates the sorts of advertising that are allowed in retail liquor stores. Because this rule and the rule being petitioned cross-reference each other and both rules contain language regarding signs and displays in retail liquor stores the Commission initiated rule-making for this rule when it accepted the petition to amend OAR 845-015-0177. The only amendments to this rule are to amend the Statutory Authority section.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-015-0175

General Requirements for Advertising in a Retail Liquor Store

(1) Advertising Liquor in a Retail Liquor Store. ORS 471.750(2) allows signs and displays advertising distilled spirits products in retail liquor stores and gives the Commission the authority to regulate this advertising. The Commission prohibits advertising liquor in a retail liquor store other than as permitted by this rule and OAR 845-015-0177.

(2) General Requirements. The Commission allows signs and displays that:

(a) Comply with ORS 471.750(2), and Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations;

(b) Are temporary in nature and not permanent fixtures in the retail liquor store;

(c) Are truthful, in good taste and not lewd, sexist or racist;

(d) Do not obstruct another distillery's products;

(e) Advertise a rebate (as OAR 845-015-0165 allows), sweepstakes or offer a premium or an on-pack for the consumer. However,

(A) The sweepstakes or premium offer must not require the purchase of liquor in order to receive a prize or merchandise, unless the manufacturer or distillery representative donates the prize or merchandise to a charitable cause or community non-profit entity.

(B) When the on-pack is liquor, it must:

(i) Not exceed one 50 ml per bottle, unless an exception is approved by Commission staff;

(ii) Not be a size that has a current, regular listing;

(iii) Be attached to a non-like product; and

(iv) Be attached only to bottles 750 ml in size or larger.

(3) Signs and displays must not contain:

(a) False or misleading information;

(b) Claims that the alcoholic beverage has curative or therapeutic effects;

(c) Claims that any government agency endorses or supports the alcoholic beverage;

(d) Materials so appealing to minors that it encourages them to purchase, possess or drink alcoholic beverages;

(e) A person appearing to be under 26 years of age displayed drinking an alcoholic beverage;

(f) Material that encourages the use of an alcoholic beverage because of its intoxicating effect;

(g) Statements or illustrations that an alcoholic beverage causes athletic or sexual or artistic success or sexual prowess;

(h) Material that encourages excessive or rapid consumption.

(4) In addition to the requirements and restrictions in sections (2) and (3) of this rule, the Commission may prohibit any sign it deems inappropriate for use in a retail liquor store.

(5) The Commission retains the right to remove point of sale material(s) the Commission finds objectionable.

(6) The Commission allows and must approve the sale and distribution of on-packs.

(7) For this rule:

(a) "Sweepstakes" means a contest for prizes not prohibited by law and offered by a distillery or its representative. A participant may pick up an entry blank at a retail liquor store, but any prize must be delivered to the winner at a location other than a retail liquor store.

(b) "Premium" means an item, offered to promote a product, which a person may order from the distillery or its representative. A person may pick up an order form at a retail liquor store, but the item must be delivered at a location other than a retail liquor store. Examples of a premium include t-shirts, watches, and cameras.

(c) "On-pack" means any item, including distilled spirits, attached to a distilled spirits product for sale in retail liquor stores.

Stat. Auth.: ORS 471, 471.030, 471.730(1) & (5) & 471.750

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Stats. Implemented: ORS 471.750(2)
Hist.: OLCC 15-1991, f. 9-30-91, cert. ef. 10-1-91; OLCC 13-1996, f. 9-30-96, cert. ef. 10-7-96; OLCC 2-2003, f. 1-27-03, cert. ef. 2-1-03, Renumbered from 845-015-0091; OLCC 10-2003, f. 7-22-03, cert. ef. 9-1-03; OLCC 17-2004, f. 12-22-04, cert. ef. 1-1-05; OLCC 11-2008, f. 8-18-08, cert. ef. 9-1-08

845-015-0177

Specific Requirements for Signs and Displays in a Retail Liquor Store

If a retail sales agent chooses to allow signs and displays in the retail liquor store, the agent must allow each distillery representative who wants to advertise products in the store a reasonable opportunity to do so. The Commission prohibits advertising liquor in a retail liquor store other than as permitted by this rule and OAR 845-015-0175.

(1) The Commission allows signs and displays that:

(a) Function to advertise or display the distillery's alcoholic beverage products, or the approved items described in OAR 845-015-0143 that bear a distilled spirits brand name or trademark that are for sale in the retail liquor store;

(b) Are not placed in a window;

(c) Do not obstruct another distillery's products; and

(d) Are used only for advertising or display of the distillery's products and not for the retail sales agent's personal use.

(2) If the total value of the sign or display is \$500 or more, then the item can only be loaned to the retail sales agent, must be clearly marked as the property of the distillery representative, marked with the date the loan begins, and can only be loaned for a maximum of 90 days per calendar year. At no time can a loan period exceed more than 90 consecutive days. The distillery representative can only have one such sign or display at any one time in any one liquor store. The value of a sign or display is the actual cost to the supplier who initially purchased it. Transportation and installation costs are excluded.

(3) Nothing in this rule requires a retail sales agent to order distilled spirits for use in a display. Empty case boxes may be used, if necessary.

(4) The Commission retains the right to remove signs and displays the Commission finds objectionable.

Stat. Auth.: ORS 471.471.030, 471.730(1) & (5) & 471.750

Stats. Implemented: ORS 471.750(2)

Hist.: OLCC 15-1991, f. 9-30-91, cert. ef. 10-1-91; OLCC 5-1994, f. 10-31-94, cert. ef. 11-1-94; OLCC 2-2003, f. 1-27-03, cert. ef. 2-1-03, Renumbered from 845-015-0092; OLCC 10-2003, f. 7-22-03, cert. ef. 9-1-03; OLCC 11-2008, f. 8-18-08, cert. ef. 9-1-08

Oregon State Treasury Chapter 170

Rule Caption: Allocation of Private Activity Bond Limit.

Adm. Order No.: OST 4-2008

Filed with Sec. of State: 8-28-2008

Certified to be Effective: 8-28-08

Notice Publication Date: 8-1-2008

Rules Amended: 170-071-0005

Subject: The rule changes (1) clarify the Private Activity Bond Committee's policy of allowing carry forward allocations for specific projects/purposes or for a qualifying class of projects to be further allocated by the requestor, (2) revise the time period for acceptance of cap allocation requests to allow for more efficient timing of meetings of the Committee, and (3) bring the administrative rules for PAB allocations into compliance with HB 3265 which became effective on January 1, 2008.

Rules Coordinator: Sally Furze—(503) 378-4990

170-071-0005

Allocation of Private Activity Bond Limit

(1) Definitions:

(a) "Committee" means the Private Activity Bond Committee established pursuant to ORS 286.615.

(b) "Issuer" has that meaning given to it by ORS 286.605.

(c) "Private Activity Bonds" has the meaning given in Section 141 of the Internal Revenue Code of 1986.

(2) Meetings of the Committee. Committee meetings will be held as necessary, and on dates determined by the Committee to be consistent with the efficient allocation of the state's private activity bond volume limit (CAP), with public notice given as required by law. Committee meetings are open to the general public and may be held in any location permitted under the public meetings law, ORS 192.610 to 192.690, where the Committee deems appropriate. The Committee reserves the right to change its meeting schedule as allowed by the Oregon Public Meetings Law.

(3) Allocation Requests. Applications for current year CAP must be submitted no earlier than 30 days prior to the year for which the allocation is requested. Requests must be received no later than 10 business days before the scheduled meeting of the Committee at which the request is to be considered. Private activity bond issuers not specifically granted CAP by the legislature must submit requests for CAP to the Committee. Issuer's who have been granted a CAP allocation by the legislature may also apply to the Committee for additional CAP. CAP requests may be made for a specific project or for an amount to be further allocated by the requestor among a class of projects or activities that meet the allocation criteria. CAP requests and all communications must be sent to the Committee's address (Office of the State Treasurer, Debt Management Division, 350 Winter Street NE, Suite 100, Salem, Oregon 97301-3896; email "DMD@ost.state.or.us") and include:

(a) Name of the governmental bond issuer,

(b) Title of the obligation to be issued,

(c) Principal amount of the obligation,

(d) Amount of the allocation request,

(e) Date of any purchase commitment if such commitment has been made,

(f) Name and address of the original purchaser(s) of the obligation if such purchase has been made,

(g) Name, address and phone number of the principal user(s) of the proceeds from the issue,

(h) Anticipated sale date of the issue,

(i) Anticipated closing date of the issue,

(j) Name, address and phone number of bond counsel,

(k) Section and paragraph of the Internal Revenue Code, as identified by bond counsel, under which the bonds are deemed private activity bonds,

(l) How the project or activity for which an allocation is requested meets statutory standards,

(m) Expected number of family wage jobs created or saved as a result of the allocation,

(n) Expected number of housing units to be constructed or renovated as a result of the allocation, (describe how the affordability requirements of the Internal Revenue Code and your local requirements, if applicable, are to be met) and

(o) Any additional material, as required by the Committee, in support of the requested allocation.

(4) Allocation Standards. The purpose of private activity bonding in this state is to maximize the economic benefits of such bonding to the citizens of this state. To this end, the Committee shall make allocations that are expected to further economic development, housing, education, redevelopment, public works, energy, waste management, transportation and other activities that the Committee determines will benefit the citizens of the state. The Committee, in determining whether an allocation is made to a project or class of projects or activities, will consider criteria including but not limited to the following:

(a) Support projects that increase the number of family wage jobs in Oregon,

(b) Promote economic recovery in small cities heavily dependent on a single industry,

(c) Emphasize development in underdeveloped rural areas of this state,

(d) Utilize educational resources available at institutions of higher education,

(e) Support development of the state's small businesses, especially businesses owned by women and members of minority groups,

(f) Encourage use of Oregon's human and natural resources in endeavors, which harness Oregon's economic comparative advantages.

(5) Decision Factors. The Committee shall consider the following factors in reaching its allocation decision:

(a) Amount of CAP remaining within the Committee's allocation discretion and the total amount of unused CAP remaining at the time the request is received,

(b) Amount of allocation requested,

(c) Whether the project(s) or activities promote one of the standards listed in section (4) of this rule, and

(d) Type of bond issuer making the request.

(6) Allocation Methods.

(a) The Committee may grant more or less than the originally requested amount of CAP. Issuers must submit requests in the form and manner described in section (3) of this rule.

(b) At the Committee's discretion, a portion of their CAP may be reserved for the last six months of the calendar year.

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(7) Committee Decision Final. Issuers have the right to submit additional information, germane to their request, to the Committee at its meeting described in section (6) of this rule. Action of the Committee is final, however, if a CAP request is denied, a new application may be re-submitted through the procedures outlined in this rule.

(8) Post-Allocation Report. Issuers to whom CAP allocations have been made under this rule must submit to the Committee, within 150 days after receiving such allocation or by December 15 of the current calendar year, whichever is earliest, a confirmation of bond closing. In the event an issuer fails to file written confirmation of bond closing as required by this section, the CAP allocation shall automatically lapse. Bond closing confirmations must be delivered to the Committee address and includes:

- (a) Name of the governmental bond issuer,
- (b) Title of the obligation issued,
- (c) Principal amount of the obligation issued and allocation used,
- (d) Date of closing,
- (e) Date of the bond allocation,
- (f) Name and address of the individual submitting the bond closing confirmation, and

(g) Any additional material, which may be required by the Committee in support of the closing confirmation.

(9) Lapse or Extension of Allocation. Lapse of an allocation does not preclude the issuer from applying for a subsequent allocation for the same project. Issuers may, under compelling circumstances, request an extension of time to their initial 150-day period. Such requests must be filed with the Committee for approval or denial of the extension. All CAP allocations automatically lapse on December 15 of the calendar year for which the allocation is made, unless the issuer who has received the allocation files with the Committee a binding commitment to purchase and close the bond issue on or before December 31.

(10) Carry Forward Allocations.

(a) The Committee, on behalf of the state's agencies, commissions, and governmental units, may elect to carry forward all unused CAP. To receive a carry forward CAP allocation, an issuer must file a carry forward request with the Committee before December 15 and after September 30 of the current calendar year. The Committee will require information necessary for it to determine whether such carry forward request qualifies under the Internal Revenue Code and associated regulations. The Committee, not later than January 31 of the following year, shall make carry forward allocations to eligible issuers for specified purposes or for an amount to be further allocated by the requestor among a class of projects or activities that meet the allocation criteria. Carry forward requests must include the information required in section (3) of this rule.

(b) An issuer receiving a carry forward allocation must forward to the Internal Revenue Service a document indicating the carry forward election made to that issuer by the Committee, in such manner and format prescribed by the Internal Revenue Service and any relevant state or federal regulations.

(c) It is the responsibility of the issuers to whom carry forward CAP is granted to file Form 8328 "Carry Forward Election of Unused Private Activity Bond Volume Cap" with the Internal Revenue Service Center, Ogden, UT 84201 on or before February 15 of the year in which the carry forward is granted, in order to validate the carry forward with the federal government. A signed copy of the issuer's filing with the Internal Revenue Service must also be sent to the Committee on or before February 15 of the year in which the carry forward CAP is granted.

(d) Use Report. Issuers to whom carry forward CAP is granted must submit to the Committee, within 30 days of closing, a confirmation of CAP use and bond closing information including:

- (A) Name of the governmental bond issuer,
- (B) Title of the obligation issued,
- (C) Principal amount of the obligation issued and allocation used,
- (D) Date of closing,
- (F) Date of the bond allocation,
- (G) Name and address of the individual submitting the bond closing confirmation, and

(H) Any additional material, which may be required by the Committee in support of the closing confirmation.

(11) Annual Needs Survey. The Committee during the final quarter of each calendar year will inquire of the private activity bond issuers of the state as to their anticipated private activity bond issuance and the need for private activity bond allocation in the ensuing year. To be taken into consideration by the Committee for future allocation issuers should provide their information to the Committees address on or before December 15 of

the calendar year prior to the year for which private activity bond projections are made.

(12) The Committee may allocate amounts, subject to the standards set forth in subsection (4) of this rule, among issuers without a request for allocation from the issuer in the event additional bond limit becomes available, because of changes in federal law or otherwise, that has not been specifically allocated to an issuer by the Legislative Assembly.

(13) Exceptions. The Committee, at its discretion, may waive any or all provisions of this rule.

Stat. Auth.: ORS 286.615

Stats. Implemented: ORS 286.615

Hist.: TD 3-1986, f. & ef. 9-18-86; TD 3-1988(Temp), f. & cert. ef. 6-14-88; TD 4-1988, f. & cert. ef. 12-30-88; TD 2-1994, f. & cert. ef. 9-9-94; TD 2-1995, f. & cert. ef. 12-26-95; TD 1-1997, f. & cert. ef. 7-23-97; OST 1-2001, f. 7-23-01, cert. ef. 8-1-01; OST 4-2006, f. & cert. ef. 10-25-06; OST 2-2007(Temp), f. & cert. ef. 11-20-07 thru 4-15-08; Administrative correction 4-22-08; OST 3-2008(Temp), f. & cert. ef. 7-9-08 thru 1-4-09; OST 4-2008, f. & cert. ef. 8-28-08

Oregon Student Assistance Commission Chapter 575

Rule Caption: Modify OOG/SRM to comply with statutes related to domestic partnerships.

Adm. Order No.: OSAC 2-2008

Filed with Sec. of State: 8-21-2008

Certified to be Effective: 8-21-08

Notice Publication Date: 7-1-2008

Rules Amended: 575-031-0022

Subject: Certain rules for the Oregon Opportunity Grant that appear in section OAR 575, Division 31, need to be modified to accommodate students who are in a registered domestic partnership or the children of parents who are in a registered domestic partnership. Effective January 1, 2008, House Bill 2007 (chapter 99 of 2007 Oregon Laws) requires state agencies to make every effort possible to accommodate to a registered domestic partner to the same extent that a spouse would be entitled to benefits. This includes any privilege, immunity, right or benefit granted by statute, administrative or court rule, policy, common law or any other law to an individual because the individual is or was in a domestic partnership or to a child whose parent is a member of a domestic partnership.

Rules Coordinator: Susanne D. Ney—(541) 687-7394

575-031-0022

Definitions for the Shared Responsibility Model

(1) Cost of Education. For purposes of calculating Oregon Opportunity Grant awards under the Shared Responsibility Model, the standard cost of education is based on the definition of cost of education in OAR 575-030-0005.

(a) The standard cost of education for each institutional segment is based on the average of the standard costs for all participating institutions within an institutional segment.

(b) For purposes of calculating Oregon Opportunity Grant awards under the Shared Responsibility Model, the standard cost of education for all public and private independent 4-year institutions is the average of the standard costs for public 4-year institutions. The standard cost of education for all public 2-year institutions is the average of the standard costs for all institutions in that segment.

(2) "Student share". The student share is a fixed amount based upon a reasonable amount of paid work and, in some cases, a modest amount of borrowing, depending upon the type of institution the student attends. The Commission adjusts the student share annually according to changes in the Oregon minimum wage and what the Commission determines to be a manageable debt burden for a student. The student's share can consist of any combination of financial resources from the student's work, loans, scholarships, savings, or assets.

(a) For a student attending a public 2-year Oregon-based postsecondary institution, the student share is based on income from work. The Commission will annually determine the income from work amount, based on a minimum number of hours per week at minimum wage.

(b) For a student attending a public or not-for-profit 4-year Oregon-based postsecondary institution, the student share is based on income from work plus a modest loan amount. The Commission will annually determine the work component, based on a minimum number of hours per week at minimum wage, and the loan amount.

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(c) For a student enrolled between 6 and 11 credit-hours, the component of the student share represented by income from work may be higher than for students enrolled full time. The Commission will determine this amount annually.

(d) "Manageable debt burden". The Commission will annually determine a manageable debt burden based on average entry-level salaries for public service occupations in Oregon.

(3) "Family Share". The family share is based on the financial resources of the student's family, as reported in the Free Application for Federal Student Aid (FAFSA). If a student or student's parents, if applicable, are in an officially registered Oregon domestic partnership, the financial resources of the student's family shall be calculated by the Commission, based on information reported in the FAFSA and the Oregon Opportunity Grant Domestic Partnership Reporting Form.

(a) For a dependent student, the family share is equal to the portion of the federally calculated expected family contribution that is based upon the financial resources (income from work and other sources, savings, and/or assets) of the student's parents, providing program funding levels are sufficient to serve all eligible students. If the student's parents are in an officially registered Oregon domestic partnership, information provided on the Oregon Opportunity Grant Domestic Partnership Reporting Form may also be used to determine the expected family contribution.

(b) For a married independent student (with or without dependents), the family share is equal to the student's federally calculated expected family contribution. If the student is part of an officially registered Oregon domestic partnership, information provided on the Oregon Opportunity Grant Domestic Partnership Reporting Form may also be used to determine the expected family contribution. When determining dependency status, the Commission shall view students in officially registered domestic partnerships as independent.

(c) For a single independent student (with or without dependents) whose federal expected family contribution is less than the standard student share for a student attending a public 2-year postsecondary institution, the family share is \$0.

(d) For a single independent student (with or without dependents) whose federal expected family contribution is greater than the standard student share for a student attending a public 2-year postsecondary institution, the family share is equal to the federal expected family contribution minus the student share for a student attending a public 2-year postsecondary institution.

(e) Notwithstanding paragraphs (a) through (d) of this section, for the 2008-09 academic year, the Family Share for all students, both dependent and independent, is equal to the student's expected family contribution.

(f) Effective for academic years 2009-10 and beyond, the Family Share for single independent students is equal to the student's expected family contribution.

(4) "Federal Share". The federal share is based on how much the student or the student's family is expected to receive from the federal government in the form of Federal Pell Grants plus assumed federal higher education tax credits, as determined by the Commission. The federal share excludes Academic Competitiveness Grants, National SMART Grants, Federal SEOG awards, and other federal funds such as Robert C. Byrd Honors Scholarships.

(5) "State Share". The state share is equal to the standard cost of education minus the sum of the student share, the family share, and the federal share. The state share is the maximum amount that a student may receive as an Opportunity Grant. If the amount of the state share is less than the minimum award amount, as determined by the Commission, the student will receive no award. If total state funding is not sufficient to cover full awards for all eligible students, the state share may be reduced proportionally utilizing a method determined by the Commission.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: OSAC 5-2007, f. & cert. ef. 11-7-07; OSAC 2-2008, f. & cert. ef. 8-21-08

Rule Caption: Adopting temporary rules governing confidentiality and inadmissibility of mediation communications in subsequent adjudicatory proceedings.

Adm. Order No.: OSAC 3-2008(Temp)

Filed with Sec. of State: 8-22-2008

Certified to be Effective: 8-22-08 thru 2-15-09

Notice Publication Date:

Rules Adopted: 575-055-0005

Subject: This rule is identical to the rule on confidentiality of mediation communications, developed by the Attorney General pursuant

to ORS 36.224(2). The rule covers all mediations involving the Oregon Student Assistance Commission, except those express exclusions. The rule limits information that the mediator may disclose and allows the parties to agree in writing to limit what may be disclosed or used in a subsequent administrative proceeding.

Rules Coordinator: Susanne D. Ney—(541) 687-7394

575-055-0005

Confidentiality and Inadmissibility of Mediation Communications

(1) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in ORS 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) Mediations Excluded. Sections (6)–(10) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters;

(c) Mediation in which the only parties are public bodies;

(d) Mediation involving two or more public bodies and a private party if the laws, rule or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential;

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation; or

(6) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l) or (o)–(p) of section (9) of this rule.

(7) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in sections (8)–(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

(8) Written Agreement. Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing, as provided in this section, that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must be in substantially the following form. This form may be used separately or incorporated into an "agreement to mediate."

Agreement to Participate in a Confidential Mediation

The agency and the parties to the mediation agree to participate in a mediation in which the mediation communications are confidential and/or nondiscoverable and inadmissible to the extent authorized by OAR 575-055-0005(7) and this agreement. This agreement relates to the following mediation:

a) _____

(Identify the mediation to which this agreement applies)

b) To the extent authorized by OAR 575-055-0005(7), mediation communications in this mediation are: (check one or more)

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____confidential and may not be disclosed to any other person
____not admissible in any subsequent administrative proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative proceeding

____not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative, judicial or arbitration proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative, judicial or arbitration proceeding

c) _____
Name of Agency

Signature of Agency's authorized representative Date
(when agency is a party) or
Agency employee acting as the mediator
(when Agency is mediating the dispute)

d) _____
Name of party to the mediation

Signature of party's authorized representative Date
e) _____
Name of party to the mediation

Signature of party's authorized representative Date

(9) Exceptions to confidentiality and inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communica-

tions are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

(A) A request for mediation, or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation, or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712, or

(D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

(A) Attorney client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege, or

(B) Attorney work product prepared in anticipation of litigation or for trial, or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency, or

(D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation, or

(E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Executive Director determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.410 to 192.505, a court has ordered the terms to be confidential under 30.402 or state or federal law requires the terms to be confidential.

(p) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Auth.: ORS 36.224

Stats. Implemented: ORS 36.224, 36.228, 36.230 & 36.232

Hist.: OSAC 3-2008(Temp), f. & cert. ef. 8-22-08 thru 2-15-09

Oregon University System, Eastern Oregon University Chapter 579

Rule Caption: Revisions to Eastern Oregon University Student Records Policy.

Adm. Order No.: EOU 6-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 9-15-08

Notice Publication Date: 8-1-2008

Rules Amended: 579-045-0005

ADMINISTRATIVE RULES

Subject: The amendments to the rules of the Student Records Policy are to accommodate institutional changes and to establish boundaries regarding student privacy.

Rules Coordinator: Lara Moore—(541) 962-3368

579-045-0005

Student Records Procedures

(1) Student records are maintained for the purpose of preserving a permanent record of the academic achievement and progress of the student at Eastern Oregon University (EOU). For a limited period, other information pertaining to the student's attendance and academic progress, is also maintained.

(2) Only such records as are demonstrably and substantially relevant to the educational and related purposes of EOU are generated or maintained.

(3) The official academic student records are located in the Registrar's Office and are under the supervision of the Registrar.

(4) There are three categories of official student records maintained:

(a) Records of Academic Achievement include those personal biographic and academic items relating to admission, transcripts, enrollment, courses taken, credits earned, GPA, and degree(s) received. The academic records are kept permanently;

(b) Health Records include the physical examination record and outpatient records of student visits to the Student Health Service. These records are confidential and are only made available to any other professional/institution by written student request (forms available in the Student Health Service). Such records are kept indefinitely — or as specified by the State Archivist;

(c) Personal Records include information kept by the institution concerning the student and furnished by the student or by others on his or her behalf at the institution's request. Application for admission and supporting documents, various correspondence, as well as other information about the individual may also be included. Personal records are retained in accordance with institutional needs or as specified by the state records retention schedules.

(5) Information contained in the student records is deemed confidential and access is restricted to the student and, upon approval of the Registrar, to the faculty and administrative officers of the institution in performance of their assigned responsibilities. The records may not be released to any other person or agency except if authorized in writing by the student or upon receipt of the subpoena or other court order. These restrictions do not apply to records more than 25 years old.

(6) Certain public information may be released from the student records without the student's consent. Such unrestricted access applies to the following:

(a) Directory Information — Name; *municipality (city, state); telephone number and EOU email address; dates of attendance and current class standing; major field(s) of study, degrees, honors, and awards received, including dates; participation in officially recognized activities; and height and weight of students representing EOU Athletics. Each student may request in writing, that the above information will not be released to parents or anyone else requesting the information, except in cases of proven emergency. Students who want the above information withheld from public release must submit a written, signed notification to the Registrar's Office each term of attendance. The Dean of Enrollment Services or other university official may release otherwise restricted directory information if an emergency occurs wherein contact with the student is imperative;

(b) Objective evidence of a student's academic achievement, limited to degree(s) earned.

(7) Student records kept by divisions are considered to be unofficial. They are confidential and are available to institutional personnel in order to fulfill their official and professional responsibilities.

(8) Regulations and recommendations governing the maintenance and use of the student records are set forth by the Oregon State Board of Higher Education and may be referred to in Administrative Rules, Section 34.000 on file in the Records Office. ORS 351.065 also concerns student records.

(9) The Registrar shall draft the necessary regulations and rules to enforce the policy as herein described. These regulations shall be processed by administrative approval prior to posting.

*mailing address may be used for institutional business and may include third party entities in order to fulfill University program needs.

Stat. Auth.: ORS 351.065

Stats. Implemented: ORS 351.070

Hist.: EOSC 2-1979, f. & ef. 6-27-79; EOSC 9-1979, f. & ef. 10-12-79; EOSC 4-1995, f. & cert. ef. 2-16-95; EOU 6-2008, f. & cert. ef. 9-15-08

Oregon University System, Portland State University Chapter 577

Rule Caption: Amends Portland State University's Rule Regarding Health Insurance Requirements for Non-immigrant International Students and Dependents.

Adm. Order No.: PSU 6-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 9-15-08

Notice Publication Date: 5-1-2008

Rules Amended: 577-001-0005, 577-001-0010, 577-001-0020, 577-001-0025, 577-001-0035, 577-001-0040, 577-001-0041, 577-001-0045, 577-001-0050

Rules Repealed: 577-001-0001, 577-001-0014, 577-001-0015, 577-001-0030

Subject: The proposed amendments update Portland State University's administrative rule establishing health insurance requirements for non-immigrant international students and their dependents living in the United States. These amendments provide greater detail than the current rule, consistent with current University practice. A copy of the Notice of Proposed Rulemaking, Statement of Need and Fiscal Impact and the text of the proposed rules can be found at <http://www.pdx.edu/fadm>

Rules Coordinator: Tanja Dill—(503) 725-3701

577-001-0005

Notice of Rulemaking

Prior to the adoption, amendment, or repeal of any rule, the University shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date. Publication in the Bulletin may omit the information required by OAR 577-001-0010(1)(c)-(j).

(2) By mailing a copy of the notice to persons on the University's mailing list established pursuant to ORS 183.335(6) at least 28 days prior to the effective date. At a minimum, the mailing list shall include:

(a) Associated Press;

(b) The Oregonian;

(c) Vanguard;

(d) Associated Students of Portland State University;

(e) Portland State University Faculty Association; and

(f) Labor organizations representing University faculty or staff.

Stat. Auth.: ORS 183 & 351

Stats. Implemented: ORS 183.335 & 183.341

Hist.: PSU 3, f. & ef. 1-14-76; PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0010

Contents of Notice and Requests for Public Hearing

(1) The notice referred to in OAR 577-001-0005 shall contain the following:

(a) A caption of not more than 15 words that reasonably identifies the subject matter of the University's intended action.

(b) The subject matter and purpose of the proposed action in sufficient detail to inform a person that his or her interest may be affected.

(c) If practicable, the text of the rule to be adopted, amended or repealed. If the text is not included in the notice, the notice shall state the manner in which a copy of the text may be obtained.

(d) A citation of the statute or other legal authority for the rule.

(e) A citation of the statute or other law the rule is intended to implement.

(f) A statement of the need for the rule and how the rule is intended to meet the need.

(g) A list of documents, studies or reports prepared for or relied upon in formulating the rule, and a statement of the location at which those documents are available for public inspection.

(h) A statement of fiscal impact identifying state agencies, units of local government and the public which may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public. In considering the economic effect of the proposed action on the public, the University shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected.

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(i) If an advisory committee is not appointed pursuant to ORS 183.025(2), an explanation as to why no advisory committee was used to assist the University in drafting the rule.

(j) If the University plans to hold a public hearing:

(A) The time and place of the hearing and the manner in which interested persons may present their views.

(B) A designation of the person or governing body of the University to conduct the hearing.

(k) If the University does not plan to hold a public hearing:

(A) The time and manner in which data or views may be submitted in writing.

(B) A statement that any interested person desiring to express or submit data or views at a public hearing may request the opportunity to do so.

(C) The time and manner in which requests for a public hearing must be submitted.

(D) A statement that a public hearing will be held if the University receives timely request from ten or more persons or from an association having not less than ten members.

(2) If timely request for a public hearing is received from ten or more persons or from an association having not less than ten members, the University shall give notice of the hearing and conduct it in conformity with these rules.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 183.335 & 183.341

Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0020

Postponement of Proposed Action

(1) The University shall postpone its proposed action upon timely request of an interested person, to allow the requesting person an opportunity to submit data or views concerning the proposed action.

(2) Postponement of the proposed action shall be not less than 21 days or more than 90 days. In determining the length of postponement, the University shall consider the time necessary to give reasonable notice of the postponement and the complexity of the subject and issues of the proposed action.

(3) This rule does not apply to adoption of temporary rules pursuant to ORS 183.335(5) and OAR 577-001-0050.

Stat. Auth.: ORS 183 & 351

Stats. Implemented: ORS 183.335, & 183.341

Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0025

Conduct of Hearing

(1) If a public hearing is held, it shall be conducted by a person designated by the President.

(2) At the commencement of the hearing, any person wishing to be heard shall inform the presiding officer in writing of his or her name, address, affiliation, and position in favor of or opposition to the proposed action. The presiding officer shall provide a form for that purpose. Additional persons may be heard at the discretion of the presiding officer.

(3) Subject to the discretion of the presiding officer, the order of the presentation shall be:

(a) Statements of proponents;

(b) Statements of opponents; and

(c) Statements of any other witness present and wishing to be heard.

(4) The presiding officer may question or examine any witness making a statement at the hearing. At the discretion of the presiding officer, other persons may be permitted to examine witnesses.

(5) There shall be no rebuttal or additional statement given by any witness unless requested by the presiding officer. However, when such additional statement is given, the presiding officer shall allow an equal opportunity for reply.

(6) The hearing may be continued with recesses as determined by the presiding officer until all listed witnesses present and desiring to make statements have had an opportunity to do so.

(7) The presiding officer shall, if practicable, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witnesses offering them. The exhibits shall be preserved by the University for one year or, in the discretion of the University, returned to the witnesses offering them.

(8) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.

(9) A recording or verbatim record shall be made of the hearing or, in the alternative, a record in the form of minutes.

Stat. Auth.: ORS 183 & 351

Stats. Implemented: ORS 183.335 & 183.341

Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0035

Action of University

The University may adopt, amend, or repeal rules covered by the notice of proposed action at any time after the conclusion of the hearing or, if no hearing is held, on or after the date specified in the notice of proposed action.

Stat. Auth.: ORS 183 & 351

Stats. Implemented: ORS 183.335 & 183.341

Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0040

Filing With Secretary of State

(1) The University shall file in the office of the Secretary of State a certified copy of each rule as adopted or amended and each notice of repeal.

(2) A rule shall be effective upon filing unless a different effective date is required by statute or specified in the rule.

Stat. Auth.: ORS 183 & 351

Stats. Implemented: ORS 183.335 & 183.341

Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-1978, f. & ef. 1-6-78; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0041

Submission of Rule to Legislative Counsel

Within 10 days of filing an adopted or amended rule or notice of repeal with the Secretary of State, the University shall send a copy of the rule or notice of repeal to Legislative Counsel.

Stat. Auth.: ORS 183 & 351

Stats. Implemented: ORS 183.335 & 183.341

Hist.: PSU 1-1978, f. & ef. 1-6-78; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0045

Petitions Requesting Promulgation, Amendment, or Repeal of Rules

(1) An interested person may petition the University to adopt, amend, or repeal a rule. The petition shall state the name and address of the petitioner and any other person known to the petitioner to be interested in the rule. The petition shall be legible, signed by or on behalf of the petitioner, and shall contain a detailed statement of:

(a) The rule petitioner requests the University to adopt, amend, or repeal. When a new rule is proposed, the petition shall set forth the proposed language in full. When an amendment of an existing rule is proposed, the rule shall be set forth in the petition in full with matter proposed to be deleted and proposed additions shown by a method that clearly indicates proposed deletions and additions;

(b) Facts or arguments in sufficient detail to show the reasons for and effects of adoption, amendment, or repeal of the rule; and

(c) All propositions of law to be asserted by petitioner.

(2) If the petitioner requests the amendment or repeal of an existing rule, the petition must also contain comments on:

(a) Options for achieving the existing rule's substantive goals while reducing the negative economic impact on businesses;

(b) The continued need for the existing rule;

(c) The complexity of the existing rule;

(d) The extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations; and

(e) The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the existing rule, since the University adopted the rule.

(3) If a petition requests the amendment or repeal of a rule, before denying a petition, the University must invite public comment upon the rule, including whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.

(4) The University:

(a) May provide a copy of the petition, together with a copy of the applicable rules of practice, to all persons named in the petition;

(b) May schedule oral presentations; and

(c) Shall, in writing, within 90 days after receipt of the petition, either deny the petition or initiate rulemaking proceedings.

Stat. Auth.: ORS 183 & 351

Stats. Implemented: ORS 183.335 & 183.390

ADMINISTRATIVE RULES

Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

577-001-0050 Temporary Rules

(1) The University may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that is practicable, to adopt or amend a rule without the notice otherwise required. In such a case, the University shall:

(a) File with the Secretary of State the rule and the University's findings that failure to act promptly will result in serious prejudice to the public interest or to the interest of the parties concerned and the reasons for that finding, a citation of the statutory or other legal authority relied upon and bearing upon the adoption of the rule, a statement of the need for the rule and a statement of how the rule is intended to meet the need, and a list of the principal documents, reports or studies, if any, prepared by or relied upon by the University in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection;

(b) Take appropriate measures to make the temporary rule known to the persons who may be affected;

(c) Furnish copies of the temporary rule to the mailing list required by OAR 577-001-0005(1)(b); and

(d) File a copy of the adopted or amended rule with Legislative Counsel within 10 days after filing with the Secretary of State.

(2) Unless a later date is specified in the temporary rule, it shall be effective upon filing with the Secretary of State.

(3) Temporary rules may be effective for no longer than 180 days. They may not be renewed. The University may, however, adopt identical permanent rules with notice pursuant to division 1 of these Rules, and may give such notice contemporaneously with adoption of the temporary rule.

(4) A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed with notice pursuant to division 1 of these Rules prior to the expiration of the temporary rule.

Stat. Auth.: ORS 183, &351

Stats. Implemented: ORS 183.335 & 183.341

Hist.: PSU 12, f. & ef. 2-22-77; PSU 1-1978, f. & ef. 1-6-78; PSU 1-2008(Temp), f. 4-15-08, cert. ef. 4-21-08 thru 10-17-08; PSU 6-2008, f. & cert. ef. 9-15-08

Rule Caption: Amends Portland State University's Rule Regarding Health Insurance Requirements for Non-immigrant International Students and Dependents.

Adm. Order No.: PSU 7-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 9-15-08

Notice Publication Date: 5-1-2008

Rules Ren. & Amend: 577-030-0080 to 577-034-0001

Subject: The proposed amendments update Portland State University's administrative rule establishing health insurance requirements for non-immigrant international students and their dependents living in the United States. The amendments provide greater detail that the current rule, consistent with current University practice. A copy of the Notice of Proposed Rulemaking, Statement of Need and Fiscal Impact and the text of the proposed rules can be found at <http://www.pdx.edu/fadm>.

Rules Coordinator: Tanja Dill—(503) 725-3701

577-034-0001

Health Insurance Requirements for Non-Immigrant International Students and Their Dependents Living in the United States

(1) In order to assist the University in complying with federal regulations, and to ensure the quality of the educational and cultural experience of non-immigrant international students, such students must demonstrate their ability to meet their financial responsibilities in full. These responsibilities include the provision by non-immigrant international students of medical care for themselves and dependent family members in the United States.

(2) As used in this rule, "PSU Plan" means the insurance plan available through the University for non-immigrant international students.

(3) All non-immigrant international students enrolled part- or full-time at the University shall provide health insurance coverage for themselves and their dependent family members in the United States. Non-immigrant international students may fulfill this requirement by enrolling themselves and their dependent family members in the PSU Plan, or by

securing a comparable insurance waiver under section (5) of this rule, within 21 days of enrollment at the University.

(4) Charges for enrollment of international students and their dependents in the PSU Plan will automatically be billed to such students' University accounts unless they have secured a comparable insurance waiver under section (5) of this rule. Students who are enrolled for spring term will automatically be billed and enrolled for both spring and summer term, unless proof can be provided that following spring graduation the individual will depart the United States.

(5) Non-immigrant students who meet certain eligibility criteria as defined by the University may apply for a waiver of the requirement to use the PSU Plan. Such application shall be submitted to the Insurance Specialist in the Office of International Student and Scholar Services on a form provided by that office, which will require documentation of coverage. A waiver of the PSU Plan may be granted only when the student is covered by an alternative policy, plan or contract that provides comparable coverage:

(a) "Comparable coverage" means that the alternative policy, plan or contract meets or exceeds all levels of coverage provided by the PSU Plan, including any exclusions, the maximum amount of coverage per accident and illness, and the maximum amount of cumulative benefit; and that the alternative policy, plan or contract is either backed by the full faith and credit of the government of the international student's home country; is part of a health benefits program offered on a group basis to employees or enrolled students by a designated sponsor; or is an alternative plan lawfully sold in Oregon;

(b) Documentation of such coverage must indicate in English the insurance company's name and address for billing purposes, policy number, the coverage terms of the policy, the effective dates of the policy, and any exclusions, the names of the individuals covered by the policy, and the maximum amount of coverage per accident and illness and/or in terms of cumulative benefits;

(c) In all cases proof of continuous coverage is required during the student's program of study; and

(d) Notwithstanding section (5)(a) of this rule, the Vice Provost for International Affairs may designate as comparable coverage any plan for which non-immigrant international students are eligible that is offered through a University-recognized collective bargaining agreement.

(6) A non-immigrant international student whose request for a comparable insurance waiver is denied shall be enrolled in the PSU Plan and premiums will be billed to the student's University account.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: PSU 4-1992, f. & cert. ef. 7-21-92; Renumbered from 577-030-0080, PSU 3-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; Renumbered from 577-030-0080, PSU 7-2008, f. & cert. ef. 9-15-08

Oregon University System, Western Oregon University Chapter 574

Rule Caption: Revisions to health requirements for international students, special course fees and general service fees.

Adm. Order No.: WOU 2-2008

Filed with Sec. of State: 9-3-2008

Certified to be Effective: 9-3-08

Notice Publication Date: 7-1-2008

Rules Amended: 574-035-0005, 574-050-0005

Subject: Revisions to health requirements for international students, special course fees and general service fees.

Rules Coordinator: Debra L. Charlton—(503) 838-8175

574-035-0005

Health Requirements for International Students

(1) For international students good health is an essential condition for achieving educational objectives and assuring the quality of the educational and cultural experience. For purposes of this policy, international students shall be defined as individuals who are not U.S. citizens or permanent immigrants. Permanent residents are excluded.

(2) It is the responsibility of the institution to ensure that health care, which is culturally appropriate, accessible, and affordable, is available to international students. To meet this responsibility, Western Oregon University requires that each international student, within the first term of attendance, comply with the following:

(a) Complete the University's Health History Form and return it to the Student Health Center;

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(b) Have a tuberculin skin test at either the Western Oregon University Student Health Center or Polk County Health Center; or have a chest x-ray as directed by the health care provider;

(c) Purchase the University's Basic Limited and Extended group plan for health and accident insurance, meeting university minimum guidelines or federal minimum guidelines. All non-immigrant students must meet these guidelines; OR provide proof of government-sponsored major medical insurance coverage which is the only accepted alternative to the University's Basic Limited and Extended group plan.

(3) Western Oregon University will implement this policy according to the following processes:

(a) The Office of International Students and Scholars Affairs will make students aware that major medical health and accident insurance is required for spouses and children. This will be accomplished by mailing an information sheet along with the student's official admissions letter and adding the insurance fee to the school expense list on the Certificate of Eligibility (Form I-20/DX-2019). Subsequent notification may be sent from the International Students and Scholars Affairs Office.

(b) The Student Health Center will evaluate each student's Health History Form for completeness and immunize students, as necessary.

(c) The Student Health Center will require a current tuberculin skin test or chest x-ray for each international student.

(d) The Student Health Center will issue each international student a valid health card, temporary or permanent, once the student's Health History Form and screening for tuberculosis are completed.

(e) All international students will be charged automatically for the Western Oregon University student insurance plan and student health fee for the full academic year. An adequate insurance policy must be in effect every term that a student is in student status, including summer term, until the first day of fall term. Students who are not graduating or otherwise withdrawing spring term will have summer insurance charges posted to their account during fee payment of spring term.

(f) The Student Health Center will put a hold on registration for all international students until they have completed the requirements of this policy. After verifying that a valid health card has been issued and that appropriate health and accident insurance has been purchased, the Student Health Center will lift the hold on registration and allow the student to register.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070 & 351.072
Hist.: WOSC 4-1989, f. & cert. ef. 9-7-89; WOU 1-1999, f. & cert. ef. 2-15-99; WOU 3-2003, f. & cert. ef. 10-28-03; WOU 2-2008, f. & cert. ef. 9-3-08

574-050-0005

Special Fees for Selected Courses and Some General Services

The Schedule of Fees for Selected Courses and General Services for Western Oregon University are hereby adopted by reference.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 351.070 & 351.072
Stats. Implemented: ORS 351.070 & 351.072
Hist.: OCE 1, f. & cert. ef. 7-12-76; OCE 1-1978, f. & cert. ef. 10-27-78; OCE 2-1980, f. & cert. ef. 11-5-80; OCE 1-1981, f. & cert. ef. 1-7-81; OCE 3-1981, f. & cert. ef. 8-7-81; OCE 4-1981, f. & cert. ef. 11-2-81; WOSC 2-1982, f. & cert. ef. 9-17-82; WOSC 1-1983, f. & cert. ef. 10-11-83; WOSC 1-1985, f. & cert. ef. 10-4-85; WOSC 1-1986, f. & cert. ef. 10-15-86; WOSC 1-1987, f. 4-1-87, ef. 9-23-87; WOSC 2-1988, f. & cert. ef. 9-19-88; WOSC 1-1989, f. & cert. ef. 4-18-89; WOSC 2-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 5-1989, f. & cert. ef. 9-7-89; WOSC 1-1990, f. & cert. ef. 4-18-90; WOSC 2-1990, f. & cert. ef. 9-24-90; WOSC 1-1991, f. & cert. ef. 1-30-91; WOSC 2-1991, f. & cert. ef. 3-22-91; WOSC 4-1991, f. & cert. ef. 5-21-91; WOSC 7-1991, f. & cert. ef. 7-22-91; WOSC 2-1992, f. & cert. ef. 6-16-92; WOSC 3-1992, f. & cert. ef. 8-14-92; WOSC 1-1993, f. & cert. ef. 1-15-93; WOSC 2-1993, f. & cert. ef. 6-18-93; WOSC 3-1993, f. & cert. ef. 7-16-93; WOSC 5-1993, f. & cert. ef. 10-21-93; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 1-1995, f. & cert. ef. 8-11-95; WOSC 1-1996, f. & cert. ef. 10-16-96; WOSC 1-1997, f. & cert. ef. 2-27-97; WOU 3-1997, f. & cert. ef. 10-7-97; WOU 1-1998, f. & cert. ef. 1-26-98; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 1-1999, f. & cert. ef. 2-25-99; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 1-2000, f. & cert. ef. 3-16-00; WOU 2-2000, f. & cert. ef. 6-28-00; WOU 1-2001, f. & cert. ef. 3-5-01; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 1-2002, f. 3-12-02, cert. ef. 3-15-02; WOU 2-2002, f. 8-2-02, cert. ef. 8-15-02; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 1-2003, f. & cert. ef. 4-2-03; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 1-2004, f. & cert. ef. 3-24-04; WOU 2-2004, f. & cert. ef. 8-4-04; WOU 1-2005, f. & cert. ef. 3-8-05; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 3-2005, f. & cert. ef. 8-12-05; WOU 1-2006, f. & cert. ef. 3-2-06; WOU 2-2006, f. & cert. ef. 8-7-06; WOU 1-2007, f. & cert. ef. 3-5-07; WOU 2-2007, f. & cert. ef. 7-31-07; WOU 4-2007, f. & cert. ef. 11-1-07; WOU 1-2008, f. & cert. ef. 2-1-08; WOU 2-2008, f. & cert. ef. 9-3-08

Parks and Recreation Department Chapter 736

Rule Caption: Designation of Oregon Scenic Bikeways: define criteria and procedures for establishment of Oregon Scenic Bikeways.

Adm. Order No.: PRD 7-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 9-15-08

Notice Publication Date: 3-1-2008

Rules Adopted: 736-009-0015, 736-009-0020, 736-009-0025, 736-009-0030

Rules Amended: 736-009-0005, 736-009-0010

Subject: The rules are being amended to define criteria for selecting and procedures for establishing Oregon Scenic Bikeways, including creation of the Oregon Scenic Bikeways Committee to participate in the process.

Rules Coordinator: Joyce Merritt—(503) 986-0756

736-009-0005

Oregon Recreation Trails — Footpaths Only

The department declares the following Oregon Recreation Trails as footpaths only pursuant to the Oregon Recreation Trails System Act, ORS 390.950 - 390.989 and 390.995(2):

(1) Saddle Mountain Trail in Saddle Mountain State Park in Clatsop County (from the state park parking lot to the summit of Saddle Mountain, a distance of 3.0 miles).

(2) Ecola Trail in Ecola State Park (from the state park parking lot at the end of West Point Road near Seaside to the south boundary of Ecola Park in four sections, totaling 8.6 miles).

(3) Cape Falcon Trail (2.0 miles between Highway 101 and Cape Falcon); Short Sand Creek — Necarney Creek Loop Trail (0.9 mile between Highway 101 and Short Sands Beach); and Neahkahnie Mountain Trail (1.0 mile to the summit of Neahkahnie Mountain from its south base in Oswald West State Park); a total distance of 3.9 miles.

(4) Cape Lookout Trail in Cape Lookout State Park (from the picnic area to the tip of Cape Lookout in three sections, totaling 5.6 miles).

(5) Cape Sebastian Oregon Recreation Trail in Cape Sebastian State Park in Curry County (one existing trail approximately two miles in length beginning at the parking area at the southern end of the access road from the Oregon Coast Highway to the southern end of the Cape overlooking Hunter Cove).

(6) Humbug Mountain Oregon Recreation Trail in Humbug Mountain State Park in Curry County (approximately seven miles consisting of two segments of existing trail, one segment of the old coast highway and another segment partly on an old logging road and partly to be constructed).

Stat. Auth.: ORS 390.971(8)
Stats. Implemented: ORS 390.950 - 390.962
Hist.: HC 1286, f. 12-19-72, ef. 1-1-73; 1 OTC 30, f. 7-5-74, ef. 7-25-74; PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0010

Oregon Recreation Trails — Footpath, Bicycle

The department declares the following Oregon Recreation Trails as combination footpath and bicycle only, pursuant to the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2):

(1) The Forty-Mile Loop Trail in Portland, Gresham, Milwaukie, Troutdale and unincorporated portions of Multnomah County, a distance of approximately 140 miles.

(2) The Willow Canyon Trail in Madras and Jefferson County from Buff School to Lake Simtustus, a distance of approximately seven miles.

Stat. Auth.: ORS 184 & ORS 390.962
Stats. Implemented: ORS 390.950 - 390.962
Hist.: PR 6-1987, f. & cert. ef. 7-8-87; PR 1-1989, f. & cert. ef. 3-1-89; PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0015

Oregon Recreation Trails — Oregon Scenic Bikeways

(1) The purpose of OAR 736-009-0015 to OAR 736-009-0030 is to establish the procedures and criteria that the Scenic Bikeway Committee will use in recommending to the department the establishment and designation of Oregon Scenic Bikeways, pursuant to the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(2) The goals and objectives of the Oregon Scenic Bikeways Program are to:

(a) Provide safe, recreational, educational, and physically-varying bicycling opportunities on low-traffic count roads, bicycle lanes, and designated bicycle paths for the enjoyment and health of Oregonians and visitors;

(b) Manage Oregon Scenic Bikeways for long-term success;

(c) Preserve and enhance Oregon Scenic Bikeways;

(d) Provide links to tourist, scenic, historic, natural, cultural resources along Oregon Scenic Bikeways, attentive to the needs of the bicycling public for amenities along the bikeway; and

(e) Preserve and protect the natural landscape, scenic and historic features, and primitive character of any trail area.

ADMINISTRATIVE RULES

(3) In furtherance of the goals and objectives established in section (2) of this rule, the department will:

(a) Follow the process and criteria for evaluating, designating, updating and maintaining Oregon Scenic Bikeways established in this division;

(b) Develop management strategies to preserve and enhance Oregon Scenic Bikeways;

(c) Create and provide public information resource materials on Oregon Scenic Bikeways; and

(d) Promote interest and support from local communities for creation, enhancement, and publicizing of local bike loops, trails, and recreation opportunities adjacent to or in close proximity to any Oregon Scenic Bikeway.

Stat. Auth.: ORS 390.971(8)

Stats. Implemented: ORS 390.956, 390.959, 390.962, 390.968 & 390.971

Hist.: PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0020

Definitions

For purposes of this division, unless the context requires otherwise:

(1) "Agriculture/Forestry" means crops, wineries, vineyards, ranches, fisheries, orchards, nurseries, old-growth and reforested lands.

(2) "Amenities" may include potable water, lodging, camping, rest-rooms, bike shops, equipment storage, restaurants and grocery stores.

(3) "Committee" means the eleven-member Scenic Bikeway Committee appointed by the director to recommend the establishment and designation of Oregon Scenic Bikeways to the department.

(4) "Department" means the Oregon Parks and Recreation Department.

(5) "Director" means the Oregon Parks and Recreation Director appointed under ORS 390.127.

(6) "Landform" means topography that becomes more interesting as it gets steeper or more massive, or more severely sculptured. Outstanding landforms may be monumental or artistic and subtle.

(7) "Landscape" means a combination of outdoor, manmade, natural, and agricultural features within a view shed.

(8) "Linear Route" means a route that progresses from a starting to an ending point. The beginning and end of a linear route do not meet, but may connect to another route or a destination point.

(9) "Loop Route" means a route that starts and ends at the same location or connects to another cycling route that returns to the starting point.

(10) "Natural Features" means non-manmade attractions including geologic formations, wildlife sites, waterfalls, lake basins, old-growth stands, and mountain meadows.

(11) "Oregon Scenic Bikeway" means a route designated under this division as an Oregon Recreation Trail specifically for use by bicyclists under ORS 390.962.

(12) "Path" means a paved trail along a road or an independent right-of-way used by bicyclists, pedestrians, joggers, skaters, and other non-motorized travelers.

(13) "Paved" means a hard surfaces such as concrete, asphalt cement concrete (A/C) or other stable bituminous surfaces.

(14) "Proponent" means a group, organization, or individual who is in support of a proposed Oregon Scenic Bikeway.

(15) "Public Land" means any lands owned or leased by the federal government, this state or any political subdivision therein.

(16) "Oregon Recreation Trail" means a trail established and designated by the department pursuant to the Oregon Recreation Trails System Act.

(17) "Route" means a combination of streets and paths used to travel to destinations or in corridors for transportation or recreation.

(18) "Scenic" means an abundance and variety of aesthetically-pleasing manmade or natural elements along the route.

(19) "Unique" means relatively rare or unusual as applied to a resource or combination of features within a geographic region.

(20) "Vegetation" means forest, prairies, orchards, active farm cropland and tree farms with a variety of patterns, form and textures created by plant life, and small scale vegetation features that add striking and intriguing detail elements to the landscape.

(21) "Water" means ocean, rivers, lakes, streams, waterfalls, rapids, marshes, estuaries, bays, canals and harbors that add movement or serenity to a scene, the degree to which water dominates the scene.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.950 – 390.989

Hist.: PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0025

Oregon Scenic Bikeways Committee

(1) The director shall appoint a Scenic Bikeways Committee composed of 11 members. The committee shall include one representative each from:

(a) The department;

(b) Oregon Tourism Commission (dba Travel Oregon)

(c) Oregon Department of Transportation

(d) A Federal Lands Manager (U.S. Forest Service or Bureau of Land Management

(e) Oregon Association of Convention and Visitors Bureaus;

(f) Oregon Recreation Trails Advisory Council established pursuant to ORS 390.977;

(g) Oregon Bicycle and Pedestrian Advisory Committee established pursuant to ORS 366.112;

(h) Association of Oregon Counties;

(i) League of Oregon Cities;

(j) Representative of bicycle advocacy organization; and

(k) Citizen Representative.

(2) Members may serve two consecutive four-year terms on the committee. However, the director shall appoint the first committee members following the effective date of this rule to serve a two, three, or four-year term.

(3) The director shall appoint the chair from the committee membership, considering the recommendations of the committee.

(4) The committee shall meet at times and places specified by the call of the director.

(5) A majority of the members of the committee constitutes a quorum for the transaction of business.

(6) Function and Duties of Scenic Bikeways Committee:

(a) The committee shall evaluate proposed Oregon Scenic Bikeways against the criteria provided in OAR 736-009-0030 and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2). The committee shall make a recommendation to the director on the application for the proposed Oregon Scenic Bikeway.

(b) The committee shall evaluate each Oregon Scenic Bikeway route at least once every five years. The department and Oregon Department of Transportation will provide the committee an inventory of the features of the route determined by riding a bike along the route. The committee may recommend that the department improve, remove, or reroute portions of a route no longer meeting the criteria for an Oregon Scenic Bikeway.

Stat. Auth.: ORS 390.971(8)

Stats. Implemented: ORS 390.956, 390.959, 390.962, 390.968 & 390.971

Hist.: PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0030

Establishing Oregon Scenic Bikeways

Pursuant to ORS 390.962(1), the department prescribes the criteria in this rule in addition to those provided in the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2), for the designation of Oregon Scenic Bikeways.

(1) Oregon Scenic Bikeways may be comprised of recreational trails, designated transportation corridors or a combination thereof. Oregon Scenic Bikeways may include trail sections that are located in or near existing rights of way for roads or highways.

(2) Oregon Scenic Bikeways may be linear, loop, or a combination of linear and loop routes that encompass national, statewide, or regional scenic resources and shall generally meet these criteria:

(a) Linear routes connect to each other and other designated routes to the extent possible.

(b) Linear routes should not be less than 40 miles in length.

(c) Loop routes encompass regional or local scenic, cultural or historic features.

(d) Scenic loop routes should be no less than five miles and should return the cyclist back to their point of origin.

(e) Scenic loop routes may be established as connections to existing linear Oregon Scenic Bikeways or may be established as Oregon Scenic Bikeways in and of themselves.

(3) Pursuant to ORS 390.962(1), an Oregon Scenic Bikeway may be located:

(a) Over public land with the consent of each governmental entity having jurisdiction over the lands designated; or

(b) Over privately-owned lands in the manner and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995(2).

(4) Evaluation of Applications

ADMINISTRATIVE RULES

(a) To be considered as an Oregon Scenic Bikeway, a proponent must submit to the department a complete Oregon Scenic Bikeway Application form in the format specified by the department. The department will review an Oregon Scenic Bikeway proposal for completeness, including whether the application adequately addresses the considerations provided in ORS 390.965(2). A proponent must also include a detailed Route Management Plan. The department will provide all complete, eligible applications to the committee.

(b) The committee will consider routes for designation based on the criteria provided in sections (1) to (3) of this rule and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(c) The committee shall conduct a field review of the proposed route, to include a review conducted on bicycles by no less than three members of the committee.

(d) The committee shall score the route against criteria established in the Oregon Recreation Trails System Act, ORS 390.950 through 390.989 and 390.995, and this rule, including but not limited to:

- (A) Emphasis on use of public lands,
- (B) Minimizing adverse effects on adjacent landowners,
- (C) Harmony with and complement to established forest, agricultural, or other use plans, and

(D) Any natural features, agriculture, forest, unusual or unique landforms, vegetation, water components, scenic beauty and interest, as well as amenities available to the route.

(e) Based on the application, field review and scoring the committee shall determine if the route qualifies to be recommended for designation as an Oregon Scenic Bikeway.

(f) If the committee does not recommend designating the route as an Oregon Scenic Bikeway, it shall provide comments and recommendations to the proponent. Unless the committee has provided no option to reapply, the proponent may reapply to the committee after addressing the recommendations.

(5) Designation Process:

(a) The committee shall provide each recommendation for designation as an Oregon Scenic Bikeway to the director.

(b) The department shall hold public meetings on the recommended designation as provided in ORS 390.965(1).

(c) The department will consult with the Oregon Recreational Trails Advisory Council as provided in ORS 390.977.

(d) After the public meetings required in subsection (b), the director shall either submit the committee's recommendation to the commission for approval or denial of the proposed Oregon Scenic Bikeway or request that the committee provide further consideration of issues presented in the public meeting.

(6) Cooperative Agreements. Once an Oregon Scenic Bikeway route has been established and designated in accordance with this rule, the department will enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals as necessary to provide for development, signing, operation, maintenance, location or relocation of the trail as approved in the Route Management Plan.

(7) Signing and Publication of Oregon Scenic Bikeway Routes.

(a) Consistent with the requirements of ORS 390.959, the department will establish sign standards and coordinate sign placement for all routes that the commission designates as an Oregon Scenic Bikeway.

(b) The department will publish on its web page and make available standardized route maps for all Oregon Scenic Bikeways.

Stat. Auth.: ORS 390.971(8)

Stats. Implemented: ORS 390.956, 390.959, 390.962, 390.968 & 390.971

Hist.: PRD 7-2008, f. & cert. ef. 9-15-08

**Real Estate Agency
Chapter 863**

Rule Caption: Adopts current Attorney General Model Rules of administrative procedure.

Adm. Order No.: REA 4-2008

Filed with Sec. of State: 9-10-2008

Certified to be Effective: 10-1-08

Notice Publication Date:

Rules Amended: 863-001-0005

Subject: Adopts the January 1, 2008, version of the Attorney General's Uniform and Model Rules.

Rules Coordinator: Laurie Skillman—(503) 378-4630

863-001-0005

Rules of Procedure

The Real Estate Agency adopts by reference the Attorney General's Uniform and Model Rules OAR 137-001-0005 through 137-005-0070 bearing the effective date of January 1, 2008.

Stat. Auth.: ORS 183.341, 183.502 & 696.385

Stats. Implemented: ORS 183.341 & 183.502

Hist.: REC 32, f. 11-2-71, ef. 11-15-71; REC 36, f. 1-15-74, ef. 2-11-74; REC 48, f. & ef. 7-19-76; REC 4-1978, f. & ef. 7-2-78; REC 1-1982, f. & ef. 2-3-82; REC 2-1983, f. & ef. 10-13-83; REC 1-1986, f. & ef. 2-11-86; REA 2-1988, f. & cert. ef. 9-9-88; REA 2-1989(Temp), f. & cert. ef. 9-22-89; REA 3-1990, f. 12-13-90, cert. ef. 2-1-90; REA 6-1992, f. 11-4-92, cert. ef. 1-1-93; REA 1-1996, f. 6-3-96, cert. ef. 6-10-96; REA 1-1998, f. & cert. ef. 4-3-98; REA 2-1998, f. 5-28-98, cert. ef. 6-1-98; REA 1-2000, f. & cert. ef. 1-28-00; REA 2-2000, f. 3-27-00, cert. ef. 3-31-00; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 4-2006, f. 12-28-06, cert. ef. 1-1-07; REA 4-2008, f. 9-10-08, cert. ef. 10-1-08

**Secretary of State,
Corporation Division
Chapter 160**

Rule Caption: Official Signatures of Notaries Public.

Adm. Order No.: CORP 5-2008

Filed with Sec. of State: 9-15-2008

Certified to be Effective: 10-15-08

Notice Publication Date: 9-1-2008

Rules Amended: 160-100-0020, 160-100-0030

Subject: This rule sets standards for the official signature of the Oregon Notary Public, corresponding to the legal name as proven by satisfactory evidence, according to ORS 194.515.

Rules Coordinator: Tom Wrosch—(503) 986-2371

160-100-0020

Name of Notary Public

Whenever ORS 194.005 to 194.200, 194.505 to 194.595, and OAR 160-100-0000 to 160-100-0620 refer to the name of a notary public, the name shall be the legal name of the notary public as it appears on the notary public's written application for appointment and commission.

For the purposes of this chapter, the legal name on the notary public's written application for appointment and commission must be proven with satisfactory evidence per ORS 194.515(8).

Stat. Auth.: ORS 194.335

Stats. Implemented: ORS 194.014

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0020; CORP 5-2008, f. 9-15-08 cert. ef. 10-15-08

160-100-0030

Signature of Notary Public

Whenever ORS 194.005 to 194.200, ORS 194.505 to 194.595 and OAR 160-100-0000 to 160-100-0620 require or permit a notary public to sign his or her name, the notary public shall sign the legal name that appears on the notary public's written application for appointment and commission.

For the purposes of this chapter, the legal signature on the notary public's written application for appointment and commission must be proven with satisfactory evidence per ORS 194.515(8).

Stat. Auth.: ORS 194.335

Stats. Implemented: ORS 194.014

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0030; CORP 5-2008, f. 9-15-08 cert. ef. 10-15-08

**Teacher Standards and Practices Commission
Chapter 584**

Rule Caption: Amends rules concerning personnel required to hold a license, definitions, character questions, license suspension, alternative assessment & fees.

Adm. Order No.: TSPC 7-2008

Filed with Sec. of State: 8-20-2008

Certified to be Effective: 8-20-08

Notice Publication Date: 7-1-2008

Rules Amended: 584-005-0005, 584-017-0120, 584-017-0130, 584-017-0251, 584-017-0261, 584-036-0010, 584-036-0055, 584-050-0015, 584-060-0012, 584-060-0014, 584-060-0062, 584-060-0162, 584-060-0171, 584-060-0181, 584-070-0111, 584-070-0112, 584-070-0271, 584-070-0310, 584-080-0002, 584-080-0012, 584-080-

ADMINISTRATIVE RULES

0022, 584-080-0151, 584-080-0152, 584-080-0153, 584-080-0161, 584-100-0006, 584-100-0011, 584-100-0051

Rules Repealed: 584-050-0022

Subject: 1. Amends various Division 17 rules.

2. Defines “all grade levels” and clarifies definition of “recent experience.”

3. Amends personnel required to hold a license, certificate or Charter School Registration.

4. Removes Alternative Assessment as a definition of a “Rigorous State Test” in rule 584-100-0006.

5. Clarifies fees for license evaluations.

6. Clarifies “character question clearance” on license applications.

7. Removes incorrect rule references and makes housekeeping amendments to several rules.

8. Repeals rule that suspends an educator’s license for failure to obtain a first aid card.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-005-0005

Definitions

These definitions apply to Divisions 001-100 unless otherwise indicated by the context:

(1) “Administrators:” Superintendents, assistant superintendents, principals, vice principals, and such other personnel, regardless of title, whose positions require them to evaluate other licensed personnel.

(2) “All Grade Levels:” Grades prekindergarten through 12 (prek-12).

(3) “Alternative Assessment:” Procedures established by the Commission for candidates seeking licensure who fail to achieve a passing score on required matter or specialty area licensure tests for endorsement or authorization.

(4) “Alternative Education Program or School:” A private alternative education program or school registered with the Oregon Department of Education or a public alternative education program or school operated by a school district, education service district, or community college, which is established to serve students identified under ORS 339.250(6) and other students whose academic or professional technical interests and needs are best served through participation in such programs. (See OAR 584-036-0015.)

(5) “Application:” A request for an Oregon license authorizing service in public schools or a request for reinstatement or renewal of such license. As used in these rules, “application” includes the Application Form, C-1, the fee, and all supporting documents necessary for the evaluation for the license.

(6) “Appropriately Assigned:” Assignments for administrator, teacher, supervisor, school counselor, school psychologist, or school nurse duties for which the person involved holds the proper license, endorsements and authorizations. (See OAR 584-036-0081.)

(7) “Approved Institution:” A U.S. regionally accredited institution of higher education approved to prepare licensed personnel by a U.S. governmental jurisdiction in which the institution is located. See definition of “Regional Accrediting Associations” below.

(8) “Approved Program:” An Oregon program of educator preparation approved by TSPC and offered by a regionally accredited Oregon institution. As it applies to out-of-state programs, a program approved by the licensure body of any U.S. governmental jurisdiction authorized to approve educator preparation programs.

(9) “Assistant Superintendent:” A superintendent’s immediate subordinate who evaluates licensed personnel. May also be designated Deputy or Associate Superintendent.

(10) “Athletic Coaches:” Licensed personnel employed full time or part time for purposes of participation in interscholastic athletics and whose duties include instruction of students, preprimary through grade twelve. A student teacher or intern may serve as an assistant coach without licensure if assigned for a full-time practicum in the school in which he or she is coaching. (See OAR 584-036-0015.)

(11) “Authorization Level:” The grade levels in which a person may teach, i.e., early childhood, elementary, middle level and high school as defined in OAR 584-060-0051.

(12) “Commission:” Teacher Standards and Practices Commission (TSPC).

(13) “Competencies:” Ability to apply knowledge and skills appropriately and effectively in achieving the expected outcomes.

(14) “Completion of Approved Program:” The applicant has met the institution’s academic requirements and any additional state or federal

requirements and has obtained the institution’s recommendation for licensure.

(15) “Conditional Assignment:” (Formerly “Missassignment”) Assignment of a licensed educator to a position for which he or she does not hold the subject or specialty area endorsement or authorization level required by the rules for licensure. (See OAR 584-036-0081).

(16) “Consortium:” An advisory body to the institution in reviewing, evaluating, and making recommendations on the design, implementation, evaluation, and modification of the program.

(17) “Continuing Professional Development Advisor:” A person selected by an educator and approved by the educator’s supervisor, such as a college or university advisor, a peer coach, or a qualified member of an agency or professional organization.

(18) “Distance Learning Teacher:” A teacher who meets the criteria in OAR 584-036-0017 and provides live interactive instruction transmitted from a remote location or who delivers online education either from within Oregon or from another state and who is employed by one or more Oregon public school districts to teach public school students.

(19) “Domain:” An area of professional competency under which a teacher may select coursework or other approved activities for continuing professional development. (See OAR 584-090-0010.)

(20) “Education Service District (ESD):” A district created under ORS 334.010 that provides regional educational services to component school districts.

(21) “Educator:” Any person who is authorized to be employed in the instructional program of the public schools, public charter schools and ESDs, and holds a license to teach, administer, supervise, counsel or provide school psychology services.

(22) “Emergency License:” Issued by TSPC when a school district demonstrates extenuating circumstances that merits the issuance of the license in order to protect the district’s programs or students.

(23) “Endorsement:” The subject matter or specialty education field or grade authorization in which the individual is licensed to teach.

(24) “Executive Director:” The Executive Director of the Commission. (See ORS 342.410.)

(25) “Expired License:” A license for which an application for renewal was not received by TSPC prior to the date of expiration stated on the license.

(26) “Field Experience:” Learning activities designed to develop professional competence through observing, assisting, or teaching in a public or approved non-public school.

(27) “Instructional Assistant:” A non-licensed position of employment in a school district assigned to assist a licensed teacher in a supportive role in the classroom working directly with students.

(28) “Instructional Faculty:” Full-time and part-time faculty who teach professional courses and/or supervise field-centered activities and student teachers.

(29) “Intern:” A student of an approved institution who serves as a teacher, personnel specialist, or administrator under the supervision of the institution and of the school district in order to acquire practical experience in lieu of student teaching or supervised practica. Interns may receive both academic credit from the institution and financial compensation from the school district. Interns may serve as assistant coaches.

(30) “Joint Application:” Submitted by the school district in cooperation with the applicant.

(31) “Liaison Officer:” The person designated by the unit to submit all program modifications for TSPC approval, issue all recommendations for licensure under the approved program, authorize all waivers of professional courses for students enrolled in the program, and handle all correspondence between TSPC and the unit.

(32) “Major Modifications:” Changes of program philosophy, curricula, practica, resources, personnel, or performance standards.

(33) “Major Traffic Violation:” Includes driving while under the influence of intoxicants (ORS 487.540); reckless driving (ORS 487.550); fleeing or attempting to elude a police officer (ORS 487.555); driving while license is suspended or revoked or beyond license restrictions (ORS 487.560); or failure to perform the duties of a driver or witness at an accident (ORS 483.602).

(34) “Mentor:” Educators who have demonstrated the appropriate subject matter knowledge and teaching and/or administrative skills, which when assisting beginning educators, should substantially improve the induction and professional growth of beginning educators in this state.

(35) “Misassignment:” See definition of “Conditional Assignment” above.

ADMINISTRATIVE RULES

(36) "National Board For Professional Teaching Standards (NBPTS):" A professional board established to award a National Teaching Certificate to qualified educators.

(37) "Oregon Schools:" Includes public school districts, education service districts, registered private schools preprimary through grade twelve, state and federal schools, special state-supported schools, and public charter schools in Oregon serving students ages three through twenty-one, private schools accredited by the Northwest Commission on Colleges and Universities, and private proprietary career schools registered by the Oregon Department of Education.

(38) "Out of State Licenses or Certificates:" A certificate or license valid for full-time employment, at least equivalent to the Oregon license being requested, issued by one of the United States, a U.S. jurisdiction (American Samoa, Commonwealth of Northern Marianas, District of Columbia, Guam, Puerto Rico, and Virgin Islands), or the U.S. Department of Defense.

(39) "Personal Qualifications:" Personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator.

(40) "Personnel Service:" A type of license issued to counselors, supervisors, and school psychologists.

(41) "Practicum or Practica:" All supervised field experiences other than student teaching or internships. A practicum may be part of the field experience necessary to add an endorsement.

(42) "PRAXIS:" A series of professional assessments for beginning educators produced and administered by Educational Testing Service (ETS) and adopted by TSPC as licensure examinations.

(43) "Principal:" The administrator of each school building or buildings as designated by the school district board.

(44) "Private Schools:" A private school, preprimary through grade twelve, registered with the Oregon Department of Education in compliance with provisions of ORS 345.525 and 345.535 or approved or registered by another U.S. jurisdiction or government.

(45) "Professional Development Plan:" A plan for personal professional growth during the next licensure renewal cycle.

(46) "Professional Development Units (PDU):" A unit of domain-related activity that equals one clock hour of professional development and contributes to completion of an educator's professional development plan. (See OAR 584-090-001 et seq.)

(47) "Program Administrator:" Managers of school programs and coordinators of district-wide programs that are accountable at the building level.

(48) "Program Review Committee:" Committee appointed by the Commission to conduct an on-site review for purposes of approval of an educator preparation program.

(49) "Public Funds:" All monies expended by public school districts and for which the school board has responsibility, including funds from local, state, federal, and private sources. (See ORS 342.120(9).)

(50) "Public Schools:" Public school districts, education service districts and public charter school created under ORS Ch. 338, which are supported by local and state public funds and for which the school board has responsibility, for the program of instruction carried out in that school.

(51) "Recent Experience:" An application for a license submitted to TSPC either within three years following completion of the required coursework in an approved program or during the effective period of a comparable license and within three years of the last year of experience on such license.

(a) If more than three years have elapsed since completion of the required coursework in the program or since the last year of public school or regionally accredited private school experience on a license appropriate for the assignment, recency may be met by completion of nine quarter hours or six semester hours of additional preparation from an accredited institution germane to the license or endorsement requested.

(b) The additional credits must be completed during the three-year period prior to the application and must help the applicant keep abreast of current needs of public schools.

(c) If the comparable license expired prior to application, a Preparation for Teaching Report, Form C-2, must be submitted.

(d) Completion of the testing requirements alone will not meet the definition of "recent experience" if the coursework in the program was completed more than three years prior to the application for licensure.

(e) Recent experience may also include other education experience consistent with OAR 584-048-0015 and approved by the executive director.

(52) "Regional Accrediting Associations:" Colleges and universities approved for teacher education must be accredited by the appropriate regional association at the time the degree or program is completed. The regional associations are: New England Association of Schools and Colleges, Commission on Institutions of Higher Education; North Central Association of Colleges and Schools, The Higher Learning Commission; Northwest Commission on Colleges and Universities; Middle States Association of Colleges and Schools, Commission on Higher Education; Southern Association of Colleges and Schools, Commission on Colleges; or Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities.

(53) "Reinstatement:" Restoration of the validity of a license which has expired, been suspended, or been revoked. (See OAR 584-050-0015.)

(54) "Renewal:" Extension of validity of a current license. An application for renewal must be submitted prior to the expiration date stated on the license. (See OAR 584 div 48.)

(55) "School:" A single school building or combination of buildings which the school board designates as a school.

(56) "School Administrator:" The principal, vice principals and assistant principals at each school.

(57) "School Board:" The board of directors of a local school district or an education service district, the governing board of a public charter school, a registered private school, or the directors of a state, federal, or special state-supported school.

(58) "School Counselor:" A licensed employee of the district assigned to assist students to: develop decision-making skills, obtain information about themselves, understand opportunities and alternatives available in educational programs, set tentative career and educational goals, accept increasing responsibilities for their own actions, develop skills in interpersonal relations, and utilize school and community resources.

(59) "School District:" Includes administrative school districts; common school districts; joint school districts; union high school districts; county units; education service districts; registered private schools; and state, federal, and special state-supported schools. May also include school districts from other states.

(60) "School Nurse:" A registered nurse who is licensed by the Teacher Standards and Practices Commission as qualified to conduct and coordinate the health service programs of a school. (See OAR 584 div. 21.)

(61) "School Psychologist:" A licensed employee of the district assigned to: assessment of students' mental aptitude, emotional development, motor skills, or educational progress; designing educational programs for students and conferring with licensed personnel regarding such programs; and consulting with parents and students regarding interpretation of assessments and the design of educational programs. (See OAR 584 div. 44 and 70.)

(62) "School Supervisor:" Educators who assist, supervise, and evaluate students enrolled in the field-centered activities, including but not limited to, practica, internships and student teaching. (See OAR 584 div. 17.)

(63) "Self-Contained Classroom:" An assignment for teaching in grades preprimary through nine in which the teacher has primary responsibility for the curriculum.

(64) "Skills:" Ability to use knowledge effectively in the performance of specific tasks typical of those required in an educational position.

(65) "State Board:" The Oregon State Board of Education.

(66) "Student Teacher:" A student of an approved teacher education institution who is assigned to a public or approved private school for professional practica under the supervision of qualified personnel. Student teachers may provide instruction or may serve as assistant coaches.

(67) "Successful Experience:" If the educator was permitted to fulfill the contract with the district, the experience is deemed successful.

(68) "Superintendent:" The district's chief administrator who reports directly to the school board.

(69) "Supervisor of Licensed Personnel:" A person assigned to a position which includes the on-the-job supervision or evaluation of licensed personnel. Should not be confused with "School Supervisor" above.

(70) "Teacher:" Includes all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction, coordination of educational programs or supervision or evaluation of teachers and who are compensated for their services from public funds. "Teacher" does not include a school nurse as defined in ORS 342.455.

(71) "Teacher Education Programs:" Programs preparing teachers, personnel service specialists, or administrators. Oregon Revised Statutes use the term "teacher education" to refer to all programs preparing educa-

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tional personnel for public elementary and secondary schools, not exclusive to those for classroom teachers.

(72) "Transcripts:" An institution-sealed official record of academic preparation which bears the signature of the registrar and the seal of the institution. Photocopies are not acceptable.

(73) "TSPC:" Teacher Standards and Practices Commission.

(74) "Unit:" The institution, college, school, department, or other administrative body with the responsibility for managing or coordinating all programs offered for the initial and continuing preparation of teachers and other school personnel, regardless of where these programs are administratively housed.

(75) "Vice Principal:" A principal's immediate subordinate assigned to coordination of instruction, discipline, student activities, or supervision or evaluation of staff.

(76) "Violation of Licensure:" Employment by a public school of a teacher or school nurse without a valid license or Conditional Assignment Permit above.

(77) "Work Samples:" A designed and implemented unit of study that demonstrates capacity to foster student learning.

(78) "Year of Experience:" A period of at least eight consecutive months of full-time work or two consecutive years of one-half time or more while holding a license valid for the assignment.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430 & 342.455 - 342.495

Hist.: TSPC 2-1998, f. 2-4-98, cert. ef. 1-15-99; TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 2-2000, f. & cert. ef. 5-15-00; TSPC 5-2000, f. & cert. ef. 9-20-00; TSPC 4-2001, f. & cert. ef. 9-21-01; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 2-2002, f. & cert. ef. 3-15-02; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 3-2003, f. & cert. ef. 5-15-03; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 11-2006, f. & cert. ef. 8-17-06; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 3-2008(Temp), f. & cert. ef. 5-30-08 thru 1-25-08; TSPC 7-2008, f. & cert. ef. 8-20-08

584-017-0120

Elementary Authorization

The unit assures that candidates for an Elementary (ELE) Authorization demonstrate knowledge, skills, and competencies in an elementary setting.

(1) Candidates document understanding and apply knowledge of developmental psychology and learning, appropriate to students in grades 3-8 within the cultural and community context of the teacher education institution and cooperating school districts.

(2) Candidates articulate and apply a philosophy of education which is appropriate to the students in elementary grades and which ensures that students learn to think critically and integrate subject matter across disciplines.

(3) Candidates document broad knowledge of the subject matter, curriculum and methods needed to enable students to meet state and district standards by passing the commission-approved multiple subjects examination.

(4) Candidates complete student teaching or internship with students in grades 3-8. A practicum may substitute for student teaching if this is an additional authorization on an Initial or Continuing Teaching License.

(5) Special Education candidates may complete practica, student teaching, or internships in grades three (3) through eight (8).

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120, 342.147 & 342.165

Hist.: TSPC 2-1998, f. 2-4-98, cert. ef. 1-15-99; TSPC 7-1998, f. 9-28-98, cert. ef. 1-15-99; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 4-2002, f. & cert. ef. 5-21-02; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 7-2008, f. & cert. ef. 8-20-08

584-017-0130

Middle Level Authorization

The unit assures that candidates for a Middle Level authorization demonstrate knowledge, skills, and competencies in the middle level setting.

(1) Candidates document understanding and apply knowledge of developmental psychology and learning, appropriate to students in middle level education within the cultural and community context of the teacher education institution and cooperating school districts.

(2) Candidates articulate and apply a philosophy of education which is appropriate to the students in middle level education and which ensures that students learn to think critically and integrate subject matter across disciplines.

(3) Candidates document broad knowledge of the subject matter, curriculum and methods needed to enable students to meet state and district standards by passing the required Commission-approved multiple subjects examination.

(4) Candidates document in-depth knowledge of one subject matter or specialty endorsement appropriate to middle level teaching assignments by one or more of the following:

(a) Completing a college major in the subject matter or specialty endorsement;

(b) Passing the required Commission-approved test or tests, in the subject or specialty, including Basic Math;

(c) Passing the optional Commission-approved test in middle school Language Arts, Math, Social Studies or Science;

(d) Presenting evidence satisfactory to the Commission of specialized education.

(5) Candidates who have also passed the required Commission-approved multiple subjects examination may add subject-matter endorsements to the Initial Teaching License with middle-level authorizations by:

(a) Passing the high school level subject-mastery test, including Basic math. These endorsements authorize the candidate to teach the subjects through grade 12 so long as the candidate also holds the high school authorization; or

(b) Passing the middle school optional Commission-approved test in Language Arts, Social Studies or Science. These endorsements are only valid to teach the subject up through grade 9 in an elementary, middle or junior high school regardless if the candidate holds a high school authorization.

(6) Candidates who have not passed the commission-approved multiple subjects examination, but hold middle-level authorizations in art; English for Speakers of Other Languages (ESOL); bilingual education/ESOL; music, physical education, adaptive physical education; reading or special education may add an endorsement by:

(a) Passing the Commission-approved test or tests, including the middle school tests in Language Arts, Social Studies or Science in the subject-matter endorsement; and

(b) Completing one of the following practical experiences in grades 5-9:

(A) A practicum of 2 semester hours or 3 quarter hours, which except as specified below may or may not be part of a longer preparation that includes content or methods courses in the subject area, in an institution approved to prepare teachers for that endorsement;

(B) Verification of one year of experience teaching the new subject-area at least one hour each day or the equivalent on either an optional assignment of ten hours or less or on an approved conditional assignment permit (CAP) as allowed by OAR 584-036-0081; or

(C) Five years of experience teaching the subject area in a public school or regionally accredited private school within a U.S. jurisdiction on a license appropriate for the assignment before holding any Oregon license.

(7) Candidates complete student teaching or internship with students in grades 5-9 in an elementary, middle, or junior high school. A practicum may substitute for student teaching if this is an additional authorization on an Initial or Continuing Teaching License.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120, 342.147 & 342.165

Hist.: TSPC 2-1998, f. 2-4-98, cert. ef. 1-15-99; TSPC 6-1998, f. & cert. ef. 7-13-98; TSPC 7-1998, f. 9-28-98, cert. ef. 1-15-99; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 4-2002, f. & cert. ef. 5-21-02; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 4-2005(Temp), f. & cert. ef. 5-6-05 thru 9-30-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 7-2008, f. & cert. ef. 8-20-08

584-017-0251

Knowledge, Skills and Abilities Required for Initial Administrator License

(1) Visionary Leadership: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by facilitating the development, articulation, implementation, and stewardship of a school or district vision of learning supported by the school community.

(a) Candidates develop a vision. Candidates:

(A) Develop a vision of learning for a school that promotes the success of all students; and

(B) Base this vision on culturally relevant knowledge and theories, including but not limited to an understanding of learning goals in a democratic and pluralistic society, the diversity of learners and learners' needs, schools as interactive social and cultural systems, and social and organizational change.

(b) Candidates articulate a vision. Candidates:

(A) Demonstrate the ability to articulate the components of this vision for a school and the leadership processes necessary to implement and support the vision;

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(B) Demonstrate the ability to use data-based research strategies and strategic planning processes that focus on student learning to inform the development of a vision, drawing on relevant information sources such as student assessment results, student and family demographic data, and an analysis of community needs; and

(C) Demonstrate the ability to communicate the vision to staff, parents, students, and community members through the use of symbols, ceremonies, stories, and other activities.

(c) Candidates implement a vision. Candidates:

(A) Can formulate the initiatives necessary to motivate staff, students, and families to achieve the school's vision; and

(B) Develop plans and processes for implementing the vision (e.g., articulating the vision and related goals, encouraging challenging standards, facilitating collegiality and teamwork, structuring significant work, ensuring appropriate use of student assessments, providing autonomy, supporting innovation, delegating responsibility, developing leadership in others, and securing needed resources).

(d) Candidates steward a vision. Candidates:

(A) Demonstrate an understanding of the role effective communication skills play in building a shared commitment to the vision;

(B) Design or adopt a system for using data-based research strategies to regularly monitor, evaluate, and revise the vision; and

(C) Assume stewardship of the vision through various methods.

(e) Candidates promote community involvement in the vision. Candidates:

(A) Demonstrate the ability to involve community members in the realization of the vision and in related school improvement efforts; and

(B) Acquire and demonstrate the skills needed to communicate effectively with all stakeholders about implementation of the vision.

(2) Instructional Improvement: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by promoting a positive school culture, providing an effective instructional program, applying best practice to student learning, and designing comprehensive professional growth plans for staff.

(a) Candidates promote positive school culture. Candidates: Assess school culture using multiple methods and implement context-appropriate strategies that capitalize on the diversity (e.g., population, language, disability, gender, race, socio-economic) of the school community to improve school programs and culture.

(b) Candidates provide effective instructional program. Candidates:

(A) Demonstrate the ability to facilitate activities that apply principles of effective instruction to improve instructional practices and curricular materials;

(B) Demonstrate the ability to make recommendations regarding the design, implementation, and evaluation of a curriculum that fully accommodates learners' diverse needs;

(C) Demonstrate the ability to use and promote technology and information systems to enrich curriculum and instruction, to monitor instructional practices and provide staff the assistance needed for improvement;

(D) Demonstrate the ability to use aggregated and disaggregated student achievement data to develop effective instructional programs;

(E) Demonstrate the ability to use individual and group achievement data to develop school improvement plans; and

(F) Are able to use a variety of assessment tools and techniques to improve student achievement.

(c) Candidates apply best practice to student learning. Candidates:

(A) Demonstrate the ability to assist school personnel in understanding and applying best practices for student learning;

(B) Apply human development theory, proven learning and motivational theories, and concern for diversity to the learning process; and

(C) Demonstrate an understanding of how to use appropriate research strategies to promote an environment for improved student achievement.

(d) Candidates design comprehensive professional growth plans. Candidates:

(A) Apply human development theory, proven learning and motivational theories, and concern for diversity to the learning process; and

(B) Demonstrate an understanding of how to use appropriate research strategies to promote an environment for improved student achievement.

(3) Effective Management: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by managing the organization, operations, and resources in a way that promotes a safe, efficient, and effective learning environment.

(a) Candidates manage the organization. Candidates:

(A) Demonstrate the ability to optimize the learning environment for all students by applying appropriate models and principles of organizational development and management, including research and data driven decision-making with attention to indicators of equity, effectiveness, and efficiency;

(B) Develop plans of action for focusing on effective organization and management of fiscal, human and material resources, giving priority to student learning, safety, curriculum, and instruction; and

(C) Have knowledge of licensure rules and apply them properly to assignment of personnel.

(b) Candidates manage operations. Candidates:

(A) Demonstrate the ability to involve staff in conducting operations and setting priorities using appropriate and effective needs assessment, research-based data, and group process skills to build consensus, communicate, and resolve conflicts in order to align resources with the organizational vision; and

(B) Develop communications plans for staff to develop their family and community collaboration skills.

(c) Candidates manage resources. Candidates:

(A) Use problem-solving skills and knowledge of strategic, long-range, and operational planning (including applications of technology) in the effective, legal, and equitable use of fiscal, human, and material resource allocation and alignment that focuses on teaching and learning; and

(B) Creatively seek new resources to facilitate learning.

(4) Inclusive Practice: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by collaborating with families and other community members, responding to diverse community interests and needs, and mobilizing community resources in order to demonstrate and promote ethical standards of democracy, equity, diversity, and excellence, and to promote communication among diverse groups.

(a) Candidates collaborate with families and other community members. Candidates:

(A) Demonstrate an ability to bring together, the resources of family members and the community to positively affect student learning;

(B) Demonstrate an ability to involve all families in the education of their children based on the belief that families have the best interests of their children in mind;

(C) Demonstrate the ability to use public information and research-based knowledge of issues and trends to collaborate with families and community members;

(D) Apply an understanding of community relations models, marketing strategies and processes, data-based decision-making, and communications theory to create frameworks for school, family, business, community, government, and higher education partnerships;

(E) Develop various methods of outreach aimed at business, religious, political, and service organizations;

(F) Demonstrate the ability to involve families and other stakeholders in school decision-making processes, reflecting an understanding that schools are an integral part of the larger community;

(G) Demonstrate the ability to collaborate with community agencies to integrate health, social, and other services; and

(H) Develop a comprehensive program of community relations and demonstrate the ability to work with the media.

(b) Candidates respond to community interests and needs. Candidates:

(A) Demonstrate active involvement within the community, including interactions with individuals and groups with conflicting perspectives;

(B) Demonstrate the ability to use appropriate assessment strategies and research methods to understand and accommodate diverse school and community conditions and dynamics;

(C) Provide leadership to programs serving students with special and exceptional needs; and

(D) Demonstrate the ability to capitalize on the diversity (cultural, ethnic, racial, economic, and special interest groups) of the school community to improve school programs and meet the diverse needs of all students.

(c) Candidates mobilize community resources. Candidates:

(A) Demonstrate an understanding of and ability to use community resources, including youth services, to support student achievement, solve school problems, and achieve school goals;

(B) Demonstrate how to use school resources and social service agencies to serve the community; and

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(C) Demonstrate an understanding of ways to use public resources and funds appropriately and effectively to encourage communities to provide new resources to address emerging student problems.

(5) Ethical Leadership: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by acting with integrity, fairly, and in an ethical manner.

(a) Candidates act with integrity. Candidates:

(A) Demonstrate a respect for the rights of others with regard to confidentiality and dignity and engage in honest interactions promote such respect; and

(B) Demonstrate behaviors that are honest and consistent.

(C) Candidates act fairly. Candidates:

(A) Demonstrate the ability to combine impartiality, sensitivity to student diversity, and ethical considerations in their interactions with others;

(B) Make decisions using an inclusive process; and

(C) Understand and avoid any conflict of interest and avoid the appearance of impropriety.

(c) Candidates act ethically. Candidates:

(A) Make and explain decisions based upon ethical and legal principles; and

(B) Demonstrate respect and diligence regarding the law and compliance with its requirements.

(6) Socio-Political Context: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

(a) Candidates understand the larger context. Candidates:

(A) Act as informed consumers of educational theory and concepts appropriate to school context and can demonstrate the ability to apply appropriate research methods to a school context;

(B) Demonstrate the ability to explain how the legal and political systems and institutional framework of schools have shaped a school and community, as well as the opportunities available to children and families in a particular school;

(C) Demonstrate the ability to analyze the complex causes of poverty and other disadvantages and their effects on families, communities, children, and learning;

(D) Demonstrate an understanding of the policies, laws, and regulations enacted by local, state, and federal authorities that affect schools, especially those that might improve educational and social opportunities;

(E) Demonstrate the ability to describe the economic factors shaping a local community and the effects economic factors have on local schools;

(F) Demonstrate the ability to analyze and describe the cultural diversity in a school community;

(G) Can describe community norms and values and how they relate to the role of the school in promoting social justice; and

(H) Demonstrate the ability to explain various theories of change and conflict resolution and the appropriate application of those models to specific communities.

(b) Candidates respond to the larger context. Candidates: Demonstrate the ability to communicate with members of a school community concerning trends, issues, and potential changes in the environment in which the school operates, including maintenance of an ongoing dialogue with representatives of diverse community groups.

(c) Candidates influence the larger context. Candidates:

(A) Demonstrate the ability to engage students, parents, and other members of the community in advocating for adoption of improved policies and laws;

(B) Apply their understanding of the larger political, social, economic, legal, and cultural context to develop activities and policies that benefit students and their families; and

(C) Advocate for policies, programs and instructional strategies that promote equitable learning opportunities and success for all students, regardless of native language, socioeconomic background, ethnicity, gender, disability, or other individual characteristics.

(7) Practicum Experience: The practicum provides significant opportunities for candidates to synthesize and apply the knowledge and practice and develop the skills identified in Standards 1-6 through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and school district personnel for graduate credit.

(a) The practicum will be substantial. Candidates:

(A) Demonstrate the ability to accept genuine responsibility for leading, facilitating, and making decisions typical of those made by education-

al leaders. The experience(s) should provide candidates with substantial responsibilities that increase overtime in amount and complexity and involve direct interaction and involvement with staff, students, parents, and community leaders; and

(B) Each candidate should have a minimum of six months or equivalent of full-time practicum experience. (See, OAR 584-017-0280 Field Experience for Administrator License Program and 584-017-0282 Internship Experience for Administrator License Program)

(b) The practicum will be sustained. Candidates: Participate in planned practicum activities during the entire course of the program, including an extended period of time near the conclusion of the program to allow for candidate application of knowledge and skills on a full-time basis.

(c) The practicum will be standards-based. Candidates:

(A) Apply skills and knowledge articulated in these standards as well as state and local standards for educational leaders; and

(B) Experiences are designed to accommodate candidates' individual needs.

(d) The practica will be in real settings. Candidates:

(A) Experiences occur in multiple that allow for the demonstration of a wide range of relevant knowledge and skills; and

(B) Experiences include work with appropriate community organizations such as service groups and local businesses.

(e) The practica will be planned and guided cooperatively. Candidates:

(A) Experiences are planned cooperatively by the individual, the site supervisor, and institution personnel to provide inclusion of appropriate opportunities to apply skills, knowledge, and research contained in the standards. These three individuals work together to meet candidate and program needs; and

(B) Mentors are provided training to guide the candidate during the practicum experience.

(f) The practicum may be for credit.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120, 342.147 & 342.165

Hist.: TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 10-2006(Temp), f. 6-15-06, cert. ef. 7-1-06 thru 12-27-06; TSPC 12-2006, f. & cert. ef. 11-16-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 7-2008, f. & cert. ef. 8-20-08

584-017-0261

Knowledge, Skills and Abilities for Continuing Administrator License

(1) Visionary Leadership: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by facilitating the development, articulation, implementation, and stewardship of a school or district vision of learning supported by the school community.

(a) Candidates develop a vision. Candidates:

(A) Develop and demonstrate the skills needed to work with a board of education to facilitate the development of a vision of learning for a school district that promotes the success of all students;

(B) Base development of the vision on relevant knowledge and theories applicable to school-level leaders applied to a school district context;

(C) Use data-based research strategies to create a vision that takes into account the diversity of learners in a district; and

(D) Demonstrate knowledge of ways to use a district's vision to mobilize additional resources to support the vision.

(b) Candidates articulate a vision. Candidates:

(A) Demonstrate the ability to articulate the components of this vision for a district and the leadership processes necessary to implement and support the vision;

(B) Demonstrate the ability to use data-based research strategies and strategic planning processes that focus on student learning to develop a vision, drawing on relevant information sources such as student assessment results, student and family demographic data, and an analysis of community needs; and

(C) Demonstrate the ability to communicate the vision to school boards, staff, parents, students, and community members through the use of symbols, ceremonies, stories, and other activities

(c) Candidates implement a vision. Candidates:

(A) Demonstrate the ability to plan programs to motivate staff, students, and families to achieve a school district's vision; and

(B) Design research-based processes to effectively implement a district vision throughout an entire school district and community.

(d) Candidates steward a vision. Candidates:

(A) Demonstrate the ability to align and, as necessary, redesign administrative policies and practices required for full implementation of a district vision; and

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(B) Understand the theory and research related to organizational and educational leadership and engage in the collection, organization, and analysis of a variety of information, including student performance data, required to assess progress toward a district's vision, mission, and goals.

(e) Candidates promote community involvement in the vision. Candidates:

(A) Demonstrate the ability to bring together and communicate effectively with stakeholders within the district and the larger community concerning implementation and realization of the vision.

(2) Instructional Improvement: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by promoting a positive school culture, providing an effective instructional program, applying best practice to student learning, and designing comprehensive professional growth plans for staff.

(a) Candidates promote positive school culture. Candidates: Develop a sustained approach to improve and maintain a positive district culture for learning that capitalizes on multiple aspects of diversity to meet the learning needs of all students.

(b) Candidates provide effective instructional program. Candidates:

(A) Demonstrate an understanding of a variety of instructional research methodologies and can analyze the comparable strengths and weaknesses of each method;

(B) Are able to use qualitative and quantitative data, appropriate research methods, technology, and information systems to develop a long-range plan for a district that assesses the district's improvement and accountability systems;

(C) Demonstrate the ability to use and promote technology and information systems to enrich district curriculum and instruction, monitor instructional practices, and provide assistance to administrators who have needs for improvement;

(D) Demonstrate the ability to allocate and justify resources to sustain the instructional program;

(E) Demonstrate the ability to use aggregated and disaggregated student achievement data to develop district instructional programs;

(F) Demonstrate the ability to use individual and group achievement data to develop district improvement plans; and

(G) Are able to use a variety of assessment tools and techniques to improve student achievement for all students.

(c) Candidates apply best practice to student learning. Candidates:

(A) Demonstrate the ability to facilitate and engage in activities that use best practices and sound educational research to improve instructional programs;

(B) Demonstrate an ability to assist school and district personnel in understanding and applying best practices for student learning;

(C) Understand and can apply human development theory, proven learning, and motivational theories, and concern for the diversity to the learning process; and

(D) Understand how to use appropriate research strategies to profile student performance in a district and analyze differences among subgroups.

(d) Candidates design comprehensive professional growth plans. Candidates:

(A) Demonstrate knowledge of adult learning strategies and the ability to apply technology and research to professional development design focusing on authentic problems and tasks, mentoring, coaching, conferencing, and other techniques that promote new knowledge and skills in the workplace;

(B) Demonstrate the ability to use strategies such as observations and collaborative reflection to help form comprehensive professional growth plans with district and school personnel; and

(C) Develop personal professional growth plans that reflect commitment to life-long learning and best practices.

(3) Effective Management: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by managing the organization, operations, and resources in a way that promotes a safe, efficient, and effective learning environment.

(a) Candidates manage the organization. Candidates:

(A) Demonstrate the ability to use research-based knowledge of learning, teaching, student-development, organizational development, and data management to optimize learning for all students;

(B) Demonstrate an ability to manage time effectively and to deploy financial and human resources in a way that promotes student achievement;

(C) Demonstrate the ability to organize a district based on indicators of equity; effectiveness, and efficiency and can apply legal principles that promote educational equity; and

(D) Demonstrate an understanding of how to apply legal principles to promote educational equity and provide a safe, effective and efficient facility.

(b) Candidates manage operations. Candidates:

(A) Demonstrate the ability to involve stakeholders in aligning resources and priorities to maximize ownership and accountability;

(B) Can use appropriate and effective needs assessment, research-based data, and group process skills to build consensus, communicate, and resolve conflicts in order to align resources with the district version;

(C) Develop staff communication plans for integrating district's schools and divisions; and

(D) Develop a plan to promote and support community collaboration among district personnel.

(c) Candidates manage resources. Candidates:

(A) Use problem-solving skills and knowledge of strategic, long-range, and operational planning (including applications of technology) in the effective, legal, and equitable use of fiscal, human, and material resource allocation that focuses on teaching and learning;

(B) Creatively seek new resources to facilitate learning;

(C) Apply an understanding of school district finance structures and models to ensure that adequate financial resources are allocated equitably for the district;

(D) Apply and assess current technologies for management, business procedures, and scheduling; and

(E) Apply licensure rules to ensure qualified staff are placed in all positions throughout the district.

(4) Inclusive Practice: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by collaborating with families and other community members, responding to diverse community interests and needs, and mobilizing community resources in order to demonstrate and promote ethical standards of democracy, equity, diversity, and excellence, and to promote communication among diverse groups.

(a) Candidates collaborate with families and other community members. Candidates:

(A) Demonstrate the ability to facilitate the planning and implementation of programs and services that bring together the resources of families and the community to positively affect student learning;

(B) Demonstrate an ability to use public information and research-based knowledge of issues and trends to collaborate with community members and community organizations to have a positive affect on student learning;

(C) Apply an understanding of community relations models, marketing strategies and processes, data driven decision-making, and communication theory to craft frameworks for school, business, community, government, and higher education partnerships;

(D) Demonstrate an ability to develop and implement a plan for nurturing relationships with community leaders and reaching out to different business, religious, political, and service organizations to strengthen programs and support district goals;

(E) Demonstrate an ability to involve community members, groups, and other stakeholders in district decision-making, reflecting an understanding of strategies to capitalize on the, district's integral role in the larger community;

(F) Demonstrate the ability to collaborate with community agencies to integrate health, social, and other services in the schools to address student and family conditions that affect learning;

(G) Demonstrate the ability to conduct community relations that reflects knowledge of effective media relations and that models effective media relations practices; and

(H) Develop and implement strategies that support the involvement of families in the education of their children that reinforces for district staff a belief that families have the best interests of their children in mind.

(b) Candidates respond to community interests and needs. Candidates:

(A) Facilitate and engage in activities that reflect an ability to inform district decision-making by collecting and organizing formal and informal information from multiple stakeholders;

(B) Demonstrate the ability to promote maximum involvement with, and visibility within the community;

ADMINISTRATIVE RULES

(C) Demonstrate the ability to interact effectively with individuals and groups that reflect conflicting perspectives;

(D) Demonstrate the ability to effectively and appropriately assess, research, and plan for diverse district and community conditions and dynamics and capitalize on the diversity of the community to improve district performance and student achievement; and

(E) Demonstrate the ability to advocate for students with special and exceptional needs.

(c) Candidates mobilize community resources. Candidates:

(A) Demonstrate an understanding of and ability to use community resources, including youth services that enhance student achievement, to solve district problems and accomplish district goals;

(B) Demonstrate how to use district resources to the community to solve issues of joint concern; and

(C) Demonstrate an understanding of ways to use public resources and funds appropriately and effectively to encourage communities to provide new resources to address emerging student problems.

(5) Ethical Leadership: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by acting with integrity, fairly, and in an ethical manner.

(a) Candidates act with integrity. Candidates:

(A) Demonstrate a respect for the rights of others with regard to confidentiality and dignity and engage in honest interactions promote such respect; and

(B) Demonstrate behaviors that are honest and consistent.

(b) Candidates act fairly. Candidates:

(A) Demonstrate the ability to combine impartiality, sensitivity to student diversity, and ethical considerations in their interactions with others;

(B) Make decisions using an inclusive process; and

(C) Understand and avoid any conflict of interest and avoid the appearance of impropriety.

(c) Candidates act ethically. Candidates:

(A) Make and explain decisions based upon ethical and legal principles; and

(B) Demonstrate respect and diligence regarding the law and compliance with its requirements.

(6) Socio-Political Context: Candidates who complete the program are educational leaders who have the knowledge, ability, and cultural competence to improve learning and achievement to ensure success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

(a) Candidates understand the larger context. Candidates:

(A) Demonstrate the ability to use appropriate research methods, theories, and concepts to improve district operations;

(B) Demonstrate an understanding of the complex causes of poverty and other disadvantages and their effects on families, communities, children, and learning;

(C) Demonstrate an understanding of the policies, laws, and regulations enacted by local, state, and federal authorities affecting a specific district;

(D) Can explain the system for financing public schools and its effects on the equitable distribution of educational opportunities within a district;

(E) Demonstrate the ability to work with political leaders at the local, state, and national level;

(F) Can apply an understanding of how specific laws at the local, state, and federal level affect school districts and residents; and

(G) Espouse positions in response to proposed policy changes that would benefit or harm districts and explain how proposed policies and laws might improve educational and social opportunities for specific communities.

(b) Candidates respond to the larger context. Candidates:

(A) Demonstrate the ability to engage students, parents, members of the school board, and other community members in advocating for adoption of improved policies and laws;

(B) Apply their understanding of the larger political, social, economic, legal, and cultural context to develop activities and policies that benefit their district and its students; and

(C) Demonstrate the ability to communicate regularly with all segments of the district community concerning trends, issues, and policies affecting the district.

(c) Candidates influence the larger context. Candidates:

(A) Demonstrate an understanding of how to develop lines of communication with local, state, and federal authorities and actively advocate for improved policies, laws, and regulations, affecting a specific district,

both directly and through organizations representing schools, educators, or others with similar interests; and

(B) Demonstrate the ability to advocate for policies, programs and instructional strategies that promote equitable learning opportunities and success for all students, regardless of native language, socioeconomic background, ethnicity, gender, disability, or other individual characteristics.

(7) Practicum Experience: The practicum provides significant opportunities for candidates to synthesize and apply the knowledge and practice and develop the skills identified in Standards 1-6 through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and school district personnel for graduate credit.

(a) The practicum will be substantial. Candidates:

(A) Demonstrate the ability to accept genuine responsibility for leading, facilitating, and making decisions typical of those made by educational leaders. The experience(s) should provide practicum students with substantial responsibilities that increase overtime in amount and complexity and involve direct interaction and involvement with staff, students, parents, and community leaders; and

(B) Each candidate should have a minimum of six months or equivalent of full-time practicum experience. (See, OAR 584-017-0280 Field Experience for Administrator License Program and 584-017-0282 Internship for Administrator License Program)

(b) The practicum will be sustained. Candidates: Participate in planned practicum activities during the entire course of the program, including an extended period of time near the conclusion of the program to allow for candidate application of knowledge and skills on a full-time basis.

(c) The practicum will be standards-based. Candidates:

(A) Apply skills and knowledge articulated in these standards as well as state and local standards for educational leaders; and

(B) Experiences are designed to accommodate candidates' individual needs.

(d) The practica will be in real settings. Candidates:

(A) Experiences occur in multiple district settings that allow for the demonstration of a wide range of relevant knowledge and skills; and

(B) Experiences include work with appropriate community organizations, parent groups and school boards.

(e) The practica will be planned and guided cooperatively. Candidates:

(A) Experiences are planned cooperatively by the individual, the site supervisor, and institution personnel to provide inclusion of appropriate opportunities to apply skills, knowledge, and research contained in the standards. These three individuals work together to meet candidate and program needs; and

(B) Mentors are provided training to guide the candidate during the practicum experience.

(f) The practicum may be for credit.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120, 342.147 & 342.165

Hist.: TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 10-2006(Temp), f. 6-15-06, cert. ef. 7-1-06 thru 12-27-06; TSPC 12-2006, f. & cert. ef. 11-16-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 7-2008, f. & cert. ef. 8-20-08

584-036-0010

Personnel Required to Hold Licenses, Certificates or Charter School Registrations

(1) Educators who are employed by public schools and who are compensated for their services from public funds must hold licenses except as provided in section (2) of this rule. Licenses are required for: teachers; counselors; school psychologists; supervisors; career and technical education directors; principals, program directors, and other district administrators who evaluate licensed personnel; superintendents; athletic coaches who coach during the school day; school nurses (certificates); substitute teachers; charter school teachers (registrations); charter school administrators (registrations) and other personnel performing the above duties regardless of title.

(2) School districts may provide related services for handicapped children by employing a public agency, such as a community mental health program, or by employing professionals who are licensed within their own specialties. These personnel are not required to hold licensure from the Commission. See also ORS 343.221.

(3) Notwithstanding ORS 342.173, community college faculty who provide instruction in cooperation with a school district for academic career and technical education, school-to-work or other work-related programs under ORS chapter 329 shall not be required to have teaching licenses. If the faculty member is not a regular full-time employee of the community college, the school district shall follow the instructor appraisal committee procedures adopted by the Teacher Standards and Practices Commission.

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See also ORS 341.535. Both full-time and part-time faculty employed under this section are subject to checks of criminal history records by the Oregon State Police and the Federal Bureau of Investigation. See also ORS 326.603 and OAR 581-022-1730.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.200, 342.400 & 342.985

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 1-1982, f. & ef. 1-5-82; TS 2-1986, f. 4-18-86, cert. ef. 1-15-88; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1995, f. & cert. ef. 11-9-95; TSPC 7-2008, f. & cert. ef. 8-20-08

584-036-0055

Fees

(1) All fees are assessed for evaluation of the application and are not refundable.

(2) The Commission issues the appropriate license at no additional cost if the applicant qualifies for it within 90 days from the date of the original application.

(3) The fee for evaluating an initial application for the following licenses is \$100:

(a) Initial I License. The fee for an Initial I Teaching License issued immediately following the Initial Teaching License is \$50.

(b) Initial II License;

(c) Basic License;

(d) Continuing License;

(e) Standard License;

(f) Restricted Transitional License;

(g) Limited License;

(h) American Indian Language License;

(i) Substitute License;

(j) Restricted Substitute License;

(k) Exceptional Administrator License;

(l) Three-Year Career and Technical Education License;

(m) Five-Year Career and Technical Education License;

(n) NCLB Alternative Route License;

(o) Emergency Teaching License;

(p) Five Year Teaching, Administrator or Personnel Service License.

(4) The fee for evaluating all applications for a first Oregon license based on completion of an out-of-state educator preparation program or an out of state license is \$120.

(5) The fee for evaluating an application for renewal of any license is \$100.

(6) The fee for each of the following circumstances is \$20:

(a) A duplicate license for any reason;

(b) An approved extension to a provisional license; and

(c) Adding a district to an existing Restricted Substitute License.

(7) The fee for evaluating an application to add one or more endorsements or authorization levels to a currently valid license is \$100. No additional fee is required to add an endorsement in conjunction with an application for renewal or reinstatement of a license.

(8) The fee to evaluate an application for reinstatement of an expired license is \$100 plus a late application fee of \$25 for each month or portion of a month that the license has been expired to a maximum of \$200 total. This does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration and the application for reinstatement.

(9) The fee for evaluating an application for reinstatement of a suspended license is \$100 in addition to the \$100 application fee for a total of \$200.

(10) The fee for evaluating an application for reinstatement of a suspended charter school registration is \$50.

(11) The fee for evaluating an application for reinstatement of a revoked license is \$150 in addition to the \$100 application fee for a total of \$250. This does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration and the application for reinstatement.

(12) The fee for evaluating an application for reinstatement of a revoked charter school registration is \$150 in addition to the \$25 application fee for a total of \$175.

(13) Forfeiture for a check which the applicant's bank will not honor is \$25, unrelated to any evaluation fees. The total amount due shall be paid in cash or credit at the Commission's office or by a Money Order.

(14) There is no fee for evaluating licensure applications submitted on behalf of teachers participating in exchange programs or on Congressional appointment from foreign countries.

(15) The fee for alternative assessment in lieu of the test of educational specialty is \$100.

(16) The fee for expedited service for an emergency or other license is \$99 plus the fee for the license as defined in this administrative rule.

(17) The fee for registration of a charter school teacher or administrator is \$75 which includes the fee for required criminal records and fingerprinting costs.

(18) The fee to evaluate an application for reinstatement of an expired charter school registration is \$25 plus a late application fee of \$25 for each month or portion of a month that the registration has been expired to a maximum of \$125 total. This does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration and the application for reinstatement.

(19) The fee for renewal of a charter school registration is \$25.

(20) The fee for a criminal records check including fingerprinting is \$62.

(21) The fee for a "highly qualified teacher" evaluation is \$50.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.200, 342.400 & 342.985

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 1-1982, f. & ef. 1-5-82; TS 3-1983, f. & ef. 5-16-83; TS 4-1983, f. 5-17-83, ef. 7-1-83; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 4-1985, f. 10-4-85, ef. 1-1-86; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 5-1988, f. 10-6-88, cert. ef. 1-15-89; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1994, f. 7-19-94, cert. ef. 10-15-94; TS 5-1994, f. 9-29-95, cert. ef. 10-15-94; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 2-2000, f. & cert. ef. 5-15-00; TSPC 1-2003, f. & cert. ef. 1-13-03; TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 6-2005(Temp), f. & cert. ef. 8-16-05 thru 1-30-06; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 11-2005(Temp), f. 11-18-05, cert. ef. 1-1-06 thru 6-29-06; TSPC 5-2006, f. & cert. ef. 2-10-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 5-2008, f. & cert. ef. 6-13-08; TSPC 7-2008, f. & cert. ef. 8-20-08

584-050-0015

Reinstatement of Suspended, Revoked, or Surrendered License or Registration Generally

(1) A suspended, revoked or surrendered license or charter school registration may be reinstated if the applicant is otherwise qualified, meets recent educational experience licensure requirements in effect at the time of reinstatement, and complies with the other applicable provisions of rules in this division.

(2) Licenses or registrations that are revoked, suspended, or surrendered and eligible for reinstatement will be reinstated for the same period of time as an application for a new or renewed license or registration of that type.

(3) The fee to reinstate a license is in addition to the application fee required to issue a new license. See OAR 584-036-0055.

Stat. Auth.: ORS 181 & 342

Stats. Implemented: ORS 181.525, 342.120 - 200 & 342.400

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 3-1978, f. 7-24-78, ef. 1-1-79; TS 6-1980, f. & ef. 12-23-80; TS 1-1982, f. & ef. 1-5-82; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 4-2000, f. & cert. ef. 7-17-00; TSPC 4-2001, f. & cert. ef. 9-21-01; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 7-2008, f. & cert. ef. 8-20-08

584-060-0012

Initial I Teaching License Requirements

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted an Initial I Teaching License for three years. The first license will be issued for three years plus time to the applicant's birthday.

(2) The Initial I Teaching License is valid for regular teaching at one or more designated authorization levels in one or more designated specialties and for substitute teaching at any level in any specialty. (See 584-060-0051 and 584-060-0052 for Authorization Levels.)

(3) To be eligible for an Initial I Teaching License, an applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator; and

(b) Hold a bachelor's degree or higher from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission. A master's degree or a doctoral degree from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure; and

(c) Complete an initial teacher education program approved by the commission in Oregon, or complete a state-approved teacher preparation program in any U.S. jurisdiction, or complete a foreign program evaluated as satisfactory by an Oregon institution approved to offer the corresponding program; and

(d) Receive a passing score as currently specified by the commission on each of one or more tests of subject mastery for license endorsement or authorization; and

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(A) Any subject-matter test, except the basic skills tests, may be waived if the applicant demonstrates special academic preparation satisfactory to the commission together with five years of experience teaching the specific subject matter on a license valid for the assignment in a public school or regionally accredited private school in a U.S. jurisdiction before holding any Oregon license. The five years of experience must be acquired entirely outside of the state of Oregon and must be obtained while holding an out-of-state license valid for the assignment.

(B) Some applicants may be eligible for alternative assessment for waiver of the subject-matter tests only. (See OAR 584-052-0030 to 0033 regarding Alternative Assessment guidelines and regulations.)

(e) Receive a passing score as currently specified by the commission on a test of basic verbal and computational skills; (See 584-060-0002(7) for definition of Basic Skills Tests.)

(f) Receive a passing score on a test of knowledge of U.S. and Oregon civil rights laws at the conclusion of a course or workshop approved by the commission; and

(g) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application

(h) Complete a recent experience during the three-year period immediately preceding application. (See OAR 584-005-0005 for definition of Recent Experience.)

(4) Applicants who have completed programs from states other than Oregon will be required to submit a C-2 form from the institution granting program completion, in addition to transcripts, verifying completion of the teacher education program. A license from another state valid for unrestricted full time teaching may be accepted in lieu of a C-2. A teaching license issued by the U.S. Department of Defense will be considered as a license from another state. Completion of alternative routes teaching programs through school districts or other avenues are subject to Executive Director approval.

(5) The Initial I Teaching License may be renewed two times for three years upon showing progress toward completion of the renewal requirements as described in OAR 584-060-0013 during the life of the Initial I Teaching License under the following conditions:

(a) The progress must meet or exceed the equivalent of 3 semester hours or 4.5 quarter hours of graduate coursework germane to the license or directly germane to public school employment.

(b) The educator must qualify for an Initial II Teaching License upon expiration of ten years following the date the first Initial I Teaching License was issued. A one year unconditional extension may be obtained if the educator is unable to meet all requirements within the nine year period. (See, OAR 584-060-0013 Initial II Teaching License.)

(6) The Executive Director may grant an extension to the Initial I Teaching License for a term determined by the director, if and only if extraordinary circumstances can be demonstrated that the teacher was unable to complete the requirements for the Initial II Teaching License during the life of the Initial I Teaching License.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.165 & 342.136

Hist.: TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 5-2005(Temp), f. & cert. ef. 7-1-05 thru 12-28-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 1-2007(Temp), f. & cert. ef. 3-30-07 thru 9-26-07; Administrative correction 10-16-07; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 7-2008, f. & cert. ef. 8-20-08

584-060-0014

Initial Teaching License for Out-of-State Candidate First Application

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant who is applying for licensure in Oregon for the first time and has completed an out-of-state approved teacher-education program shall be granted an Initial Teaching License for eighteen (18) months.

(2) The Initial Teaching License is valid for regular teaching at one or more designated authorization levels in one or more designated specialties and for substitute teaching at any level in any specialty. (See 584-060-0052 for Authorization Levels.)

(3) To be eligible for an Initial Teaching License, an out-of-state applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator; and

(b) Hold a bachelor's degree or higher from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission. A master's degree or a doctoral degree from

a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure; and

(c) Complete an initial teacher education program in any U.S. jurisdiction, or complete a foreign program evaluated as satisfactory by an Oregon institution approved to offer the corresponding program; and Applicants who have completed programs from states other than Oregon will be required to submit a C-2 form from the institution granting program completion, in addition to transcripts, verifying completion of the teacher education program. A license from another state valid for unrestricted full time teaching may be accepted in lieu of a C-2. A teaching license issued by the U.S. Department of Defense will be considered as a license from another state. Completion of alternative routes teaching programs through school districts or other avenues are subject to Executive Director approval;

(d) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement;)

(e) Complete a recent experience during the three-year period immediately preceding application; and (See OAR 584-005-0005(50) for definition of Recent Experience;)

(4) Upon expiration of the Initial Teaching License the applicant must apply for an Initial I Teaching License. Qualified applicants will be issued an Initial I Teaching License for 18 months plus time to the applicant's next birthday.

(5) To be eligible for an Initial I Teaching License, an applicant must:

(a) Receive a passing score as currently specified by the commission on a test of basic verbal and computational skills; and (See 584-060-0002(7) for definition of Basic Skills Tests;)

(b) Receive a passing score as currently specified by the commission on each of one or more tests of subject mastery for licensure endorsement or authorization; and

(A) Any subject-matter test, except the basic skills tests, may be waived if the applicant demonstrates special academic preparation satisfactory to the commission together with five years of experience teaching the specific subject matter on a license valid for the assignment in a public school or regionally accredited private school in a U.S. jurisdiction before holding any Oregon license. The five years of experience must be acquired entirely outside of the state of Oregon and must be obtained while holding an out-of-state license valid for the assignment; or

(B) Some applicants may be eligible for alternative assessment for waiver of the subject-matter tests only. (See OAR 584-052-0030 to 0033 regarding Alternative Assessment guidelines and regulations.)

(c) Receive a passing score on a test of knowledge of U.S. and Oregon civil rights laws at the conclusion of a course or workshop approved by the commission.

(6) The Initial I Teaching License may be renewed two times for three years upon showing progress toward completion of the renewal requirements as described in OAR 584-060-0013 during the life of the Initial I Teaching License under the following conditions: The progress must meet or exceed the equivalent of 3 semester hours or 4.5 quarter hours of graduate coursework germane to the license or directly germane to public school employment. (See, OAR 584-060-0012, Initial I Teaching License Requirements and 584-060-0013, Initial II Teaching License Requirements for further information related to continuous renewal and retention of the Initial I and Initial II Teaching Licenses.)

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.165, 342.136, 342.223 - 342.232

Hist.: TSPC 1-2007(Temp), f. & cert. ef. 3-30-07 thru 9-26-07; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 7-2008, f. & cert. ef. 8-20-08

584-060-0062

Adding Endorsements to Initial or Continuing Teaching Licenses

(1) Subject-Matter Competency: A new endorsement will be added to a new or existing Initial or Continuing Teaching License upon documentation of one of the following: (For Middle-Level Endorsement exceptions see subsection (3) below.)

(a) For endorsements where subject-matter mastery tests are required by the commission: Documentation of a passing score on all Commission-approved tests required for the endorsement; or

(b) For endorsements where the commission has not approved subject-matter mastery tests in Drama, Japanese, Latin, Russian, and Adaptive Physical Education:

(A) Completion of a program or demonstrated completion of required coursework; or

(B) A nonprovisional out-of-state license in the subject-area.

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(c) For out-of-state applicants upon first licensure in Oregon: Proof of licensure and five years experience teaching the endorsed subject on an out-of-state non provisional license may allow for waiver of subject-matter tests in the endorsement area through a transcript review of completed coursework as it compares to endorsement requirements in subject-matter areas in Division 38. (See, Section (2)(c) below for further information on the required experience.)

(2) Practicum Requirements: In addition to the requirements in subsection (1) above, one of the following practical experiences must be completed:

(a) A practicum of 2 semester hours or 3 quarter hours, which except as specified below may or may not be part of a longer preparation that includes content or methods courses in the subject area, in an institution approved to prepare teachers for that endorsement;

(b) Verification of one year of experience teaching the new subject-area at least one hour each day or the equivalent on either an optional assignment of ten hours or less or an approved conditional assignment permit (CAP) as allowed by OAR 584-036-0081.

(c) For out-of-state licensed applicants only: Five years of experience teaching the subject area in a public school or regionally accredited private school within a U.S. jurisdiction on a non-provisional license appropriate for the assignment before holding any Oregon license. Other licensed teaching experience deemed to be equivalent to five years of teaching in the manner described above must be specifically approved by the Executive Director.

(3) Specified Middle-Level Subject-Matter Endorsements: Teachers holding an Initial or Continuing Teaching License with a middle-level authorization are not required to complete an additional subject-related practicum to add the endorsements specified in this subsection. To add a middle-level endorsement to a middle-level authorized license, only the Commission-approved subject-matter high school or middle-level test or tests are required in any of the following areas:

- (a) Language Arts;
- (b) Social Studies;
- (c) Science; and
- (d) Math.

(4) Some endorsement areas may require the completion of a new authorization level prior to being added to the license. The applicant should obtain a check sheet of requirements from TSPC prior to pursuing adding a new endorsement to an existing license.

(5) When Programs are Required: An approved institutional program including content and methods courses is always required as preparation for added endorsement in the following areas:

- (a) Special education, including Early Intervention;
- (b) Communication disorders;
- (c) Hearing impairment;
- (d) Visual impairment;
- (e) Reading; or
- (f) Subjects for which no subject mastery test has been required by the commission for endorsement including but not limited to: Drama, Japanese, Latin, Russian and Adaptive Physical Education.

(6) Specialty Endorsements: Specialty endorsements such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, reading, special education and educational media specialists require multiple-authorizations and may involve additional coursework. (See, OAR 584-060-0071.)

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.143, 342.153, 342.165, 342.223 - 342.232
Hist.: TSPC 3-2005(Temp), f. & cert. ef. 4-15-05 thru 9-30-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 7-2008, f. & cert. ef. 8-20-08

584-060-0162

Restricted Transitional Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted a Restricted Transitional Teaching License.

(2) This license is issued for three years and is non-renewable.

(3) This license is valid for teaching with the requesting employer only at the designated level and endorsement specifically requested by the employer. This license may not be transferred to another employer without a specific request from the new district.

(4) Upon expiration of the Restricted Transitional Teaching License, recipients of this license must meet all the requirements of the Initial Teaching License for which they may apply at any time.

(5) To be eligible for a Restricted Transitional Teaching License, the applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator; and

(b) Hold a bachelor's degree or higher from a regionally accredited institution or approved foreign equivalent. A master's degree or a doctoral degree from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure; and

(c) Demonstrate knowledge of applicable civil rights laws. An applicant from out of state may submit an affidavit for the first Oregon license assuring that the applicant has read Discrimination and the Oregon Educator and has completed the self-study questions. The applicant must complete the course or workshop prior to any further licensure; and

(d) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See, OAR 584-036-0062 for Criminal Records Check Requirement.); and

(f) Submit a letter from the employing district describing the particular need in relation to the applicant's teacher qualifications summarized on a submitted resume. The district must agree to provide a mentor and attest that circumstances prevent hiring a suitable teacher holding an unrestricted full-time license appropriate for the assignment to be filled.

(6) When the Executive Director determines that extenuating circumstances have prevented the applicant from completing requirements for the Initial I Teaching License, an extension for up to one year may be issued upon joint application from an educator and the employing district. The applicant must provide an explanation of the circumstances which make the request necessary. The co-applicant district must ensure that the applicant will meet all requirements for the Initial I Teaching License upon expiration of the extension to the Restricted Transitional Teaching License.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 143, 342.153, 342.165 & 342.223 - 232
Hist.: TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 7-2008, f. & cert. ef. 8-20-08

584-060-0171

Limited Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted a Limited Teaching License.

(2) This license, issued for three years and renewable, is valid at any level and designated for one or more highly specialized subjects of instruction for which the commission does not issue a specific endorsement.

(a) The Executive Director has the authority to grant a Limited Teaching License for an exception to some discreet subjects within an established endorsement upon a showing of district needed. Requests for exceptions to established endorsements may be submitted to the commission for approval at the Executive Director's discretion.

(3) This license is valid for substitute teaching at any level but only in subjects listed on the license.

(4) To be eligible for a Limited Teaching License the applicant must have:

(a) An accredited associate's degree or its approved equivalent in objectively evaluated post-secondary education related to the intended subject of instruction,

(b) Demonstrate knowledge of applicable civil rights laws; and

(c) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(5) The Limited Teaching License is restricted to use within a district that has applied for it jointly with the teacher, whose qualifications and job description are subject to commission approval.

(6) Upon application, the co-applicant district must describe its particular need in relation to the co-applicant teacher's documented qualifications, agree to provide a mentor up to the first renewal of the license, and attest that circumstances prevent hiring a suitable teacher holding any other full-time license appropriate for the role to be filled.

(7) To be eligible for renewal of the Limited Teaching License, an applicant must:

(a) Obtain a passing score on a test of knowledge of U.S. and Oregon civil rights laws at the conclusion of a course or workshop approved by the commission, for the first renewal only; and

(b) Submit a letter from the district that includes the following:

(i) A statement from the principal verifying that the students taught by the teacher continue to make satisfactory academic progress; and

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(ii) A statement attesting that the teacher's assignment is exactly the same as originally requested; and

(c) Additionally, for the first renewal only, the district must identify the mentor assigned to the teacher including a statement from the mentor attesting to the teacher's progress during the first three years of the license; and

(d) Establish, maintain and report a professional development plan in accordance with OAR 584-090-0020. Exceptionally, a teacher with a Limited Teaching License who works less than .5 FTE during the school year, averaged out over the entire year, need not report continuing professional development.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.123, 342.125, 342.126, 342.127 & 342.165
Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TPSC 6-2003(Temp), f. & cert. ef. 11-13-03 thru 5-9-04; TSPC 3-2004, f. & cert. ef. 5-14-04; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 7-2008, f. & cert. ef. 8-20-08

584-060-0181

Substitute Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted a Substitute Teaching License. This license, issued for three years and renewable, is valid at any level for replacing in any specialty a teacher who is temporarily unable to work.

(2) To be eligible for a Substitute Teaching License, the applicant must have a bachelor's degree or higher from a regionally accredited institution or approved foreign equivalent related to teaching at one or more levels, demonstrate knowledge of applicable civil rights laws, and furnish fingerprints in the manner prescribed by the commission

(3) Awarding of a higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure.

(4) If the applicant has held an unrestricted license for full-time teaching in any state or completed an approved teacher education program in any state, the Substitute Teaching License will not be restricted as to employer or number of days taught. However, the holder of a Substitute Teaching License may not continuously replace an individual teacher absent for more than three consecutive months without obtaining a full-time license.

(5) If the applicant has not held an unrestricted license for full-time teaching in any state or completed an approved teacher education program in any state, a Restricted Substitute Teaching License will be issued and will be restricted to 60 days total use during each school year within a district that has applied for it jointly with the teacher.

(6) Upon application for a Restricted Substitute Teaching License, the co-applicant district must describe its particular need in relation to the co-applicant teacher's qualifications summarized on a submitted resume, and the district must attest that circumstances prevent hiring a suitable teacher holding another license of any kind appropriate for the role to be filled.

(7) To be eligible for renewal of the Substitute Teaching License or the Restricted Substitute Teaching License, an applicant must obtain a passing score as currently specified by the commission on a test of basic verbal and computational skills, unless the applicant held an Oregon educator license before 1985 or has a regionally accredited doctor's degree. The applicant must also obtain a passing score on a test of knowledge of U.S. and Oregon civil rights laws at the conclusion of a course or workshop approved by the commission.

(8) A district may apply for an emergency extension to either a Substitute Teaching License or a Restricted Substitute Teaching License if they are unable to obtain a regularly licensed teacher for the position beyond the allowed timelines stated in subsections (4) and (5) above. The Executive Director may approve a reasonable extension upon proof of the emergency.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.123, 342.125, 342.126, 342.127 & 342.165
Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 5-2004, f. & cert. ef. 8-25-04; TSPC 7-2008, f. & cert. ef. 8-20-08

584-070-0111

Transitional School Counselor License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted a Transitional School Counselor License.

(2)(a) The Transitional School Counselor License is issued for three years and is non-renewable except under extenuating circumstances described below in subsection 6 of this rule.

(b) The educator must qualify for an Initial II School Counselor License upon expiration of ten years following the date the first Initial or

Transitional School Counselor License was issued if the license was issued prior to July 1, 2005.

(c) All School Counselor Licenses issued after June 30, 2005 must qualify for an Initial II School Counselor License upon the expiration of nine years following the date the first Initial or Transitional School Counselor License was issued.

(3) The Transitional School Counselor License is valid for regular or substitute school counseling at all age or grade levels. Applicants who wish to counsel more than three years will be advised on how they can qualify for the Initial I or the Initial II School Counselor License, for which they may apply at any time.

(4) To be eligible for a Transitional School Counselor License, the applicant must have:

(a)(A) A master's or higher degree in counseling, education, or related behavioral sciences, including but not limited to social work or psychology, from a regionally accredited institution or an approved foreign equivalent; or

(B) Have held an unrestricted school counseling license in any state;

(b) Demonstrate knowledge of applicable civil rights laws or a sign affidavit indicating the applicant has read the Discrimination and the Oregon Educator publication. The knowledge of civil rights laws requirement must be fulfilled prior to issuance of any next stage license; and

(c) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(5) The Transitional School Counselor License will not be restricted as to employer if the applicant has held an unrestricted license for school counseling in any state or completed an approved graduate program in school counseling in any state.

(6)(a) Upon filing an application and fee in the form and manner required by the commission; a restricted extension to the Transitional School Counselor License may be issued for up to one year.

(b) To be eligible for the restricted extension the following must be filed:

(A) A joint application between the educator and the employing school district;

(B) A description of the extenuating circumstances that have prevented the educator from completing the requirements for the Initial I or Initial II School Counselor License within the life of the Transitional School Counselor License; and

(C) A description of the steps the district will take to ensure the applicant will qualify for the Initial I or Initial II School Counselor License upon expiration of the restricted extension to the Transitional School Counselor License.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.123, 342.125, 342.126, 342.127 & 342.165
Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 3-2001, f. & cert. ef. 6-21-01; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 7-2008, f. & cert. ef. 8-20-08

584-070-0112

Restricted Transitional School Counselor License

(1) Upon filing a correct and complete application with a co-applicant district in form and manner prescribed by the commission, a qualified applicant may be granted a Restricted Transitional School Counselor License.

(2) The Restricted Transitional School Counselor is issued for three years and is non-renewable.

(3) The Restricted Transitional School Counselor License will be restricted for use within a district that has applied for it jointly with the counselor and may not be used for substitute teaching unless the educator also holds another license valid for substitute teaching issued by the commission.

(4) To be eligible for a Restricted Transitional School Counselor License, the applicant must have all of the following:

(a) An application that includes the following:

(A) A joint request by an employing district; and

(B) The applicant counselor's qualifications summarized on a submitted resume; and

(C) A statement from the district describing the circumstances that prevent hiring a school counselor with an unrestricted license for the position being filled; and

(b) A bachelor's or higher degree from a regionally accredited institution or approved foreign equivalent;

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(c) Demonstrated knowledge of applicable civil rights laws or a sign affidavit indicating the applicant has read the Discrimination and the Oregon Educator publication. The knowledge of civil rights laws requirement must be fulfilled prior to issuance of any next stage license;

(d) Furnished fingerprints and passed a background check in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.); and

(e) One of the following:

(A) Be enrolled in an Oregon-approved school counselor program and have completed approximately one-half of the program; or

(B) Has been a full-time certified Child Development Specialist (CDS) for at least three academic years.

(5) The Restricted Transitional School Counselor License is not transferable to another district. However, another district may co-apply for a Restricted Transitional School Counselor License for any time remaining in the three years from the date the first Restricted Transitional School Counselor License was issued. A C-1 application and fee must accompany the request.

(6)(a) Upon filing an application and fee in the form and manner required by the commission; a restricted extension to the Restricted Transitional School Counselor License may be issued for up to one year.

(b) To be eligible for the restricted extension the following must be filed:

(A) A joint application between the educator and the employing school district;

(B) A description of the extenuating circumstances that have prevented the educator from completing the requirements for the Initial I or Initial II School Counselor License within the life of the Restricted Transitional School Counselor License; and

(C) A description of the steps the district will take to ensure the applicant will qualify for the Initial I or Initial II School Counselor License upon expiration of the restricted extension to the Restricted Transitional School Counselor License.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.123, 342.125, 342.126, 342.127 & 342.165

Hist.: TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 7-2008, f. & cert. ef. 8-20-08

584-070-0271

Transitional School Psychologist License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted a Transitional School Psychologist License. This license is issued for three years and is non-renewable. It is valid for regular or substitute school psychology at all age or grade levels. If not restricted as to employer, it is also valid for substitute counseling at any level and for substitute teaching at any level in any specialty. Recipients whose first license is transitional and who wish to practice school psychology more than three years will be advised on how they can qualify for the Initial School Psychologist License, for which they may apply at any time.

(2) To be eligible for a Transitional School Psychologist License, the applicant must:

(a) Have a master's or higher degree in educational or therapeutic psychology from a regionally accredited institution or approved foreign equivalent or at some time have been licensed to practice school psychology in any state;

(b) Demonstrate knowledge of applicable civil rights laws; and

(c) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(3) If the applicant has held an unrestricted license for school psychology in any state or completed an approved graduate program in school psychology in any state, the Transitional School Psychologist License will not be restricted as to employer.

(4) If the applicant has not held an unrestricted license for school psychology in any state or completed an approved graduate program in school psychology in any state, the Transitional School Psychologist License will be restricted to use within a district that has applied for it jointly with the psychologist, and it may not be used for substitute counseling or teaching. Upon application, the co-applicant district must describe its particular need in relation to the co-applicant school psychologist's qualifications summarized on a submitted resume, and the district must attest that circumstances prevent hiring for the role to be filled a suitable psychologist with any unrestricted license.

(5) A one-year restricted Transitional School Psychologist License may be issued upon joint application from an educator and the employing district when the Executive Director determines that extenuating circumstances have prevented the applicant from completing requirements for a regular license. The applicant must provide an explanation of the circumstances which make the request necessary. The co-applicant district must ensure that the applicant will meet all requirements for the regular license upon expiration of the restricted Transitional School Psychologist License.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 143, 342.153, 342.165 & 342.223 - 232

Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 7-2008, f. & cert. ef. 8-20-08

584-070-0310

Limited Student Service License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted a Limited Student Service License. This license, issued for three years and renewable, is valid at any authorization level and designated for a specialized type of direct service to students for which the commission at its discretion may not require a counselor or psychologist license. It is not valid for substitution of any kind.

(2) To be eligible for a Limited Student Service License the applicant must:

(a) Have a bachelor's degree or higher from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission, together with an equally valid master's degree or other specialized preparation related to the intended service role and ordinarily equivalent to one academic year of graduate study. Awarding of a higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure.

(b) Demonstrate knowledge of applicable civil rights laws; and

(c) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(3) The Limited Student Service License is restricted to use within a district that has applied for it jointly with the applicant, whose qualifications and job description are subject to commission approval. Upon application, the co-applicant district must describe its particular need in relation to the co-applicant specialist's qualifications summarized on a submitted resume, agree to provide a mentor during the first year of the assignment, and attest that the role to be filled has been structured so as not to require a licensed school counselor or psychologist.

(4) The holder of a Limited Student Service License shall use only the title specifically approved by the commission and shall not use any unapproved title or imply any unapproved function. Titles such as "advisor" or "student service specialist" or "student assistance specialist" will more readily be approved. The following provisos apply:

(a) No holder of a limited license shall use a title containing words derived from "psychology" nor claim to be a psychologist or to render psychological services without obtaining a school psychologist license from the commission unless licensed as a psychologist or psychologist associate by the Board of Psychologist Examiners.

Under ORS 675.990(1)(b), a violation of this subsection is a Class A misdemeanor.

(b) The commission at its discretion may consider a title indicating a therapeutic student service role like counseling or social work, for a specialist who has a corresponding master's or doctor's degree, if the applicant is licensed by the Board of Licensed Professional Counselors and Therapists or is demonstrably prevented from gaining admission to a graduate program in school counseling or school psychology and therefore cannot reasonably be required to apply for a non-renewable transitional license.

(c) The commission will ordinarily approve an appropriate social work title for an applicant licensed by the Board of Clinical Social Workers.

(5) To be eligible for renewal of the Limited Student Service License, an applicant must obtain a passing score as currently specified by the commission on a test of basic verbal and computational skills, unless the applicant held an Oregon educator license before 1985 or has a regionally accredited doctor's degree. The applicant must also obtain a passing score on a test of knowledge of U.S. and Oregon civil rights laws at the conclusion of a course or workshop approved by the commission.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.143, 342.153, 342.165, 342.223 - ORS 342.232

ADMINISTRATIVE RULES

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 7-2008, f. & cert. ef. 8-20-08

584-080-0002

Definitions for Division 80

(1) "All Grade Levels:" Grades prekindergarten through 12 (prek-12).

(2) "Application:" A request for an Oregon license authorizing service in public schools or a request for reinstatement or renewal of such license. As used in these rules, "application" includes the Application Form, C-1, the fee, and all supporting documents necessary for the evaluation for the license. A copy of the C-1 can be found on TSPC's Web page at: www.tspc.state.or.us.

(3) "Appropriately Assigned:" Assignments for administrator, teacher, supervisor, school counselor, school psychologist, or school nurse duties for which the person involved holds the proper license, endorsements and authorizations. See OAR 584-036-0081.

(4) "Approved Institution:" A U.S. regionally accredited institution of higher education approved to prepare licensed personnel by a U.S. governmental jurisdiction in which the institution is located. See definition of "Regional Accrediting Associations" at OAR 584-005-0005.

(5) "Approved Programs:" An Oregon program of educator preparation leading to licensure approved by TSPC and offered by a regionally accredited Oregon institution. As it applies to out-of-state programs, a program approved by the licensure body of any U.S. governmental jurisdiction authorized to approve educator preparation programs.

(6) "Completion of Approved Program:" The applicant has met the institution's academic requirements and any additional state or federal requirements and has obtained the institution's recommendation for licensure.

(7) "Out of State Licenses or Certificates:" A license or certificate valid for full-time employment which is at least equivalent to the Oregon license being requested and is issued by one of the United States, a U.S. jurisdiction (American Samoa, Commonwealth of Northern Marianas, District of Columbia, Guam, Puerto Rico, and Virgin Islands), or the U.S. Department of Defense.

(8) "Personal Qualifications:" Personal qualifications for licensure including attainment of at least eighteen (18) years of age and possessing good moral character and mental and physical health necessary for employment as an educator.

(9) "Regional Accrediting Associations:" Colleges and universities approved for teacher education must be accredited by the appropriate regional association at the time the degree or program is completed. The regional associations are: New England Association of Schools and Colleges, Commission on Institutions of Higher Education; North Central Association of Colleges and Schools, The Higher Learning Commission; Northwest Commission on Colleges and Universities; Middle States Association of Colleges and Schools, Commission on Higher Education; Southern Association of Colleges and Schools, Commission on Colleges; or Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities.

(10) "Renewal:" Extension of validity of a current license. An application for renewal must be submitted prior to the expiration date stated on the license. See OAR 584 division 48.

(11) "Teacher:" Includes all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction, coordination of educational programs or supervision or evaluation of teachers and who are compensated for their services from public funds. "Teacher" does not include a school nurse as defined in ORS 342.455.

(12) "Year of Experience:" A period of at least eight (8) consecutive months of full-time work or two (2) consecutive years of one-half time or more while holding a license valid for the assignment.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 143, 342.153, 342.165 & 342.223 - 232

Hist.: TSPC 10-2006(Temp), f. 6-15-06, cert. ef. 7-1-06 thru 12-27-06; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2008, f. & cert. ef. 8-20-08

584-080-0012

Initial Administrator License (IAL)

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted an Initial Administrator License.

(2) The Initial Administrator License is valid for three (3) years and may be renewed under the conditions set forth in subsections below.

(3) The Initial Administrator License is valid for school administration at all age or grade levels in any administrative position. This license is

also valid for substitute teaching at any level in any specialty. (See OAR 584-060-0181 for explanation of Substitute Teaching.)

(4) To be eligible for an Initial Administrator License, an applicant must satisfy all of the following provisions within this subsection. The applicant must:

(a) Educator Fitness: Possess the personal qualifications for licensure including attainment of at least eighteen (18) years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Licensed Experience: Have three (3) academic years of experience as a full-time licensed educator on any license appropriate for the assignment in:

(A) A public school or regionally accredited private school in any state or other U.S. jurisdiction; or

(B) In one or more of the following schools in Oregon:

(i) An education service district school;

(ii) A state-operated or state-supported school;

(iii) A federal school;

(iv) A private elementary or secondary school registered by the state Department of Education; or

(v) A private proprietary career school licensed by the superintendent of public instruction.

(c) Master's Degree: Hold a master's or higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission, together with an equally accredited bachelor's degree;

(d) Approved Administrator Program: Complete, as part of the master's degree or separately, an initial graduate program in school administration at an institution approved for administrator education;

(A) A candidate for initial licensure who has completed an administrator preparation program outside the state of Oregon must:

(i) Have completed at least eighteen (18) semester hours or twenty-seven (27) quarter hours of graduate credit in school administration or educational leadership; and

(ii) Receive a passing score on tests of knowledge of Oregon school law and finance at the conclusion of or in lieu of a course or courses approved by the commission.

(e) Civil Rights: A passing score on a test of knowledge of U.S. and Oregon civil rights laws at the conclusion of a course or workshop approved by the commission. If the applicant is making first application for the Initial Administrator License from out-of-state, an applicant may submit an affidavit for the first Oregon license assuring that the applicant has read Discrimination and the Oregon Educator and has completed the self-study questions. An emergency license will be issued for ninety (90) days during which time the applicant must complete the civil rights requirement.

(f) Fingerprints: Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See OAR 584-036-0062 for Criminal Records Check Requirement.)

(g) Recency: Satisfy a recent experience requirement in one of the following ways during the three-year period immediately preceding application:

(A) Completion of an approved administrator education program; or

(B) Beginning and completion in a public school or regionally accredited private school in a U.S. jurisdiction of at least one (1) academic year as a full-time licensed educator or two (2) consecutive years as a half-time licensed educator on any license appropriate for the assignment, or equivalent experience as in a state or federal school; or

(C) Receipt of six (6) semester hours or nine (9) quarter hours of academic credit, germane to administrator licensure, from a regionally accredited college or university.

(5) Renewal: The Initial Administrator License may be renewed up to two (2) times if the applicant makes progress toward completion of the Continuing Administrator License by completing at least six (6) semester hours or nine (9) quarter hours of academic credit in an approved Continuing Administrator License Program upon each renewal. A transcript of the completed coursework is required for renewal. (See OAR 584-048-0090 for additional "Special Provisions" which may apply to renewing an Initial Administrator License.)

(6) Reinstatement for Administrator Experience: An applicant may reinstate an expired Initial Administrator License for one (1) three-year period for the purposes of completing the administrative experience requirements for the Continuing Administrator License under the following conditions:

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(a) The applicant has completed all requirements for the CAL except for the administrative experience required;

(b) The application includes a request from a district for reinstatement; and

(c) The applicant demonstrates educational recency within the three (3) years prior to the application for reinstatement of the license.

(7) Incomplete CAL Programs: Initial Administrator License holders who are unable to complete the academic requirements for the Continuing Administrator License within nine (9) years after the Initial Administrator License was first granted may only take an administrator position upon joint application with an employing district requesting a Restricted Transitional Administrator License.

(8) Licenses issued prior to October 13, 2003: All Initial Administrator Licenses for positions other than a Superintendent issued after January 1, 1999 and prior to and including October 13, 2003 have ten (10) years to complete the requirements of the Continuing Administrator License. Initial Administrator Licenses issued after October 13, 2003, with the exception of Superintendents subject to subsection (9) below, have nine (9) years, or two (2) renewal cycles to complete the requirements of the Continuing Administrator License.

(9) Superintendency on the Initial Administrative License: The Continuing Administrator Licensure program must be completed within the three (3) years following the next renewal of the Initial Administrator License if the holder of an Initial Administrator License takes a position as a Superintendent at any time within the life of the Initial Administrator License.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120, 342.147, 342.165

Hist.: TSPC 10-2006(Temp), f. 6-15-06, cert. ef. 7-1-06 thru 12-27-06; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2008, f. & cert. ef. 8-20-08

584-080-0022

Continuing Administrator License (CAL)

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted a Continuing Administrator License.

(2) The Continuing Administrator License is issued for five (5) years and is renewable repeatedly under conditions specified below.

(3) The Continuing Administrator License is valid for school administration at all age or grade levels in any position and for substitute teaching at any level in any specialty.

(4) To be eligible for a Continuing Administrator License, an applicant must satisfy all of the following provisions within this subsection. The applicant must:

(a) Educator Fitness: Possess the personal qualifications for licensure including attainment of at least eighteen (18) years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Master's Degree: Hold a master's degree or higher;

(c) Program of Advanced Competency: Complete beyond both the master's degree and beyond the initial graduate program in school administration, an advanced program in administrative competencies consisting of at least eighteen (18) semester hours or twenty-seven (27) quarter hours of graduate credit or the equivalent.

(A) Advanced Program Waiver: Exceptionally, the applicant may qualify for waiver of the advanced institutional program or the assessment of advanced competencies by having a regionally accredited doctor's degree in school administration or educational leadership;

(B) Out-of-State Advanced Program:

(i) If the eighteen (18) semester hours or twenty-seven (27) quarter hours beyond the master's degree, required in subsection (c) above, was completed out-of-state, no additional validation will be required so long as the applicant also has five (5) years of administrative experience on any unrestricted out-of-state administrator license.

(ii) The out-of-state experience may be cumulative and need not be continuous in one state.

(iii) If the applicant does not have five (5) years of administrative experience, the advanced program will be evaluated by the Commission to determine equivalency. The evaluation will be based upon an established rubric representing the equivalent programs offered by Oregon approved administrator preparation programs.

(iv) After TSPC evaluation, additional coursework may be required to acquire the Continuing Administrator License.

(d) Fingerprints: Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions

contained in the commission's licensure application. (See OAR 584-036-0062 for Criminal Records Check Requirement.); and

(e) Civil Rights: A passing score on a test of knowledge of U.S. and Oregon civil rights laws at the conclusion of a course or workshop approved by the commission. If the applicant is making first application for the Initial Administrator License from out-of-state, an applicant may submit an affidavit for the first Oregon license assuring that the applicant has read Discrimination and the Oregon Educator and has completed the self-study questions. An emergency license will be issued for ninety (90) days during which time the applicant must complete the civil rights requirement;

(f) Professional Knowledge Test: A passing score on a test of professional administrator knowledge or completion of alternative assessment pursuant to OAR 584-052-0030 et seq. approved by the Commission; and

(g) Experience on an Administrative License: Have three (3) years of one-half time or more experience on any administrator license appropriate for the assignment in a public or accredited private school setting.

(5) The Continuing Administrator License may be renewed for five (5) years upon completion of experience and professional development under the following circumstances:

(a) Completion of licensed education experience during the life of the license under any of the following conditions:

(A) One (1) academic year as a full-time licensed educator on any valid Oregon license appropriate for the assignment;

(B) Two (2) consecutive years as a half-time licensed educator; or

(C) 180 days of substitution in administration or teaching, on any license appropriate for the assignment, in any K-12 public or private school or district registered or licensed by the Oregon Department of Education; and

(b) Completion of continuing professional development requirements in accordance with OAR 584-090-0001 et seq.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120, 342.147, 342.165

Hist.: TSPC 10-2006(Temp), f. 6-15-06, cert. ef. 7-1-06 thru 12-27-06; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2008, f. & cert. ef. 8-20-08

584-080-0151

Transitional Administrator License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted an unrestricted Transitional Administrator License.

(2) The Transitional Administrator License is valid for regular or substitute administration at all age or grade levels and it is also valid for substitute teaching at any level in any specialty.

(3) The Transitional Administrator License is only valid for three years and upon expiration, the educator must qualify for either the Initial or Continuing Administrator License.

(4) To be eligible for a Transitional Administrator License, the applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Hold a master's or higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution or approved foreign equivalent;

(c) Demonstrate knowledge of applicable civil rights laws. An applicant from out of state may submit an affidavit for the first Oregon license assuring that the applicant has read Discrimination and the Oregon Educator and has completed the self-study questions. The applicant must complete the course or workshop prior to any further licensure; and

(d) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(5) The Transitional Administrator License will not be restricted as to employer if:

(a) The applicant has three academic years of experience as a full-time licensed educator on any license appropriate for the assignment in a public school or regionally accredited private school in any state or other U.S. jurisdiction; and

(b) The applicant has held an unrestricted license for school administration in any state or completed an approved graduate program in school administration in any state.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.123, 342.125, 342.126, 342.127, 342.140 342.165

Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 7-2008, f. & cert. ef. 8-20-08

ADMINISTRATIVE RULES

584-080-0152

Transitional Superintendent License

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, a qualified applicant shall be granted a Transitional Superintendent License.

(2) The Transitional Superintendent License is not restricted as to employer and is issued only for three years, and cannot be renewed or reissued.

(3) The Transitional Superintendent License is valid for the position of superintendent when issued to a person who has been a superintendent on regular assignment and license in any state. The license is also valid for substitute teaching at any authorization level in any specialty.

(4) To be eligible for a Transitional Superintendent License, the applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Hold a master's degree or higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution;

(c) Have been employed as a superintendent for five years or more in any state before holding an Oregon license;

(d) Hold a valid superintendent's license from that state based upon completion of an approved program;

(e) Furnish fingerprints in the manner prescribed by the Commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See OAR 584-036-0062 for Criminal Records Check Requirement); and

(f) Demonstrate knowledge of applicable civil rights laws. An applicant from out of state may submit an affidavit for the first Oregon license assuring that the applicant has read Discrimination and the Oregon Educator and has completed the self-study questions. The applicant must complete the course or workshop prior to any further licensure.

(5) While holding this license, an applicant must complete an Oregon school law and finance class.

(6) Upon completion of the requirements in subsections (4) and (5) above, in addition to three consecutive years of full-time experience as a superintendent in the State of Oregon, the applicant shall qualify for a Continuing Administrator License as defined in OAR 584-080-0022.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.123, 342.125, 342.126, 342.127, 342.140, 342.165

Hist.: TPSC 3-2001, f. & cert. ef. 6-21-01; TPSC 5-2001, f. & cert. ef. 12-13-01; TPSC 2-2007, f. & cert. ef. 4-23-07; TPSC 7-2008, f. & cert. ef. 8-20-08

584-080-0153

Restricted Transitional Administrator License

(1) Upon filing a correct and complete joint application with a co-applicant employing school district in form and manner prescribed by the commission, a qualified applicant shall be granted a Restricted Transitional Administrator License.

(2) The Restricted Transitional Administrator License is valid for regular or substitute administration at all age or grade levels and is restricted to the district from which the co-application is received.

(3) The Restricted Transitional Administrator License is not valid for substitute teaching at any level in any specialty.

(4) The Restricted Transitional Administrator License is only valid for three years and is not renewable. Upon expiration of the license, the educator must qualify for the Initial Administrator License.

(5) To be eligible for a Restricted Transitional Administrator License, the applicant must have all of the following:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Hold a master's degree or higher from a regionally accredited institution or approved foreign equivalent;

(c) Demonstrate knowledge of applicable civil rights laws. An applicant may submit an affidavit for the first Oregon license assuring that the applicant has read Discrimination and the Oregon Educator and has completed the self-study questions. The applicant must complete the course or workshop prior to any further licensure;

(d) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See OAR 584-036-0062 for Criminal Records Check Requirement); and

(e) Submit a letter from the employing district describing the particular need in relation to the applicant's administrator qualifications which

must be summarized on a submitted resume. The district must agree to provide a mentor and attest that circumstances prevent hiring a suitable administrator holding an unrestricted full-time license appropriate for the assignment to be filled.

(6) Upon filing an application and fee in the form and manner required by the commission; a restricted extension for the Restricted Transitional Administrator License may be issued for up to one year upon joint application from an educator and the employing district when the Executive Director determines that extenuating circumstances have prevented the applicant from completing requirements for an Initial or Continuing Administrator License.

(a) If the extenuating circumstances are due to the lack of due diligence in completing licensure requirements by the applicant, only enough time to prevent the district from experiencing a true hardship may be granted at the Executive Director's discretion.

(b) The applicant must provide an explanation of the circumstances which make the request necessary. The co-applicant district must ensure that the applicant will meet all requirements for the regular license upon expiration of the extended Restricted Transitional Administrator License.

(c) Additionally, an applicant may be eligible for an extension of the Restricted Transitional Administrator License, upon joint application with the same or another co-applicant district, if the applicant has completed all the requirements for the Initial Administrator License except for the experience described in OAR 584-080-0012.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.123, 342.125, 342.126, 342.127, 342.140, 342.165

Hist.: TPSC 2-2007, f. & cert. ef. 4-23-07; TPSC 7-2008, f. & cert. ef. 8-20-08

584-080-0161

Exceptional Administrator License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, an unconventionally qualified applicant may be granted an Exceptional Administrator License at the sole discretion of the commission as permitted under ORS 342.200.

(2) The Exceptional Administrator License is issued for three years and renewable under conditions that the Executive Director may specify, is valid only for a designated position with a job description approved by the Executive Director.

(3) To be eligible for an Exceptional Administrator License the applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Hold a master's or higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution or approved foreign equivalent;

(c) Demonstrate extraordinary professional experience that compensates for lack of experience in prekindergarten-12 schools;

(d) Demonstrate knowledge of applicable civil rights laws. An applicant may submit an affidavit for the first Oregon license assuring that the applicant has read Discrimination and the Oregon Educator and has completed the self-study questions. The applicant must complete the course or workshop prior to any further licensure or renewal of this license; and

(e) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application.; (See OAR 584-036-0062 for Criminal Records Check Requirement).

(4) Experience that included supervising teachers or working directly with students in some educational setting shall be required as a qualification for any Exceptional Administrator License to be used for supervising teachers or working directly with students in Oregon schools.

(5) The Exceptional Administrator License will be restricted to use in a district that has applied for it jointly with the administrator.

(a) Upon application, the co-applicant district must describe its particular need in relation to the co-applicant administrator's qualifications summarized on a submitted resume; and

(b) The district must attest that no suitable candidate with any unrestricted administrator license is comparably qualified and available for the role to be filled.

(6) The Exceptional Administrator License may be renewed the first time upon demonstration of the following:

(a) A passing score on the test of professional administrator knowledge approved by the Commission for the Continuing Administrator License.

ADMINISTRATIVE RULES

(7) After the first renewal, the Exceptional Administrator License may be continuously renewed upon demonstration of the following during the life of the license:

(a) Completion of a licensed education experience under any of the following conditions:

- (A) One academic year as a full-time licensed educator;
- (B) Two consecutive years as a half-time licensed educator;
- (C) 180 days of substitution in administration or teaching, on any license appropriate for the assignment, in any K-12 public or private school or district registered or licensed by the Oregon Department of Education; and

(b) Completing continuing professional development requirements in accordance with OAR 584-090.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.123, 342.125, 342.126, 342.127, 342.140, 342.165 & 342.200
Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 7-2008, f. & cert. ef. 8-20-08

584-100-0006

Definitions

These definitions apply only to division 100.

(1) "Advanced Credential or Advanced Certification" for teachers holding middle level or secondary authorization levels:

- (a) A Continuing Teaching License; or
- (b) A Standard Teaching License with a Standard endorsement in the core academic subject; or
- (c) A certificate from the National Board for Professional Teaching Standards in the core academic subject area.

(2) "Bachelor's Degree":

- (a) A degree obtained from a regionally accredited institution in the United States; or
- (b) A degree from a foreign institution that is appropriately accredited as affirmed through the Oregon Office of Degree Authorization; or
- (c) A higher degree in the arts or sciences or an advanced degree in the professions from a regionally-accredited institution may validate a non-regionally accredited bachelor's degree.

(3) "Complete School Year": Any related teaching assignment for 135 instructional days in a school year. Exceptions may be appealed to the Executive Director pursuant to OAR 584-052-0027.

(4) "Core Academic Subjects":

- (a) English (Language Arts);
- (b) Reading or Language Arts (Reading or Language Arts)
- (c) Mathematics (Basic or Advanced Mathematics);
- (d) Science (Integrated Science, Biology, Chemistry, or Physics);
- (e) Foreign Languages (Spanish, French, German, Russian, Japanese, or Latin);
- (f) Civics and Government (Social Studies);
- (g) Economics (Social Studies);
- (h) Arts (Art, Music, or Drama);
- (i) History (Social Studies);
- (j) Geography (Social Studies).

(5) "Elementary Classroom": Any combination of self-contained classrooms in grades preprimary through eight in any school identified as an elementary school pursuant to OAR 581-022-0102(25).

(6) "Elementary Teacher": An educator teaching in a self-contained classroom grades preprimary through eight.

(7) "Middle-level Classroom": Any classrooms in grades seven or eight organized departmentally by subject matter.

(8) "New to the Profession": A teacher who has been teaching on an approved license in any U.S. jurisdiction in a public or regionally accredited private school less than three complete school years. (See definition of "Complete School Year" above)

(9) "Newly Hired Teacher": A teacher hired after the first day of the 2002-2003 school year in a Title IA program or Title IA school-wide program. The teacher is not considered "newly hired" if the teacher is already employed in the district and transferred into a Title IA program or Title IA school-wide program.

(10) "Not New to the Profession": A teacher who has been teaching on an approved license in any U.S. jurisdiction in a public or private school

for a total of three or more complete school years. (See definition of "Complete School Year" above.)

(11) "Rigorous State Test":

- (a) The Multiple Subjects Assessment for Teachers (MSAT) test for elementary or middle level; the ORELA Multiple Subjects Examination; or
- (b) The appropriate Praxis II or NTE Subject-matter test for middle-level and high school; or
- (c) Another state's subject-matter licensure exam designated as a "rigorous state test."

(12) "Secondary School or high school":

- (a) A combination of grades ten through twelve in districts providing a junior high school containing grade nine; or
- (b) Any combination of grades nine through twelve organized as a separate unit; or
- (c) Grades nine through twelve housed with grades preprimary through twelve.

(13) "Self-contained Classroom": An assignment for teaching in grades preprimary through eight in which the teacher has full responsibility for the curriculum.

(14) "Subject-matter competency": Subject matter competency may be demonstrated through any one of the following:

- (a) Passing the appropriate "rigorous state test;" or
- (b) Having a major in the subject-matter area (does not apply to elementary endorsements or authorizations); or
- (c) Having coursework equivalent to a major in the subject-matter area (does not apply to elementary endorsements or authorizations); or
- (d) Having a graduate degree in the subject matter area (does not apply to elementary endorsements or authorizations); or
- (e) Satisfying the Highly Objective Uniform State Standard of Evaluation (HOUSS) requirements set forth in these rules if have taught three complete years or more.

(15) "Undergraduate Major or Coursework Equivalent to a Major": Thirty-four (34) quarter hours or twenty-three (23) semester hours of undergraduate or graduate coursework in core academic subject matter numbered 100 level or above, from a regionally accredited college or university. (See definition of "Bachelor's Degree" for undergraduate credits obtained from an unaccredited college or university.)

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.125
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 4-2008(Temp), f. & cert. ef. 6-5-08 thru 11-30-08; TSPC 7-2008, f. & cert. ef. 8-20-08

584-100-0011

Highly Qualified Elementary Teacher New to the Profession

Teachers new to the profession teaching multiple subjects in grades kindergarten through eight (8) in an Oregon elementary school must meet the following criteria in order to meet the federal definition of "highly qualified teacher." The teacher must:

(1) Hold a Basic, Initial, Initial I, or an Approved NCLB Alternative Route Teaching License; (2) Have passed a rigorous state licensure examination; and

(3) Be properly assigned in grades kindergarten (k) through six (6).

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.125
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 7-2008, f. & cert. ef. 8-20-08

584-100-0051

Highly Qualified Career and Technical Education Teacher

All career and technical education (CTE) teachers who teach career and technical education courses that contain core academic subjects, for which students receive core academic credit, must meet the federal definitions for highly qualified secondary teachers for that particular core academic subject.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.125
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 7-2008, f. & cert. ef. 8-20-08

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123-001-0050	3-28-2008	Amend(T)	5-1-2008	123-016-0070	6-10-2008	Amend(T)	7-1-2008
123-001-0050	6-4-2008	Amend	7-1-2008	123-016-0075	6-10-2008	Adopt(T)	7-1-2008
123-001-0300	1-2-2008	Amend	2-1-2008	123-016-0076	6-10-2008	Adopt(T)	7-1-2008
123-001-0300	3-28-2008	Amend(T)	5-1-2008	123-016-0080	6-10-2008	Amend(T)	7-1-2008
123-001-0300	6-4-2008	Amend	7-1-2008	123-016-0090	6-10-2008	Amend(T)	7-1-2008
123-001-0500	1-2-2008	Amend	2-1-2008	123-016-0100	6-10-2008	Amend(T)	7-1-2008
123-001-0500	3-28-2008	Amend(T)	5-1-2008	123-017-0008	2-26-2008	Amend(T)	4-1-2008
123-001-0500	6-4-2008	Amend	7-1-2008	123-017-0008	8-1-2008	Amend	9-1-2008
123-001-0520	1-2-2008	Amend	2-1-2008	123-017-0010	2-26-2008	Amend(T)	4-1-2008
123-001-0520	3-28-2008	Amend(T)	5-1-2008	123-017-0010	8-1-2008	Amend	9-1-2008
123-001-0520	6-4-2008	Amend	7-1-2008	123-017-0015	2-26-2008	Amend(T)	4-1-2008
123-001-0700	1-2-2008	Amend	2-1-2008	123-017-0015	8-1-2008	Amend	9-1-2008
123-001-0700	3-28-2008	Amend(T)	5-1-2008	123-017-0020	2-26-2008	Amend(T)	4-1-2008
123-001-0700	6-4-2008	Amend	7-1-2008	123-017-0020	8-1-2008	Amend	9-1-2008
123-001-0725	1-2-2008	Amend	2-1-2008	123-017-0025	2-26-2008	Amend(T)	4-1-2008
123-001-0725	3-28-2008	Amend(T)	5-1-2008	123-017-0025	8-1-2008	Amend	9-1-2008
123-001-0725	6-4-2008	Amend	7-1-2008	123-017-0030	2-26-2008	Amend(T)	4-1-2008
123-001-0750	1-2-2008	Amend	2-1-2008	123-017-0030	8-1-2008	Amend	9-1-2008
123-001-0750	3-28-2008	Amend(T)	5-1-2008	123-017-0035	2-26-2008	Amend(T)	4-1-2008
123-001-0750	6-4-2008	Amend	7-1-2008	123-017-0035	8-1-2008	Amend	9-1-2008
123-006-0005	9-1-2008	Amend	10-1-2008	123-017-0055	2-26-2008	Amend(T)	4-1-2008
123-006-0015	9-1-2008	Amend	10-1-2008	123-017-0055	8-1-2008	Amend	9-1-2008
123-006-0020	9-1-2008	Amend	10-1-2008	123-018-0010	3-4-2008	Amend(T)	4-1-2008
123-006-0025	9-1-2008	Amend	10-1-2008	123-018-0010	8-1-2008	Amend	9-1-2008
123-006-0030	9-1-2008	Amend	10-1-2008	123-018-0040	3-4-2008	Amend(T)	4-1-2008
123-006-0035	9-1-2008	Amend	10-1-2008	123-018-0040	8-1-2008	Amend	9-1-2008
123-006-0040	9-1-2008	Amend	10-1-2008	123-018-0060	3-4-2008	Amend(T)	4-1-2008
123-006-0045	9-1-2008	Adopt	10-1-2008	123-018-0060	8-1-2008	Amend	9-1-2008
123-009-0060	1-2-2008	Amend	2-1-2008	123-018-0085	3-4-2008	Amend(T)	4-1-2008
123-009-0060	3-28-2008	Amend(T)	5-1-2008	123-018-0085	8-1-2008	Amend	9-1-2008
123-009-0060	6-4-2008	Amend	7-1-2008	123-018-0100	3-4-2008	Amend(T)	4-1-2008
123-009-0080	1-2-2008	Amend	2-1-2008	123-018-0100	8-1-2008	Amend	9-1-2008
123-009-0080	3-28-2008	Amend(T)	5-1-2008	123-018-0160	3-4-2008	Amend(T)	4-1-2008
123-009-0080	6-4-2008	Amend	7-1-2008	123-018-0160	8-1-2008	Amend	9-1-2008
123-009-0090	1-2-2008	Amend	2-1-2008	123-019-0010	8-1-2008	Amend	9-1-2008
123-009-0090	3-28-2008	Amend(T)	5-1-2008	123-019-0020	2-26-2008	Amend(T)	4-1-2008
123-009-0090	6-4-2008	Amend	7-1-2008	123-019-0020	8-1-2008	Amend	9-1-2008
123-011-0025	8-1-2008	Amend	9-1-2008	123-019-0040	2-26-2008	Amend(T)	4-1-2008
123-011-0027	8-1-2008	Amend	9-1-2008	123-019-0040	8-1-2008	Amend	9-1-2008
123-011-0030	3-4-2008	Amend(T)	4-1-2008	123-021-0010	2-26-2008	Amend(T)	4-1-2008
123-011-0030	8-1-2008	Amend	9-1-2008	123-021-0010	8-1-2008	Amend	9-1-2008
123-011-0035	3-4-2008	Amend(T)	4-1-2008	123-021-0015	8-1-2008	Adopt	9-1-2008
123-011-0035	8-1-2008	Amend	9-1-2008	123-021-0020	8-1-2008	Amend	9-1-2008
123-011-0037	3-4-2008	Adopt(T)	4-1-2008	123-021-0030	2-26-2008	Suspend	4-1-2008
123-011-0037	8-1-2008	Adopt	9-1-2008	123-021-0040	8-1-2008	Amend	9-1-2008
123-011-0040	3-4-2008	Amend(T)	4-1-2008	123-021-0050	2-26-2008	Amend(T)	4-1-2008
123-011-0040	8-1-2008	Amend	9-1-2008	123-021-0050	8-1-2008	Amend	9-1-2008
123-011-0045	3-4-2008	Amend(T)	4-1-2008	123-021-0060	8-1-2008	Amend	9-1-2008
123-011-0045	8-1-2008	Amend	9-1-2008	123-021-0070	8-1-2008	Amend	9-1-2008
123-016-0000	6-10-2008	Amend(T)	7-1-2008	123-021-0080	8-1-2008	Amend	9-1-2008
123-016-0010	6-10-2008	Amend(T)	7-1-2008	123-021-0090	2-26-2008	Amend(T)	4-1-2008
123-016-0020	6-10-2008	Amend(T)	7-1-2008	123-021-0090	8-1-2008	Amend	9-1-2008
123-016-0030	6-10-2008	Amend(T)	7-1-2008	123-021-0100	8-1-2008	Amend	9-1-2008
123-016-0040	6-10-2008	Amend(T)	7-1-2008	123-021-0110	8-1-2008	Amend	9-1-2008

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123-021-0130	8-1-2008	Amend	9-1-2008	123-043-0075	4-9-2008	Amend(T)	5-1-2008
123-021-0140	8-1-2008	Amend	9-1-2008	123-049-0005	9-1-2008	Amend	10-1-2008
123-023-1000	8-1-2008	Amend	9-1-2008	123-049-0010	9-1-2008	Amend	10-1-2008
123-023-1100	8-1-2008	Amend	9-1-2008	123-049-0020	9-1-2008	Amend	10-1-2008
123-023-1200	8-1-2008	Amend	9-1-2008	123-049-0030	9-1-2008	Amend	10-1-2008
123-023-1250	8-1-2008	Adopt	9-1-2008	123-049-0040	9-1-2008	Amend	10-1-2008
123-023-1300	8-1-2008	Amend	9-1-2008	123-049-0050	9-1-2008	Amend	10-1-2008
123-023-1400	8-1-2008	Amend	9-1-2008	123-049-0060	9-1-2008	Amend	10-1-2008
123-023-1500	8-1-2008	Amend	9-1-2008	123-055-0100	3-4-2008	Amend(T)	4-1-2008
123-023-1525	8-1-2008	Adopt	9-1-2008	123-055-0100	9-1-2008	Amend	10-1-2008
123-023-1550	8-1-2008	Adopt	9-1-2008	123-055-0120	3-4-2008	Amend(T)	4-1-2008
123-023-1600	8-1-2008	Amend	9-1-2008	123-055-0120	9-1-2008	Amend	10-1-2008
123-023-1700	8-1-2008	Amend	9-1-2008	123-055-0200	3-4-2008	Amend(T)	4-1-2008
123-023-1800	8-1-2008	Amend	9-1-2008	123-055-0200	9-1-2008	Amend	10-1-2008
123-023-1900	8-1-2008	Amend	9-1-2008	123-055-0220	3-4-2008	Amend(T)	4-1-2008
123-023-1950	8-1-2008	Adopt	9-1-2008	123-055-0220	9-1-2008	Amend	10-1-2008
123-023-2000	8-1-2008	Amend	9-1-2008	123-055-0240	3-4-2008	Amend(T)	4-1-2008
123-023-3000	8-1-2008	Adopt	9-1-2008	123-055-0240	9-1-2008	Amend	10-1-2008
123-023-3100	8-1-2008	Adopt	9-1-2008	123-055-0300	3-4-2008	Amend(T)	4-1-2008
123-023-3200	8-1-2008	Adopt	9-1-2008	123-055-0300	9-1-2008	Amend	10-1-2008
123-023-3300	8-1-2008	Adopt	9-1-2008	123-055-0340	3-4-2008	Amend(T)	4-1-2008
123-023-3400	8-1-2008	Adopt	9-1-2008	123-055-0340	9-1-2008	Amend	10-1-2008
123-023-4000	8-1-2008	Adopt	9-1-2008	123-055-0400	3-4-2008	Amend(T)	4-1-2008
123-023-4100	8-1-2008	Adopt	9-1-2008	123-055-0400	9-1-2008	Amend	10-1-2008
123-024-0001	3-20-2008	Amend(T)	5-1-2008	123-055-0420	3-4-2008	Amend(T)	4-1-2008
123-024-0001	9-1-2008	Amend	10-1-2008	123-055-0420	9-1-2008	Amend	10-1-2008
123-024-0011	3-20-2008	Amend(T)	5-1-2008	123-055-0440	3-4-2008	Amend(T)	4-1-2008
123-024-0011	9-1-2008	Amend	10-1-2008	123-055-0440	9-1-2008	Amend	10-1-2008
123-024-0031	3-20-2008	Amend(T)	5-1-2008	123-055-0460	3-4-2008	Amend(T)	4-1-2008
123-024-0031	9-1-2008	Amend	10-1-2008	123-055-0460	9-1-2008	Amend	10-1-2008
123-024-0041	3-20-2008	Suspend	5-1-2008	123-055-0525	3-4-2008	Amend(T)	4-1-2008
123-024-0041	9-1-2008	Repeal	10-1-2008	123-055-0525	9-1-2008	Amend	10-1-2008
123-025-0010	12-7-2007	Amend(T)	1-1-2008	123-055-0620	3-4-2008	Amend(T)	4-1-2008
123-025-0010	6-4-2008	Amend	7-1-2008	123-055-0620	9-1-2008	Amend	10-1-2008
123-025-0012	12-7-2007	Amend(T)	1-1-2008	123-055-0900	3-4-2008	Amend(T)	4-1-2008
123-025-0012	6-4-2008	Amend	7-1-2008	123-055-0900	9-1-2008	Amend	10-1-2008
123-025-0014	12-7-2007	Adopt(T)	1-1-2008	123-057-0110	3-4-2008	Amend(T)	4-1-2008
123-025-0015	12-7-2007	Suspend	1-1-2008	123-057-0110	9-1-2008	Amend	10-1-2008
123-025-0015	6-4-2008	Amend	7-1-2008	123-057-0130	3-4-2008	Amend(T)	4-1-2008
123-025-0017	12-7-2007	Amend(T)	1-1-2008	123-057-0130	9-1-2008	Amend	10-1-2008
123-025-0017	6-4-2008	Amend	7-1-2008	123-057-0150	3-4-2008	Amend(T)	4-1-2008
123-025-0021	12-7-2007	Amend(T)	1-1-2008	123-057-0150	9-1-2008	Amend	10-1-2008
123-025-0021	6-4-2008	Amend	7-1-2008	123-057-0190	3-4-2008	Amend(T)	4-1-2008
123-025-0023	12-7-2007	Amend(T)	1-1-2008	123-057-0190	9-1-2008	Amend	10-1-2008
123-025-0023	6-4-2008	Amend	7-1-2008	123-057-0210	3-4-2008	Amend(T)	4-1-2008
123-025-0025	12-7-2007	Amend(T)	1-1-2008	123-057-0210	9-1-2008	Amend	10-1-2008
123-025-0025	6-4-2008	Amend	7-1-2008	123-057-0230	3-4-2008	Amend(T)	4-1-2008
123-025-0030	12-7-2007	Amend(T)	1-1-2008	123-057-0230	9-1-2008	Amend	10-1-2008
123-025-0030	6-4-2008	Amend	7-1-2008	123-057-0310	3-4-2008	Suspend	4-1-2008
123-042-0020	4-9-2008	Amend(T)	5-1-2008	123-057-0310	9-1-2008	Repeal	10-1-2008
123-042-0026	4-9-2008	Amend(T)	5-1-2008	123-057-0330	3-4-2008	Amend(T)	4-1-2008
123-042-0036	4-9-2008	Amend(T)	5-1-2008	123-057-0330	9-1-2008	Amend	10-1-2008
123-043-0010	4-9-2008	Amend(T)	5-1-2008	123-057-0350	3-4-2008	Amend(T)	4-1-2008
123-043-0035	4-9-2008	Amend(T)	5-1-2008	123-057-0350	9-1-2008	Amend	10-1-2008
123-043-0045	4-9-2008	Amend(T)	5-1-2008	123-057-0410	3-4-2008	Amend(T)	4-1-2008

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123-057-0430	3-4-2008	Amend(T)	4-1-2008	125-145-0020	12-6-2007	Suspend	1-1-2008
123-057-0430	9-1-2008	Amend	10-1-2008	125-145-0020	2-6-2008	Repeal	3-1-2008
123-057-0450	3-4-2008	Amend(T)	4-1-2008	125-145-0030	12-6-2007	Suspend	1-1-2008
123-057-0450	9-1-2008	Amend	10-1-2008	125-145-0030	2-6-2008	Repeal	3-1-2008
123-057-0470	3-4-2008	Amend(T)	4-1-2008	125-145-0040	12-6-2007	Suspend	1-1-2008
123-057-0470	9-1-2008	Amend	10-1-2008	125-145-0040	2-6-2008	Repeal	3-1-2008
123-057-0510	3-4-2008	Amend(T)	4-1-2008	125-145-0045	12-6-2007	Suspend	1-1-2008
123-057-0510	9-1-2008	Amend	10-1-2008	125-145-0045	2-6-2008	Repeal	3-1-2008
123-057-0530	3-4-2008	Amend(T)	4-1-2008	125-145-0060	12-6-2007	Suspend	1-1-2008
123-057-0530	9-1-2008	Amend	10-1-2008	125-145-0060	2-6-2008	Repeal	3-1-2008
123-057-0710	3-4-2008	Amend(T)	4-1-2008	125-145-0080	12-6-2007	Suspend	1-1-2008
123-057-0710	9-1-2008	Amend	10-1-2008	125-145-0080	2-6-2008	Repeal	3-1-2008
123-105-0000	8-1-2008	Repeal	9-1-2008	125-145-0090	12-6-2007	Suspend	1-1-2008
123-105-0010	8-1-2008	Repeal	9-1-2008	125-145-0090	2-6-2008	Repeal	3-1-2008
123-105-0020	8-1-2008	Repeal	9-1-2008	125-145-0100	12-6-2007	Suspend	1-1-2008
123-105-0030	8-1-2008	Repeal	9-1-2008	125-145-0100	2-6-2008	Repeal	3-1-2008
123-105-0040	8-1-2008	Repeal	9-1-2008	125-145-0105	12-6-2007	Suspend	1-1-2008
123-105-0050	8-1-2008	Repeal	9-1-2008	125-145-0105	2-6-2008	Repeal	3-1-2008
123-105-0060	8-1-2008	Repeal	9-1-2008	125-246-0100	7-2-2008	Amend	8-1-2008
123-105-0070	8-1-2008	Repeal	9-1-2008	125-246-0110	7-2-2008	Amend	8-1-2008
123-105-0080	8-1-2008	Repeal	9-1-2008	125-246-0130	7-2-2008	Amend	8-1-2008
123-105-0090	8-1-2008	Repeal	9-1-2008	125-246-0140	7-2-2008	Amend	8-1-2008
123-135-0020	6-4-2008	Amend	7-1-2008	125-246-0170	7-2-2008	Amend	8-1-2008
123-135-0070	6-4-2008	Amend	7-1-2008	125-246-0200	7-2-2008	Amend	8-1-2008
123-145-0100	8-1-2008	Repeal	9-1-2008	125-246-0310	7-2-2008	Amend	8-1-2008
123-145-0200	8-1-2008	Repeal	9-1-2008	125-246-0330	7-2-2008	Amend	8-1-2008
123-145-0300	8-1-2008	Repeal	9-1-2008	125-246-0333	7-2-2008	Adopt	8-1-2008
123-145-0400	8-1-2008	Repeal	9-1-2008	125-246-0335	7-2-2008	Amend	8-1-2008
123-145-0500	8-1-2008	Repeal	9-1-2008	125-246-0345	7-2-2008	Amend	8-1-2008
123-145-0600	8-1-2008	Repeal	9-1-2008	125-246-0350	7-2-2008	Amend	8-1-2008
123-145-0700	8-1-2008	Repeal	9-1-2008	125-246-0353	7-2-2008	Amend	8-1-2008
123-145-1000	8-1-2008	Repeal	9-1-2008	125-246-0355	7-2-2008	Repeal	8-1-2008
123-145-1100	8-1-2008	Repeal	9-1-2008	125-246-0365	7-2-2008	Adopt	8-1-2008
123-145-1200	8-1-2008	Repeal	9-1-2008	125-246-0400	7-2-2008	Amend	8-1-2008
123-145-1300	8-1-2008	Repeal	9-1-2008	125-246-0410	7-2-2008	Amend	8-1-2008
125-050-0200	2-29-2008	Adopt	4-1-2008	125-246-0420	7-2-2008	Amend	8-1-2008
125-125-0050	4-15-2008	Amend(T)	5-1-2008	125-246-0430	7-2-2008	Amend	8-1-2008
125-125-0050	6-17-2008	Amend	8-1-2008	125-246-0440	7-2-2008	Amend	8-1-2008
125-125-0100	4-15-2008	Amend(T)	5-1-2008	125-246-0450	7-2-2008	Amend	8-1-2008
125-125-0100	6-17-2008	Amend	8-1-2008	125-246-0460	7-2-2008	Amend	8-1-2008
125-125-0150	4-15-2008	Amend(T)	5-1-2008	125-246-0555	7-2-2008	Amend	8-1-2008
125-125-0150	6-17-2008	Amend	8-1-2008	125-246-0556	7-2-2008	Adopt	8-1-2008
125-125-0250	4-15-2008	Amend(T)	5-1-2008	125-246-0560	7-2-2008	Amend	8-1-2008
125-125-0250	6-17-2008	Amend	8-1-2008	125-246-0570	7-2-2008	Amend	8-1-2008
125-125-0300	4-15-2008	Amend(T)	5-1-2008	125-246-0575	7-2-2008	Amend	8-1-2008
125-125-0300	6-17-2008	Amend	8-1-2008	125-246-0700	2-29-2008	Am. & Ren.	4-1-2008
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125-125-0400	6-17-2008	Amend	8-1-2008	125-246-0800	7-2-2008	Amend	8-1-2008
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125-125-0500	6-17-2008	Adopt	8-1-2008	125-247-0100	7-2-2008	Amend	8-1-2008
125-125-0600	4-15-2008	Adopt(T)	5-1-2008	125-247-0170	7-2-2008	Amend	8-1-2008
125-125-0600	6-17-2008	Adopt	8-1-2008	125-247-0200	7-2-2008	Amend	8-1-2008
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125-247-0260	7-2-2008	Amend	8-1-2008	125-249-0470	7-2-2008	Amend	8-1-2008
125-247-0261	7-2-2008	Amend	8-1-2008	125-249-0630	7-2-2008	Amend	8-1-2008
125-247-0265	7-2-2008	Amend	8-1-2008	125-249-0645	7-2-2008	Amend	8-1-2008
125-247-0270	7-2-2008	Amend	8-1-2008	125-249-0800	7-2-2008	Amend	8-1-2008
125-247-0275	7-2-2008	Amend	8-1-2008	125-249-0860	7-2-2008	Amend	8-1-2008
125-247-0280	7-2-2008	Amend	8-1-2008	125-600-7550	6-30-2008	Adopt	8-1-2008
125-247-0286	7-2-2008	Amend	8-1-2008	137-008-0000	5-1-2008	Amend	6-1-2008
125-247-0287	7-2-2008	Amend	8-1-2008	137-008-0005	5-1-2008	Amend	6-1-2008
125-247-0288	7-2-2008	Amend	8-1-2008	137-008-0010	5-1-2008	Amend	6-1-2008
125-247-0293	7-2-2008	Repeal	8-1-2008	137-008-0020	5-1-2008	Amend	6-1-2008
125-247-0294	7-2-2008	Repeal	8-1-2008	137-009-0130	2-1-2008	Amend	3-1-2008
125-247-0295	7-2-2008	Amend	8-1-2008	137-009-0140	2-1-2008	Amend	3-1-2008
125-247-0296	7-2-2008	Amend	8-1-2008	137-009-0145	2-1-2008	Amend	3-1-2008
125-247-0300	7-2-2008	Amend	8-1-2008	137-009-0147	2-1-2008	Adopt	3-1-2008
125-247-0305	7-2-2008	Amend	8-1-2008	137-009-0150	2-1-2008	Amend	3-1-2008
125-247-0310	7-2-2008	Amend	8-1-2008	137-009-0155	2-1-2008	Amend	3-1-2008
125-247-0330	7-2-2008	Amend	8-1-2008	137-010-0030	4-22-2008	Amend	6-1-2008
125-247-0340	7-2-2008	Adopt	8-1-2008	137-010-0033	4-22-2008	Amend	6-1-2008
125-247-0400	7-2-2008	Amend	8-1-2008	137-020-0015	1-2-2008	Amend	2-1-2008
125-247-0410	7-2-2008	Amend	8-1-2008	137-020-0020	1-2-2008	Amend	2-1-2008
125-247-0430	7-2-2008	Amend	8-1-2008	137-020-0040	1-2-2008	Amend	2-1-2008
125-247-0525	7-2-2008	Amend	8-1-2008	137-020-0050	1-2-2008	Amend	2-1-2008
125-247-0550	7-2-2008	Amend	8-1-2008	137-045-0010	1-1-2008	Amend	2-1-2008
125-247-0575	7-2-2008	Amend	8-1-2008	137-045-0015	1-1-2008	Amend	2-1-2008
125-247-0600	7-2-2008	Amend	8-1-2008	137-045-0020	1-1-2008	Amend	2-1-2008
125-247-0610	7-2-2008	Amend	8-1-2008	137-045-0030	1-1-2008	Amend	2-1-2008
125-247-0691	7-2-2008	Amend	8-1-2008	137-045-0035	1-1-2008	Amend	2-1-2008
125-247-0700	7-2-2008	Amend	8-1-2008	137-045-0050	1-1-2008	Amend	2-1-2008
125-247-0710	7-2-2008	Amend	8-1-2008	137-045-0055	1-1-2008	Amend	2-1-2008
125-247-0730	7-2-2008	Amend	8-1-2008	137-045-0060	1-1-2008	Amend	2-1-2008
125-247-0731	7-2-2008	Amend	8-1-2008	137-045-0070	1-1-2008	Amend	2-1-2008
125-247-0750	7-2-2008	Amend	8-1-2008	137-045-0090	1-1-2008	Amend	2-1-2008
125-248-0100	7-2-2008	Amend	8-1-2008	137-046-0100	1-1-2008	Amend	2-1-2008
125-248-0130	7-2-2008	Amend	8-1-2008	137-046-0110	1-1-2008	Amend	2-1-2008
125-248-0200	7-2-2008	Amend	8-1-2008	137-046-0130	1-1-2008	Amend	2-1-2008
125-248-0210	7-2-2008	Amend	8-1-2008	137-047-0000	1-1-2008	Amend	2-1-2008
125-248-0220	7-2-2008	Amend	8-1-2008	137-047-0100	1-1-2008	Amend	2-1-2008
125-248-0240	7-2-2008	Amend	8-1-2008	137-047-0257	1-1-2008	Amend	2-1-2008
125-248-0250	7-2-2008	Amend	8-1-2008	137-047-0262	1-1-2008	Amend	2-1-2008
125-248-0300	7-2-2008	Amend	8-1-2008	137-047-0263	1-1-2008	Amend	2-1-2008
125-248-0340	7-2-2008	Amend	8-1-2008	137-047-0275	1-1-2008	Amend	2-1-2008
125-249-0100	7-2-2008	Amend	8-1-2008	137-047-0280	1-1-2008	Amend	2-1-2008
125-249-0140	7-2-2008	Amend	8-1-2008	137-047-0285	1-1-2008	Amend	2-1-2008
125-249-0150	7-2-2008	Amend	8-1-2008	137-047-0310	1-1-2008	Amend	2-1-2008
125-249-0160	7-2-2008	Amend	8-1-2008	137-047-0330	1-1-2008	Amend	2-1-2008
125-249-0200	7-2-2008	Amend	8-1-2008	137-047-0400	1-1-2008	Amend	2-1-2008
125-249-0210	7-2-2008	Amend	8-1-2008	137-047-0410	1-1-2008	Amend	2-1-2008
125-249-0220	7-2-2008	Amend	8-1-2008	137-047-0430	1-1-2008	Amend	2-1-2008
125-249-0270	7-2-2008	Amend	8-1-2008	137-047-0575	1-1-2008	Amend	2-1-2008
125-249-0280	7-2-2008	Amend	8-1-2008	137-047-0610	1-1-2008	Amend	2-1-2008
125-249-0290	7-2-2008	Amend	8-1-2008	137-047-0730	1-1-2008	Amend	2-1-2008
125-249-0310	7-2-2008	Amend	8-1-2008	137-048-0100	1-1-2008	Amend	2-1-2008
125-249-0390	7-2-2008	Amend	8-1-2008	137-048-0130	1-1-2008	Amend	2-1-2008
125-249-0395	7-2-2008	Amend	8-1-2008	137-048-0200	1-1-2008	Amend	2-1-2008
125-249-0430	7-2-2008	Amend	8-1-2008	137-048-0210	1-1-2008	Amend	2-1-2008

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137-048-0240	1-1-2008	Amend	2-1-2008	137-060-0360	7-24-2008	Amend	6-1-2008
137-048-0250	1-1-2008	Amend	2-1-2008	137-060-0400	1-18-2008	Amend	3-1-2008
137-048-0300	1-1-2008	Amend	2-1-2008	137-060-0410	1-18-2008	Amend	3-1-2008
137-048-0320	1-1-2008	Amend	2-1-2008	137-060-0430	1-18-2008	Amend	3-1-2008
137-049-0100	1-1-2008	Amend	2-1-2008	137-060-0440	1-18-2008	Amend	3-1-2008
137-049-0140	1-1-2008	Amend	2-1-2008	137-060-0450	1-18-2008	Amend	3-1-2008
137-049-0150	1-1-2008	Amend	2-1-2008	137-079-0170	4-1-2008	Amend	5-1-2008
137-049-0160	1-1-2008	Amend	2-1-2008	137-079-0200	4-1-2008	Amend	5-1-2008
137-049-0200	1-1-2008	Amend	2-1-2008	137-084-0001	12-11-2007	Amend	1-1-2008
137-049-0210	1-1-2008	Amend	2-1-2008	137-084-0005	12-11-2007	Amend	1-1-2008
137-049-0280	1-1-2008	Amend	2-1-2008	137-084-0010	12-11-2007	Amend	1-1-2008
137-049-0290	1-1-2008	Amend	2-1-2008	137-084-0020	12-11-2007	Amend	1-1-2008
137-049-0310	1-1-2008	Amend	2-1-2008	137-084-0500	12-11-2007	Amend	1-1-2008
137-049-0390	1-1-2008	Amend	2-1-2008	141-085-0005	1-1-2008	Amend	1-1-2008
137-049-0395	1-1-2008	Amend	2-1-2008	141-085-0006	1-1-2008	Amend	1-1-2008
137-049-0630	1-1-2008	Amend	2-1-2008	141-085-0010	1-1-2008	Amend	1-1-2008
137-049-0645	1-1-2008	Amend	2-1-2008	141-085-0015	1-1-2008	Amend	1-1-2008
137-049-0860	1-1-2008	Amend	2-1-2008	141-085-0018	1-1-2008	Amend	1-1-2008
137-055-1060	7-1-2008	Amend	8-1-2008	141-085-0020	1-1-2008	Amend	1-1-2008
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137-055-2160	7-1-2008	Amend	8-1-2008	141-085-0022	1-1-2008	Amend	1-1-2008
137-055-3020	1-2-2008	Amend(T)	2-1-2008	141-085-0023	1-1-2008	Amend	1-1-2008
137-055-3020	4-1-2008	Amend	5-1-2008	141-085-0025	1-1-2008	Amend	1-1-2008
137-055-3060	1-2-2008	Amend(T)	2-1-2008	141-085-0028	1-1-2008	Amend	1-1-2008
137-055-3060	4-1-2008	Amend	5-1-2008	141-085-0029	1-1-2008	Amend	1-1-2008
137-055-3080	1-2-2008	Amend(T)	2-1-2008	141-085-0034	1-1-2008	Amend	1-1-2008
137-055-3080	4-1-2008	Amend	5-1-2008	141-085-0036	1-1-2008	Amend	1-1-2008
137-055-3100	1-2-2008	Amend(T)	2-1-2008	141-085-0064	1-1-2008	Amend	1-1-2008
137-055-3100	4-1-2008	Amend	5-1-2008	141-085-0066	1-1-2008	Amend	1-1-2008
137-055-3140	1-2-2008	Amend(T)	2-1-2008	141-085-0068	1-1-2008	Adopt	1-1-2008
137-055-3140	4-1-2008	Amend	5-1-2008	141-085-0070	1-1-2008	Amend	1-1-2008
137-055-3420	7-15-2008	Amend(T)	8-1-2008	141-085-0075	1-1-2008	Amend	1-1-2008
137-055-4560	4-1-2008	Amend	5-1-2008	141-085-0079	1-1-2008	Amend	1-1-2008
137-055-4620	1-2-2008	Amend	2-1-2008	141-085-0085	1-1-2008	Amend	1-1-2008
137-055-5110	7-1-2008	Amend	8-1-2008	141-085-0090	1-1-2008	Amend	1-1-2008
137-060-0100	1-18-2008	Amend	3-1-2008	141-085-0095	1-1-2008	Amend	1-1-2008
137-060-0110	1-18-2008	Amend	3-1-2008	141-085-0096	1-1-2008	Amend	1-1-2008
137-060-0130	1-18-2008	Amend	3-1-2008	141-085-0115	1-1-2008	Amend	1-1-2008
137-060-0140	1-18-2008	Amend	3-1-2008	141-085-0121	1-1-2008	Amend	1-1-2008
137-060-0150	1-18-2008	Amend	3-1-2008	141-085-0126	1-1-2008	Amend	1-1-2008
137-060-0150	7-24-2008	Amend	6-1-2008	141-085-0131	1-1-2008	Amend	1-1-2008
137-060-0160	1-18-2008	Amend	3-1-2008	141-085-0136	1-1-2008	Amend	1-1-2008
137-060-0160	7-24-2008	Amend	6-1-2008	141-085-0141	1-1-2008	Amend	1-1-2008
137-060-0200	1-18-2008	Amend	3-1-2008	141-085-0146	1-1-2008	Amend	1-1-2008
137-060-0210	1-18-2008	Amend	3-1-2008	141-085-0156	1-1-2008	Amend	1-1-2008
137-060-0230	1-18-2008	Amend	3-1-2008	141-085-0161	1-1-2008	Amend	1-1-2008
137-060-0240	1-18-2008	Amend	3-1-2008	141-085-0166	1-1-2008	Amend	1-1-2008
137-060-0250	1-18-2008	Amend	3-1-2008	141-085-0171	1-1-2008	Amend	1-1-2008
137-060-0260	1-18-2008	Amend	3-1-2008	141-085-0176	1-1-2008	Amend	1-1-2008
137-060-0300	1-18-2008	Amend	3-1-2008	141-085-0256	1-1-2008	Amend	1-1-2008
137-060-0310	1-18-2008	Amend	3-1-2008	141-085-0257	1-1-2008	Amend	1-1-2008
137-060-0330	1-18-2008	Amend	3-1-2008	141-085-0421	1-1-2008	Amend	1-1-2008
137-060-0340	1-18-2008	Amend	3-1-2008	141-085-0425	1-1-2008	Amend	1-1-2008
137-060-0350	1-18-2008	Amend	3-1-2008	141-085-0430	1-1-2008	Amend	1-1-2008
137-060-0350	7-24-2008	Amend	6-1-2008	141-089-0100	1-1-2008	Amend	1-1-2008

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141-089-0115	1-1-2008	Amend	1-1-2008	141-090-0010	1-1-2008	Amend	1-1-2008
141-089-0120	1-1-2008	Amend	1-1-2008	141-090-0015	1-1-2008	Amend	1-1-2008
141-089-0135	1-1-2008	Amend	1-1-2008	141-090-0020	1-1-2008	Amend	1-1-2008
141-089-0140	1-1-2008	Amend	1-1-2008	141-090-0025	1-1-2008	Amend	1-1-2008
141-089-0150	1-1-2008	Amend	1-1-2008	141-090-0030	1-1-2008	Amend	1-1-2008
141-089-0155	1-1-2008	Amend	1-1-2008	141-090-0032	1-1-2008	Adopt	1-1-2008
141-089-0157	1-1-2008	Adopt	1-1-2008	141-090-0035	1-1-2008	Amend	1-1-2008
141-089-0170	1-1-2008	Amend	1-1-2008	141-090-0040	1-1-2008	Amend	1-1-2008
141-089-0175	1-1-2008	Amend	1-1-2008	141-090-0045	1-1-2008	Amend	1-1-2008
141-089-0180	1-1-2008	Amend	1-1-2008	141-090-0050	1-1-2008	Amend	1-1-2008
141-089-0185	1-1-2008	Amend	1-1-2008	141-090-0055	1-1-2008	Amend	1-1-2008
141-089-0190	1-1-2008	Amend	1-1-2008	141-102-0000	1-1-2008	Amend	1-1-2008
141-089-0192	1-1-2008	Adopt	1-1-2008	141-102-0020	1-1-2008	Amend	1-1-2008
141-089-0205	1-1-2008	Amend	1-1-2008	141-102-0030	1-1-2008	Amend	1-1-2008
141-089-0215	1-1-2008	Amend	1-1-2008	141-102-0045	1-1-2008	Repeal	1-1-2008
141-089-0225	1-1-2008	Amend	1-1-2008	142-010-0010	4-14-2008	Amend	5-1-2008
141-089-0230	1-1-2008	Amend	1-1-2008	142-010-0020	4-14-2008	Amend	5-1-2008
141-089-0245	1-1-2008	Amend	1-1-2008	142-010-0045	4-14-2008	Amend	5-1-2008
141-089-0260	1-1-2008	Amend	1-1-2008	142-015-0000	4-14-2008	Adopt	5-1-2008
141-089-0265	1-1-2008	Amend	1-1-2008	142-015-0010	4-14-2008	Adopt	5-1-2008
141-089-0280	1-1-2008	Amend	1-1-2008	142-015-0020	4-14-2008	Adopt	5-1-2008
141-089-0285	1-1-2008	Amend	1-1-2008	142-015-0030	4-14-2008	Adopt	5-1-2008
141-089-0290	1-1-2008	Amend	1-1-2008	142-015-0040	4-14-2008	Adopt	5-1-2008
141-089-0295	1-1-2008	Amend	1-1-2008	142-015-0050	4-14-2008	Adopt	5-1-2008
141-089-0300	1-1-2008	Amend	1-1-2008	150-118.005	1-1-2008	Repeal	2-1-2008
141-089-0302	1-1-2008	Adopt	1-1-2008	150-118.140	5-23-2008	Adopt(T)	7-1-2008
141-089-0350	5-1-2008	Adopt	5-1-2008	150-18.385-(A)	1-1-2008	Amend	2-1-2008
141-089-0355	5-1-2008	Adopt	5-1-2008	150-181.534(9)	8-31-2008	Adopt	10-1-2008
141-089-0360	5-1-2008	Adopt	5-1-2008	150-181.534(9)-(A)	8-31-2008	Adopt	10-1-2008
141-089-0365	5-1-2008	Adopt	5-1-2008	150-181.534(9)-(B)	8-31-2008	Adopt	10-1-2008
141-089-0370	5-1-2008	Adopt	5-1-2008	150-181.534(9)-(C)	8-31-2008	Adopt	10-1-2008
141-089-0375	5-1-2008	Adopt	5-1-2008	150-181.534(9)-(D)	8-31-2008	Adopt	10-1-2008
141-089-0380	5-1-2008	Adopt	5-1-2008	150-181.534(9)-(E)	8-31-2008	Adopt	10-1-2008
141-089-0385	5-1-2008	Adopt	5-1-2008	150-181.534(9)-(F)	8-31-2008	Adopt	10-1-2008
141-089-0390	5-1-2008	Adopt	5-1-2008	150-181.534(9)-(G)	8-31-2008	Adopt	10-1-2008
141-089-0400	1-1-2008	Amend	1-1-2008	150-181.534(9)-(H)	8-31-2008	Adopt	10-1-2008
141-089-0405	1-1-2008	Amend	1-1-2008	150-181.534(9)-(I)	8-31-2008	Adopt	10-1-2008
141-089-0415	1-1-2008	Amend	1-1-2008	150-181.534(9)-(J)	8-31-2008	Adopt	10-1-2008
141-089-0420	1-1-2008	Amend	1-1-2008	150-181.534(9)-(K)	8-31-2008	Adopt	10-1-2008
141-089-0423	1-1-2008	Adopt	1-1-2008	150-181.534(9)-(L)	8-31-2008	Adopt	10-1-2008
141-089-0500	1-1-2008	Amend	1-1-2008	150-181.534(9)-(M)	8-31-2008	Adopt	10-1-2008
141-089-0505	1-1-2008	Amend	1-1-2008	150-291.349	8-31-2008	Adopt	10-1-2008
141-089-0515	1-1-2008	Amend	1-1-2008	150-293.250(2)	2-15-2008	Amend	3-1-2008
141-089-0520	1-1-2008	Amend	1-1-2008	150-294.381(3)	8-31-2008	Repeal	10-1-2008
141-089-0550	1-1-2008	Amend	1-1-2008	150-294.930(2)	8-31-2008	Repeal	10-1-2008
141-089-0555	1-1-2008	Amend	1-1-2008	150-305.145(3)	1-1-2008	Amend	2-1-2008
141-089-0560	1-1-2008	Amend	1-1-2008	150-305.193	8-31-2008	Amend	10-1-2008
141-089-0565	1-1-2008	Amend	1-1-2008	150-305.220(2)	1-1-2008	Amend	2-1-2008
141-089-0570	1-1-2008	Amend	1-1-2008	150-305.270(10)	1-1-2008	Amend	2-1-2008
141-089-0572	1-1-2008	Adopt	1-1-2008	150-305.270(2)	8-31-2008	Repeal	10-1-2008
141-089-0585	1-1-2008	Amend	1-1-2008	150-305.270(4)-(A)	1-1-2008	Amend	2-1-2008
141-089-0595	1-1-2008	Amend	1-1-2008	150-305.992	1-1-2008	Amend	2-1-2008
141-089-0600	1-1-2008	Amend	1-1-2008	150-306.126(1)	8-31-2008	Amend	10-1-2008
141-089-0605	1-1-2008	Amend	1-1-2008	150-307.262(2)	1-1-2008	Repeal	2-1-2008

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150-307.289	8-31-2008	Amend	10-1-2008	150-317.705(3)(a)	1-1-2008	Amend	2-1-2008
150-307.495	8-31-2008	Adopt	10-1-2008	150-317.705(3)(b)	1-1-2008	Amend	2-1-2008
150-307.804	8-31-2008	Amend	10-1-2008	150-320.308	8-31-2008	Adopt	10-1-2008
150-308.146(8)	8-31-2008	Adopt	10-1-2008	150-321.307(4)	1-1-2008	Repeal	2-1-2008
150-308.205-(G)	8-31-2008	Adopt	10-1-2008	150-321.485(4)	1-1-2008	Repeal	2-1-2008
150-308.290-(A)	8-31-2008	Adopt	10-1-2008	150-323.320(1)	8-31-2008	Renumber	10-1-2008
150-308.290(3)	8-31-2008	Repeal	10-1-2008	150-323.320(1)(b)	2-4-2008	Adopt(T)	3-1-2008
150-308.290(5)	8-31-2008	Repeal	10-1-2008	150-323.320(2)	8-31-2008	Am. & Ren.	10-1-2008
150-308.704	8-31-2008	Amend	10-1-2008	150-323.505(2)	8-31-2008	Adopt	10-1-2008
150-308.712	8-31-2008	Amend	10-1-2008	150-457.440(9)	8-31-2008	Amend	10-1-2008
150-308.890	8-31-2008	Repeal	10-1-2008	151-001-0005	12-13-2007	Amend(T)	1-1-2008
150-309.115(1)-(A)	1-1-2008	Repeal	2-1-2008	151-001-0005	4-14-2008	Amend	5-1-2008
150-311.205(1)(b)-(A)	8-31-2008	Amend	10-1-2008	151-001-0010	12-13-2007	Amend(T)	1-1-2008
150-311.668(1)(a)-(A)	8-31-2008	Amend	10-1-2008	151-001-0010	4-14-2008	Amend	5-1-2008
150-311.668(1)(a)-(B)	8-31-2008	Amend	10-1-2008	151-001-0015	4-14-2008	Amend	5-1-2008
150-311.676	1-1-2008	Amend	2-1-2008	151-020-0045	12-13-2007	Amend(T)	1-1-2008
150-311.676-(B)	1-1-2008	Repeal	2-1-2008	151-020-0045	4-14-2008	Amend	5-1-2008
150-311.684	1-1-2008	Amend	2-1-2008	160-005-0005	5-1-2008	Amend	5-1-2008
150-311.689	1-1-2008	Amend	2-1-2008	160-005-0007	5-1-2008	Adopt	5-1-2008
150-311.806-(A)	1-1-2008	Amend	2-1-2008	160-005-0010	5-1-2008	Amend	5-1-2008
150-314.250	8-31-2008	Repeal	10-1-2008	160-010-0600	1-1-2008	Adopt	1-1-2008
150-314.258	1-1-2008	Adopt	2-1-2008	160-010-0610	1-1-2008	Adopt	1-1-2008
150-314.258	5-23-2008	Amend(T)	7-1-2008	160-010-0620	1-1-2008	Adopt	1-1-2008
150-314.280-(E)	1-1-2008	Amend	2-1-2008	160-010-0630	1-1-2008	Adopt	1-1-2008
150-314.280-(G)	1-1-2008	Amend	2-1-2008	160-040-0100	8-1-2008	Amend	8-1-2008
150-314.280-(H)	1-1-2008	Amend	2-1-2008	160-040-0101	8-1-2008	Amend	8-1-2008
150-314.280-(I)	1-1-2008	Amend	2-1-2008	160-040-0102	8-1-2008	Amend	8-1-2008
150-314.280-(J)	1-1-2008	Amend	2-1-2008	160-040-0103	8-1-2008	Amend	8-1-2008
150-314.280-(K)	1-1-2008	Amend	2-1-2008	160-040-0104	8-1-2008	Amend	8-1-2008
150-314.280-(L)	1-1-2008	Amend	2-1-2008	160-040-0105	8-1-2008	Amend	8-1-2008
150-314.308	1-1-2008	Adopt	2-1-2008	160-040-0106	8-1-2008	Amend	8-1-2008
150-314.400(1)	8-31-2008	Amend	10-1-2008	160-040-0107	8-1-2008	Amend	8-1-2008
150-314.410(3)	8-31-2008	Renumber	10-1-2008	160-040-0200	8-1-2008	Amend	8-1-2008
150-314.410(5)	8-31-2008	Renumber	10-1-2008	160-040-0201	8-1-2008	Amend	8-1-2008
150-314.410(6)	8-31-2008	Renumber	10-1-2008	160-040-0202	8-1-2008	Amend	8-1-2008
150-314.410(8)	8-31-2008	Renumber	10-1-2008	160-040-0203	8-1-2008	Amend	8-1-2008
150-314.415.(7)	1-1-2008	Amend	2-1-2008	160-040-0204	8-1-2008	Adopt	8-1-2008
150-314.425-(B)	1-1-2008	Adopt	2-1-2008	160-040-0205	8-1-2008	Adopt	8-1-2008
150-314.615-(D)	1-1-2008	Amend	2-1-2008	160-040-0300	8-1-2008	Amend	8-1-2008
150-314.615-(E)	1-1-2008	Amend	2-1-2008	160-040-0301	8-1-2008	Amend	8-1-2008
150-315.262	1-1-2008	Amend	2-1-2008	160-040-0302	8-1-2008	Amend	8-1-2008
150-315.354(5)	1-1-2008	Amend	2-1-2008	160-040-0303	8-1-2008	Amend	8-1-2008
150-315.521	1-1-2008	Adopt	2-1-2008	160-040-0304	8-1-2008	Amend	8-1-2008
150-316.037	8-31-2008	Amend	10-1-2008	160-040-0305	8-1-2008	Amend	8-1-2008
150-316.045	8-31-2008	Adopt	10-1-2008	160-040-0306	8-1-2008	Amend	8-1-2008
150-316.119	8-31-2008	Adopt	10-1-2008	160-040-0307	8-1-2008	Amend	8-1-2008
150-316.127-(E)	1-1-2008	Amend	2-1-2008	160-040-0308	8-1-2008	Amend	8-1-2008
150-316.127(10)	1-1-2008	Adopt	2-1-2008	160-040-0309	8-1-2008	Amend	8-1-2008
150-316.587(5)(d)	8-31-2008	Amend	10-1-2008	160-040-0310	8-1-2008	Amend	8-1-2008
150-316.587(8)-(A)	8-31-2008	Amend	10-1-2008	160-040-0311	8-1-2008	Amend	8-1-2008
150-316.NOTE	8-31-2008	Repeal	10-1-2008	160-040-0312	8-1-2008	Amend	8-1-2008
150-317.010	5-5-2008	Adopt	6-1-2008	160-040-0400	8-1-2008	Amend	8-1-2008
150-317.092	1-1-2008	Adopt	2-1-2008	160-040-0401	8-1-2008	Amend	8-1-2008
150-317.368(1)	8-31-2008	Repeal	10-1-2008	160-040-0402	8-1-2008	Amend	8-1-2008
150-317.368(6)	8-31-2008	Repeal	10-1-2008	160-040-0403	8-1-2008	Amend	8-1-2008

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160-040-0500	8-1-2008	Amend	8-1-2008	161-050-0000	5-13-2008	Amend	6-1-2008
160-040-0501	8-1-2008	Amend	8-1-2008	165-002-0020	12-31-2007	Amend	2-1-2008
160-040-0502	8-1-2008	Amend	8-1-2008	165-004-0005	12-31-2007	Amend	2-1-2008
160-040-0503	8-1-2008	Amend	8-1-2008	165-004-0020	12-31-2007	Amend	2-1-2008
160-040-0504	8-1-2008	Amend	8-1-2008	165-005-0130	12-31-2007	Amend	2-1-2008
160-040-0505	8-1-2008	Adopt	8-1-2008	165-007-0030	12-31-2007	Amend	2-1-2008
160-040-0506	8-1-2008	Adopt	8-1-2008	165-010-0005	12-31-2007	Amend	2-1-2008
160-050-0180	1-15-2008	Amend	2-1-2008	165-010-0085	12-31-2007	Adopt	2-1-2008
160-050-0190	1-15-2008	Amend	2-1-2008	165-010-0110	8-12-2008	Amend	9-1-2008
160-050-0200	1-15-2008	Amend	2-1-2008	165-010-1001	5-2-2008	Adopt(T)	6-1-2008
160-050-0210	1-15-2008	Amend	2-1-2008	165-012-0005	12-31-2007	Amend	2-1-2008
160-050-0215	1-15-2008	Adopt	2-1-2008	165-012-1020	1-29-2008	Adopt(T)	3-1-2008
160-050-0220	1-15-2008	Amend	2-1-2008	165-013-0010	12-31-2007	Amend	2-1-2008
160-050-0230	1-15-2008	Amend	2-1-2008	165-013-0020	12-31-2007	Amend	2-1-2008
160-050-0240	1-15-2008	Amend	2-1-2008	165-014-0005	12-31-2007	Amend	2-1-2008
160-050-0250	1-15-2008	Amend	2-1-2008	165-014-0027	12-31-2007	Repeal	2-1-2008
160-050-0280	1-15-2008	Amend	2-1-2008	165-014-0030	12-31-2007	Amend	2-1-2008
160-100-0020	10-15-2008	Amend	10-1-2008	165-014-0031	12-31-2007	Adopt	2-1-2008
160-100-0030	10-15-2008	Amend	10-1-2008	165-014-0032	12-31-2007	Adopt	2-1-2008
160-100-0200	1-15-2008	Amend	1-1-2008	165-014-0100	12-31-2007	Adopt	2-1-2008
160-100-0210	5-1-2008	Amend	5-1-2008	165-014-0100	3-14-2008	Amend(T)	4-1-2008
161-001-0005	8-13-2008	Amend	9-1-2008	165-014-0100	5-2-2008	Amend(T)	6-1-2008
161-002-0000	5-13-2008	Amend	6-1-2008	165-014-0100	8-12-2008	Amend	9-1-2008
161-002-0000	8-13-2008	Amend	9-1-2008	165-014-0110	12-31-2007	Amend	2-1-2008
161-003-0020	5-13-2008	Amend	6-1-2008	165-014-0260	12-31-2007	Amend	2-1-2008
161-006-0140	8-13-2008	Amend	9-1-2008	165-014-0270	12-31-2007	Amend	2-1-2008
161-006-0175	5-13-2008	Amend	6-1-2008	165-014-0275	12-31-2007	Adopt	2-1-2008
161-006-0175	8-13-2008	Amend	9-1-2008	165-014-0280	12-3-2007	Adopt	1-1-2008
161-008-0040	8-13-2008	Amend	9-1-2008	165-020-0005	12-31-2007	Amend	2-1-2008
161-010-0010	5-13-2008	Amend	6-1-2008	165-020-0020	12-31-2007	Amend	2-1-2008
161-010-0010	8-13-2008	Amend	9-1-2008	165-020-0021	12-31-2007	Adopt	2-1-2008
161-010-0020	8-13-2008	Amend	9-1-2008	165-020-0035	12-31-2007	Amend	2-1-2008
161-010-0025	8-13-2008	Amend	9-1-2008	165-020-0045	12-31-2007	Repeal	2-1-2008
161-010-0035	5-13-2008	Amend	6-1-2008	165-020-0050	12-31-2007	Amend	2-1-2008
161-010-0035	8-13-2008	Amend	9-1-2008	165-020-0055	12-31-2007	Amend	2-1-2008
161-010-0045	5-13-2008	Amend	6-1-2008	165-020-2021	2-21-2008	Adopt(T)	4-1-2008
161-010-0045	8-13-2008	Amend	9-1-2008	165-021-0000	12-31-2007	Repeal	2-1-2008
161-010-0055	5-13-2008	Amend	6-1-2008	165-021-0005	12-31-2007	Repeal	2-1-2008
161-010-0055	8-13-2008	Amend	9-1-2008	165-021-0010	12-31-2007	Repeal	2-1-2008
161-010-0080	5-13-2008	Amend	6-1-2008	165-100-0000	4-1-2008	Adopt(T)	5-1-2008
161-010-0080	8-6-2008	Amend(T)	9-1-2008	165-100-0005	4-1-2008	Adopt(T)	5-1-2008
161-010-0080	8-13-2008	Amend	9-1-2008	165-100-0010	4-1-2008	Adopt(T)	5-1-2008
161-010-0085	8-6-2008	Amend(T)	9-1-2008	165-100-0015	4-1-2008	Adopt(T)	5-1-2008
161-015-0025	8-13-2008	Adopt	9-1-2008	165-100-0020	4-1-2008	Adopt(T)	5-1-2008
161-015-0030	8-13-2008	Amend	9-1-2008	165-100-0025	4-1-2008	Adopt(T)	5-1-2008
161-020-0015	8-13-2008	Amend	9-1-2008	165-100-0030	4-1-2008	Adopt(T)	5-1-2008
161-020-0035	8-13-2008	Amend	9-1-2008	166-150-0205	5-30-2008	Amend	7-1-2008
161-020-0110	5-13-2008	Amend	6-1-2008	166-400-0010	1-30-2008	Amend	3-1-2008
161-020-0130	8-13-2008	Amend	9-1-2008	166-500-0015	11-29-2007	Amend	1-1-2008
161-020-0150	8-13-2008	Amend	9-1-2008	167-050-0100	7-16-2008	Adopt	9-1-2008
161-025-0005	8-13-2008	Amend	9-1-2008	167-050-0110	7-16-2008	Adopt	9-1-2008
161-025-0010	8-13-2008	Amend	9-1-2008	167-050-0120	7-16-2008	Adopt	9-1-2008
161-025-0025	5-13-2008	Amend	6-1-2008	167-050-0130	7-16-2008	Adopt	9-1-2008
161-025-0030	5-13-2008	Amend	6-1-2008	167-050-0140	7-16-2008	Adopt	9-1-2008
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167-050-0170	7-16-2008	Adopt	9-1-2008	177-046-0110	3-31-2008	Amend	5-1-2008
167-050-0180	7-16-2008	Adopt	9-1-2008	177-046-0110(T)	3-31-2008	Repeal	5-1-2008
167-050-0190	7-16-2008	Adopt	9-1-2008	177-046-0120	7-1-2008	Amend	8-1-2008
167-050-0200	7-16-2008	Adopt	9-1-2008	177-046-0130	7-1-2008	Amend	8-1-2008
167-050-0210	7-16-2008	Adopt	9-1-2008	177-046-0140	7-1-2008	Amend	8-1-2008
167-050-0220	7-16-2008	Adopt	9-1-2008	177-046-0150	7-1-2008	Amend	8-1-2008
167-055-0100	7-16-2008	Adopt	9-1-2008	177-046-0160	7-1-2008	Amend	8-1-2008
167-060-0100	7-16-2008	Adopt	9-1-2008	177-046-0170	3-31-2008	Amend	5-1-2008
167-060-0110	7-16-2008	Adopt	9-1-2008	177-046-0170	7-1-2008	Amend	8-1-2008
167-060-0120	7-16-2008	Adopt	9-1-2008	177-046-0170(T)	3-31-2008	Repeal	5-1-2008
170-002-0010	3-3-2008	Adopt	4-1-2008	177-050-0002	3-31-2008	Amend	5-1-2008
170-030-0005	7-1-2008	Repeal	8-1-2008	177-050-0002(T)	3-31-2008	Repeal	5-1-2008
170-030-0010	7-1-2008	Repeal	8-1-2008	177-050-0020	3-31-2008	Amend	5-1-2008
170-030-0015	7-1-2008	Repeal	8-1-2008	177-050-0020(T)	3-31-2008	Repeal	5-1-2008
170-030-0020	7-1-2008	Repeal	8-1-2008	177-050-0024	3-31-2008	Amend	5-1-2008
170-030-0025	7-1-2008	Repeal	8-1-2008	177-050-0024(T)	3-31-2008	Repeal	5-1-2008
170-030-0030	7-1-2008	Repeal	8-1-2008	177-050-0025	3-31-2008	Amend	5-1-2008
170-030-0045	7-1-2008	Repeal	8-1-2008	177-050-0025(T)	3-31-2008	Repeal	5-1-2008
170-030-0050	7-1-2008	Repeal	8-1-2008	177-050-0027	3-31-2008	Amend	5-1-2008
170-030-0055	7-1-2008	Repeal	8-1-2008	177-050-0027(T)	3-31-2008	Repeal	5-1-2008
170-040-0020	7-1-2008	Adopt	8-1-2008	177-050-0037	3-31-2008	Amend	5-1-2008
170-040-0030	7-1-2008	Adopt	8-1-2008	177-050-0037(T)	3-31-2008	Repeal	5-1-2008
170-040-0040	7-1-2008	Adopt	8-1-2008	177-050-0070	3-31-2008	Amend	5-1-2008
170-040-0050	7-1-2008	Adopt	8-1-2008	177-050-0070(T)	3-31-2008	Repeal	5-1-2008
170-040-0060	7-1-2008	Adopt	8-1-2008	199-005-0005	3-7-2008	Adopt	4-1-2008
170-040-0070	7-1-2008	Adopt	8-1-2008	199-005-0010	3-7-2008	Adopt	4-1-2008
170-040-0080	7-1-2008	Adopt	8-1-2008	199-005-0015	3-7-2008	Adopt	4-1-2008
170-061-0200	12-27-2007	Adopt	2-1-2008	199-005-0020	3-7-2008	Adopt	4-1-2008
170-071-0005	11-20-2007	Amend(T)	1-1-2008	199-005-0025	3-7-2008	Adopt	4-1-2008
170-071-0005	7-9-2008	Amend(T)	8-1-2008	199-005-0030	3-7-2008	Adopt	4-1-2008
170-071-0005	8-28-2008	Amend	10-1-2008	199-005-0035	3-7-2008	Adopt	4-1-2008
177-010-0003	7-1-2008	Amend	8-1-2008	199-010-0068	1-2-2008	Adopt(T)	2-1-2008
177-010-0007	7-1-2008	Amend	8-1-2008	199-010-0075	3-7-2008	Amend(T)	4-1-2008
177-010-0009	7-1-2008	Amend	8-1-2008	199-010-0095	3-7-2008	Amend(T)	4-1-2008
177-010-0011	7-1-2008	Adopt	8-1-2008	199-020-0005	3-7-2008	Suspend	4-1-2008
177-010-0025	7-1-2008	Amend	8-1-2008	199-020-0007	3-7-2008	Adopt(T)	4-1-2008
177-010-0045	7-1-2008	Amend	8-1-2008	213-001-0010	4-12-2008	Adopt	2-1-2008
177-010-0050	7-1-2008	Amend	8-1-2008	213-003-0001	1-1-2008	Amend	2-1-2008
177-010-0080	7-1-2008	Amend	8-1-2008	213-017-0002	1-1-2008	Amend	2-1-2008
177-010-0085	7-1-2008	Amend	8-1-2008	213-017-0003	1-1-2008	Amend	2-1-2008
177-010-0090	7-1-2008	Amend	8-1-2008	213-017-0004	1-1-2008	Amend	2-1-2008
177-010-0110	7-1-2008	Amend	8-1-2008	213-017-0006	1-1-2008	Amend	2-1-2008
177-010-0120	7-1-2008	Amend	8-1-2008	213-017-0007	1-1-2008	Amend	2-1-2008
177-040-0003	6-2-2008	Amend	7-1-2008	213-017-0008	1-1-2008	Amend	2-1-2008
177-040-0051	6-2-2008	Amend	7-1-2008	213-017-0009	1-1-2008	Amend	2-1-2008
177-046-0010	7-1-2008	Amend	8-1-2008	213-017-0010	1-1-2008	Amend	2-1-2008
177-046-0015	7-1-2008	Adopt	8-1-2008	213-018-0050	1-1-2008	Amend	2-1-2008
177-046-0020	7-1-2008	Amend	8-1-2008	213-018-0068	1-1-2008	Adopt	2-1-2008
177-046-0030	7-1-2008	Amend	8-1-2008	230-001-0000	7-1-2008	Amend	7-1-2008
177-046-0040	7-1-2008	Amend	8-1-2008	230-001-0005	7-1-2008	Amend	7-1-2008
177-046-0050	7-1-2008	Amend	8-1-2008	230-001-0010	7-1-2008	Amend	7-1-2008
177-046-0060	7-1-2008	Amend	8-1-2008	230-010-0000	7-1-2008	Amend	7-1-2008
177-046-0070	7-1-2008	Amend	8-1-2008	230-010-0005	7-1-2008	Amend	7-1-2008
177-046-0080	7-1-2008	Amend	8-1-2008	230-010-0010	7-1-2008	Repeal	7-1-2008
177-046-0090	7-1-2008	Amend	8-1-2008	230-010-0016	7-1-2008	Repeal	7-1-2008

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230-010-0050	7-1-2008	Repeal	7-1-2008	230-130-0230	7-1-2008	Repeal	7-1-2008
230-020-0005	7-1-2008	Repeal	7-1-2008	230-140-0000	1-29-2008	Adopt(T)	3-1-2008
230-020-0010	7-1-2008	Amend	7-1-2008	230-140-0000	7-1-2008	Adopt	7-1-2008
230-020-0020	7-1-2008	Repeal	7-1-2008	230-140-0010	1-29-2008	Adopt(T)	3-1-2008
230-020-0030	7-1-2008	Amend	7-1-2008	230-140-0010(T)	7-1-2008	Repeal	7-1-2008
230-020-0040	7-1-2008	Amend	7-1-2008	230-140-0020	1-29-2008	Adopt(T)	3-1-2008
230-020-0050	7-1-2008	Repeal	7-1-2008	230-140-0020	7-1-2008	Adopt	7-1-2008
230-020-0060	7-1-2008	Amend	7-1-2008	230-140-0030	1-29-2008	Adopt(T)	3-1-2008
230-020-0070	7-1-2008	Amend	7-1-2008	230-140-0030	7-1-2008	Adopt	7-1-2008
230-020-0080	7-1-2008	Amend	7-1-2008	230-140-0040	1-29-2008	Adopt(T)	3-1-2008
230-020-0090	7-1-2008	Amend	7-1-2008	230-140-0040	7-1-2008	Adopt	7-1-2008
230-020-0110	7-1-2008	Amend	7-1-2008	250-010-0075	12-10-2007	Adopt(T)	1-1-2008
230-020-0170	7-1-2008	Amend	7-1-2008	250-010-0075	5-1-2008	Adopt	5-1-2008
230-020-0190	7-1-2008	Amend	7-1-2008	250-010-0075(T)	5-1-2008	Repeal	5-1-2008
230-020-0195	7-1-2008	Adopt	7-1-2008	250-015-0001	5-7-2008	Amend(T)	6-1-2008
230-020-0200	7-1-2008	Amend	7-1-2008	250-015-0003	5-7-2008	Adopt(T)	6-1-2008
230-020-0210	7-1-2008	Amend	7-1-2008	250-015-0011	7-17-2008	Amend(T)	9-1-2008
230-020-0215	7-1-2008	Adopt	7-1-2008	250-020-0032	7-11-2008	Amend	8-1-2008
230-020-0220	7-1-2008	Repeal	7-1-2008	250-020-0073	7-11-2008	Amend	8-1-2008
230-020-0230	7-1-2008	Repeal	7-1-2008	250-020-0102	4-26-2008	Amend	5-1-2008
230-020-0240	7-1-2008	Amend	7-1-2008	250-020-0221	1-15-2008	Amend	2-1-2008
230-020-0250	7-1-2008	Repeal	7-1-2008	255-060-0011	1-11-2008	Amend	2-1-2008
230-020-0300	7-1-2008	Amend	7-1-2008	255-060-0011	9-12-2008	Amend	10-1-2008
230-020-0310	7-1-2008	Amend	7-1-2008	255-060-0016	9-12-2008	Amend	10-1-2008
230-020-0320	7-1-2008	Amend	7-1-2008	255-070-0003	4-9-2008	Amend	5-1-2008
230-020-0330	7-1-2008	Amend	7-1-2008	259-008-0010	1-15-2008	Amend(T)	2-1-2008
230-020-0405	7-1-2008	Amend	7-1-2008	259-008-0010	4-15-2008	Amend	5-1-2008
230-020-0410	7-1-2008	Amend	7-1-2008	259-008-0010(T)	1-15-2008	Suspend	2-1-2008
230-020-0440	7-1-2008	Repeal	7-1-2008	259-008-0010(T)	4-15-2008	Repeal	5-1-2008
230-020-0450	7-1-2008	Amend	7-1-2008	259-008-0011	4-15-2008	Amend	5-1-2008
230-020-0470	7-1-2008	Amend	7-1-2008	259-008-0025	7-15-2008	Amend	8-1-2008
230-020-0480	7-1-2008	Amend	7-1-2008	259-008-0045	7-15-2008	Amend	8-1-2008
230-050-0000	7-1-2008	Repeal	7-1-2008	259-008-0060	1-15-2008	Amend	2-1-2008
230-050-0005	7-1-2008	Repeal	7-1-2008	259-008-0060	7-15-2008	Amend	8-1-2008
230-130-0000	7-1-2008	Repeal	7-1-2008	259-008-0200	8-15-2008	Adopt	9-1-2008
230-130-0005	7-1-2008	Repeal	7-1-2008	259-008-0220	8-15-2008	Adopt	9-1-2008
230-130-0010	7-1-2008	Repeal	7-1-2008	259-008-0250	8-15-2008	Adopt	9-1-2008
230-130-0020	7-1-2008	Repeal	7-1-2008	259-009-0005	7-15-2008	Amend	8-1-2008
230-130-0030	7-1-2008	Repeal	7-1-2008	259-009-0062	7-15-2008	Amend	8-1-2008
230-130-0040	7-1-2008	Repeal	7-1-2008	259-009-0070	1-15-2008	Amend	2-1-2008
230-130-0050	7-1-2008	Repeal	7-1-2008	259-060-0010	4-15-2008	Amend	5-1-2008
230-130-0060	7-1-2008	Repeal	7-1-2008	259-060-0060	4-15-2008	Amend	5-1-2008
230-130-0070	7-1-2008	Repeal	7-1-2008	259-060-0070	7-15-2008	Amend	8-1-2008
230-130-0080	7-1-2008	Repeal	7-1-2008	259-060-0120	4-15-2008	Amend	5-1-2008
230-130-0090	7-1-2008	Repeal	7-1-2008	259-060-0130	4-15-2008	Amend	5-1-2008
230-130-0100	7-1-2008	Repeal	7-1-2008	259-060-0135	4-15-2008	Amend	5-1-2008
230-130-0110	7-1-2008	Repeal	7-1-2008	259-060-0450	4-15-2008	Amend	5-1-2008
230-130-0120	7-1-2008	Repeal	7-1-2008	259-060-0500	4-15-2008	Amend	5-1-2008
230-130-0140	7-1-2008	Repeal	7-1-2008	259-061-0015	4-15-2008	Amend	5-1-2008
230-130-0150	7-1-2008	Repeal	7-1-2008	259-061-0040	5-15-2008	Amend(T)	6-1-2008
230-130-0160	7-1-2008	Repeal	7-1-2008	259-061-0040	7-15-2008	Amend	8-1-2008
230-130-0170	7-1-2008	Repeal	7-1-2008	259-061-0040(T)	7-15-2008	Repeal	8-1-2008
230-130-0180	7-1-2008	Repeal	7-1-2008	259-061-0090	5-15-2008	Amend(T)	6-1-2008
230-130-0190	7-1-2008	Repeal	7-1-2008	259-061-0090	7-15-2008	Amend	8-1-2008

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259-061-0230	5-15-2008	Amend(T)	6-1-2008	291-013-0070	8-7-2008	Amend	9-1-2008
259-061-0230	7-15-2008	Amend	8-1-2008	291-013-0100	8-7-2008	Amend	9-1-2008
259-061-0230(T)	7-15-2008	Repeal	8-1-2008	291-013-0104	8-7-2008	Amend	9-1-2008
274-001-0005	3-25-2008	Amend	5-1-2008	291-013-0110	8-7-2008	Amend	9-1-2008
274-012-0001	1-7-2008	Amend(T)	2-1-2008	291-013-0205	8-7-2008	Amend	9-1-2008
274-012-0001	2-22-2008	Amend	4-1-2008	291-013-0206	8-7-2008	Amend	9-1-2008
274-012-0100	1-7-2008	Amend(T)	2-1-2008	291-013-0215	8-7-2008	Amend	9-1-2008
274-012-0100	2-22-2008	Amend	4-1-2008	291-026-0005	3-4-2008	Amend(T)	4-1-2008
274-012-0120	1-7-2008	Amend(T)	2-1-2008	291-026-0005	8-29-2008	Amend	10-1-2008
274-012-0120	2-22-2008	Amend	4-1-2008	291-026-0010	3-4-2008	Amend(T)	4-1-2008
274-015-0005	2-22-2008	Repeal	4-1-2008	291-026-0010	8-29-2008	Amend	10-1-2008
274-025-0030	2-22-2008	Amend	4-1-2008	291-026-0015	3-4-2008	Amend(T)	4-1-2008
274-030-0500	1-1-2008	Amend	2-1-2008	291-026-0015	8-29-2008	Amend	10-1-2008
274-030-0500	2-4-2008	Amend	3-1-2008	291-026-0025	3-4-2008	Amend(T)	4-1-2008
274-030-0500(T)	1-1-2008	Repeal	2-1-2008	291-026-0025	8-29-2008	Amend	10-1-2008
274-030-0505	1-1-2008	Amend	2-1-2008	291-026-0030	3-4-2008	Suspend	4-1-2008
274-030-0505(T)	1-1-2008	Repeal	2-1-2008	291-026-0030	8-29-2008	Repeal	10-1-2008
274-030-0506	1-1-2008	Amend	2-1-2008	291-026-0050	3-4-2008	Adopt(T)	4-1-2008
274-030-0506(T)	1-1-2008	Repeal	2-1-2008	291-026-0050	8-29-2008	Adopt	10-1-2008
274-030-0510	1-1-2008	Amend	2-1-2008	291-026-0085	3-4-2008	Suspend	4-1-2008
274-030-0510(T)	1-1-2008	Repeal	2-1-2008	291-026-0085	8-29-2008	Repeal	10-1-2008
274-030-0515	1-1-2008	Amend	2-1-2008	291-026-0095	3-4-2008	Suspend	4-1-2008
274-030-0520	1-1-2008	Amend	2-1-2008	291-026-0095	8-29-2008	Repeal	10-1-2008
274-030-0520(T)	1-1-2008	Repeal	2-1-2008	291-026-0105	3-4-2008	Amend(T)	4-1-2008
274-030-0535	1-1-2008	Amend	2-1-2008	291-026-0105	8-29-2008	Amend	10-1-2008
274-030-0545	1-1-2008	Amend	2-1-2008	291-026-0115	3-4-2008	Amend(T)	4-1-2008
274-030-0545(T)	1-1-2008	Repeal	2-1-2008	291-026-0115	8-29-2008	Amend	10-1-2008
274-030-0550	1-1-2008	Amend	2-1-2008	291-026-0125	3-4-2008	Amend(T)	4-1-2008
274-030-0550(T)	1-1-2008	Repeal	2-1-2008	291-026-0125	8-29-2008	Amend	10-1-2008
274-030-0555	1-1-2008	Amend	2-1-2008	291-026-0135	8-29-2008	Repeal	10-1-2008
274-030-0555(T)	1-1-2008	Repeal	2-1-2008	291-026-0140	3-4-2008	Adopt(T)	4-1-2008
274-030-0560	1-1-2008	Amend	2-1-2008	291-026-0140	8-29-2008	Adopt	10-1-2008
274-030-0560(T)	1-1-2008	Repeal	2-1-2008	291-041-0010	2-4-2008	Amend	3-1-2008
274-030-0565	1-1-2008	Amend	2-1-2008	291-041-0015	2-4-2008	Amend	3-1-2008
274-030-0565(T)	1-1-2008	Repeal	2-1-2008	291-041-0016	2-4-2008	Amend	3-1-2008
274-030-0570	1-1-2008	Amend	2-1-2008	291-041-0017	2-4-2008	Adopt	3-1-2008
274-030-0570(T)	1-1-2008	Repeal	2-1-2008	291-041-0020	2-4-2008	Amend	3-1-2008
274-030-0575	1-1-2008	Amend	2-1-2008	291-041-0030	2-4-2008	Amend	3-1-2008
274-030-0575(T)	1-1-2008	Repeal	2-1-2008	291-041-0035	2-4-2008	Amend	3-1-2008
274-030-0600	1-1-2008	Amend	2-1-2008	291-041-0040	2-4-2008	Repeal	3-1-2008
274-030-0600(T)	1-1-2008	Repeal	2-1-2008	291-042-0005	7-1-2008	Amend(T)	8-1-2008
274-030-0602	1-1-2008	Adopt	2-1-2008	291-042-0010	7-1-2008	Amend(T)	8-1-2008
274-030-0602(T)	1-1-2008	Repeal	2-1-2008	291-042-0011	7-1-2008	Amend(T)	8-1-2008
274-030-0605	1-1-2008	Repeal	2-1-2008	291-042-0015	7-1-2008	Amend(T)	8-1-2008
274-030-0610	1-1-2008	Amend	2-1-2008	291-042-0025	7-1-2008	Amend(T)	8-1-2008
274-030-0610(T)	1-1-2008	Repeal	2-1-2008	291-042-0035	7-1-2008	Amend(T)	8-1-2008
274-030-0620	1-1-2008	Amend	2-1-2008	291-042-0045	7-1-2008	Suspend	8-1-2008
274-030-0620(T)	1-1-2008	Repeal	2-1-2008	291-046-0005	7-21-2008	Amend	9-1-2008
274-030-0630	1-1-2008	Amend	2-1-2008	291-046-0010	7-21-2008	Amend	9-1-2008
274-030-0630(T)	1-1-2008	Repeal	2-1-2008	291-046-0014	7-21-2008	Adopt	9-1-2008
274-030-0640	1-1-2008	Amend	2-1-2008	291-046-0020	7-21-2008	Amend	9-1-2008
274-030-0640(T)	1-1-2008	Repeal	2-1-2008	291-046-0025	7-21-2008	Amend	9-1-2008
274-045-0060	2-22-2008	Amend	4-1-2008	291-046-0030	7-21-2008	Amend	9-1-2008
274-045-0240	2-22-2008	Amend	4-1-2008	291-046-0035	7-21-2008	Amend	9-1-2008
291-011-0010	4-1-2008	Amend(T)	5-1-2008	291-046-0040	7-21-2008	Amend	9-1-2008

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291-046-0050	7-21-2008	Amend	9-1-2008	291-070-0035	4-10-2008	Repeal	5-1-2008
291-046-0055	7-21-2008	Amend	9-1-2008	291-070-0041	4-10-2008	Repeal	5-1-2008
291-046-0060	7-21-2008	Amend	9-1-2008	291-070-0043	4-10-2008	Repeal	5-1-2008
291-046-0065	7-21-2008	Amend	9-1-2008	291-070-0045	4-10-2008	Repeal	5-1-2008
291-046-0070	7-21-2008	Amend	9-1-2008	291-070-0050	4-10-2008	Repeal	5-1-2008
291-046-0075	7-21-2008	Amend	9-1-2008	291-070-0055	4-10-2008	Repeal	5-1-2008
291-046-0080	7-21-2008	Amend	9-1-2008	291-070-0056	4-10-2008	Repeal	5-1-2008
291-046-0085	7-21-2008	Amend	9-1-2008	291-070-0080	4-10-2008	Repeal	5-1-2008
291-046-0090	7-21-2008	Amend	9-1-2008	291-070-0115	4-10-2008	Adopt	5-1-2008
291-046-0100	7-21-2008	Adopt	9-1-2008	291-070-0120	4-10-2008	Adopt	5-1-2008
291-055-0010	4-1-2008	Amend(T)	5-1-2008	291-070-0125	4-10-2008	Adopt	5-1-2008
291-069-0010	12-1-2007	Suspend	1-1-2008	291-070-0130	4-10-2008	Adopt	5-1-2008
291-069-0010	5-19-2008	Repeal	7-1-2008	291-070-0135	4-10-2008	Adopt	5-1-2008
291-069-0020	12-1-2007	Suspend	1-1-2008	291-070-0140	4-10-2008	Adopt	5-1-2008
291-069-0020	5-19-2008	Repeal	7-1-2008	291-076-0020	8-14-2008	Amend	9-1-2008
291-069-0031	12-1-2007	Suspend	1-1-2008	291-076-0030	8-14-2008	Amend	9-1-2008
291-069-0031	5-19-2008	Repeal	7-1-2008	291-076-0040	8-14-2008	Adopt	9-1-2008
291-069-0040	12-1-2007	Suspend	1-1-2008	291-082-0010	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0040	5-19-2008	Repeal	7-1-2008	291-082-0020	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0050	12-1-2007	Suspend	1-1-2008	291-082-0021	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0050	5-19-2008	Repeal	7-1-2008	291-082-0025	5-13-2008	Suspend	6-1-2008
291-069-0060	12-1-2007	Suspend	1-1-2008	291-082-0026	5-13-2008	Suspend	6-1-2008
291-069-0060	5-19-2008	Repeal	7-1-2008	291-082-0027	5-13-2008	Suspend	6-1-2008
291-069-0070	12-1-2007	Suspend	1-1-2008	291-082-0035	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0070	5-19-2008	Repeal	7-1-2008	291-082-0045	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0090	12-1-2007	Suspend	1-1-2008	291-082-0110	5-13-2008	Adopt(T)	6-1-2008
291-069-0090	5-19-2008	Repeal	7-1-2008	291-082-0115	5-13-2008	Adopt(T)	6-1-2008
291-069-0100	12-1-2007	Suspend	1-1-2008	291-082-0120	5-13-2008	Adopt(T)	6-1-2008
291-069-0100	5-19-2008	Repeal	7-1-2008	291-082-0125	5-13-2008	Adopt(T)	6-1-2008
291-069-0200	12-1-2007	Adopt(T)	1-1-2008	291-082-0130	5-13-2008	Adopt(T)	6-1-2008
291-069-0200	5-19-2008	Adopt	7-1-2008	291-097-0005	9-12-2008	Amend(T)	10-1-2008
291-069-0210	12-1-2007	Adopt(T)	1-1-2008	291-097-0010	9-12-2008	Amend(T)	10-1-2008
291-069-0210	5-19-2008	Adopt	7-1-2008	291-097-0015	9-12-2008	Amend(T)	10-1-2008
291-069-0220	12-1-2007	Adopt(T)	1-1-2008	291-097-0020	9-12-2008	Amend(T)	10-1-2008
291-069-0220	5-19-2008	Adopt	7-1-2008	291-097-0025	9-12-2008	Amend(T)	10-1-2008
291-069-0230	12-1-2007	Adopt(T)	1-1-2008	291-097-0040	9-12-2008	Amend(T)	10-1-2008
291-069-0230	5-19-2008	Adopt	7-1-2008	291-097-0050	9-12-2008	Amend(T)	10-1-2008
291-069-0240	12-1-2007	Adopt(T)	1-1-2008	291-097-0060	9-12-2008	Amend(T)	10-1-2008
291-069-0240	5-19-2008	Adopt	7-1-2008	291-097-0070	9-12-2008	Amend(T)	10-1-2008
291-069-0250	12-1-2007	Adopt(T)	1-1-2008	291-097-0080	9-12-2008	Amend(T)	10-1-2008
291-069-0250	5-19-2008	Adopt	7-1-2008	291-097-0100	9-12-2008	Amend(T)	10-1-2008
291-069-0260	12-1-2007	Adopt(T)	1-1-2008	291-097-0110	9-12-2008	Amend(T)	10-1-2008
291-069-0260	5-19-2008	Adopt	7-1-2008	291-097-0120	9-12-2008	Amend(T)	10-1-2008
291-069-0270	12-1-2007	Adopt(T)	1-1-2008	291-104-0005	5-13-2008	Am. & Ren.	6-1-2008
291-069-0270	5-19-2008	Adopt	7-1-2008	291-104-0010	5-13-2008	Repeal	6-1-2008
291-069-0280	12-1-2007	Adopt(T)	1-1-2008	291-104-0015	5-13-2008	Repeal	6-1-2008
291-069-0280	5-19-2008	Adopt	7-1-2008	291-104-0025	5-13-2008	Repeal	6-1-2008
291-070-0005	4-10-2008	Am. & Ren.	5-1-2008	291-104-0030	5-13-2008	Repeal	6-1-2008
291-070-0010	4-10-2008	Am. & Ren.	5-1-2008	291-104-0033	5-13-2008	Repeal	6-1-2008
291-070-0015	4-10-2008	Repeal	5-1-2008	291-104-0035	5-13-2008	Repeal	6-1-2008
291-070-0020	4-10-2008	Repeal	5-1-2008	291-104-0111	5-13-2008	Amend	6-1-2008
291-070-0025	4-10-2008	Repeal	5-1-2008	291-104-0116	5-13-2008	Amend	6-1-2008
291-070-0026	4-10-2008	Repeal	5-1-2008	291-104-0125	5-13-2008	Amend	6-1-2008
291-070-0027	4-10-2008	Repeal	5-1-2008	291-104-0130	5-13-2008	Repeal	6-1-2008
291-070-0028	4-10-2008	Repeal	5-1-2008	291-104-0135	5-13-2008	Amend	6-1-2008

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291-105-0021	6-2-2008	Amend	7-1-2008	291-205-0050	5-15-2008	Adopt(T)	6-1-2008
291-105-0026	6-2-2008	Amend	7-1-2008	291-205-0060	5-15-2008	Adopt(T)	6-1-2008
291-105-0028	6-2-2008	Amend	7-1-2008	291-205-0070	5-15-2008	Adopt(T)	6-1-2008
291-105-0041	6-2-2008	Amend	7-1-2008	291-205-0080	5-15-2008	Adopt(T)	6-1-2008
291-105-0046	6-2-2008	Amend	7-1-2008	291-205-0090	5-15-2008	Adopt(T)	6-1-2008
291-105-0056	6-2-2008	Amend	7-1-2008	291-205-0100	5-15-2008	Adopt(T)	6-1-2008
291-105-0064	6-2-2008	Amend	7-1-2008	291-205-0110	5-15-2008	Adopt(T)	6-1-2008
291-105-0066	6-2-2008	Amend	7-1-2008	309-011-0100	12-5-2007	Adopt(T)	1-1-2008
291-105-0069	6-2-2008	Amend	7-1-2008	309-011-0100	2-12-2008	Suspend	3-1-2008
291-105-0071	6-2-2008	Amend	7-1-2008	309-031-0215	12-1-2007	Amend(T)	1-1-2008
291-105-0081	6-2-2008	Amend	7-1-2008	309-032-0455	12-11-2007	Amend	1-1-2008
291-105-0085	6-2-2008	Amend	7-1-2008	309-032-1095	4-15-2008	Adopt	5-1-2008
291-105-0100	6-2-2008	Amend	7-1-2008	309-032-1190	1-1-2008	Amend(T)	2-1-2008
291-127-0210	4-1-2008	Amend(T)	5-1-2008	309-032-1190	6-27-2008	Amend	8-1-2008
291-127-0260	4-1-2008	Amend(T)	5-1-2008	309-032-1190(T)	6-27-2008	Repeal	8-1-2008
291-131-0010	1-25-2008	Amend	3-1-2008	309-033-0710	6-27-2008	Amend	8-1-2008
291-131-0015	1-25-2008	Amend	3-1-2008	309-033-0735	1-1-2008	Adopt(T)	2-1-2008
291-131-0020	1-25-2008	Amend	3-1-2008	309-033-0735	6-27-2008	Adopt	8-1-2008
291-131-0025	1-25-2008	Amend	3-1-2008	309-033-0735(T)	6-27-2008	Repeal	8-1-2008
291-131-0025	7-21-2008	Amend	9-1-2008	309-035-0100	6-12-2008	Amend	7-1-2008
291-131-0030	1-25-2008	Amend	3-1-2008	309-035-0105	6-12-2008	Amend	7-1-2008
291-131-0035	1-25-2008	Amend	3-1-2008	309-035-0110	6-12-2008	Amend	7-1-2008
291-131-0037	1-25-2008	Amend	3-1-2008	309-035-0113	6-12-2008	Amend	7-1-2008
291-133-0005	4-1-2008	Amend(T)	5-1-2008	309-035-0117	6-12-2008	Amend	7-1-2008
291-133-0010	4-1-2008	Amend(T)	5-1-2008	309-035-0120	6-12-2008	Amend	7-1-2008
291-133-0015	4-1-2008	Amend(T)	5-1-2008	309-035-0125	6-12-2008	Amend	7-1-2008
291-133-0025	4-1-2008	Amend(T)	5-1-2008	309-035-0145	6-12-2008	Amend	7-1-2008
291-133-0035	4-1-2008	Amend(T)	5-1-2008	309-035-0150	6-12-2008	Amend	7-1-2008
291-133-0045	4-1-2008	Suspend	5-1-2008	309-035-0157	6-12-2008	Amend	7-1-2008
291-158-0005	7-1-2008	Amend(T)	8-1-2008	309-035-0165	6-12-2008	Amend	7-1-2008
291-158-0015	7-1-2008	Amend(T)	8-1-2008	309-035-0167	6-12-2008	Amend	7-1-2008
291-158-0055	7-1-2008	Amend(T)	8-1-2008	309-035-0170	6-12-2008	Amend	7-1-2008
291-164-0005	3-4-2008	Amend(T)	4-1-2008	309-035-0185	6-12-2008	Amend	7-1-2008
291-164-0005	8-29-2008	Amend	10-1-2008	309-035-0190	6-12-2008	Amend	7-1-2008
291-164-0010	3-4-2008	Amend(T)	4-1-2008	309-114-0000	12-1-2007	Amend(T)	1-1-2008
291-164-0010	8-29-2008	Amend	10-1-2008	309-114-0000	4-7-2008	Amend(T)	5-1-2008
291-164-0015	3-4-2008	Amend(T)	4-1-2008	309-114-0000	7-25-2008	Amend	9-1-2008
291-164-0015	8-29-2008	Amend	10-1-2008	309-114-0000(T)	4-7-2008	Suspend	5-1-2008
291-164-0020	3-4-2008	Amend(T)	4-1-2008	309-114-0000(T)	7-25-2008	Repeal	9-1-2008
291-164-0020	8-29-2008	Repeal	10-1-2008	309-114-0005	12-1-2007	Amend(T)	1-1-2008
291-164-0025	3-4-2008	Amend(T)	4-1-2008	309-114-0005	4-7-2008	Amend(T)	5-1-2008
291-164-0025	8-29-2008	Repeal	10-1-2008	309-114-0005	7-25-2008	Amend	9-1-2008
291-164-0030	3-4-2008	Amend(T)	4-1-2008	309-114-0005(T)	4-7-2008	Suspend	5-1-2008
291-164-0030	8-29-2008	Repeal	10-1-2008	309-114-0005(T)	7-25-2008	Repeal	9-1-2008
291-164-0045	3-4-2008	Suspend	4-1-2008	309-114-0010	12-1-2007	Amend(T)	1-1-2008
291-164-0045	8-29-2008	Repeal	10-1-2008	309-114-0010	4-7-2008	Amend(T)	5-1-2008
291-164-0050	3-4-2008	Adopt(T)	4-1-2008	309-114-0010	7-25-2008	Amend	9-1-2008
291-164-0100	8-29-2008	Adopt	10-1-2008	309-114-0010(T)	4-7-2008	Suspend	5-1-2008
291-164-0110	8-29-2008	Adopt	10-1-2008	309-114-0010(T)	7-25-2008	Repeal	9-1-2008
291-164-0120	8-29-2008	Adopt	10-1-2008	309-114-0015	12-1-2007	Amend(T)	1-1-2008
291-164-0130	8-29-2008	Adopt	10-1-2008	309-114-0015	4-7-2008	Amend(T)	5-1-2008
291-164-0140	8-29-2008	Adopt	10-1-2008	309-114-0015	7-25-2008	Amend	9-1-2008
291-205-0010	5-15-2008	Adopt(T)	6-1-2008	309-114-0015(T)	4-7-2008	Suspend	5-1-2008
291-205-0020	5-15-2008	Adopt(T)	6-1-2008	309-114-0015(T)	7-25-2008	Repeal	9-1-2008

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309-114-0020	4-7-2008	Amend(T)	5-1-2008	330-090-0135	12-1-2007	Amend	1-1-2008
309-114-0020	7-25-2008	Amend	9-1-2008	330-090-0140	12-1-2007	Amend	1-1-2008
309-114-0020(T)	4-7-2008	Suspend	5-1-2008	330-090-0140	3-21-2008	Amend	5-1-2008
309-114-0020(T)	7-25-2008	Repeal	9-1-2008	330-090-0150	12-1-2007	Amend	1-1-2008
309-114-0025	12-1-2007	Amend(T)	1-1-2008	330-090-0150	3-21-2008	Amend	5-1-2008
309-114-0025	4-7-2008	Amend(T)	5-1-2008	330-090-0150	6-20-2008	Amend	8-1-2008
309-114-0025	7-25-2008	Amend	9-1-2008	330-092-0005	3-1-2008	Adopt	4-1-2008
309-114-0025(T)	4-7-2008	Suspend	5-1-2008	330-092-0010	3-1-2008	Adopt	4-1-2008
309-114-0025(T)	7-25-2008	Repeal	9-1-2008	330-092-0015	3-1-2008	Adopt	4-1-2008
309-114-0030	4-7-2008	Adopt(T)	5-1-2008	330-092-0020	3-1-2008	Adopt	4-1-2008
309-114-0030	7-25-2008	Adopt	9-1-2008	330-092-0025	3-1-2008	Adopt	4-1-2008
309-114-0030(T)	7-25-2008	Repeal	9-1-2008	330-092-0030	3-1-2008	Adopt	4-1-2008
309-118-0015	12-1-2007	Amend(T)	1-1-2008	330-092-0035	3-1-2008	Adopt	4-1-2008
325-001-0000	4-14-2008	Adopt	5-1-2008	330-092-0040	3-1-2008	Adopt	4-1-2008
325-001-0001	4-14-2008	Amend	5-1-2008	330-092-0045	3-1-2008	Adopt	4-1-2008
330-007-0200	12-13-2007	Adopt	1-1-2008	330-092-0050	3-1-2008	Adopt	4-1-2008
330-007-0210	12-13-2007	Adopt	1-1-2008	330-092-0055	3-1-2008	Adopt	4-1-2008
330-007-0220	12-13-2007	Adopt	1-1-2008	330-092-0060	3-1-2008	Adopt	4-1-2008
330-007-0230	12-13-2007	Adopt	1-1-2008	330-092-0065	3-1-2008	Adopt	4-1-2008
330-007-0240	12-13-2007	Adopt	1-1-2008	330-092-0070	3-1-2008	Adopt	4-1-2008
330-007-0250	12-13-2007	Adopt	1-1-2008	330-130-0010	8-1-2008	Amend	9-1-2008
330-007-0260	12-13-2007	Adopt	1-1-2008	330-130-0020	8-1-2008	Amend	9-1-2008
330-007-0270	12-13-2007	Adopt	1-1-2008	330-130-0030	8-1-2008	Amend	9-1-2008
330-007-0280	12-13-2007	Adopt	1-1-2008	330-130-0040	8-1-2008	Amend	9-1-2008
330-007-0290	12-13-2007	Adopt	1-1-2008	330-130-0050	8-1-2008	Amend	9-1-2008
330-007-0300	12-13-2007	Adopt	1-1-2008	330-130-0055	8-1-2008	Adopt	9-1-2008
330-007-0310	12-13-2007	Adopt	1-1-2008	330-130-0060	8-1-2008	Amend	9-1-2008
330-007-0320	12-13-2007	Adopt	1-1-2008	330-130-0070	8-1-2008	Amend	9-1-2008
330-007-0330	12-13-2007	Adopt	1-1-2008	330-130-0080	8-1-2008	Amend	9-1-2008
330-070-0010	12-1-2007	Amend	1-1-2008	330-130-0090	8-1-2008	Adopt	9-1-2008
330-070-0013	12-1-2007	Amend	1-1-2008	330-130-0100	8-1-2008	Adopt	9-1-2008
330-070-0014	12-1-2007	Amend	1-1-2008	330-135-0010	1-2-2008	Adopt	2-1-2008
330-070-0021	12-1-2007	Amend	1-1-2008	330-135-0015	1-2-2008	Adopt	2-1-2008
330-070-0022	12-1-2007	Amend	1-1-2008	330-135-0020	1-2-2008	Adopt	2-1-2008
330-070-0025	12-1-2007	Amend	1-1-2008	330-135-0025	1-2-2008	Adopt	2-1-2008
330-070-0026	12-1-2007	Amend	1-1-2008	330-135-0030	1-2-2008	Adopt	2-1-2008
330-070-0048	12-1-2007	Amend	1-1-2008	330-135-0035	1-2-2008	Adopt	2-1-2008
330-070-0059	12-1-2007	Amend	1-1-2008	330-135-0040	1-2-2008	Adopt	2-1-2008
330-070-0060	12-1-2007	Amend	1-1-2008	330-135-0045	1-2-2008	Adopt	2-1-2008
330-070-0064	12-1-2007	Amend	1-1-2008	330-135-0050	1-2-2008	Adopt	2-1-2008
330-070-0073	12-1-2007	Amend	1-1-2008	330-135-0055	1-2-2008	Adopt	2-1-2008
330-070-0089	12-1-2007	Amend	1-1-2008	330-150-0005	1-30-2008	Adopt	3-1-2008
330-070-0091	12-1-2007	Amend	1-1-2008	330-150-0015	1-30-2008	Adopt	3-1-2008
330-070-0097	12-1-2007	Amend	1-1-2008	330-150-0020	1-30-2008	Adopt	3-1-2008
330-090-0105	12-1-2007	Amend	1-1-2008	330-150-0025	1-30-2008	Adopt	3-1-2008
330-090-0105	3-21-2008	Amend	5-1-2008	330-150-0030	1-30-2008	Adopt	3-1-2008
330-090-0105	6-20-2008	Amend	8-1-2008	330-160-0005	9-3-2008	Adopt	10-1-2008
330-090-0110	12-1-2007	Amend	1-1-2008	330-160-0015	9-3-2008	Adopt	10-1-2008
330-090-0110	3-21-2008	Amend	5-1-2008	330-160-0020	9-3-2008	Adopt	10-1-2008
330-090-0110	6-20-2008	Amend	8-1-2008	330-160-0025	9-3-2008	Adopt	10-1-2008
330-090-0120	12-1-2007	Amend	1-1-2008	330-160-0030	9-3-2008	Adopt	10-1-2008
330-090-0120	3-21-2008	Amend	5-1-2008	331-105-0030	10-1-2008	Amend	10-1-2008
330-090-0120	6-20-2008	Amend	8-1-2008	331-205-0020	10-1-2008	Amend	10-1-2008
330-090-0130	12-1-2007	Amend	1-1-2008	331-205-0030	10-1-2008	Amend	10-1-2008
330-090-0130	3-21-2008	Amend	5-1-2008	331-215-0000	10-1-2008	Amend	10-1-2008

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331-220-0020	10-1-2008	Amend	10-1-2008	332-020-0010	10-1-2008	Amend(T)	10-1-2008
331-405-0030	10-1-2008	Amend	10-1-2008	332-020-0020	10-1-2008	Amend	10-1-2008
331-415-0000	10-1-2008	Amend	10-1-2008	333-003-0010	5-5-2008	Amend	6-1-2008
331-415-0010	10-1-2008	Amend	10-1-2008	333-003-0020	5-5-2008	Amend	6-1-2008
331-505-0000	10-1-2008	Amend	10-1-2008	333-003-0030	5-5-2008	Repeal	6-1-2008
331-505-0010	10-1-2008	Amend	10-1-2008	333-003-0040	5-5-2008	Amend	6-1-2008
331-525-0000	10-1-2008	Amend	10-1-2008	333-003-0050	5-5-2008	Amend	6-1-2008
331-530-0000	10-1-2008	Amend	10-1-2008	333-003-0060	5-5-2008	Repeal	6-1-2008
331-565-0000	10-1-2008	Amend	10-1-2008	333-003-0065	5-5-2008	Adopt	6-1-2008
331-601-0000	10-1-2008	Amend	10-1-2008	333-003-0070	5-5-2008	Amend	6-1-2008
331-601-0010	10-1-2008	Amend	10-1-2008	333-003-0080	5-5-2008	Amend	6-1-2008
331-620-0020	10-1-2008	Amend	10-1-2008	333-003-0105	5-5-2008	Amend	6-1-2008
331-630-0000	10-1-2008	Amend	10-1-2008	333-003-0110	5-5-2008	Amend	6-1-2008
331-705-0060	10-1-2008	Amend	10-1-2008	333-003-0115	5-5-2008	Amend	6-1-2008
331-800-0010	3-15-2008	Adopt(T)	4-1-2008	333-003-0125	5-5-2008	Amend	6-1-2008
331-800-0010	6-1-2008	Adopt	7-1-2008	333-003-0130	5-5-2008	Amend	6-1-2008
331-800-0010(T)	6-1-2008	Repeal	7-1-2008	333-003-0200	5-5-2008	Adopt	6-1-2008
331-800-0020	3-15-2008	Adopt(T)	4-1-2008	333-008-0000	1-1-2008	Amend	2-1-2008
331-800-0020	6-1-2008	Adopt	7-1-2008	333-008-0010	1-1-2008	Amend	2-1-2008
331-800-0020(T)	6-1-2008	Repeal	7-1-2008	333-008-0020	1-1-2008	Amend	2-1-2008
331-800-0020	10-1-2008	Amend	10-1-2008	333-008-0025	1-1-2008	Amend	2-1-2008
331-810-0020	3-15-2008	Adopt(T)	4-1-2008	333-008-0030	1-1-2008	Amend	2-1-2008
331-810-0020	6-1-2008	Adopt	7-1-2008	333-008-0040	1-1-2008	Amend	2-1-2008
331-810-0020(T)	6-1-2008	Repeal	7-1-2008	333-008-0050	1-1-2008	Amend	2-1-2008
331-810-0030	3-15-2008	Adopt(T)	4-1-2008	333-008-0060	1-1-2008	Amend	2-1-2008
331-810-0030	6-1-2008	Adopt	7-1-2008	333-008-0070	1-1-2008	Amend	2-1-2008
331-810-0030(T)	6-1-2008	Repeal	7-1-2008	333-008-0080	1-1-2008	Amend	2-1-2008
331-810-0035	3-15-2008	Adopt(T)	4-1-2008	333-008-0090	1-1-2008	Amend	2-1-2008
331-810-0035	6-1-2008	Adopt	7-1-2008	333-008-0110	1-1-2008	Amend	2-1-2008
331-810-0035(T)	6-1-2008	Repeal	7-1-2008	333-008-0120	1-1-2008	Amend	2-1-2008
331-810-0038	9-15-2008	Adopt(T)	10-1-2008	333-010-0100	6-16-2008	Adopt	8-1-2008
331-810-0040	3-15-2008	Adopt(T)	4-1-2008	333-010-0105	6-16-2008	Adopt	8-1-2008
331-810-0040	6-1-2008	Adopt	7-1-2008	333-010-0110	6-16-2008	Adopt	8-1-2008
331-810-0040(T)	6-1-2008	Repeal	7-1-2008	333-010-0115	6-16-2008	Adopt	8-1-2008
331-810-0050	6-1-2008	Adopt	7-1-2008	333-010-0120	6-16-2008	Adopt	8-1-2008
331-810-0055	6-1-2008	Adopt	7-1-2008	333-010-0125	6-16-2008	Adopt	8-1-2008
331-820-0010	3-15-2008	Adopt(T)	4-1-2008	333-010-0130	6-16-2008	Adopt	8-1-2008
331-820-0010	6-1-2008	Adopt	7-1-2008	333-010-0135	6-16-2008	Adopt	8-1-2008
331-820-0010(T)	6-1-2008	Repeal	7-1-2008	333-010-0140	6-16-2008	Adopt	8-1-2008
331-820-0020	3-15-2008	Adopt(T)	4-1-2008	333-010-0145	6-16-2008	Adopt	8-1-2008
331-820-0020	6-1-2008	Adopt	7-1-2008	333-010-0150	6-16-2008	Adopt	8-1-2008
331-820-0020(T)	6-1-2008	Repeal	7-1-2008	333-010-0155	6-16-2008	Adopt	8-1-2008
331-830-0005	6-1-2008	Adopt	7-1-2008	333-010-0160	6-16-2008	Adopt	8-1-2008
331-830-0010	6-1-2008	Adopt	7-1-2008	333-010-0165	6-16-2008	Adopt	8-1-2008
331-830-0020	6-1-2008	Adopt	7-1-2008	333-010-0170	6-16-2008	Adopt	8-1-2008
331-840-0010	6-1-2008	Adopt	7-1-2008	333-010-0175	6-16-2008	Adopt	8-1-2008
331-840-0020	6-1-2008	Adopt	7-1-2008	333-010-0180	6-16-2008	Adopt	8-1-2008
331-840-0030	6-1-2008	Adopt	7-1-2008	333-010-0185	6-16-2008	Adopt	8-1-2008
331-840-0040	6-1-2008	Adopt	7-1-2008	333-010-0190	6-16-2008	Adopt	8-1-2008
331-840-0050	6-1-2008	Adopt	7-1-2008	333-010-0195	6-16-2008	Adopt	8-1-2008
331-840-0060	6-1-2008	Adopt	7-1-2008	333-015-0025	1-1-2009	Amend	9-1-2008
331-850-0010	3-15-2008	Adopt(T)	4-1-2008	333-015-0030	1-1-2009	Amend	9-1-2008
331-850-0010	6-1-2008	Adopt	7-1-2008	333-015-0034	1-1-2009	Repeal	9-1-2008
331-850-0010(T)	6-1-2008	Repeal	7-1-2008	333-015-0035	1-1-2009	Amend	9-1-2008
332-015-0070	10-1-2008	Amend(T)	10-1-2008	333-015-0040	1-1-2009	Amend	9-1-2008

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333-015-0050	1-1-2009	Repeal	9-1-2008	333-052-0130	4-3-2008	Amend	5-1-2008
333-015-0060	1-1-2009	Repeal	9-1-2008	333-061-0030	2-15-2008	Amend	3-1-2008
333-015-0062	1-1-2009	Adopt	9-1-2008	333-061-0032	2-15-2008	Amend	3-1-2008
333-015-0064	1-1-2009	Adopt	9-1-2008	333-061-0034	2-15-2008	Amend	3-1-2008
333-015-0065	1-1-2009	Repeal	9-1-2008	333-061-0036	2-15-2008	Amend	3-1-2008
333-015-0066	1-1-2009	Adopt	9-1-2008	333-061-0040	2-15-2008	Amend	3-1-2008
333-015-0068	1-1-2009	Adopt	9-1-2008	333-061-0043	2-15-2008	Amend	3-1-2008
333-015-0069	1-1-2009	Adopt	9-1-2008	333-061-0045	2-15-2008	Amend	3-1-2008
333-015-0070	1-1-2009	Amend	9-1-2008	333-061-0050	2-15-2008	Amend	3-1-2008
333-015-0075	1-1-2009	Amend	9-1-2008	333-061-0061	2-15-2008	Amend	3-1-2008
333-015-0080	1-1-2009	Amend	9-1-2008	333-061-0070	2-15-2008	Amend	3-1-2008
333-015-0082	1-1-2009	Adopt	9-1-2008	333-061-0072	2-15-2008	Amend	3-1-2008
333-015-0085	1-1-2009	Amend	9-1-2008	333-061-0076	2-15-2008	Amend	3-1-2008
333-015-0090	1-1-2009	Amend	9-1-2008	333-061-0215	2-15-2008	Amend	3-1-2008
333-049-0010	3-17-2008	Amend	5-1-2008	333-061-0245	2-15-2008	Amend	3-1-2008
333-049-0020	3-17-2008	Amend	5-1-2008	333-061-0250	2-15-2008	Amend	3-1-2008
333-049-0030	3-17-2008	Amend	5-1-2008	333-061-0260	2-15-2008	Amend	3-1-2008
333-049-0040	3-17-2008	Amend	5-1-2008	333-061-0265	2-15-2008	Amend	3-1-2008
333-049-0050	3-17-2008	Amend	5-1-2008	333-071-0125	8-15-2008	Amend	9-1-2008
333-049-0060	3-17-2008	Amend	5-1-2008	333-076-0190	8-15-2008	Adopt	9-1-2008
333-049-0065	3-17-2008	Amend	5-1-2008	333-076-0710	8-15-2008	Amend	9-1-2008
333-049-0070	3-17-2008	Amend	5-1-2008	333-080-0040	7-1-2008	Adopt	4-1-2008
333-049-0080	3-17-2008	Amend	5-1-2008	333-080-0050	7-1-2008	Adopt	4-1-2008
333-049-0090	3-17-2008	Amend	5-1-2008	333-100-0005	9-15-2008	Amend	10-1-2008
333-049-0110	3-17-2008	Repeal	5-1-2008	333-100-0020	9-15-2008	Amend	10-1-2008
333-049-0120	3-17-2008	Amend	5-1-2008	333-100-0080	9-15-2008	Amend	10-1-2008
333-050-0010	3-17-2008	Amend	5-1-2008	333-102-0010	9-15-2008	Amend	10-1-2008
333-050-0020	1-8-2008	Amend(T)	2-1-2008	333-102-0103	9-15-2008	Amend	10-1-2008
333-050-0020	3-17-2008	Amend	5-1-2008	333-102-0115	9-15-2008	Amend	10-1-2008
333-050-0030	3-17-2008	Amend	5-1-2008	333-102-0125	9-15-2008	Amend	10-1-2008
333-050-0040	3-17-2008	Amend	5-1-2008	333-102-0130	9-15-2008	Amend	10-1-2008
333-050-0050	1-8-2008	Amend(T)	2-1-2008	333-102-0190	9-15-2008	Amend	10-1-2008
333-050-0050	3-17-2008	Amend	5-1-2008	333-102-0203	9-15-2008	Amend	10-1-2008
333-050-0060	3-17-2008	Amend	5-1-2008	333-102-0235	9-15-2008	Amend	10-1-2008
333-050-0070	3-17-2008	Amend	5-1-2008	333-102-0245	9-15-2008	Amend	10-1-2008
333-050-0080	3-17-2008	Amend	5-1-2008	333-102-0247	9-15-2008	Amend	10-1-2008
333-050-0090	3-17-2008	Amend	5-1-2008	333-102-0285	9-15-2008	Amend	10-1-2008
333-050-0095	3-17-2008	Amend	5-1-2008	333-102-0293	9-15-2008	Amend	10-1-2008
333-050-0100	3-17-2008	Amend	5-1-2008	333-102-0310	9-15-2008	Amend	10-1-2008
333-050-0110	3-17-2008	Amend	5-1-2008	333-102-0330	9-15-2008	Amend	10-1-2008
333-050-0120	1-8-2008	Amend(T)	2-1-2008	333-102-0335	9-15-2008	Amend	10-1-2008
333-050-0120	3-17-2008	Amend	5-1-2008	333-102-0340	9-15-2008	Amend	10-1-2008
333-050-0130	3-17-2008	Amend	5-1-2008	333-102-0345	9-15-2008	Amend	10-1-2008
333-050-0140	3-17-2008	Amend	5-1-2008	333-102-0350	9-15-2008	Amend	10-1-2008
333-052-0030	4-3-2008	Amend	5-1-2008	333-102-0355	9-15-2008	Amend	10-1-2008
333-052-0040	4-3-2008	Amend	5-1-2008	333-102-0900	9-15-2008	Amend	10-1-2008
333-052-0050	4-3-2008	Amend	5-1-2008	333-103-0003	9-15-2008	Amend	10-1-2008
333-052-0060	4-3-2008	Amend	5-1-2008	333-103-0005	9-15-2008	Amend	10-1-2008
333-052-0065	4-3-2008	Amend	5-1-2008	333-103-0010	9-15-2008	Amend	10-1-2008
333-052-0070	4-3-2008	Amend	5-1-2008	333-103-0015	9-15-2008	Amend	10-1-2008
333-052-0075	4-3-2008	Amend	5-1-2008	333-103-0020	9-15-2008	Amend	10-1-2008
333-052-0080	4-3-2008	Amend	5-1-2008	333-103-0025	9-15-2008	Amend	10-1-2008
333-052-0090	4-3-2008	Amend	5-1-2008	333-103-0050	9-15-2008	Amend	10-1-2008
333-052-0100	4-3-2008	Amend	5-1-2008	333-106-0005	9-15-2008	Amend	10-1-2008
333-052-0110	4-3-2008	Amend	5-1-2008	333-106-0010	9-15-2008	Amend	10-1-2008

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333-118-0110	9-15-2008	Amend	10-1-2008	333-265-0022	6-16-2008	Adopt	8-1-2008
333-118-0150	9-15-2008	Amend	10-1-2008	333-265-0023	6-16-2008	Adopt	8-1-2008
333-119-0001	9-15-2008	Amend	10-1-2008	333-265-0025	6-16-2008	Amend	8-1-2008
333-119-0010	9-15-2008	Amend	10-1-2008	333-265-0025	6-20-2008	Amend(T)	8-1-2008
333-119-0020	9-15-2008	Amend	10-1-2008	333-265-0030	6-16-2008	Amend	8-1-2008
333-119-0030	9-15-2008	Amend	10-1-2008	333-265-0040	6-16-2008	Amend	8-1-2008
333-119-0040	9-15-2008	Amend	10-1-2008	333-265-0040	6-20-2008	Amend(T)	8-1-2008
333-119-0050	9-15-2008	Amend	10-1-2008	333-265-0050	6-16-2008	Amend	8-1-2008
333-119-0060	9-15-2008	Amend	10-1-2008	333-265-0060	6-16-2008	Amend	8-1-2008
333-119-0070	9-15-2008	Amend	10-1-2008	333-265-0070	6-16-2008	Amend	8-1-2008
333-119-0080	9-15-2008	Amend	10-1-2008	333-265-0080	6-16-2008	Amend	8-1-2008
333-119-0090	9-15-2008	Amend	10-1-2008	333-265-0090	6-16-2008	Amend	8-1-2008
333-119-0100	9-15-2008	Amend	10-1-2008	333-265-0100	6-16-2008	Amend	8-1-2008
333-119-0110	9-15-2008	Amend	10-1-2008	333-265-0110	6-16-2008	Amend	8-1-2008
333-119-0120	9-15-2008	Amend	10-1-2008	333-265-0120	6-16-2008	Repeal	8-1-2008
333-119-0130	9-15-2008	Amend	10-1-2008	333-265-0130	6-16-2008	Repeal	8-1-2008
333-119-0140	9-15-2008	Amend	10-1-2008	333-265-0140	6-16-2008	Amend	8-1-2008
333-119-0200	9-15-2008	Amend	10-1-2008	333-265-0150	6-16-2008	Amend	8-1-2008
333-120-0015	9-15-2008	Amend	10-1-2008	333-265-0160	6-16-2008	Amend	8-1-2008
333-120-0017	9-15-2008	Amend	10-1-2008	333-265-0170	6-16-2008	Amend	8-1-2008
333-120-0020	9-15-2008	Amend	10-1-2008	333-265-0180	6-16-2008	Adopt	8-1-2008
333-120-0100	9-15-2008	Amend	10-1-2008	333-265-0190	6-16-2008	Adopt	8-1-2008
333-120-0110	9-15-2008	Amend	10-1-2008	333-515-0030	8-15-2008	Amend	9-1-2008
333-120-0120	9-15-2008	Amend	10-1-2008	333-520-0073	3-7-2008	Adopt	4-1-2008
333-120-0130	9-15-2008	Amend	10-1-2008	333-520-0110	7-1-2008	Amend	4-1-2008
333-120-0160	9-15-2008	Amend	10-1-2008	333-536-0005	1-1-2008	Amend	2-1-2008
333-120-0170	9-15-2008	Amend	10-1-2008	333-536-0010	1-1-2008	Amend	2-1-2008
333-120-0180	9-15-2008	Amend	10-1-2008	333-536-0015	1-1-2008	Amend	2-1-2008
333-120-0200	9-15-2008	Amend	10-1-2008	333-536-0020	1-1-2008	Amend	2-1-2008
333-120-0210	9-15-2008	Amend	10-1-2008	333-536-0030	1-1-2008	Amend	2-1-2008
333-120-0215	9-15-2008	Amend	10-1-2008	333-536-0040	1-1-2008	Amend	2-1-2008
333-120-0230	9-15-2008	Amend	10-1-2008	333-536-0050	1-1-2008	Amend	2-1-2008
333-120-0240	9-15-2008	Amend	10-1-2008	333-536-0070	1-1-2008	Amend	2-1-2008
333-120-0320	9-15-2008	Amend	10-1-2008	333-536-0075	1-1-2008	Amend	2-1-2008
333-120-0340	9-15-2008	Adopt	10-1-2008	333-536-0080	1-1-2008	Amend	2-1-2008
333-120-0420	9-15-2008	Amend	10-1-2008	333-536-0085	1-1-2008	Amend	2-1-2008
333-120-0450	9-15-2008	Amend	10-1-2008	333-536-0090	1-1-2008	Amend	2-1-2008
333-120-0520	9-15-2008	Amend	10-1-2008	333-536-0095	1-1-2008	Amend	2-1-2008
333-120-0540	9-15-2008	Amend	10-1-2008	333-536-0100	1-1-2008	Repeal	2-1-2008
333-120-0600	9-15-2008	Amend	10-1-2008	333-536-0105	1-1-2008	Adopt	2-1-2008
333-120-0610	9-15-2008	Amend	10-1-2008	333-536-0115	1-1-2008	Adopt	2-1-2008
333-120-0620	9-15-2008	Amend	10-1-2008	333-700-0120	8-15-2008	Amend	9-1-2008
333-120-0650	9-15-2008	Amend	10-1-2008	335-001-0005	4-10-2008	Amend	5-1-2008
333-120-0680	9-15-2008	Amend	10-1-2008	335-001-0008	4-10-2008	Adopt	5-1-2008
333-120-0710	9-15-2008	Amend	10-1-2008	335-001-0011	4-10-2008	Amend	5-1-2008
333-120-0720	9-15-2008	Amend	10-1-2008	335-005-0010	4-10-2008	Amend	5-1-2008
333-120-0740	9-15-2008	Amend	10-1-2008	335-005-0020	4-10-2008	Amend	5-1-2008
333-120-0800	9-15-2008	Adopt	10-1-2008	335-060-0010	4-10-2008	Amend	5-1-2008
333-150-0000	3-5-2008	Amend	4-1-2008	335-070-0040	4-10-2008	Amend	5-1-2008
333-265-0000	6-16-2008	Amend	8-1-2008	335-095-0010	4-10-2008	Amend	5-1-2008
333-265-0010	6-16-2008	Amend	8-1-2008	335-095-0030	4-10-2008	Amend	5-1-2008
333-265-0012	6-16-2008	Adopt	8-1-2008	335-095-0040	4-10-2008	Amend	5-1-2008
333-265-0014	6-16-2008	Adopt	8-1-2008	335-095-0050	4-10-2008	Amend	5-1-2008
333-265-0016	6-16-2008	Adopt	8-1-2008	335-095-0050	8-13-2008	Amend(T)	9-1-2008
333-265-0018	6-16-2008	Adopt	8-1-2008	335-095-0055	4-10-2008	Amend	5-1-2008

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335-095-0065	4-10-2008	Amend	5-1-2008	340-150-0166	3-10-2008	Amend	4-1-2008
338-005-0030	10-1-2008	Amend	10-1-2008	340-150-0167	3-10-2008	Amend	4-1-2008
338-010-0038	10-1-2008	Amend	10-1-2008	340-150-0168	3-10-2008	Amend	4-1-2008
338-010-0050	10-1-2008	Amend	10-1-2008	340-150-0180	3-10-2008	Amend	4-1-2008
340-011-0005	3-20-2008	Amend	5-1-2008	340-150-0200	3-10-2008	Amend	4-1-2008
340-011-0009	3-20-2008	Adopt	5-1-2008	340-150-0210	3-10-2008	Adopt	4-1-2008
340-011-0010	2-25-2008	Amend	4-1-2008	340-150-0250	3-10-2008	Amend	4-1-2008
340-011-0029	2-25-2008	Amend	4-1-2008	340-150-0300	3-10-2008	Amend	4-1-2008
340-011-0510	3-20-2008	Amend	5-1-2008	340-150-0310	3-10-2008	Amend	4-1-2008
340-011-0515	3-20-2008	Amend	5-1-2008	340-150-0350	3-10-2008	Amend	4-1-2008
340-011-0573	3-20-2008	Adopt	5-1-2008	340-150-0352	3-10-2008	Amend	4-1-2008
340-011-0575	3-20-2008	Amend	5-1-2008	340-150-0354	3-10-2008	Amend	4-1-2008
340-016-0210	7-11-2008	Amend	8-1-2008	340-150-0360	3-10-2008	Amend	4-1-2008
340-016-0220	7-11-2008	Amend	8-1-2008	340-150-0410	3-10-2008	Amend	4-1-2008
340-016-0230	7-11-2008	Amend	8-1-2008	340-150-0430	3-10-2008	Amend	4-1-2008
340-016-0250	7-11-2008	Amend	8-1-2008	340-150-0450	3-10-2008	Amend	4-1-2008
340-016-0270	7-11-2008	Adopt	8-1-2008	340-150-0455	3-10-2008	Amend	4-1-2008
340-016-0280	7-11-2008	Adopt	8-1-2008	340-150-0460	3-10-2008	Amend	4-1-2008
340-016-0290	7-11-2008	Adopt	8-1-2008	340-150-0465	3-10-2008	Amend	4-1-2008
340-016-0300	7-11-2008	Adopt	8-1-2008	340-150-0470	3-10-2008	Amend	4-1-2008
340-016-0310	7-11-2008	Adopt	8-1-2008	340-150-0510	3-10-2008	Amend	4-1-2008
340-016-0320	7-11-2008	Adopt	8-1-2008	340-150-0555	3-10-2008	Amend	4-1-2008
340-016-0330	7-11-2008	Adopt	8-1-2008	340-150-0560	3-10-2008	Amend	4-1-2008
340-016-0340	7-11-2008	Adopt	8-1-2008	340-160-0030	3-10-2008	Amend	4-1-2008
340-041-0009	5-5-2008	Amend	6-1-2008	340-160-0150	3-10-2008	Amend	4-1-2008
340-045-0075	7-1-2008	Amend	8-1-2008	340-162-0005	3-10-2008	Amend	4-1-2008
340-054-0035	2-27-2008	Amend	4-1-2008	340-162-0010	3-10-2008	Amend	4-1-2008
340-054-0060	2-27-2008	Amend	4-1-2008	340-162-0020	3-10-2008	Amend	4-1-2008
340-055-0005	5-5-2008	Amend	6-1-2008	340-162-0040	3-10-2008	Amend	4-1-2008
340-055-0007	5-5-2008	Amend	6-1-2008	340-162-0054	3-10-2008	Repeal	4-1-2008
340-055-0010	5-5-2008	Amend	6-1-2008	340-162-0150	3-10-2008	Amend	4-1-2008
340-055-0013	5-5-2008	Amend	6-1-2008	340-200-0020	8-25-2008	Amend	10-1-2008
340-055-0015	5-5-2008	Am. & Ren.	6-1-2008	340-200-0040	3-20-2008	Amend	5-1-2008
340-055-0015	5-5-2008	Am. & Ren.	6-1-2008	340-218-0050	8-25-2008	Amend	10-1-2008
340-055-0015	5-5-2008	Am. & Ren.	6-1-2008	340-220-0010	8-25-2008	Amend	10-1-2008
340-055-0015	5-5-2008	Am. & Ren.	6-1-2008	340-220-0020	8-25-2008	Amend	10-1-2008
340-055-0020	5-5-2008	Amend	6-1-2008	340-220-0030	8-25-2008	Amend	10-1-2008
340-055-0025	5-5-2008	Amend	6-1-2008	340-220-0040	8-25-2008	Amend	10-1-2008
340-055-0030	5-5-2008	Amend	6-1-2008	340-220-0040	8-29-2008	Amend	10-1-2008
340-071-0140	7-1-2008	Amend	8-1-2008	340-220-0050	8-25-2008	Amend	10-1-2008
340-071-0220	7-1-2008	Amend	8-1-2008	340-220-0060	8-25-2008	Amend	10-1-2008
340-122-0210	3-10-2008	Amend	4-1-2008	340-220-0070	8-25-2008	Amend	10-1-2008
340-122-0330	3-10-2008	Amend	4-1-2008	340-220-0090	8-25-2008	Amend	10-1-2008
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340-150-0008	3-10-2008	Amend	4-1-2008	340-220-0110	8-25-2008	Amend	10-1-2008
340-150-0010	3-10-2008	Amend	4-1-2008	340-220-0120	8-25-2008	Amend	10-1-2008
340-150-0020	3-10-2008	Amend	4-1-2008	340-220-0150	8-25-2008	Amend	10-1-2008
340-150-0021	3-10-2008	Amend	4-1-2008	340-220-0170	8-25-2008	Amend	10-1-2008
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340-150-0110	3-10-2008	Amend	4-1-2008	340-248-0260	11-30-2007	Amend	1-1-2008
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340-150-0152	3-10-2008	Amend	4-1-2008	340-259-0015	7-11-2008	Adopt	8-1-2008
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340-259-0035	7-11-2008	Adopt	8-1-2008	407-012-0010	12-1-2007	Adopt	1-1-2008
340-259-0040	7-11-2008	Adopt	8-1-2008	407-012-0015	12-1-2007	Adopt	1-1-2008
340-259-0045	7-11-2008	Adopt	8-1-2008	407-012-0020	12-1-2007	Adopt	1-1-2008
340-259-0050	7-11-2008	Adopt	8-1-2008	407-012-0025	12-1-2007	Adopt	1-1-2008
340-259-0055	7-11-2008	Adopt	8-1-2008	407-014-0300	1-1-2008	Adopt	2-1-2008
340-259-0060	7-11-2008	Adopt	8-1-2008	407-014-0305	1-1-2008	Adopt	2-1-2008
340-259-0065	7-11-2008	Adopt	8-1-2008	407-014-0310	1-1-2008	Adopt	2-1-2008
350-011-0003	4-1-2008	Amend	4-1-2008	407-014-0315	1-1-2008	Adopt	2-1-2008
350-011-0011	4-1-2008	Adopt	4-1-2008	407-014-0320	1-1-2008	Adopt	2-1-2008
350-012-0007	4-1-2008	Amend	4-1-2008	407-035-0000	7-1-2008	Adopt	8-1-2008
350-012-0008	4-1-2008	Amend	4-1-2008	407-035-0005	7-1-2008	Adopt	8-1-2008
350-016-0009	4-1-2008	Amend	4-1-2008	407-035-0010	7-1-2008	Adopt	8-1-2008
407-005-0110	12-1-2007	Amend	1-1-2008	407-035-0015	7-1-2008	Adopt	8-1-2008
407-007-0000	3-31-2008	Adopt(T)	5-1-2008	407-045-0800	12-3-2007	Adopt(T)	1-1-2008
407-007-0000	9-1-2008	Adopt	10-1-2008	407-045-0800	5-30-2008	Adopt	7-1-2008
407-007-0000(T)	9-1-2008	Repeal	10-1-2008	407-045-0800(T)	5-30-2008	Repeal	7-1-2008
407-007-0010	3-31-2008	Adopt(T)	5-1-2008	407-045-0810	12-3-2007	Adopt(T)	1-1-2008
407-007-0010	9-1-2008	Adopt	10-1-2008	407-045-0810	5-30-2008	Adopt	7-1-2008
407-007-0010(T)	9-1-2008	Repeal	10-1-2008	407-045-0810(T)	5-30-2008	Repeal	7-1-2008
407-007-0020	3-31-2008	Adopt(T)	5-1-2008	407-045-0820	12-3-2007	Adopt(T)	1-1-2008
407-007-0020	9-1-2008	Adopt	10-1-2008	407-045-0820	5-30-2008	Adopt	7-1-2008
407-007-0020(T)	9-1-2008	Repeal	10-1-2008	407-045-0820(T)	5-30-2008	Repeal	7-1-2008
407-007-0030	3-31-2008	Adopt(T)	5-1-2008	407-045-0830	12-3-2007	Adopt(T)	1-1-2008
407-007-0030	9-1-2008	Adopt	10-1-2008	407-045-0830	5-30-2008	Adopt	7-1-2008
407-007-0030(T)	9-1-2008	Repeal	10-1-2008	407-045-0830(T)	5-30-2008	Repeal	7-1-2008
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407-007-0040	9-1-2008	Adopt	10-1-2008	407-045-0840(T)	5-30-2008	Repeal	7-1-2008
407-007-0040(T)	9-1-2008	Repeal	10-1-2008	407-045-0850	12-3-2007	Adopt(T)	1-1-2008
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407-007-0050	9-1-2008	Adopt	10-1-2008	407-045-0850(T)	5-30-2008	Repeal	7-1-2008
407-007-0050(T)	9-1-2008	Repeal	10-1-2008	407-045-0860	12-3-2007	Adopt(T)	1-1-2008
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407-007-0060	9-1-2008	Adopt	10-1-2008	407-045-0860(T)	5-30-2008	Repeal	7-1-2008
407-007-0060(T)	9-1-2008	Repeal	10-1-2008	407-045-0870	12-3-2007	Adopt(T)	1-1-2008
407-007-0070	3-31-2008	Adopt(T)	5-1-2008	407-045-0870	5-30-2008	Adopt	7-1-2008
407-007-0070	9-1-2008	Adopt	10-1-2008	407-045-0870(T)	5-30-2008	Repeal	7-1-2008
407-007-0070(T)	9-1-2008	Repeal	10-1-2008	407-045-0880	12-3-2007	Adopt(T)	1-1-2008
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407-007-0080	9-1-2008	Adopt	10-1-2008	407-045-0880(T)	5-30-2008	Repeal	7-1-2008
407-007-0080(T)	9-1-2008	Repeal	10-1-2008	407-045-0890	12-3-2007	Adopt(T)	1-1-2008
407-007-0090	3-31-2008	Adopt(T)	5-1-2008	407-045-0890	5-30-2008	Adopt	7-1-2008
407-007-0090	9-1-2008	Adopt	10-1-2008	407-045-0890(T)	5-30-2008	Repeal	7-1-2008
407-007-0090(T)	9-1-2008	Repeal	10-1-2008	407-045-0900	12-3-2007	Adopt(T)	1-1-2008
407-007-0100	5-22-2008	Adopt(T)	7-1-2008	407-045-0900	5-30-2008	Adopt	7-1-2008
407-007-0100	9-1-2008	Adopt	10-1-2008	407-045-0900(T)	5-30-2008	Repeal	7-1-2008
407-007-0100(T)	9-1-2008	Repeal	10-1-2008	407-045-0910	12-3-2007	Adopt(T)	1-1-2008
407-007-0210	3-31-2008	Amend(T)	5-1-2008	407-045-0910	5-30-2008	Adopt	7-1-2008
407-007-0210	9-1-2008	Amend	10-1-2008	407-045-0910(T)	5-30-2008	Repeal	7-1-2008
407-007-0210(T)	9-1-2008	Repeal	10-1-2008	407-045-0920	12-3-2007	Adopt(T)	1-1-2008
407-007-0270	3-31-2008	Amend(T)	5-1-2008	407-045-0920	5-30-2008	Adopt	7-1-2008
407-007-0270	9-1-2008	Amend	10-1-2008	407-045-0920(T)	5-30-2008	Repeal	7-1-2008
407-007-0270(T)	9-1-2008	Repeal	10-1-2008	407-045-0930	12-3-2007	Adopt(T)	1-1-2008
407-007-0330	3-31-2008	Amend(T)	5-1-2008	407-045-0930	5-30-2008	Adopt	7-1-2008
407-007-0330	9-1-2008	Amend	10-1-2008	407-045-0930(T)	5-30-2008	Repeal	7-1-2008

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407-045-0940	12-3-2007	Adopt(T)	1-1-2008	409-023-0030	7-1-2008	Adopt	8-1-2008
407-045-0940	5-30-2008	Adopt	7-1-2008	409-023-0035	7-1-2008	Adopt	8-1-2008
407-045-0940(T)	5-30-2008	Repeal	7-1-2008	409-023-0100	7-1-2008	Adopt	8-1-2008
407-045-0950	12-3-2007	Adopt(T)	1-1-2008	409-023-0105	7-1-2008	Adopt	8-1-2008
407-045-0950	5-30-2008	Adopt	7-1-2008	410-001-0100	1-1-2008	Amend(T)	2-1-2008
407-045-0950(T)	5-30-2008	Repeal	7-1-2008	410-001-0100	2-1-2008	Am. & Ren.	3-1-2008
407-045-0960	12-3-2007	Adopt(T)	1-1-2008	410-001-0100(T)	2-1-2008	Repeal	3-1-2008
407-045-0960	5-30-2008	Adopt	7-1-2008	410-001-0110	1-1-2008	Amend(T)	2-1-2008
407-045-0960(T)	5-30-2008	Repeal	7-1-2008	410-001-0110	2-1-2008	Am. & Ren.	3-1-2008
407-045-0970	12-3-2007	Adopt(T)	1-1-2008	410-001-0110(T)	2-1-2008	Repeal	3-1-2008
407-045-0970	5-30-2008	Adopt	7-1-2008	410-001-0120	1-1-2008	Amend(T)	2-1-2008
407-045-0970	9-1-2008	Amend	10-1-2008	410-001-0120	2-1-2008	Am. & Ren.	3-1-2008
407-045-0970(T)	5-30-2008	Repeal	7-1-2008	410-001-0120(T)	2-1-2008	Repeal	3-1-2008
407-045-0980	12-3-2007	Adopt(T)	1-1-2008	410-001-0130	1-1-2008	Amend(T)	2-1-2008
407-045-0980	5-30-2008	Adopt	7-1-2008	410-001-0130	2-1-2008	Am. & Ren.	3-1-2008
407-045-0980(T)	5-30-2008	Repeal	7-1-2008	410-001-0130(T)	2-1-2008	Repeal	3-1-2008
407-120-0112	1-1-2008	Adopt(T)	2-1-2008	410-001-0140	1-1-2008	Amend(T)	2-1-2008
407-120-0112	2-1-2008	Adopt	3-1-2008	410-001-0140	2-1-2008	Am. & Ren.	3-1-2008
407-120-0112(T)	2-1-2008	Repeal	3-1-2008	410-001-0140(T)	2-1-2008	Repeal	3-1-2008
407-120-0114	1-1-2008	Adopt(T)	2-1-2008	410-001-0150	1-1-2008	Amend(T)	2-1-2008
407-120-0114	2-1-2008	Adopt	3-1-2008	410-001-0150	2-1-2008	Am. & Ren.	3-1-2008
407-120-0114(T)	2-1-2008	Repeal	3-1-2008	410-001-0150(T)	2-1-2008	Repeal	3-1-2008
407-120-0116	1-1-2008	Adopt(T)	2-1-2008	410-001-0160	1-1-2008	Amend(T)	2-1-2008
407-120-0116	2-1-2008	Adopt	3-1-2008	410-001-0160	2-1-2008	Am. & Ren.	3-1-2008
407-120-0116(T)	2-1-2008	Repeal	3-1-2008	410-001-0160(T)	2-1-2008	Repeal	3-1-2008
407-120-0118	1-1-2008	Adopt(T)	2-1-2008	410-001-0170	1-1-2008	Amend(T)	2-1-2008
407-120-0118	2-1-2008	Adopt	3-1-2008	410-001-0170	2-1-2008	Am. & Ren.	3-1-2008
407-120-0118(T)	2-1-2008	Repeal	3-1-2008	410-001-0170(T)	2-1-2008	Repeal	3-1-2008
407-120-0165	1-1-2008	Adopt(T)	2-1-2008	410-001-0180	1-1-2008	Amend(T)	2-1-2008
407-120-0165	2-1-2008	Adopt	3-1-2008	410-001-0180	2-1-2008	Am. & Ren.	3-1-2008
407-120-0165(T)	2-1-2008	Repeal	3-1-2008	410-001-0180(T)	2-1-2008	Repeal	3-1-2008
407-120-0300	1-1-2008	Adopt	2-1-2008	410-001-0190	1-1-2008	Amend(T)	2-1-2008
407-120-0300	7-1-2008	Amend(T)	8-1-2008	410-001-0190	2-1-2008	Am. & Ren.	3-1-2008
407-120-0310	1-1-2008	Adopt	2-1-2008	410-001-0190(T)	2-1-2008	Repeal	3-1-2008
407-120-0310	7-1-2008	Amend(T)	8-1-2008	410-001-0200	1-1-2008	Amend(T)	2-1-2008
407-120-0320	1-1-2008	Adopt	2-1-2008	410-001-0200	2-1-2008	Am. & Ren.	3-1-2008
407-120-0320	7-1-2008	Amend(T)	8-1-2008	410-001-0200(T)	2-1-2008	Repeal	3-1-2008
407-120-0325	7-1-2008	Adopt(T)	8-1-2008	410-050-0100	1-25-2008	Amend	3-1-2008
407-120-0330	1-1-2008	Adopt	2-1-2008	410-050-0110	1-25-2008	Amend	3-1-2008
407-120-0330	7-1-2008	Amend(T)	8-1-2008	410-050-0120	1-25-2008	Amend	3-1-2008
407-120-0340	1-1-2008	Adopt	2-1-2008	410-050-0130	1-25-2008	Amend	3-1-2008
407-120-0340	7-1-2008	Amend(T)	8-1-2008	410-050-0140	1-25-2008	Amend	3-1-2008
407-120-0350	1-1-2008	Adopt	2-1-2008	410-050-0150	1-25-2008	Amend	3-1-2008
407-120-0350	7-1-2008	Amend(T)	8-1-2008	410-050-0160	1-25-2008	Amend	3-1-2008
407-120-0360	1-1-2008	Adopt	2-1-2008	410-050-0170	1-25-2008	Amend	3-1-2008
407-120-0360	7-1-2008	Amend(T)	8-1-2008	410-050-0180	1-25-2008	Amend	3-1-2008
407-120-0370	1-1-2008	Adopt	2-1-2008	410-050-0190	1-25-2008	Amend	3-1-2008
407-120-0370	7-1-2008	Amend(T)	8-1-2008	410-050-0190	9-1-2008	Amend	10-1-2008
407-120-0380	1-1-2008	Adopt	2-1-2008	410-050-0200	1-25-2008	Amend	3-1-2008
407-120-0380	7-1-2008	Amend(T)	8-1-2008	410-050-0210	1-25-2008	Amend	3-1-2008
409-023-0000	7-1-2008	Adopt	8-1-2008	410-050-0220	1-25-2008	Amend	3-1-2008
409-023-0005	7-1-2008	Adopt	8-1-2008	410-050-0230	1-25-2008	Amend	3-1-2008
409-023-0010	7-1-2008	Adopt	8-1-2008	410-050-0240	1-25-2008	Amend	3-1-2008
409-023-0015	7-1-2008	Adopt	8-1-2008	410-050-0250	1-25-2008	Amend	3-1-2008
409-023-0020	7-1-2008	Adopt	8-1-2008	410-050-0401	1-25-2008	Amend	3-1-2008
409-023-0025	7-1-2008	Adopt	8-1-2008	410-050-0411	1-25-2008	Amend	3-1-2008

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410-050-0421	1-25-2008	Amend	3-1-2008	410-120-1200	1-1-2008	Amend	1-1-2008
410-050-0431	1-25-2008	Amend	3-1-2008	410-120-1200	7-1-2008	Amend	7-1-2008
410-050-0441	1-25-2008	Repeal	3-1-2008	410-120-1230	3-1-2008	Amend	4-1-2008
410-050-0451	1-25-2008	Amend	3-1-2008	410-120-1295	1-1-2008	Amend	1-1-2008
410-050-0461	1-25-2008	Amend	3-1-2008	410-120-1320	1-1-2008	Amend	1-1-2008
410-050-0471	1-25-2008	Amend	3-1-2008	410-120-1340	1-1-2008	Amend	1-1-2008
410-050-0481	1-25-2008	Amend	3-1-2008	410-120-1397	1-1-2008	Amend	1-1-2008
410-050-0491	1-25-2008	Amend	3-1-2008	410-120-1560	1-1-2008	Amend	1-1-2008
410-050-0491	9-1-2008	Amend	10-1-2008	410-120-1570	1-1-2008	Amend	1-1-2008
410-050-0501	1-25-2008	Amend	3-1-2008	410-121-0021	7-1-2008	Amend	7-1-2008
410-050-0511	1-25-2008	Amend	3-1-2008	410-121-0030	7-1-2008	Amend	7-1-2008
410-050-0511	9-1-2008	Amend	10-1-2008	410-121-0032	7-1-2008	Amend	7-1-2008
410-050-0521	1-25-2008	Amend	3-1-2008	410-121-0040	1-1-2008	Amend	1-1-2008
410-050-0531	1-25-2008	Amend	3-1-2008	410-121-0040	4-1-2008	Amend	5-1-2008
410-050-0541	1-25-2008	Amend	3-1-2008	410-121-0040	7-1-2008	Amend	7-1-2008
410-050-0551	1-25-2008	Amend	3-1-2008	410-121-0135	1-1-2008	Amend	1-1-2008
410-050-0561	1-25-2008	Amend	3-1-2008	410-121-0140	1-1-2008	Amend	1-1-2008
410-050-0571	1-25-2008	Repeal	3-1-2008	410-121-0145	4-1-2008	Amend	5-1-2008
410-050-0581	1-25-2008	Repeal	3-1-2008	410-121-0146	1-1-2008	Amend	1-1-2008
410-050-0591	1-25-2008	Amend	3-1-2008	410-121-0147	4-1-2008	Amend	5-1-2008
410-050-0601	1-25-2008	Adopt	3-1-2008	410-121-0148	1-1-2008	Amend	1-1-2008
410-050-0700	1-25-2008	Amend	3-1-2008	410-121-0150	1-1-2008	Amend	1-1-2008
410-050-0710	1-25-2008	Amend	3-1-2008	410-121-0155	1-1-2008	Amend	1-1-2008
410-050-0720	1-25-2008	Amend	3-1-2008	410-121-0157	7-1-2008	Amend	7-1-2008
410-050-0730	1-25-2008	Amend	3-1-2008	410-121-0160	1-1-2008	Amend	1-1-2008
410-050-0740	1-25-2008	Amend	3-1-2008	410-121-0300	1-1-2008	Amend	1-1-2008
410-050-0750	1-25-2008	Amend	3-1-2008	410-122-0020	7-1-2008	Amend	7-1-2008
410-050-0750	6-12-2008	Amend(T)	7-1-2008	410-122-0080	7-1-2008	Amend	7-1-2008
410-050-0750	9-1-2008	Amend	10-1-2008	410-122-0184	7-1-2008	Amend	7-1-2008
410-050-0750(T)	9-1-2008	Repeal	10-1-2008	410-122-0186	7-1-2008	Amend	7-1-2008
410-050-0760	1-25-2008	Amend	3-1-2008	410-122-0202	1-1-2008	Amend	1-1-2008
410-050-0770	1-25-2008	Amend	3-1-2008	410-122-0202	7-1-2008	Amend	7-1-2008
410-050-0780	1-25-2008	Amend	3-1-2008	410-122-0203	1-1-2008	Amend	1-1-2008
410-050-0790	1-25-2008	Amend	3-1-2008	410-122-0250	7-1-2008	Amend	7-1-2008
410-050-0800	1-25-2008	Amend	3-1-2008	410-122-0300	7-1-2008	Amend	7-1-2008
410-050-0810	1-25-2008	Amend	3-1-2008	410-122-0320	1-1-2008	Amend	1-1-2008
410-050-0810	9-1-2008	Amend	10-1-2008	410-122-0320	7-1-2008	Amend	7-1-2008
410-050-0820	1-25-2008	Amend	3-1-2008	410-122-0325	1-1-2008	Amend	1-1-2008
410-050-0830	1-25-2008	Amend	3-1-2008	410-122-0325	7-1-2008	Amend	7-1-2008
410-050-0840	1-25-2008	Amend	3-1-2008	410-122-0330	1-1-2008	Amend	1-1-2008
410-050-0850	1-25-2008	Amend	3-1-2008	410-122-0365	7-1-2008	Amend	7-1-2008
410-050-0860	1-25-2008	Amend	3-1-2008	410-122-0380	1-1-2008	Amend	1-1-2008
410-050-0861	1-1-2008	Amend	2-1-2008	410-122-0400	7-1-2008	Amend	7-1-2008
410-050-0861	1-25-2008	Amend	3-1-2008	410-122-0475	7-1-2008	Amend	7-1-2008
410-050-0870	1-25-2008	Amend	3-1-2008	410-122-0500	7-1-2008	Amend	7-1-2008
410-120-0000	1-1-2008	Amend	1-1-2008	410-122-0520	7-1-2008	Amend	7-1-2008
410-120-0010	12-5-2007	Adopt(T)	1-1-2008	410-122-0540	7-1-2008	Amend	7-1-2008
410-120-0025	3-14-2008	Amend(T)	4-1-2008	410-122-0658	7-1-2008	Adopt	7-1-2008
410-120-0025	5-1-2008	Amend	6-1-2008	410-122-0660	7-1-2008	Amend	7-1-2008
410-120-0025(T)	5-1-2008	Repeal	6-1-2008	410-122-0662	1-1-2008	Adopt	1-1-2008
410-120-0030	4-1-2008	Adopt(T)	5-1-2008	410-122-0678	1-1-2008	Amend	1-1-2008
410-120-0030	7-1-2008	Amend	7-1-2008	410-122-0720	1-1-2008	Amend	1-1-2008
410-120-0030(T)	7-1-2008	Repeal	7-1-2008	410-122-0720	7-1-2008	Amend	7-1-2008
410-120-0035	7-1-2008	Adopt(T)	7-1-2008	410-123-1000	1-1-2008	Amend	1-1-2008
410-120-0035	9-15-2008	Adopt	10-1-2008	410-123-1000	7-1-2008	Amend	7-1-2008
410-120-0035(T)	9-15-2008	Repeal	10-1-2008	410-123-1040	1-1-2008	Repeal	1-1-2008

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410-123-1100	1-1-2008	Amend	1-1-2008	410-141-0261	7-1-2008	Amend	7-1-2008
410-123-1160	1-1-2008	Amend	1-1-2008	410-141-0262	7-1-2008	Amend	7-1-2008
410-123-1200	1-1-2008	Amend	1-1-2008	410-141-0263	7-1-2008	Amend	7-1-2008
410-123-1220	1-1-2008	Amend	1-1-2008	410-141-0264	7-1-2008	Amend	7-1-2008
410-123-1240	1-1-2008	Amend	1-1-2008	410-141-0265	7-1-2008	Amend	7-1-2008
410-123-1260	1-1-2008	Amend	1-1-2008	410-141-0480	1-1-2008	Amend	1-1-2008
410-123-1260	7-1-2008	Amend	7-1-2008	410-141-0520	12-20-2007	Amend(T)	2-1-2008
410-123-1490	1-1-2008	Amend	1-1-2008	410-141-0520	3-27-2008	Amend	5-1-2008
410-123-1540	7-1-2008	Amend	7-1-2008	410-141-0520	4-1-2008	Amend(T)	5-1-2008
410-123-1620	1-1-2008	Amend	1-1-2008	410-141-0520	7-1-2008	Amend	7-1-2008
410-123-1670	1-1-2008	Amend	1-1-2008	410-141-0520(T)	12-20-2007	Suspend	2-1-2008
410-123-1670	7-1-2008	Amend	7-1-2008	410-142-0020	1-1-2008	Amend	1-1-2008
410-125-0000	7-1-2008	Amend	7-1-2008	410-146-0000	1-1-2008	Amend	1-1-2008
410-125-0047	7-1-2008	Amend	7-1-2008	410-146-0020	1-1-2008	Amend	1-1-2008
410-125-0080	12-20-2007	Amend(T)	2-1-2008	410-146-0021	1-1-2008	Amend	1-1-2008
410-125-0080	5-1-2008	Amend	6-1-2008	410-146-0025	1-1-2008	Repeal	1-1-2008
410-125-0080	7-1-2008	Amend	7-1-2008	410-146-0040	1-1-2008	Amend	1-1-2008
410-125-0141	7-1-2008	Amend	7-1-2008	410-146-0060	1-1-2008	Amend	1-1-2008
410-125-0220	7-1-2008	Amend	7-1-2008	410-146-0075	1-1-2008	Amend	1-1-2008
410-125-0360	7-1-2008	Amend	7-1-2008	410-146-0080	1-1-2008	Am. & Ren.	1-1-2008
410-125-0400	7-1-2008	Amend	7-1-2008	410-146-0080	1-1-2008	Am. & Ren.	1-1-2008
410-125-0600	7-1-2008	Amend	7-1-2008	410-146-0080	1-1-2008	Amend	1-1-2008
410-125-0720	7-1-2008	Amend	7-1-2008	410-146-0100	1-1-2008	Amend	1-1-2008
410-127-0060	1-1-2008	Amend	1-1-2008	410-146-0120	1-1-2008	Amend	1-1-2008
410-129-0070	1-1-2008	Amend	1-1-2008	410-146-0130	1-1-2008	Amend	1-1-2008
410-129-0200	1-1-2008	Amend	1-1-2008	410-146-0140	1-1-2008	Amend	1-1-2008
410-130-0000	7-1-2008	Amend	7-1-2008	410-146-0160	1-1-2008	Amend	1-1-2008
410-130-0180	7-1-2008	Amend	7-1-2008	410-146-0180	1-1-2008	Repeal	1-1-2008
410-130-0190	7-1-2008	Amend	7-1-2008	410-146-0200	1-1-2008	Amend	1-1-2008
410-130-0200	12-20-2007	Amend(T)	2-1-2008	410-146-0200	7-1-2008	Amend	7-1-2008
410-130-0200	5-1-2008	Amend	6-1-2008	410-146-0220	1-1-2008	Amend	1-1-2008
410-130-0200	7-1-2008	Amend	7-1-2008	410-146-0240	1-1-2008	Amend	1-1-2008
410-130-0220	7-1-2008	Amend	7-1-2008	410-146-0340	1-1-2008	Amend	1-1-2008
410-130-0255	7-1-2008	Amend	7-1-2008	410-146-0380	1-1-2008	Amend	1-1-2008
410-130-0580	12-20-2007	Amend(T)	2-1-2008	410-146-0380	7-1-2008	Amend	7-1-2008
410-130-0580	5-1-2008	Amend	6-1-2008	410-146-0400	1-1-2008	Repeal	1-1-2008
410-130-0610	4-1-2008	Amend(T)	5-1-2008	410-146-0420	1-1-2008	Repeal	1-1-2008
410-130-0610	7-1-2008	Amend	7-1-2008	410-146-0440	1-1-2008	Amend	1-1-2008
410-130-0680	7-1-2008	Amend	7-1-2008	410-146-0440	7-1-2008	Amend	7-1-2008
410-133-0090	7-1-2008	Amend(T)	8-1-2008	410-146-0460	1-1-2008	Amend	1-1-2008
410-133-0100	7-1-2008	Amend(T)	8-1-2008	410-147-0040	7-1-2008	Amend	7-1-2008
410-133-0220	7-1-2008	Amend(T)	8-1-2008	410-147-0080	7-1-2008	Amend	7-1-2008
410-138-0080	7-1-2008	Amend(T)	8-1-2008	410-147-0125	7-1-2008	Amend	7-1-2008
410-138-0380	7-1-2008	Amend(T)	8-1-2008	410-147-0280	7-1-2008	Amend	7-1-2008
410-138-0560	7-1-2008	Amend(T)	8-1-2008	410-147-0320	7-1-2008	Amend	7-1-2008
410-138-0680	7-1-2008	Amend(T)	8-1-2008	410-147-0340	7-1-2008	Amend	7-1-2008
410-138-0740	7-1-2008	Amend(T)	8-1-2008	410-147-0360	7-1-2008	Amend	7-1-2008
410-138-0780	7-1-2008	Amend(T)	8-1-2008	410-147-0365	1-1-2008	Amend	1-1-2008
410-140-0040	7-1-2008	Amend	7-1-2008	410-147-0460	7-1-2008	Amend	7-1-2008
410-140-0050	7-1-2008	Amend	7-1-2008	410-148-0060	7-1-2008	Amend	7-1-2008
410-140-0160	7-1-2008	Amend	7-1-2008	410-148-0140	7-1-2008	Amend	7-1-2008
410-140-0260	7-1-2008	Amend	7-1-2008	411-027-0000	6-1-2008	Am. & Ren.	7-1-2008
410-140-0320	7-1-2008	Amend	7-1-2008	411-027-0005	6-1-2008	Adopt	7-1-2008
410-140-0400	7-1-2008	Amend	7-1-2008	411-027-0025	6-1-2008	Amend	7-1-2008
410-141-0180	1-1-2008	Amend	1-1-2008	411-027-0050	6-1-2008	Amend	7-1-2008

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411-027-0075	6-1-2008	Amend	7-1-2008	411-070-0452	3-1-2008	Amend	4-1-2008
411-027-0150	6-1-2008	Amend	7-1-2008	411-070-0452(T)	3-1-2008	Repeal	4-1-2008
411-027-0200	6-1-2008	Repeal	7-1-2008	411-070-0462	3-1-2008	Repeal	4-1-2008
411-030-0020	4-1-2008	Amend(T)	5-1-2008	411-070-0465	3-1-2008	Amend	4-1-2008
411-030-0040	4-1-2008	Amend(T)	5-1-2008	411-070-0465(T)	3-1-2008	Repeal	4-1-2008
411-030-0050	4-1-2008	Amend(T)	5-1-2008	411-085-0005	3-1-2008	Amend(T)	3-1-2008
411-030-0070	4-1-2008	Amend(T)	5-1-2008	411-085-0005	8-28-2008	Amend	10-1-2008
411-030-0100	4-1-2008	Adopt(T)	5-1-2008	411-085-0005(T)	8-28-2008	Repeal	10-1-2008
411-031-0040	4-29-2008	Amend	6-1-2008	411-085-0200	3-6-2008	Amend	4-1-2008
411-031-0040(T)	4-29-2008	Repeal	6-1-2008	411-085-0310	3-6-2008	Amend	4-1-2008
411-036-0000	4-1-2008	Suspend	5-1-2008	411-086-0100	3-1-2008	Amend(T)	3-1-2008
411-036-0010	4-1-2008	Suspend	5-1-2008	411-086-0100	8-28-2008	Amend	10-1-2008
411-036-0020	4-1-2008	Suspend	5-1-2008	411-086-0100(T)	8-28-2008	Repeal	10-1-2008
411-036-0030	4-1-2008	Suspend	5-1-2008	411-086-0200	3-6-2008	Amend	4-1-2008
411-036-0040	4-1-2008	Suspend	5-1-2008	411-088-0070	3-6-2008	Amend	4-1-2008
411-036-0045	4-1-2008	Suspend	5-1-2008	411-325-0185	9-11-2008	Adopt	10-1-2008
411-036-0050	4-1-2008	Suspend	5-1-2008	411-325-0230	9-11-2008	Amend	10-1-2008
411-036-0060	4-1-2008	Suspend	5-1-2008	411-325-0270	9-11-2008	Amend	10-1-2008
411-036-0070	4-1-2008	Suspend	5-1-2008	411-325-0280	9-11-2008	Amend	10-1-2008
411-036-0080	4-1-2008	Suspend	5-1-2008	411-330-0020	12-28-2007	Amend	2-1-2008
411-036-0090	4-1-2008	Suspend	5-1-2008	411-330-0020(T)	12-28-2007	Repeal	2-1-2008
411-036-0100	4-1-2008	Suspend	5-1-2008	411-330-0030	12-28-2007	Amend	2-1-2008
411-036-0110	4-1-2008	Suspend	5-1-2008	411-330-0030(T)	12-28-2007	Repeal	2-1-2008
411-036-0120	4-1-2008	Suspend	5-1-2008	411-340-0010	6-29-2008	Amend	8-1-2008
411-036-0130	4-1-2008	Suspend	5-1-2008	411-340-0020	1-1-2008	Amend(T)	2-1-2008
411-036-0140	4-1-2008	Suspend	5-1-2008	411-340-0020	6-29-2008	Amend	8-1-2008
411-048-0000	7-1-2008	Amend(T)	8-1-2008	411-340-0020(T)	6-29-2008	Repeal	8-1-2008
411-048-0010	7-1-2008	Amend(T)	8-1-2008	411-340-0030	6-29-2008	Amend	8-1-2008
411-048-0020	7-1-2008	Amend(T)	8-1-2008	411-340-0040	6-29-2008	Amend	8-1-2008
411-048-0030	7-1-2008	Amend(T)	8-1-2008	411-340-0050	6-29-2008	Amend	8-1-2008
411-048-0040	7-1-2008	Amend(T)	8-1-2008	411-340-0060	1-1-2008	Amend(T)	2-1-2008
411-048-0050	7-1-2008	Amend(T)	8-1-2008	411-340-0060	6-29-2008	Amend	8-1-2008
411-048-0060	7-1-2008	Amend(T)	8-1-2008	411-340-0060(T)	6-29-2008	Repeal	8-1-2008
411-048-0070	7-1-2008	Amend(T)	8-1-2008	411-340-0070	1-1-2008	Amend(T)	2-1-2008
411-048-0080	7-1-2008	Amend(T)	8-1-2008	411-340-0070	6-29-2008	Amend	8-1-2008
411-048-0100	7-1-2008	Amend(T)	8-1-2008	411-340-0070(T)	6-29-2008	Repeal	8-1-2008
411-048-0120	7-1-2008	Amend(T)	8-1-2008	411-340-0080	6-29-2008	Amend	8-1-2008
411-048-0130	7-1-2008	Amend(T)	8-1-2008	411-340-0090	6-29-2008	Amend	8-1-2008
411-070-0005	3-1-2008	Amend	4-1-2008	411-340-0100	6-29-2008	Amend	8-1-2008
411-070-0005(T)	3-1-2008	Repeal	4-1-2008	411-340-0110	6-29-2008	Amend	8-1-2008
411-070-0027	3-1-2008	Amend	4-1-2008	411-340-0120	6-29-2008	Amend	8-1-2008
411-070-0027(T)	3-1-2008	Repeal	4-1-2008	411-340-0130	1-1-2008	Amend(T)	2-1-2008
411-070-0035	3-1-2008	Amend	4-1-2008	411-340-0130	6-29-2008	Amend	8-1-2008
411-070-0035(T)	3-1-2008	Repeal	4-1-2008	411-340-0130(T)	6-29-2008	Repeal	8-1-2008
411-070-0045	3-1-2008	Amend	4-1-2008	411-340-0140	6-29-2008	Amend	8-1-2008
411-070-0085	3-1-2008	Amend	4-1-2008	411-340-0150	1-1-2008	Amend(T)	2-1-2008
411-070-0085(T)	3-1-2008	Repeal	4-1-2008	411-340-0150	6-29-2008	Amend	8-1-2008
411-070-0091	3-1-2008	Amend	4-1-2008	411-340-0150(T)	6-29-2008	Repeal	8-1-2008
411-070-0091(T)	3-1-2008	Repeal	4-1-2008	411-340-0160	6-29-2008	Amend	8-1-2008
411-070-0095	3-1-2008	Amend	4-1-2008	411-340-0170	1-1-2008	Amend(T)	2-1-2008
411-070-0095(T)	3-1-2008	Repeal	4-1-2008	411-340-0170	6-29-2008	Amend	8-1-2008
411-070-0359	3-1-2008	Amend	4-1-2008	411-340-0170(T)	6-29-2008	Repeal	8-1-2008
411-070-0359(T)	3-1-2008	Repeal	4-1-2008	411-340-0180	6-29-2008	Amend	8-1-2008
411-070-0428	3-1-2008	Repeal	4-1-2008	411-355-0000	4-15-2008	Adopt(T)	5-1-2008
411-070-0442	3-1-2008	Amend	4-1-2008	411-355-0010	4-15-2008	Adopt(T)	5-1-2008
411-070-0442(T)	3-1-2008	Repeal	4-1-2008	411-355-0020	4-15-2008	Adopt(T)	5-1-2008

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411-355-0030	4-15-2008	Adopt(T)	5-1-2008	413-015-0420	4-1-2008	Amend	5-1-2008
411-355-0040	4-15-2008	Adopt(T)	5-1-2008	413-015-0520	1-1-2008	Adopt(T)	2-1-2008
411-355-0050	4-15-2008	Adopt(T)	5-1-2008	413-015-0520	6-28-2008	Adopt	8-1-2008
411-355-0060	4-15-2008	Adopt(T)	5-1-2008	413-015-0525	1-1-2008	Adopt(T)	2-1-2008
411-355-0070	4-15-2008	Adopt(T)	5-1-2008	413-015-0525	6-28-2008	Adopt	8-1-2008
411-355-0080	4-15-2008	Adopt(T)	5-1-2008	413-015-0530	1-1-2008	Adopt(T)	2-1-2008
411-355-0090	4-15-2008	Adopt(T)	5-1-2008	413-015-0530	6-28-2008	Adopt	8-1-2008
411-355-0100	4-15-2008	Adopt(T)	5-1-2008	413-015-0535	1-1-2008	Adopt(T)	2-1-2008
411-355-0110	4-15-2008	Adopt(T)	5-1-2008	413-015-0535	6-28-2008	Adopt	8-1-2008
411-355-0120	4-15-2008	Adopt(T)	5-1-2008	413-015-0540	1-1-2008	Adopt(T)	2-1-2008
413-010-0400	12-1-2007	Amend	1-1-2008	413-015-0540	6-28-2008	Adopt	8-1-2008
413-010-0410	12-1-2007	Amend	1-1-2008	413-015-0545	1-1-2008	Adopt(T)	2-1-2008
413-010-0420	12-1-2007	Amend	1-1-2008	413-015-0545	6-28-2008	Adopt	8-1-2008
413-010-0430	12-1-2007	Amend	1-1-2008	413-015-0550	1-1-2008	Adopt(T)	2-1-2008
413-010-0440	12-1-2007	Amend	1-1-2008	413-015-0550	6-28-2008	Adopt	8-1-2008
413-010-0450	12-1-2007	Repeal	1-1-2008	413-015-0555	1-1-2008	Adopt(T)	2-1-2008
413-010-0460	12-1-2007	Repeal	1-1-2008	413-015-0555	6-28-2008	Adopt	8-1-2008
413-010-0470	12-1-2007	Repeal	1-1-2008	413-015-0560	1-1-2008	Adopt(T)	2-1-2008
413-010-0480	12-1-2007	Amend	1-1-2008	413-015-0560	6-28-2008	Adopt	8-1-2008
413-010-0490	12-1-2007	Repeal	1-1-2008	413-015-0565	1-1-2008	Adopt(T)	2-1-2008
413-015-0100	12-3-2007	Amend(T)	1-1-2008	413-015-0565	6-28-2008	Adopt	8-1-2008
413-015-0100	4-1-2008	Amend	5-1-2008	413-015-1000	1-1-2008	Amend(T)	2-1-2008
413-015-0110	4-1-2008	Amend	5-1-2008	413-015-1000	6-28-2008	Amend	8-1-2008
413-015-0115	12-3-2007	Amend(T)	1-1-2008	413-040-0005	8-1-2008	Amend	9-1-2008
413-015-0115	1-1-2008	Amend(T)	2-1-2008	413-040-0006	8-1-2008	Amend	9-1-2008
413-015-0115	4-1-2008	Amend	5-1-2008	413-040-0009	8-1-2008	Amend	9-1-2008
413-015-0115(T)	12-3-2007	Suspend	1-1-2008	413-040-0010	8-1-2008	Amend	9-1-2008
413-015-0115(T)	1-1-2008	Suspend	2-1-2008	413-040-0017	8-1-2008	Amend	9-1-2008
413-015-0205	12-3-2007	Amend(T)	1-1-2008	413-040-0024	8-1-2008	Amend	9-1-2008
413-015-0205	1-1-2008	Amend(T)	2-1-2008	413-050-0200	4-1-2008	Amend	5-1-2008
413-015-0205	4-1-2008	Amend	5-1-2008	413-050-0200(T)	4-1-2008	Repeal	5-1-2008
413-015-0205	6-28-2008	Amend(T)	8-1-2008	413-050-0210	4-1-2008	Amend	5-1-2008
413-015-0205	9-2-2008	Amend	10-1-2008	413-050-0210(T)	4-1-2008	Repeal	5-1-2008
413-015-0205(T)	1-1-2008	Suspend	2-1-2008	413-050-0220	4-1-2008	Amend	5-1-2008
413-015-0205(T)	9-2-2008	Repeal	10-1-2008	413-050-0220(T)	4-1-2008	Repeal	5-1-2008
413-015-0210	1-1-2008	Amend(T)	2-1-2008	413-050-0230	4-1-2008	Amend	5-1-2008
413-015-0210	6-28-2008	Amend	8-1-2008	413-050-0230(T)	4-1-2008	Repeal	5-1-2008
413-015-0211	1-1-2008	Amend(T)	2-1-2008	413-050-0235	4-1-2008	Adopt	5-1-2008
413-015-0211	6-28-2008	Amend	8-1-2008	413-050-0235(T)	4-1-2008	Repeal	5-1-2008
413-015-0212	1-1-2008	Amend(T)	2-1-2008	413-050-0240	4-1-2008	Repeal	5-1-2008
413-015-0212	6-28-2008	Amend	8-1-2008	413-050-0250	4-1-2008	Repeal	5-1-2008
413-015-0215	1-1-2008	Amend(T)	2-1-2008	413-050-0260	4-1-2008	Repeal	5-1-2008
413-015-0215	6-28-2008	Amend	8-1-2008	413-050-0270	4-1-2008	Repeal	5-1-2008
413-015-0220	1-1-2008	Amend(T)	2-1-2008	413-050-0280	4-1-2008	Amend	5-1-2008
413-015-0220	6-28-2008	Amend	8-1-2008	413-050-0280(T)	4-1-2008	Repeal	5-1-2008
413-015-0405	1-1-2008	Amend(T)	2-1-2008	413-050-0290	4-1-2008	Repeal	5-1-2008
413-015-0405	6-28-2008	Amend	8-1-2008	413-050-0300	4-1-2008	Repeal	5-1-2008
413-015-0409	6-28-2008	Amend(T)	8-1-2008	413-070-0600	1-1-2008	Amend(T)	2-1-2008
413-015-0409	9-2-2008	Amend	10-1-2008	413-070-0600	6-28-2008	Amend	8-1-2008
413-015-0409(T)	9-2-2008	Repeal	10-1-2008	413-070-0620	1-1-2008	Amend(T)	2-1-2008
413-015-0415	1-1-2008	Amend(T)	2-1-2008	413-070-0620	6-28-2008	Amend	8-1-2008
413-015-0415	4-1-2008	Amend	5-1-2008	413-070-0625	1-1-2008	Amend(T)	2-1-2008
413-015-0415	6-28-2008	Amend(T)	8-1-2008	413-070-0625	6-28-2008	Amend	8-1-2008
413-015-0415	9-2-2008	Amend	10-1-2008	413-070-0640	1-1-2008	Amend(T)	2-1-2008
413-015-0415(T)	1-1-2008	Suspend	2-1-2008	413-070-0640	6-28-2008	Amend	8-1-2008
413-015-0415(T)	9-2-2008	Repeal	10-1-2008	413-070-0800	6-28-2008	Amend	8-1-2008

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413-070-0810	6-28-2008	Amend	8-1-2008	413-120-0455(T)	5-15-2008	Repeal	6-1-2008
413-070-0830	6-28-2008	Amend	8-1-2008	413-120-0460	1-1-2008	Amend(T)	2-1-2008
413-070-0855	6-28-2008	Amend	8-1-2008	413-120-0460	5-15-2008	Amend	6-1-2008
413-070-0860	1-1-2008	Amend(T)	2-1-2008	413-120-0460(T)	5-15-2008	Repeal	6-1-2008
413-070-0860	6-28-2008	Amend	8-1-2008	413-120-0470	1-1-2008	Amend(T)	2-1-2008
413-070-0870	6-28-2008	Amend	8-1-2008	413-120-0470	5-15-2008	Amend	6-1-2008
413-070-0880	1-1-2008	Amend(T)	2-1-2008	413-120-0470(T)	5-15-2008	Repeal	6-1-2008
413-070-0880	6-28-2008	Amend	8-1-2008	413-130-0000	7-1-2008	Amend	8-1-2008
413-080-0067	8-1-2008	Amend	9-1-2008	413-130-0005	7-1-2008	Amend	8-1-2008
413-090-0010	1-1-2008	Amend(T)	2-1-2008	413-130-0010	7-1-2008	Amend	8-1-2008
413-090-0010	6-28-2008	Amend	8-1-2008	413-130-0020	7-1-2008	Amend	8-1-2008
413-100-0020	6-28-2008	Amend(T)	8-1-2008	413-130-0030	7-1-2008	Amend	8-1-2008
413-100-0020	9-2-2008	Amend	10-1-2008	413-130-0040	7-1-2008	Amend	8-1-2008
413-100-0020(T)	9-2-2008	Repeal	10-1-2008	413-130-0050	7-1-2008	Amend	8-1-2008
413-100-0040	1-1-2008	Suspend	2-1-2008	413-130-0060	7-1-2008	Amend	8-1-2008
413-100-0040	6-28-2008	Repeal	8-1-2008	413-130-0070	7-1-2008	Amend	8-1-2008
413-100-0900	1-1-2008	Adopt(T)	2-1-2008	413-130-0075	7-1-2008	Amend	8-1-2008
413-100-0900	6-28-2008	Adopt	8-1-2008	413-130-0080	7-1-2008	Amend	8-1-2008
413-100-0905	1-1-2008	Adopt(T)	2-1-2008	413-130-0090	7-1-2008	Amend	8-1-2008
413-100-0905	6-28-2008	Adopt	8-1-2008	413-130-0100	7-1-2008	Amend	8-1-2008
413-100-0910	1-1-2008	Adopt(T)	2-1-2008	413-130-0110	7-1-2008	Amend	8-1-2008
413-100-0910	6-28-2008	Adopt	8-1-2008	413-130-0115	7-1-2008	Amend	8-1-2008
413-100-0915	1-1-2008	Adopt(T)	2-1-2008	413-130-0120	7-1-2008	Amend	8-1-2008
413-100-0915	6-28-2008	Adopt	8-1-2008	413-130-0125	7-1-2008	Amend	8-1-2008
413-100-0920	1-1-2008	Adopt(T)	2-1-2008	413-130-0127	7-1-2008	Amend	8-1-2008
413-100-0920	6-28-2008	Adopt	8-1-2008	413-130-0130	7-1-2008	Amend	8-1-2008
413-100-0925	1-1-2008	Adopt(T)	2-1-2008	413-200-0210	1-1-2008	Amend(T)	2-1-2008
413-100-0925	6-28-2008	Adopt	8-1-2008	413-200-0210	6-28-2008	Amend	8-1-2008
413-100-0930	1-1-2008	Adopt(T)	2-1-2008	413-200-0220	1-1-2008	Amend(T)	2-1-2008
413-100-0930	6-28-2008	Adopt	8-1-2008	413-200-0220	6-28-2008	Amend	8-1-2008
413-100-0935	1-1-2008	Adopt(T)	2-1-2008	413-200-0404	1-1-2008	Adopt(T)	2-1-2008
413-100-0935	6-28-2008	Adopt	8-1-2008	413-200-0404	6-28-2008	Adopt	8-1-2008
413-100-0940	1-1-2008	Adopt(T)	2-1-2008	413-200-0409	1-1-2008	Adopt(T)	2-1-2008
413-100-0940	6-28-2008	Adopt	8-1-2008	413-200-0409	6-28-2008	Adopt	8-1-2008
413-120-0060	12-12-2007	Amend(T)	1-1-2008	413-200-0414	1-1-2008	Adopt(T)	2-1-2008
413-120-0060	6-1-2008	Amend	7-1-2008	413-200-0414	6-28-2008	Adopt	8-1-2008
413-120-0060(T)	6-1-2008	Repeal	7-1-2008	413-200-0419	1-1-2008	Adopt(T)	2-1-2008
413-120-0400	1-1-2008	Amend(T)	2-1-2008	413-200-0419	6-28-2008	Adopt	8-1-2008
413-120-0400	5-15-2008	Amend	6-1-2008	413-200-0424	1-1-2008	Adopt(T)	2-1-2008
413-120-0400(T)	5-15-2008	Repeal	6-1-2008	413-200-0424	6-28-2008	Adopt	8-1-2008
413-120-0410	1-1-2008	Amend(T)	2-1-2008	413-200-0424	7-17-2008	Amend(T)	9-1-2008
413-120-0410	5-15-2008	Amend	6-1-2008	414-205-0100	8-6-2008	Amend(T)	9-1-2008
413-120-0410(T)	5-15-2008	Repeal	6-1-2008	414-350-0190	8-6-2008	Amend(T)	9-1-2008
413-120-0420	1-1-2008	Amend(T)	2-1-2008	415-010-0005	12-5-2007	Adopt(T)	1-1-2008
413-120-0420	5-15-2008	Amend	6-1-2008	415-010-0005	2-12-2008	Suspend	3-1-2008
413-120-0420(T)	5-15-2008	Repeal	6-1-2008	415-051-0045	12-11-2007	Amend	1-1-2008
413-120-0430	1-1-2008	Suspend	2-1-2008	416-001-0005	6-9-2008	Amend	7-1-2008
413-120-0430	5-15-2008	Repeal	6-1-2008	423-010-0023	5-30-2008	Amend(T)	7-1-2008
413-120-0440	1-1-2008	Amend(T)	2-1-2008	423-010-0024	4-16-2008	Amend	6-1-2008
413-120-0440	5-15-2008	Amend	6-1-2008	436-001-0003	7-1-2008	Amend	7-1-2008
413-120-0440(T)	5-15-2008	Repeal	6-1-2008	436-001-0004	7-1-2008	Amend	7-1-2008
413-120-0450	1-1-2008	Amend(T)	2-1-2008	436-001-0005	7-1-2008	Amend	7-1-2008
413-120-0450	5-15-2008	Amend	6-1-2008	436-001-0009	7-1-2008	Amend	7-1-2008
413-120-0450(T)	5-15-2008	Repeal	6-1-2008	436-001-0019	7-1-2008	Amend	7-1-2008
413-120-0455	1-1-2008	Amend(T)	2-1-2008	436-001-0023	7-1-2008	Amend	7-1-2008

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436-001-0030	7-1-2008	Amend	7-1-2008	436-050-0175	7-1-2008	Amend	7-1-2008
436-001-0170	7-1-2008	Amend	7-1-2008	436-050-0190	7-1-2008	Amend	7-1-2008
436-001-0240	7-1-2008	Amend	7-1-2008	436-050-0200	7-1-2008	Amend	7-1-2008
436-001-0246	7-1-2008	Amend	7-1-2008	436-050-0210	7-1-2008	Amend	7-1-2008
436-001-0252	7-1-2008	Amend	7-1-2008	436-050-0220	7-1-2008	Amend	7-1-2008
436-001-0265	7-1-2008	Amend	7-1-2008	436-110-0240	7-1-2008	Amend	7-1-2008
436-001-0296	7-1-2008	Amend	7-1-2008	436-110-0320	7-1-2008	Amend	7-1-2008
436-001-0300	7-1-2008	Amend	7-1-2008	436-110-0330	7-1-2008	Amend	7-1-2008
436-009-0003	7-7-2008	Amend(T)	8-1-2008	436-160-0020	7-1-2008	Amend	7-1-2008
436-009-0004	7-1-2008	Amend	7-1-2008	436-160-0070	7-1-2008	Amend	7-1-2008
436-009-0008	7-1-2008	Amend	7-1-2008	436-160-0090	7-1-2008	Amend	7-1-2008
436-009-0010	7-1-2008	Amend	7-1-2008	436-160-0330	7-1-2008	Amend	7-1-2008
436-009-0015	7-1-2008	Amend	7-1-2008	436-160-0340	7-1-2008	Amend	7-1-2008
436-009-0020	7-1-2008	Amend	7-1-2008	436-160-0350	7-1-2008	Amend	7-1-2008
436-009-0020	7-7-2008	Amend(T)	8-1-2008	436-160-0360	7-1-2008	Amend	7-1-2008
436-009-0022	7-7-2008	Amend(T)	8-1-2008	436-160-0410	7-1-2008	Amend	7-1-2008
436-009-0030	7-1-2008	Amend	7-1-2008	436-160-0430	7-1-2008	Amend	7-1-2008
436-009-0030	7-7-2008	Amend(T)	8-1-2008	437-001-0001	7-14-2008	Amend	8-1-2008
436-009-0040	7-1-2008	Amend	7-1-2008	437-001-0005	7-14-2008	Amend	8-1-2008
436-009-0040	7-7-2008	Amend(T)	8-1-2008	437-001-0015	3-1-2008	Amend	4-1-2008
436-009-0070	7-1-2008	Amend	7-1-2008	437-001-0205	1-1-2008	Amend	1-1-2008
436-009-0090	7-1-2008	Amend	7-1-2008	437-001-0215	1-1-2008	Amend	1-1-2008
436-009-0090	7-7-2008	Amend(T)	8-1-2008	437-001-0220	1-1-2008	Amend	1-1-2008
436-010-0008	6-30-2008	Amend	7-1-2008	437-001-0240	1-1-2008	Amend	1-1-2008
436-010-0210	1-2-2008	Amend(T)	1-1-2008	437-001-0255	1-1-2008	Amend	1-1-2008
436-010-0210	6-30-2008	Amend	7-1-2008	437-001-0295	12-3-2007	Amend	1-1-2008
436-010-0220	1-2-2008	Amend(T)	1-1-2008	437-001-0700	1-1-2008	Amend	2-1-2008
436-010-0220	6-30-2008	Amend	7-1-2008	437-001-0700	7-14-2008	Amend	8-1-2008
436-010-0230	6-30-2008	Amend	7-1-2008	437-001-0706	1-1-2008	Adopt	2-1-2008
436-010-0240	6-30-2008	Amend	7-1-2008	437-001-0706	7-14-2008	Amend	8-1-2008
436-010-0280	1-2-2008	Amend(T)	1-1-2008	437-001-0740	1-1-2008	Amend	2-1-2008
436-010-0280	6-30-2008	Amend	7-1-2008	437-002-0005	5-30-2008	Amend	7-1-2008
436-010-0330	6-30-2008	Amend	7-1-2008	437-002-0060	5-30-2008	Amend	7-1-2008
436-015-0005	7-1-2008	Amend	7-1-2008	437-002-0080	5-30-2008	Amend	7-1-2008
436-015-0009	7-1-2008	Amend	7-1-2008	437-002-0100	12-3-2007	Amend	1-1-2008
436-015-0010	7-1-2008	Amend	7-1-2008	437-002-0100	5-30-2008	Amend	7-1-2008
436-015-0020	7-1-2008	Amend	7-1-2008	437-002-0120	5-15-2008	Amend	6-1-2008
436-015-0030	7-1-2008	Amend	7-1-2008	437-002-0122	12-3-2007	Adopt	1-1-2008
436-015-0040	7-1-2008	Amend	7-1-2008	437-002-0140	5-30-2008	Amend	7-1-2008
436-015-0110	7-1-2008	Amend	7-1-2008	437-002-0142	5-1-2008	Amend	5-1-2008
436-030-0003	7-1-2008	Amend	7-1-2008	437-002-0260	5-30-2008	Amend	7-1-2008
436-035-0500	12-28-2007	Amend(T)	2-1-2008	437-002-0280	5-30-2008	Amend	7-1-2008
436-040-0003	7-1-2008	Amend	7-1-2008	437-002-0382	7-1-2008	Amend	6-1-2008
436-040-0100	7-1-2008	Repeal	7-1-2008	437-003-0001	5-15-2008	Amend	6-1-2008
436-045-0003	7-1-2008	Amend	7-1-2008	437-003-1000	7-1-2008	Amend	6-1-2008
436-050-0002	7-1-2008	Amend	7-1-2008	437-004-1005	5-15-2008	Amend	6-1-2008
436-050-0003	7-1-2008	Amend	7-1-2008	437-004-1120	5-1-2008	Amend	5-1-2008
436-050-0005	7-1-2008	Amend	7-1-2008	437-004-2230	5-30-2008	Amend	7-1-2008
436-050-0008	7-1-2008	Amend	7-1-2008	437-005-0001	5-15-2008	Amend	6-1-2008
436-050-0025	7-1-2008	Adopt	7-1-2008	437-005-0002	5-15-2008	Amend	6-1-2008
436-050-0045	7-1-2008	Amend	7-1-2008	437-005-0003	5-15-2008	Amend	6-1-2008
436-050-0050	7-1-2008	Amend	7-1-2008	437-007-0010	7-1-2008	Amend	4-1-2008
436-050-0100	7-1-2008	Amend	7-1-2008	437-007-0025	7-1-2008	Amend	4-1-2008
436-050-0110	7-1-2008	Amend	7-1-2008	437-007-0685	7-1-2008	Repeal	4-1-2008
436-050-0120	7-1-2008	Amend	7-1-2008	437-007-0775	3-5-2008	Amend	4-1-2008

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437-007-1500	7-1-2008	Adopt	4-1-2008	441-730-0275	12-27-2007	Amend	1-1-2008
437-007-1505	7-1-2008	Adopt	4-1-2008	441-730-0310	12-27-2007	Amend	1-1-2008
437-007-1510	7-1-2008	Adopt	4-1-2008	441-740-0010	8-28-2008	Amend	10-1-2008
437-007-1520	7-1-2008	Adopt	4-1-2008	441-745-0340	8-28-2008	Amend	10-1-2008
437-007-1525	7-1-2008	Adopt	4-1-2008	441-755-0000	11-30-2007	Adopt	1-1-2008
437-007-1530	7-1-2008	Adopt	4-1-2008	441-755-0010	11-30-2007	Adopt	1-1-2008
437-007-1535	7-1-2008	Adopt	4-1-2008	441-755-0100	11-30-2007	Adopt	1-1-2008
438-005-0046	1-1-2008	Amend	1-1-2008	441-755-0110	11-30-2007	Adopt	1-1-2008
438-005-0050	1-1-2008	Amend	1-1-2008	441-755-0120	11-30-2007	Adopt	1-1-2008
438-005-0055	1-1-2008	Amend	1-1-2008	441-755-0130	11-30-2007	Adopt	1-1-2008
438-006-0020	1-1-2008	Amend	1-1-2008	441-755-0140	11-30-2007	Adopt	1-1-2008
438-006-0100	1-1-2008	Amend	1-1-2008	441-755-0150	11-30-2007	Adopt	1-1-2008
438-009-0005	1-1-2008	Amend	1-1-2008	441-755-0160	11-30-2007	Adopt	1-1-2008
438-009-0010	1-1-2008	Amend	1-1-2008	441-755-0170	11-30-2007	Adopt	1-1-2008
438-009-0020	1-1-2008	Amend	1-1-2008	441-755-0200	11-30-2007	Adopt	1-1-2008
438-009-0022	1-1-2008	Amend	1-1-2008	441-755-0210	11-30-2007	Adopt	1-1-2008
438-009-0025	1-1-2008	Amend	1-1-2008	441-755-0220	11-30-2007	Adopt	1-1-2008
438-009-0028	1-1-2008	Amend	1-1-2008	441-755-0300	11-30-2007	Adopt	1-1-2008
438-009-0030	1-1-2008	Amend	1-1-2008	441-755-0310	11-30-2007	Adopt	1-1-2008
438-009-0035	1-1-2008	Amend	1-1-2008	441-810-0110	8-28-2008	Amend	10-1-2008
438-011-0020	1-1-2008	Amend	1-1-2008	441-830-0020	8-28-2008	Amend	10-1-2008
438-012-0035	1-1-2008	Amend	1-1-2008	441-850-0040	4-18-2008	Adopt(T)	6-1-2008
438-015-0005	1-1-2008	Amend	1-1-2008	441-860-0010	5-7-2008	Amend	6-1-2008
438-015-0019	1-1-2008	Adopt	1-1-2008	441-860-0110	8-28-2008	Amend	10-1-2008
438-015-0022	1-1-2008	Adopt	1-1-2008	441-865-0022	5-7-2008	Adopt(T)	6-1-2008
438-015-0080	1-1-2008	Amend	1-1-2008	441-865-0022	6-26-2008	Suspend	8-1-2008
438-019-0030	1-1-2008	Amend	1-1-2008	441-865-0024	6-26-2008	Adopt(T)	8-1-2008
440-007-0200	9-2-2008	Adopt	9-1-2008	441-870-0030	5-7-2008	Amend	6-1-2008
440-007-0210	9-2-2008	Adopt	9-1-2008	441-870-0080	5-7-2008	Adopt	6-1-2008
440-007-0230	9-2-2008	Adopt	9-1-2008	441-910-0055	8-28-2008	Amend	10-1-2008
440-007-0240	9-2-2008	Adopt	9-1-2008	441-930-0270	8-28-2008	Amend	10-1-2008
440-007-0250	9-2-2008	Adopt	9-1-2008	442-005-0250	5-19-2008	Amend(T)	7-1-2008
440-007-0260	9-2-2008	Adopt	9-1-2008	442-005-0270	3-31-2008	Amend(T)	5-1-2008
440-007-0270	9-2-2008	Adopt	9-1-2008	443-002-0010	1-2-2008	Amend	2-1-2008
440-007-0272	9-2-2008	Adopt	9-1-2008	443-002-0010	7-1-2008	Amend(T)	8-1-2008
440-007-0275	9-2-2008	Adopt	9-1-2008	443-002-0030	1-2-2008	Amend(T)	2-1-2008
440-007-0280	9-2-2008	Adopt	9-1-2008	443-002-0030	4-15-2008	Amend	5-1-2008
440-007-0285	9-2-2008	Adopt	9-1-2008	443-002-0030	6-10-2008	Amend(T)	7-1-2008
440-007-0290	9-2-2008	Adopt	9-1-2008	443-002-0060	1-2-2008	Amend	2-1-2008
440-007-0300	9-2-2008	Adopt	9-1-2008	443-002-0060	7-1-2008	Amend(T)	8-1-2008
441-325-0010	6-26-2008	Amend	8-1-2008	443-002-0070	1-2-2008	Amend	2-1-2008
441-325-0020	6-26-2008	Amend	8-1-2008	443-002-0095	1-2-2008	Repeal	2-1-2008
441-325-0030	6-26-2008	Amend	8-1-2008	443-002-0100	1-2-2008	Amend	2-1-2008
441-325-0040	6-26-2008	Amend	8-1-2008	459-001-0005	4-4-2008	Amend	5-1-2008
441-325-0050	6-26-2008	Amend	8-1-2008	459-001-0030	4-2-2008	Amend	5-1-2008
441-500-0020	1-28-2008	Amend	3-1-2008	459-001-0032	4-2-2008	Adopt	5-1-2008
441-500-0030	1-28-2008	Amend	3-1-2008	459-001-0035	4-2-2008	Amend	5-1-2008
441-505-3045	4-18-2008	Adopt(T)	6-1-2008	459-001-0040	4-2-2008	Amend	5-1-2008
441-710-0500	1-28-2008	Amend	3-1-2008	459-005-0310	7-31-2008	Amend	9-1-2008
441-720-0385	4-18-2008	Adopt(T)	6-1-2008	459-005-0591	5-21-2008	Amend(T)	7-1-2008
441-730-0000	12-27-2007	Amend	1-1-2008	459-005-0591	7-31-2008	Amend	9-1-2008
441-730-0010	12-27-2007	Amend	1-1-2008	459-005-0595	5-21-2008	Amend(T)	7-1-2008
441-730-0015	12-27-2007	Amend	1-1-2008	459-005-0595	7-31-2008	Amend	9-1-2008
441-730-0030	1-28-2008	Amend	3-1-2008	459-007-0110	11-23-2007	Amend	1-1-2008
441-730-0245	4-18-2008	Adopt(T)	6-1-2008	459-007-0160	11-23-2007	Adopt	1-1-2008

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459-007-0530	11-23-2007	Amend	1-1-2008	461-105-0010	3-1-2008	Amend	4-1-2008
459-009-0084	11-23-2007	Amend	1-1-2008	461-105-0010(T)	3-1-2008	Repeal	4-1-2008
459-009-0085	11-23-2007	Amend	1-1-2008	461-110-0410	7-1-2008	Amend	8-1-2008
459-009-0090	11-23-2007	Amend	1-1-2008	461-110-0530	7-1-2008	Amend	8-1-2008
459-009-0130	4-2-2008	Amend	5-1-2008	461-110-0630	3-1-2008	Amend	4-1-2008
459-010-0003	11-23-2007	Amend	1-1-2008	461-110-0630	7-1-2008	Amend	8-1-2008
459-010-0014	11-23-2007	Amend	1-1-2008	461-110-0630(T)	3-1-2008	Repeal	4-1-2008
459-010-0014	4-2-2008	Amend(T)	5-1-2008	461-115-0030	3-1-2008	Amend	4-1-2008
459-010-0014	5-21-2008	Amend	7-1-2008	461-115-0030	4-17-2008	Amend(T)	6-1-2008
459-010-0035	11-23-2007	Amend	1-1-2008	461-115-0030	7-1-2008	Amend	8-1-2008
459-010-0042	4-2-2008	Amend(T)	5-1-2008	461-115-0030(T)	3-1-2008	Repeal	4-1-2008
459-010-0042	5-21-2008	Amend	7-1-2008	461-115-0050	1-28-2008	Amend(T)	3-1-2008
459-010-0055	11-23-2007	Amend	1-1-2008	461-115-0050	7-1-2008	Amend	8-1-2008
459-011-0050	11-23-2007	Amend	1-1-2008	461-115-0190	3-1-2008	Amend	4-1-2008
459-013-0110	11-23-2007	Amend	1-1-2008	461-115-0190(T)	3-1-2008	Repeal	4-1-2008
459-015-0055	4-2-2008	Amend	5-1-2008	461-115-0430	3-1-2008	Amend	4-1-2008
459-017-0060	11-23-2007	Amend	1-1-2008	461-115-0430(T)	3-1-2008	Repeal	4-1-2008
459-045-0030	11-23-2007	Amend	1-1-2008	461-115-0610	4-1-2008	Amend	5-1-2008
459-050-0040	4-2-2008	Amend	5-1-2008	461-115-0651	7-1-2008	Amend	8-1-2008
459-050-0080	11-23-2007	Amend	1-1-2008	461-115-0700	1-1-2008	Amend	2-1-2008
459-050-0090	5-21-2008	Amend(T)	7-1-2008	461-115-0705	4-1-2008	Amend	5-1-2008
459-050-0090	7-31-2008	Amend	9-1-2008	461-115-0715	3-1-2008	Adopt	4-1-2008
459-050-0220	11-23-2007	Amend	1-1-2008	461-115-0715(T)	3-1-2008	Repeal	4-1-2008
459-060-0000	7-31-2008	Repeal	9-1-2008	461-120-0120	1-30-2008	Amend(T)	3-1-2008
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459-060-0010	7-31-2008	Amend	9-1-2008	461-120-0120(T)	7-1-2008	Repeal	8-1-2008
459-070-0001	11-23-2007	Amend	1-1-2008	461-120-0125	1-30-2008	Amend(T)	3-1-2008
459-070-0050	7-31-2008	Amend	9-1-2008	461-120-0125	2-22-2008	Amend(T)	4-1-2008
459-075-0010	11-23-2007	Amend	1-1-2008	461-120-0125	7-1-2008	Amend	8-1-2008
459-075-0010	7-31-2008	Amend	9-1-2008	461-120-0125(T)	7-1-2008	Repeal	8-1-2008
459-075-0020	11-23-2007	Adopt	1-1-2008	461-120-0310	12-1-2007	Amend(T)	1-1-2008
459-075-0150	11-23-2007	Amend	1-1-2008	461-120-0310	3-1-2008	Amend	4-1-2008
459-080-0020	11-23-2007	Adopt	1-1-2008	461-120-0310(T)	12-1-2007	Suspend	1-1-2008
459-080-0250	11-23-2007	Amend	1-1-2008	461-120-0310(T)	3-1-2008	Repeal	4-1-2008
461-001-0000	1-1-2008	Amend	2-1-2008	461-120-0330	7-1-2008	Amend	8-1-2008
461-001-0000	1-1-2008	Amend(T)	2-1-2008	461-120-0340	3-1-2008	Amend	4-1-2008
461-001-0000	3-1-2008	Amend	4-1-2008	461-120-0340(T)	3-1-2008	Repeal	4-1-2008
461-001-0000	4-1-2008	Amend	5-1-2008	461-120-0345	3-1-2008	Amend	4-1-2008
461-001-0000	7-1-2008	Amend	8-1-2008	461-120-0345(T)	3-1-2008	Repeal	4-1-2008
461-001-0000(T)	1-1-2008	Repeal	2-1-2008	461-120-0510	7-1-2008	Amend	8-1-2008
461-001-0000(T)	3-1-2008	Repeal	4-1-2008	461-125-0130	3-1-2008	Amend	4-1-2008
461-001-0025	3-1-2008	Amend	4-1-2008	461-125-0130(T)	3-1-2008	Repeal	4-1-2008
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461-001-0035	1-1-2008	Amend	2-1-2008	461-125-0260(T)	3-1-2008	Repeal	4-1-2008
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461-025-0310	3-1-2008	Amend	4-1-2008	461-125-0810	3-1-2008	Amend	4-1-2008
461-025-0310	4-1-2008	Amend	5-1-2008	461-125-0810(T)	3-1-2008	Repeal	4-1-2008
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461-025-0350	1-1-2008	Amend(T)	2-1-2008	461-130-0310(T)	3-1-2008	Repeal	4-1-2008
461-025-0350	4-1-2008	Amend	5-1-2008	461-130-0315	3-1-2008	Amend	4-1-2008
461-025-0350(T)	4-1-2008	Repeal	5-1-2008	461-130-0315(T)	3-1-2008	Repeal	4-1-2008
461-025-0375	7-1-2008	Amend	8-1-2008	461-130-0323	3-1-2008	Adopt	4-1-2008
461-101-0010	3-1-2008	Amend	4-1-2008	461-130-0323(T)	3-1-2008	Repeal	4-1-2008

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461-130-0325	7-1-2008	Amend	8-1-2008	461-135-1102	1-28-2008	Amend(T)	3-1-2008
461-130-0325(T)	3-1-2008	Repeal	4-1-2008	461-135-1102	6-1-2008	Amend(T)	7-1-2008
461-130-0327	3-1-2008	Amend	4-1-2008	461-135-1102	7-1-2008	Amend	8-1-2008
461-130-0327(T)	3-1-2008	Repeal	4-1-2008	461-135-1102(T)	6-1-2008	Suspend	7-1-2008
461-130-0330	3-1-2008	Amend	4-1-2008	461-135-1110	7-1-2008	Amend	8-1-2008
461-130-0330(T)	3-1-2008	Repeal	4-1-2008	461-135-1125	1-28-2008	Adopt(T)	3-1-2008
461-130-0335	3-1-2008	Amend	4-1-2008	461-135-1125	4-17-2008	Amend(T)	6-1-2008
461-130-0335(T)	3-1-2008	Repeal	4-1-2008	461-135-1125	7-1-2008	Adopt	8-1-2008
461-135-0010	3-1-2008	Amend	4-1-2008	461-135-1125(T)	4-17-2008	Suspend	6-1-2008
461-135-0010	7-1-2008	Amend	8-1-2008	461-135-1175	4-1-2008	Amend	5-1-2008
461-135-0010(T)	3-1-2008	Repeal	4-1-2008	461-135-1175	7-1-2008	Amend	8-1-2008
461-135-0070	3-1-2008	Amend	4-1-2008	461-135-1185(T)	3-1-2008	Repeal	4-1-2008
461-135-0070(T)	3-1-2008	Repeal	4-1-2008	461-135-1195	3-1-2008	Adopt	4-1-2008
461-135-0075	3-1-2008	Amend	4-1-2008	461-135-1250	3-1-2008	Adopt	4-1-2008
461-135-0075(T)	3-1-2008	Repeal	4-1-2008	461-135-1250(T)	3-1-2008	Repeal	4-1-2008
461-135-0082	1-30-2008	Amend(T)	3-1-2008	461-140-0010	7-1-2008	Amend	8-1-2008
461-135-0082	2-22-2008	Amend(T)	4-1-2008	461-140-0040	4-1-2008	Amend	5-1-2008
461-135-0082	7-1-2008	Amend	8-1-2008	461-140-0040	7-1-2008	Amend	8-1-2008
461-135-0082(T)	7-1-2008	Repeal	8-1-2008	461-140-0220	1-1-2008	Amend	2-1-2008
461-135-0085	3-1-2008	Amend	4-1-2008	461-140-0220	7-1-2008	Amend	8-1-2008
461-135-0085(T)	3-1-2008	Repeal	4-1-2008	461-140-0242	7-1-2008	Amend	8-1-2008
461-135-0089	3-1-2008	Amend	4-1-2008	461-145-0020	7-1-2008	Amend	8-1-2008
461-135-0089(T)	3-1-2008	Repeal	4-1-2008	461-145-0022	7-1-2008	Amend	8-1-2008
461-135-0200	3-1-2008	Amend	4-1-2008	461-145-0030	1-1-2008	Amend	2-1-2008
461-135-0200(T)	3-1-2008	Repeal	4-1-2008	461-145-0080	3-1-2008	Amend	4-1-2008
461-135-0400	7-1-2008	Amend	8-1-2008	461-145-0080	3-21-2008	Amend(T)	5-1-2008
461-135-0475	3-1-2008	Amend	4-1-2008	461-145-0080	7-1-2008	Amend	8-1-2008
461-135-0475(T)	3-1-2008	Repeal	4-1-2008	461-145-0080(T)	3-1-2008	Repeal	4-1-2008
461-135-0493	12-17-2007	Amend(T)	2-1-2008	461-145-0080(T)	7-1-2008	Repeal	8-1-2008
461-135-0505	3-1-2008	Amend	4-1-2008	461-145-0090	7-1-2008	Amend	8-1-2008
461-135-0505(T)	3-1-2008	Repeal	4-1-2008	461-145-0108	1-1-2008	Amend	2-1-2008
461-135-0506	3-1-2008	Amend	4-1-2008	461-145-0120	4-1-2008	Amend	5-1-2008
461-135-0506(T)	3-1-2008	Repeal	4-1-2008	461-145-0180	1-1-2008	Repeal	2-1-2008
461-135-0507	7-1-2008	Adopt(T)	8-1-2008	461-145-0220	1-1-2008	Amend	2-1-2008
461-135-0570	7-1-2008	Amend	8-1-2008	461-145-0261	7-1-2008	Adopt	8-1-2008
461-135-0725	1-1-2008	Amend	2-1-2008	461-145-0310	7-1-2008	Amend	8-1-2008
461-135-0730	7-1-2008	Amend(T)	8-1-2008	461-145-0370	4-1-2008	Amend	5-1-2008
461-135-0730	8-8-2008	Amend(T)	9-1-2008	461-145-0410	3-1-2008	Amend	4-1-2008
461-135-0730(T)	8-8-2008	Suspend	9-1-2008	461-145-0410(T)	3-1-2008	Repeal	4-1-2008
461-135-0750	4-7-2008	Amend(T)	5-1-2008	461-145-0450(T)	4-1-2008	Repeal	5-1-2008
461-135-0750	7-1-2008	Amend	8-1-2008	461-145-0470	4-1-2008	Amend	5-1-2008
461-135-0750(T)	7-1-2008	Repeal	8-1-2008	461-145-0490	4-1-2008	Amend	5-1-2008
461-135-0780	1-1-2008	Amend	2-1-2008	461-145-0490	7-1-2008	Amend	8-1-2008
461-135-0780	7-1-2008	Amend	8-1-2008	461-145-0500	4-1-2008	Amend	5-1-2008
461-135-0811	7-1-2008	Repeal	8-1-2008	461-145-0505	4-1-2008	Amend	5-1-2008
461-135-0832	10-1-2008	Amend	8-1-2008	461-145-0510	7-1-2008	Amend	8-1-2008
461-135-0835	1-1-2008	Amend	2-1-2008	461-145-0520	4-1-2008	Amend	5-1-2008
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461-135-0875	7-1-2008	Amend	8-1-2008	461-145-0530	4-1-2008	Amend(T)	5-1-2008
461-135-0900	1-30-2008	Amend(T)	3-1-2008	461-145-0550	4-1-2008	Amend	5-1-2008
461-135-0900	2-22-2008	Amend(T)	4-1-2008	461-145-0560	7-1-2008	Amend	8-1-2008
461-135-0900	7-1-2008	Amend	8-1-2008	461-145-0580	1-1-2008	Amend	2-1-2008
461-135-0900(T)	7-1-2008	Repeal	8-1-2008	461-145-0582	7-1-2008	Amend	8-1-2008
461-135-0910	4-1-2008	Amend	5-1-2008	461-145-0585	4-1-2008	Amend	5-1-2008
461-135-1100	6-1-2008	Amend(T)	7-1-2008	461-145-0910	4-1-2008	Amend	5-1-2008

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461-155-0150	3-1-2008	Amend	4-1-2008	461-160-0850	3-1-2008	Suspend	4-1-2008
461-155-0150(T)	3-1-2008	Repeal	4-1-2008	461-160-0850	7-1-2008	Repeal	8-1-2008
461-155-0180	1-24-2008	Amend(T)	3-1-2008	461-160-0855	1-1-2008	Adopt	2-1-2008
461-155-0180	7-1-2008	Amend	8-1-2008	461-165-0030	3-1-2008	Amend	4-1-2008
461-155-0235	1-24-2008	Amend(T)	3-1-2008	461-165-0030(T)	3-1-2008	Repeal	4-1-2008
461-155-0235	7-1-2008	Amend	8-1-2008	461-165-0190	7-1-2008	Amend	8-1-2008
461-155-0250	1-1-2008	Amend	2-1-2008	461-170-0020	3-1-2008	Amend	4-1-2008
461-155-0250	3-1-2008	Amend(T)	4-1-2008	461-170-0020(T)	3-1-2008	Repeal	4-1-2008
461-155-0250	7-1-2008	Amend	8-1-2008	461-170-0030	3-1-2008	Amend	4-1-2008
461-155-0250(T)	7-1-2008	Repeal	8-1-2008	461-170-0030(T)	3-1-2008	Repeal	4-1-2008
461-155-0270	1-1-2008	Amend	2-1-2008	461-170-0130	1-1-2008	Amend	2-1-2008
461-155-0270	7-1-2008	Amend	8-1-2008	461-175-0050	4-1-2008	Amend	5-1-2008
461-155-0290	3-1-2008	Amend(T)	4-1-2008	461-175-0200	1-1-2008	Amend(T)	2-1-2008
461-155-0290	4-1-2008	Amend	5-1-2008	461-175-0200	4-1-2008	Amend	5-1-2008
461-155-0290(T)	4-1-2008	Repeal	5-1-2008	461-175-0200	4-7-2008	Amend(T)	5-1-2008
461-155-0291	3-1-2008	Amend(T)	4-1-2008	461-175-0200	7-1-2008	Amend	8-1-2008
461-155-0291	4-1-2008	Amend	5-1-2008	461-175-0200(T)	4-1-2008	Repeal	5-1-2008
461-155-0291(T)	4-1-2008	Repeal	5-1-2008	461-175-0200(T)	7-1-2008	Repeal	8-1-2008
461-155-0295	3-1-2008	Amend(T)	4-1-2008	461-175-0270	1-1-2008	Amend	2-1-2008
461-155-0295	4-1-2008	Amend	5-1-2008	461-175-0340	1-1-2008	Amend(T)	2-1-2008
461-155-0295(T)	4-1-2008	Repeal	5-1-2008	461-175-0340	4-1-2008	Amend	5-1-2008
461-155-0300	1-1-2008	Amend	2-1-2008	461-175-0340(T)	4-1-2008	Repeal	5-1-2008
461-155-0320	1-1-2008	Amend(T)	2-1-2008	461-180-0010	3-1-2008	Amend	4-1-2008
461-155-0320	3-1-2008	Adopt	4-1-2008	461-180-0010(T)	3-1-2008	Repeal	4-1-2008
461-155-0320(T)	3-1-2008	Repeal	4-1-2008	461-180-0020	3-1-2008	Amend	4-1-2008
461-155-0500	7-1-2008	Amend	8-1-2008	461-180-0020(T)	3-1-2008	Repeal	4-1-2008
461-155-0500	8-1-2008	Amend(T)	9-1-2008	461-180-0040	7-1-2008	Amend	8-1-2008
461-155-0526	8-1-2008	Amend(T)	9-1-2008	461-180-0070	3-1-2008	Amend	4-1-2008
461-155-0600	8-1-2008	Amend(T)	9-1-2008	461-180-0070(T)	3-1-2008	Repeal	4-1-2008
461-155-0610	8-1-2008	Amend(T)	9-1-2008	461-180-0081	3-1-2008	Amend	4-1-2008
461-155-0650	7-1-2008	Repeal	8-1-2008	461-180-0081(T)	3-1-2008	Repeal	4-1-2008
461-155-0670	3-1-2008	Amend	4-1-2008	461-180-0085	1-1-2008	Amend	2-1-2008
461-155-0670(T)	3-1-2008	Repeal	4-1-2008	461-190-0051	3-1-2008	Amend	4-1-2008
461-155-0690	7-1-2008	Repeal	8-1-2008	461-190-0151(T)	3-1-2008	Repeal	4-1-2008
461-155-0700	8-1-2008	Adopt(T)	9-1-2008	461-190-0163	3-1-2008	Amend	4-1-2008
461-160-0010	7-1-2008	Amend	8-1-2008	461-190-0163(T)	3-1-2008	Repeal	4-1-2008
461-160-0030	4-1-2008	Amend	5-1-2008	461-190-0171	3-1-2008	Amend	4-1-2008
461-160-0040	1-1-2008	Amend	2-1-2008	461-190-0171(T)	3-1-2008	Repeal	4-1-2008
461-160-0055	1-1-2008	Amend	2-1-2008	461-190-0199	9-5-2008	Adopt(T)	10-1-2008
461-160-0410	1-1-2008	Amend	2-1-2008	461-190-0201	10-1-2007	Suspend	2-1-2008
461-160-0415	1-1-2008	Amend	2-1-2008	461-190-0201	3-1-2008	Repeal	4-1-2008
461-160-0430	3-1-2008	Amend	4-1-2008	461-190-0211	3-1-2008	Amend	4-1-2008
461-160-0430(T)	3-1-2008	Repeal	4-1-2008	461-190-0211(T)	3-1-2008	Repeal	4-1-2008
461-160-0550	1-1-2008	Amend	2-1-2008	461-190-0231	3-1-2008	Amend	4-1-2008
461-160-0550	7-1-2008	Amend	8-1-2008	461-190-0231(T)	3-1-2008	Repeal	4-1-2008
461-160-0551	7-1-2008	Adopt	8-1-2008	461-190-0241	3-1-2008	Amend	4-1-2008
461-160-0580	1-1-2008	Amend	2-1-2008	461-190-0241(T)	3-1-2008	Repeal	4-1-2008
461-160-0620	1-1-2008	Amend	2-1-2008	461-190-0426	4-1-2008	Amend	5-1-2008
461-160-0620	7-1-2008	Amend	8-1-2008	461-195-0501	1-1-2008	Amend	2-1-2008
461-160-0800	3-1-2008	Amend(T)	4-1-2008	461-195-0501	1-1-2008	Amend(T)	2-1-2008
461-160-0800	7-1-2008	Amend	8-1-2008	461-195-0501	3-1-2008	Amend	4-1-2008
461-160-0800(T)	7-1-2008	Repeal	8-1-2008	461-195-0501(T)	1-1-2008	Repeal	2-1-2008
461-160-0810	3-1-2008	Suspend	4-1-2008	461-195-0501(T)	3-1-2008	Repeal	4-1-2008
461-160-0810	7-1-2008	Repeal	8-1-2008	461-195-0511	1-1-2008	Amend	2-1-2008
461-160-0820	3-1-2008	Suspend	4-1-2008	461-195-0521	1-1-2008	Amend	2-1-2008

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461-195-0551	1-1-2008	Amend	2-1-2008	571-040-0015	2-19-2008	Suspend	4-1-2008
461-195-0551	1-1-2008	Amend(T)	2-1-2008	571-040-0015	7-21-2008	Repeal	9-1-2008
461-195-0551	3-1-2008	Amend	4-1-2008	571-040-0020	2-19-2008	Suspend	4-1-2008
461-195-0551(T)	1-1-2008	Repeal	2-1-2008	571-040-0020	7-21-2008	Repeal	9-1-2008
461-195-0551(T)	3-1-2008	Repeal	4-1-2008	571-040-0030	2-19-2008	Suspend	4-1-2008
461-195-0561	3-1-2008	Amend	4-1-2008	571-040-0030	7-21-2008	Repeal	9-1-2008
461-195-0561(T)	3-1-2008	Repeal	4-1-2008	571-040-0040	2-19-2008	Suspend	4-1-2008
461-195-0601	3-1-2008	Amend	4-1-2008	571-040-0040	7-21-2008	Repeal	9-1-2008
461-195-0601(T)	3-1-2008	Repeal	4-1-2008	571-040-0050	2-19-2008	Suspend	4-1-2008
462-160-0110	11-28-2007	Amend(T)	1-1-2008	571-040-0050	7-21-2008	Repeal	9-1-2008
462-160-0110	4-7-2008	Amend	5-1-2008	571-040-0060	2-19-2008	Suspend	4-1-2008
462-160-0120	11-28-2007	Amend(T)	1-1-2008	571-040-0060	7-21-2008	Repeal	9-1-2008
462-160-0120	4-7-2008	Amend	5-1-2008	571-040-0070	2-19-2008	Suspend	4-1-2008
462-160-0130	11-28-2007	Amend(T)	1-1-2008	571-040-0070	7-21-2008	Repeal	9-1-2008
462-160-0130	4-7-2008	Amend	5-1-2008	571-040-0080	2-19-2008	Suspend	4-1-2008
462-200-0630	12-6-2007	Repeal	1-1-2008	571-040-0080	7-21-2008	Repeal	9-1-2008
471-010-0020	4-29-2008	Amend	6-1-2008	571-040-0100	2-19-2008	Suspend	4-1-2008
471-010-0050	1-7-2008	Suspend	2-1-2008	571-040-0100	7-21-2008	Repeal	9-1-2008
471-010-0050	7-1-2008	Repeal	7-1-2008	571-040-0201	2-19-2008	Suspend	4-1-2008
471-010-0051	1-7-2008	Suspend	2-1-2008	571-040-0201	7-21-2008	Repeal	9-1-2008
471-010-0051	7-1-2008	Repeal	7-1-2008	571-040-0251	2-19-2008	Suspend	4-1-2008
471-010-0052	1-7-2008	Suspend	2-1-2008	571-040-0251	7-21-2008	Repeal	9-1-2008
471-010-0052	7-1-2008	Repeal	7-1-2008	571-040-0261	2-19-2008	Suspend	4-1-2008
471-010-0054	1-7-2008	Suspend	2-1-2008	571-040-0261	7-21-2008	Repeal	9-1-2008
471-010-0054	7-1-2008	Repeal	7-1-2008	571-040-0380	2-19-2008	Suspend	4-1-2008
471-010-0055	1-7-2008	Suspend	2-1-2008	571-040-0380	7-21-2008	Repeal	9-1-2008
471-010-0055	7-1-2008	Repeal	7-1-2008	571-040-0382	2-19-2008	Suspend	4-1-2008
471-010-0057	1-7-2008	Suspend	2-1-2008	571-040-0382	7-21-2008	Repeal	9-1-2008
471-010-0057	7-1-2008	Repeal	7-1-2008	571-040-0390	2-19-2008	Suspend	4-1-2008
471-010-0080	2-26-2008	Adopt(T)	4-1-2008	571-040-0390	7-21-2008	Repeal	9-1-2008
471-010-0080	7-1-2008	Adopt	7-1-2008	571-040-0400	2-19-2008	Suspend	4-1-2008
471-010-0085	2-26-2008	Adopt(T)	4-1-2008	571-040-0400	7-21-2008	Repeal	9-1-2008
471-010-0085	7-1-2008	Adopt	7-1-2008	571-040-0410	2-19-2008	Suspend	4-1-2008
471-010-0090	2-26-2008	Adopt(T)	4-1-2008	571-040-0410	7-21-2008	Repeal	9-1-2008
471-010-0090	7-1-2008	Adopt	7-1-2008	571-040-0420	2-19-2008	Suspend	4-1-2008
471-010-0100	2-26-2008	Adopt(T)	4-1-2008	571-040-0420	7-21-2008	Repeal	9-1-2008
471-010-0100	7-1-2008	Adopt	7-1-2008	571-040-0430	2-19-2008	Suspend	4-1-2008
471-010-0105	2-26-2008	Adopt(T)	4-1-2008	571-040-0430	7-21-2008	Repeal	9-1-2008
471-010-0105	7-1-2008	Adopt	7-1-2008	571-040-0440	2-19-2008	Suspend	4-1-2008
471-010-0110	2-26-2008	Adopt(T)	4-1-2008	571-040-0440	7-21-2008	Repeal	9-1-2008
471-010-0110	7-1-2008	Adopt	7-1-2008	571-040-0450	2-19-2008	Suspend	4-1-2008
471-010-0115	2-26-2008	Adopt(T)	4-1-2008	571-040-0450	7-21-2008	Repeal	9-1-2008
471-010-0115	7-1-2008	Adopt	7-1-2008	571-040-0460	2-19-2008	Suspend	4-1-2008
471-010-0120	2-26-2008	Adopt(T)	4-1-2008	571-040-0460	7-21-2008	Repeal	9-1-2008
471-010-0120	7-1-2008	Adopt	7-1-2008	571-050-0011	6-18-2008	Amend(T)	8-1-2008
471-010-0125	2-26-2008	Adopt(T)	4-1-2008	571-050-0011	8-18-2008	Amend	9-1-2008
471-010-0125	7-1-2008	Adopt	7-1-2008	571-060-0005	7-1-2008	Amend	6-1-2008
471-030-0050	12-3-2007	Amend	1-1-2008	571-060-0005	7-1-2008	Amend	8-1-2008
471-030-0052	2-15-2008	Amend(T)	3-1-2008	573-035-0040	3-14-2008	Amend	4-1-2008
471-030-0052	7-1-2008	Amend	7-1-2008	573-040-0005	4-15-2008	Amend	5-1-2008
471-030-0215	4-24-2008	Adopt(T)	6-1-2008	573-050-0045	6-5-2008	Amend	7-1-2008
471-030-0215	8-1-2008	Adopt	8-1-2008	573-075-0100	3-14-2008	Amend	4-1-2008
471-041-0060	1-8-2008	Amend	2-1-2008	573-095-0010	3-14-2008	Amend	4-1-2008
543-001-0005	1-17-2008	Amend	3-1-2008	574-035-0005	9-3-2008	Amend	10-1-2008
571-040-0010	2-19-2008	Suspend	4-1-2008	574-050-0005	2-1-2008	Amend	3-1-2008

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574-050-0005	9-3-2008	Amend	10-1-2008	576-008-0290	2-19-2008	Suspend	4-1-2008
575-031-0022	8-21-2008	Amend	10-1-2008	576-008-0290	7-21-2008	Repeal	9-1-2008
575-055-0005	8-22-2008	Adopt(T)	10-1-2008	576-008-0292	2-19-2008	Suspend	4-1-2008
575-095-0005	1-9-2008	Adopt	2-1-2008	576-008-0292	7-21-2008	Repeal	9-1-2008
575-095-0010	1-9-2008	Adopt	2-1-2008	576-008-0295	2-19-2008	Suspend	4-1-2008
575-095-0015	1-9-2008	Adopt	2-1-2008	576-008-0295	7-21-2008	Repeal	9-1-2008
575-095-0020	1-9-2008	Adopt	2-1-2008	576-010-0000	7-1-2008	Amend	8-1-2008
575-095-0025	1-9-2008	Adopt	2-1-2008	576-010-0011	7-1-2008	Adopt	8-1-2008
575-095-0030	1-9-2008	Adopt	2-1-2008	576-010-0021	7-1-2008	Adopt	8-1-2008
575-095-0035	1-9-2008	Adopt	2-1-2008	576-024-0000	7-1-2008	Amend	8-1-2008
575-095-0040	1-9-2008	Adopt	2-1-2008	576-060-0010	7-1-2008	Amend	8-1-2008
575-095-0045	1-9-2008	Adopt	2-1-2008	576-060-0015	7-1-2008	Amend	8-1-2008
576-004-0000	7-1-2008	Amend	8-1-2008	576-060-0020	7-1-2008	Amend	8-1-2008
576-004-0005	7-1-2008	Amend	8-1-2008	576-060-0025	7-1-2008	Amend	8-1-2008
576-004-0015	7-1-2008	Amend	8-1-2008	576-060-0031	7-1-2008	Adopt	8-1-2008
576-004-0020	7-1-2008	Amend	8-1-2008	576-060-0035	7-1-2008	Amend	8-1-2008
576-008-0200	2-19-2008	Suspend	4-1-2008	576-060-0037	7-1-2008	Amend	8-1-2008
576-008-0200	7-21-2008	Repeal	9-1-2008	576-060-0038	7-1-2008	Amend	8-1-2008
576-008-0205	2-19-2008	Suspend	4-1-2008	576-060-0039	7-1-2008	Amend	8-1-2008
576-008-0205	7-21-2008	Repeal	9-1-2008	576-060-0040	7-1-2008	Amend	8-1-2008
576-008-0210	2-19-2008	Suspend	4-1-2008	577-001-0001	4-21-2008	Suspend	5-1-2008
576-008-0210	7-21-2008	Repeal	9-1-2008	577-001-0001	9-15-2008	Repeal	10-1-2008
576-008-0215	2-19-2008	Suspend	4-1-2008	577-001-0005	4-21-2008	Amend(T)	5-1-2008
576-008-0215	7-21-2008	Repeal	9-1-2008	577-001-0005	9-15-2008	Amend	10-1-2008
576-008-0220	2-19-2008	Suspend	4-1-2008	577-001-0010	4-21-2008	Amend(T)	5-1-2008
576-008-0220	7-21-2008	Repeal	9-1-2008	577-001-0010	9-15-2008	Amend	10-1-2008
576-008-0223	2-19-2008	Suspend	4-1-2008	577-001-0014	4-21-2008	Suspend	5-1-2008
576-008-0223	7-21-2008	Repeal	9-1-2008	577-001-0014	9-15-2008	Repeal	10-1-2008
576-008-0225	2-19-2008	Suspend	4-1-2008	577-001-0015	4-21-2008	Suspend	5-1-2008
576-008-0225	7-21-2008	Repeal	9-1-2008	577-001-0015	9-15-2008	Repeal	10-1-2008
576-008-0228	2-19-2008	Suspend	4-1-2008	577-001-0020	4-21-2008	Amend(T)	5-1-2008
576-008-0228	7-21-2008	Repeal	9-1-2008	577-001-0020	9-15-2008	Amend	10-1-2008
576-008-0230	2-19-2008	Suspend	4-1-2008	577-001-0025	4-21-2008	Amend(T)	5-1-2008
576-008-0230	7-21-2008	Repeal	9-1-2008	577-001-0025	9-15-2008	Amend	10-1-2008
576-008-0235	2-19-2008	Suspend	4-1-2008	577-001-0030	4-21-2008	Suspend	5-1-2008
576-008-0235	7-21-2008	Repeal	9-1-2008	577-001-0030	9-15-2008	Repeal	10-1-2008
576-008-0240	2-19-2008	Suspend	4-1-2008	577-001-0035	4-21-2008	Amend(T)	5-1-2008
576-008-0240	7-21-2008	Repeal	9-1-2008	577-001-0035	9-15-2008	Amend	10-1-2008
576-008-0245	2-19-2008	Suspend	4-1-2008	577-001-0040	4-21-2008	Amend(T)	5-1-2008
576-008-0245	7-21-2008	Repeal	9-1-2008	577-001-0040	9-15-2008	Amend	10-1-2008
576-008-0255	2-19-2008	Suspend	4-1-2008	577-001-0041	4-21-2008	Amend(T)	5-1-2008
576-008-0255	7-21-2008	Repeal	9-1-2008	577-001-0041	9-15-2008	Amend	10-1-2008
576-008-0260	2-19-2008	Suspend	4-1-2008	577-001-0045	4-21-2008	Amend(T)	5-1-2008
576-008-0260	7-21-2008	Repeal	9-1-2008	577-001-0045	9-15-2008	Amend	10-1-2008
576-008-0275	2-19-2008	Suspend	4-1-2008	577-001-0050	4-21-2008	Amend(T)	5-1-2008
576-008-0275	7-21-2008	Repeal	9-1-2008	577-001-0050	9-15-2008	Amend	10-1-2008
576-008-0277	2-19-2008	Suspend	4-1-2008	577-030-0005	5-1-2008	Amend(T)	5-1-2008
576-008-0277	7-21-2008	Repeal	9-1-2008	577-030-0010	5-1-2008	Amend(T)	5-1-2008
576-008-0280	2-19-2008	Suspend	4-1-2008	577-030-0015	5-1-2008	Amend(T)	5-1-2008
576-008-0280	7-21-2008	Repeal	9-1-2008	577-030-0016	5-1-2008	Adopt(T)	5-1-2008
576-008-0282	2-19-2008	Suspend	4-1-2008	577-030-0020	5-1-2008	Amend(T)	5-1-2008
576-008-0282	7-21-2008	Repeal	9-1-2008	577-030-0021	5-1-2008	Adopt(T)	5-1-2008
576-008-0285	2-19-2008	Suspend	4-1-2008	577-030-0025	5-1-2008	Amend(T)	5-1-2008
576-008-0285	7-21-2008	Repeal	9-1-2008	577-030-0030	5-1-2008	Amend(T)	5-1-2008
576-008-0287	2-19-2008	Suspend	4-1-2008	577-030-0035	1-1-2008	Amend(T)	2-1-2008
576-008-0287	7-21-2008	Repeal	9-1-2008	577-030-0040	5-1-2008	Amend(T)	5-1-2008

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577-030-0045	5-1-2008	Amend(T)	5-1-2008	580-040-0200	7-21-2008	Repeal	9-1-2008
577-030-0050	5-1-2008	Amend(T)	5-1-2008	580-040-0205	2-19-2008	Suspend	4-1-2008
577-030-0060	5-1-2008	Amend(T)	5-1-2008	580-040-0205	7-21-2008	Repeal	9-1-2008
577-030-0065	5-1-2008	Amend(T)	5-1-2008	580-040-0210	2-19-2008	Suspend	4-1-2008
577-030-0070	5-1-2008	Amend(T)	5-1-2008	580-040-0210	7-21-2008	Repeal	9-1-2008
577-030-0075	5-1-2008	Suspend	5-1-2008	580-040-0215	2-19-2008	Suspend	4-1-2008
577-030-0080	5-1-2008	Am. & Ren.(T)	5-1-2008	580-040-0215	7-21-2008	Repeal	9-1-2008
577-030-0080	9-15-2008	Am. & Ren.	10-1-2008	580-040-0220	2-19-2008	Suspend	4-1-2008
577-060-0020	7-1-2008	Amend(T)	7-1-2008	580-040-0220	7-21-2008	Repeal	9-1-2008
577-577-030-0035	5-16-2008	Amend	6-1-2008	580-040-0223	2-19-2008	Suspend	4-1-2008
578-041-0030	6-10-2008	Amend	7-1-2008	580-040-0223	7-21-2008	Repeal	9-1-2008
578-072-0010	6-10-2008	Amend	7-1-2008	580-040-0225	2-19-2008	Suspend	4-1-2008
578-072-0030	6-10-2008	Amend	7-1-2008	580-040-0225	7-21-2008	Repeal	9-1-2008
578-072-0050	6-10-2008	Amend	7-1-2008	580-040-0230	2-19-2008	Suspend	4-1-2008
578-072-0070	6-10-2008	Amend	7-1-2008	580-040-0230	7-21-2008	Repeal	9-1-2008
579-015-0000	8-15-2008	Amend(T)	9-1-2008	580-040-0235	2-19-2008	Suspend	4-1-2008
579-015-0005	8-15-2008	Amend(T)	9-1-2008	580-040-0235	7-21-2008	Repeal	9-1-2008
579-020-0006	3-14-2008	Amend	4-1-2008	580-040-0240	2-19-2008	Suspend	4-1-2008
579-020-0006	8-15-2008	Amend	9-1-2008	580-040-0240	7-21-2008	Repeal	9-1-2008
579-020-0008	4-15-2008	Suspend	5-1-2008	580-040-0245	2-19-2008	Suspend	4-1-2008
579-020-0012	4-15-2008	Suspend	5-1-2008	580-040-0245	7-21-2008	Repeal	9-1-2008
579-020-0017	4-15-2008	Suspend	5-1-2008	580-040-0255	2-19-2008	Suspend	4-1-2008
579-030-0005	3-14-2008	Amend	4-1-2008	580-040-0255	7-21-2008	Repeal	9-1-2008
579-030-0010	3-14-2008	Amend	4-1-2008	580-040-0260	2-19-2008	Suspend	4-1-2008
579-030-0015	3-14-2008	Amend	4-1-2008	580-040-0260	7-21-2008	Repeal	9-1-2008
579-030-0020	3-14-2008	Amend	4-1-2008	580-040-0275	2-19-2008	Suspend	4-1-2008
579-045-0005	9-15-2008	Amend	10-1-2008	580-040-0275	7-21-2008	Repeal	9-1-2008
580-023-0005	2-19-2008	Suspend	4-1-2008	580-040-0277	2-19-2008	Suspend	4-1-2008
580-023-0010	2-19-2008	Suspend	4-1-2008	580-040-0277	7-21-2008	Repeal	9-1-2008
580-023-0015	2-19-2008	Suspend	4-1-2008	580-040-0280	2-19-2008	Suspend	4-1-2008
580-023-0020	2-19-2008	Suspend	4-1-2008	580-040-0280	7-21-2008	Repeal	9-1-2008
580-023-0025	2-19-2008	Suspend	4-1-2008	580-040-0285	2-19-2008	Suspend	4-1-2008
580-023-0030	2-19-2008	Suspend	4-1-2008	580-040-0285	7-21-2008	Repeal	9-1-2008
580-023-0035	2-19-2008	Suspend	4-1-2008	580-040-0290	2-19-2008	Suspend	4-1-2008
580-023-0040	2-19-2008	Suspend	4-1-2008	580-040-0290	7-21-2008	Repeal	9-1-2008
580-023-0045	2-19-2008	Suspend	4-1-2008	580-040-0292	2-19-2008	Suspend	4-1-2008
580-023-0050	2-19-2008	Suspend	4-1-2008	580-040-0292	7-21-2008	Repeal	9-1-2008
580-023-0055	2-19-2008	Suspend	4-1-2008	580-040-0295	2-19-2008	Suspend	4-1-2008
580-023-0060	2-19-2008	Suspend	4-1-2008	580-040-0295	7-21-2008	Repeal	9-1-2008
580-023-0065	2-19-2008	Suspend	4-1-2008	580-042-0010	2-19-2008	Amend(T)	4-1-2008
580-023-0105	2-19-2008	Adopt(T)	4-1-2008	580-042-0010	7-21-2008	Amend	9-1-2008
580-023-0110	2-19-2008	Adopt(T)	4-1-2008	580-043-0060	1-14-2008	Amend	2-1-2008
580-023-0115	2-19-2008	Adopt(T)	4-1-2008	580-043-0065	1-14-2008	Amend	2-1-2008
580-023-0120	2-19-2008	Adopt(T)	4-1-2008	580-043-0070	1-14-2008	Amend	2-1-2008
580-023-0125	2-19-2008	Adopt(T)	4-1-2008	580-043-0075	1-14-2008	Amend	2-1-2008
580-023-0130	2-19-2008	Adopt(T)	4-1-2008	580-043-0085	1-14-2008	Amend	2-1-2008
580-023-0135	2-19-2008	Adopt(T)	4-1-2008	580-043-0090	1-14-2008	Amend	2-1-2008
580-023-0140	2-19-2008	Adopt(T)	4-1-2008	580-043-0095	1-14-2008	Amend	2-1-2008
580-023-0145	2-19-2008	Adopt(T)	4-1-2008	580-043-0100	1-14-2008	Adopt	2-1-2008
580-023-0150	2-19-2008	Adopt(T)	4-1-2008	580-050-0001	2-19-2008	Suspend	4-1-2008
580-040-0035	1-14-2008	Amend	2-1-2008	580-050-0001	7-21-2008	Repeal	9-1-2008
580-040-0040	3-20-2008	Amend(T)	5-1-2008	580-050-0005	2-19-2008	Suspend	4-1-2008
580-040-0040	6-17-2008	Amend	8-1-2008	580-050-0005	7-21-2008	Repeal	9-1-2008
580-040-0100	2-19-2008	Suspend	4-1-2008	580-050-0010	2-19-2008	Suspend	4-1-2008
580-040-0100	7-21-2008	Repeal	9-1-2008	580-050-0010	7-21-2008	Repeal	9-1-2008
580-040-0200	2-19-2008	Suspend	4-1-2008	580-050-0015	2-19-2008	Suspend	4-1-2008

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580-050-0015	7-21-2008	Repeal	9-1-2008	580-061-0025	7-21-2008	Adopt	9-1-2008
580-050-0020	2-19-2008	Suspend	4-1-2008	580-061-0030	2-19-2008	Adopt(T)	4-1-2008
580-050-0020	7-21-2008	Repeal	9-1-2008	580-061-0030	7-21-2008	Adopt	9-1-2008
580-050-0025	2-19-2008	Suspend	4-1-2008	580-061-0035	2-19-2008	Adopt(T)	4-1-2008
580-050-0025	7-21-2008	Repeal	9-1-2008	580-061-0035	7-21-2008	Adopt	9-1-2008
580-050-0032	2-19-2008	Suspend	4-1-2008	580-061-0040	2-19-2008	Adopt(T)	4-1-2008
580-050-0032	7-21-2008	Repeal	9-1-2008	580-061-0040	7-21-2008	Adopt	9-1-2008
580-050-0033	2-19-2008	Suspend	4-1-2008	580-061-0045	2-19-2008	Adopt(T)	4-1-2008
580-050-0033	7-21-2008	Repeal	9-1-2008	580-061-0045	7-21-2008	Adopt	9-1-2008
580-050-0040	2-19-2008	Suspend	4-1-2008	580-061-0050	2-19-2008	Adopt(T)	4-1-2008
580-050-0040	7-21-2008	Repeal	9-1-2008	580-061-0050	7-21-2008	Adopt	9-1-2008
580-050-0041	2-19-2008	Suspend	4-1-2008	580-061-0055	2-19-2008	Adopt(T)	4-1-2008
580-050-0041	7-21-2008	Repeal	9-1-2008	580-061-0055	7-21-2008	Adopt	9-1-2008
580-050-0042	2-19-2008	Suspend	4-1-2008	580-061-0060	2-19-2008	Adopt(T)	4-1-2008
580-050-0042	7-21-2008	Repeal	9-1-2008	580-061-0060	7-21-2008	Adopt	9-1-2008
580-050-0100	2-19-2008	Suspend	4-1-2008	580-061-0065	2-19-2008	Adopt(T)	4-1-2008
580-050-0100	7-21-2008	Repeal	9-1-2008	580-061-0065	7-21-2008	Adopt	9-1-2008
580-050-0105	2-19-2008	Suspend	4-1-2008	580-061-0070	2-19-2008	Adopt(T)	4-1-2008
580-050-0105	7-21-2008	Repeal	9-1-2008	580-061-0070	7-21-2008	Adopt	9-1-2008
580-060-0000	2-19-2008	Adopt(T)	4-1-2008	580-061-0075	2-19-2008	Adopt(T)	4-1-2008
580-060-0000	7-21-2008	Adopt	9-1-2008	580-061-0075	7-21-2008	Adopt	9-1-2008
580-060-0005	2-19-2008	Adopt(T)	4-1-2008	580-061-0080	2-19-2008	Adopt(T)	4-1-2008
580-060-0005	7-21-2008	Adopt	9-1-2008	580-061-0080	7-21-2008	Adopt	9-1-2008
580-060-0010	2-19-2008	Adopt(T)	4-1-2008	580-061-0085	2-19-2008	Adopt(T)	4-1-2008
580-060-0010	7-21-2008	Adopt	9-1-2008	580-061-0085	7-21-2008	Adopt	9-1-2008
580-060-0015	2-19-2008	Adopt(T)	4-1-2008	580-061-0090	2-19-2008	Adopt(T)	4-1-2008
580-060-0015	7-21-2008	Adopt	9-1-2008	580-061-0090	7-21-2008	Adopt	9-1-2008
580-060-0020	2-19-2008	Adopt(T)	4-1-2008	580-061-0095	2-19-2008	Adopt(T)	4-1-2008
580-060-0020	7-21-2008	Adopt	9-1-2008	580-061-0095	7-21-2008	Adopt	9-1-2008
580-060-0025	2-19-2008	Adopt(T)	4-1-2008	580-061-0100	2-19-2008	Adopt(T)	4-1-2008
580-060-0025	7-21-2008	Adopt	9-1-2008	580-061-0100	7-21-2008	Adopt	9-1-2008
580-060-0030	2-19-2008	Adopt(T)	4-1-2008	580-061-0105	2-19-2008	Adopt(T)	4-1-2008
580-060-0030	7-21-2008	Adopt	9-1-2008	580-061-0105	7-21-2008	Adopt	9-1-2008
580-060-0035	2-19-2008	Adopt(T)	4-1-2008	580-061-0110	2-19-2008	Adopt(T)	4-1-2008
580-060-0035	7-21-2008	Adopt	9-1-2008	580-061-0110	7-21-2008	Adopt	9-1-2008
580-060-0040	2-19-2008	Adopt(T)	4-1-2008	580-061-0115	2-19-2008	Adopt(T)	4-1-2008
580-060-0040	7-21-2008	Adopt	9-1-2008	580-061-0115	7-21-2008	Adopt	9-1-2008
580-060-0045	2-19-2008	Adopt(T)	4-1-2008	580-061-0120	2-19-2008	Adopt(T)	4-1-2008
580-060-0045	7-21-2008	Adopt	9-1-2008	580-061-0120	7-21-2008	Adopt	9-1-2008
580-060-0050	2-19-2008	Adopt(T)	4-1-2008	580-061-0125	2-19-2008	Adopt(T)	4-1-2008
580-060-0050	7-21-2008	Adopt	9-1-2008	580-061-0125	7-21-2008	Adopt	9-1-2008
580-060-0055	2-19-2008	Adopt(T)	4-1-2008	580-061-0130	2-19-2008	Adopt(T)	4-1-2008
580-060-0055	7-21-2008	Adopt	9-1-2008	580-061-0130	7-21-2008	Adopt	9-1-2008
580-060-0060	2-19-2008	Adopt(T)	4-1-2008	580-061-0135	2-19-2008	Adopt(T)	4-1-2008
580-060-0060	7-21-2008	Adopt	9-1-2008	580-061-0135	7-21-2008	Adopt	9-1-2008
580-061-0000	2-19-2008	Adopt(T)	4-1-2008	580-061-0140	2-19-2008	Adopt(T)	4-1-2008
580-061-0000	7-21-2008	Adopt	9-1-2008	580-061-0140	7-21-2008	Adopt	9-1-2008
580-061-0005	2-19-2008	Adopt(T)	4-1-2008	580-061-0145	2-19-2008	Adopt(T)	4-1-2008
580-061-0005	7-21-2008	Adopt	9-1-2008	580-061-0145	6-5-2008	Amend(T)	7-1-2008
580-061-0010	2-19-2008	Adopt(T)	4-1-2008	580-061-0145	7-21-2008	Adopt	9-1-2008
580-061-0010	7-21-2008	Adopt	9-1-2008	580-061-0145(T)	6-5-2008	Suspend	7-1-2008
580-061-0015	2-19-2008	Adopt(T)	4-1-2008	580-061-0150	2-19-2008	Adopt(T)	4-1-2008
580-061-0015	7-21-2008	Adopt	9-1-2008	580-061-0150	7-21-2008	Adopt	9-1-2008
580-061-0020	2-19-2008	Adopt(T)	4-1-2008	580-061-0155	2-19-2008	Adopt(T)	4-1-2008
580-061-0020	7-21-2008	Adopt	9-1-2008	580-061-0155	7-21-2008	Adopt	9-1-2008
580-061-0025	2-19-2008	Adopt(T)	4-1-2008	580-061-0160	2-19-2008	Adopt(T)	4-1-2008

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580-061-0160	7-21-2008	Adopt	9-1-2008	581-022-0405	6-27-2008	Amend	8-1-2008
580-062-0000	2-19-2008	Adopt(T)	4-1-2008	581-022-0413	5-23-2008	Amend	7-1-2008
580-062-0000	7-21-2008	Adopt	9-1-2008	581-022-0416	8-29-2008	Adopt	10-1-2008
580-062-0005	2-19-2008	Adopt(T)	4-1-2008	581-022-0615	6-27-2008	Adopt	8-1-2008
580-062-0005	7-21-2008	Adopt	9-1-2008	581-022-1065	1-25-2008	Amend	3-1-2008
580-062-0010	2-19-2008	Adopt(T)	4-1-2008	581-022-1130	6-27-2008	Amend	8-1-2008
580-062-0010	7-21-2008	Adopt	9-1-2008	581-022-1134	5-23-2008	Adopt	7-1-2008
580-062-0015	2-19-2008	Adopt(T)	4-1-2008	581-022-1135	5-23-2008	Adopt	7-1-2008
580-062-0015	7-21-2008	Adopt	9-1-2008	581-022-1510	6-27-2008	Amend	8-1-2008
580-062-0020	2-19-2008	Adopt(T)	4-1-2008	581-022-1661	12-12-2007	Adopt	1-1-2008
580-062-0020	7-21-2008	Adopt	9-1-2008	581-022-1940	12-12-2007	Amend	1-1-2008
580-063-0000	2-19-2008	Adopt(T)	4-1-2008	581-022-1941	12-12-2007	Adopt	1-1-2008
580-063-0000	7-21-2008	Adopt	9-1-2008	581-023-0006	8-29-2008	Amend	10-1-2008
580-063-0005	2-19-2008	Adopt(T)	4-1-2008	581-023-0008	8-29-2008	Amend	10-1-2008
580-063-0005	7-21-2008	Adopt	9-1-2008	581-023-0012	8-29-2008	Adopt	10-1-2008
580-063-0010	2-19-2008	Adopt(T)	4-1-2008	581-023-0035	2-22-2008	Amend	4-1-2008
580-063-0010	6-5-2008	Amend(T)	7-1-2008	581-023-0040	3-21-2008	Amend	5-1-2008
580-063-0010	7-21-2008	Adopt	9-1-2008	581-023-0041	2-22-2008	Amend	4-1-2008
580-063-0010(T)	6-5-2008	Suspend	7-1-2008	581-023-0050	6-27-2008	Am. & Ren.	8-1-2008
580-063-0015	2-19-2008	Adopt(T)	4-1-2008	581-023-0100	6-27-2008	Amend	8-1-2008
580-063-0015	7-21-2008	Adopt	9-1-2008	581-023-0104	12-12-2007	Amend	1-1-2008
580-063-0020	2-19-2008	Adopt(T)	4-1-2008	581-023-0112	4-21-2008	Amend	6-1-2008
580-063-0020	6-5-2008	Amend(T)	7-1-2008	581-024-0205	5-23-2008	Amend	7-1-2008
580-063-0020	7-21-2008	Adopt	9-1-2008	581-024-0245	5-23-2008	Amend	7-1-2008
580-063-0020(T)	6-5-2008	Suspend	7-1-2008	581-024-0285	12-12-2007	Amend	1-1-2008
580-063-0025	2-19-2008	Adopt(T)	4-1-2008	581-045-0001	5-23-2008	Amend	7-1-2008
580-063-0025	7-21-2008	Adopt	9-1-2008	581-049-0020	5-23-2008	Amend	7-1-2008
580-063-0030	2-19-2008	Adopt(T)	4-1-2008	581-053-5556	4-18-2008	Amend	6-1-2008
580-063-0030	7-21-2008	Adopt	9-1-2008	582-001-0010	2-4-2008	Amend	3-1-2008
580-063-0035	2-19-2008	Adopt(T)	4-1-2008	582-001-0010	3-3-2008	Amend	4-1-2008
580-063-0035	7-21-2008	Adopt	9-1-2008	582-001-0010	4-10-2008	Amend	5-1-2008
580-063-0040	2-19-2008	Adopt(T)	4-1-2008	582-030-0005	2-4-2008	Amend	3-1-2008
580-063-0040	7-21-2008	Adopt	9-1-2008	582-030-0008	2-4-2008	Amend	3-1-2008
580-063-0045	2-19-2008	Adopt(T)	4-1-2008	582-070-0020	2-4-2008	Amend	3-1-2008
580-063-0045	7-21-2008	Adopt	9-1-2008	582-070-0020	3-3-2008	Amend	4-1-2008
581-011-0140	1-25-2008	Amend	3-1-2008	582-070-0020	4-10-2008	Amend	5-1-2008
581-015-0055	2-22-2008	Repeal	4-1-2008	582-070-0025	2-4-2008	Amend	3-1-2008
581-015-0065	2-22-2008	Repeal	4-1-2008	582-070-0030	2-4-2008	Amend	3-1-2008
581-015-2035	4-21-2008	Adopt	6-1-2008	582-080-0020	3-3-2008	Amend	4-1-2008
581-015-2570	12-12-2007	Amend	1-1-2008	583-050-0011	2-7-2008	Amend	3-1-2008
581-015-2595	12-12-2007	Amend	1-1-2008	583-070-0002	4-14-2008	Adopt	5-1-2008
581-019-0033	2-22-2008	Adopt(T)	4-1-2008	583-070-0011	4-14-2008	Adopt	5-1-2008
581-020-0060	1-25-2008	Amend	3-1-2008	583-070-0015	4-14-2008	Adopt	5-1-2008
581-020-0065	1-25-2008	Amend	3-1-2008	583-070-0020	4-14-2008	Adopt	5-1-2008
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581-020-0075	1-25-2008	Amend	3-1-2008	584-005-0005	5-30-2008	Amend(T)	7-1-2008
581-020-0080	1-25-2008	Amend	3-1-2008	584-005-0005	8-20-2008	Amend	10-1-2008
581-020-0085	1-25-2008	Amend	3-1-2008	584-010-0006	4-15-2008	Adopt	5-1-2008
581-020-0090	1-25-2008	Amend	3-1-2008	584-010-0010	4-15-2008	Amend	5-1-2008
581-020-0250	12-12-2007	Adopt	1-1-2008	584-010-0015	4-15-2008	Amend	5-1-2008
581-020-0339	6-27-2008	Adopt	8-1-2008	584-010-0020	4-15-2008	Amend	5-1-2008
581-020-0359	3-21-2008	Adopt	5-1-2008	584-010-0025	4-15-2008	Amend	5-1-2008
581-020-0361	3-21-2008	Adopt	5-1-2008	584-010-0030	4-15-2008	Amend	5-1-2008
581-021-0019	8-29-2008	Adopt	10-1-2008	584-010-0035	4-15-2008	Amend	5-1-2008
581-021-0045	5-23-2008	Amend	7-1-2008	584-010-0040	4-15-2008	Repeal	5-1-2008
581-021-0046	5-23-2008	Amend	7-1-2008	584-010-0045	4-15-2008	Amend	5-1-2008

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584-010-0055	4-15-2008	Amend	5-1-2008	584-044-0011	4-15-2008	Amend	5-1-2008
584-010-0060	4-15-2008	Amend	5-1-2008	584-044-0015	4-15-2008	Amend	5-1-2008
584-010-0065	4-15-2008	Repeal	5-1-2008	584-044-0023	4-15-2008	Amend	5-1-2008
584-010-0070	4-15-2008	Repeal	5-1-2008	584-046-0003	6-13-2008	Amend	7-1-2008
584-010-0080	4-15-2008	Amend	5-1-2008	584-046-0016	6-13-2008	Amend	7-1-2008
584-010-0090	4-15-2008	Amend	5-1-2008	584-046-0019	6-13-2008	Amend	7-1-2008
584-010-0100	4-15-2008	Amend	5-1-2008	584-046-0020	4-15-2008	Amend	5-1-2008
584-010-0120	4-15-2008	Repeal	5-1-2008	584-046-0020	6-13-2008	Amend	7-1-2008
584-010-0140	4-15-2008	Amend	5-1-2008	584-046-0021	6-13-2008	Amend	7-1-2008
584-017-0001	4-15-2008	Am. & Ren.	5-1-2008	584-046-0024	4-15-2008	Amend	5-1-2008
584-017-0115	6-13-2008	Amend	7-1-2008	584-048-0045	6-13-2008	Repeal	7-1-2008
584-017-0120	8-20-2008	Amend	10-1-2008	584-048-0105	4-15-2008	Amend	5-1-2008
584-017-0130	8-20-2008	Amend	10-1-2008	584-050-0002	12-14-2007	Amend	1-1-2008
584-017-0175	4-15-2008	Amend	5-1-2008	584-050-0005	12-14-2007	Amend	1-1-2008
584-017-0185	2-15-2008	Amend(T)	3-1-2008	584-050-0006	12-14-2007	Amend	1-1-2008
584-017-0185	6-13-2008	Amend	7-1-2008	584-050-0009	12-14-2007	Amend	1-1-2008
584-017-0251	8-20-2008	Amend	10-1-2008	584-050-0012	12-14-2007	Amend	1-1-2008
584-017-0261	8-20-2008	Amend	10-1-2008	584-050-0015	12-14-2007	Amend	1-1-2008
584-017-0350	4-15-2008	Repeal	5-1-2008	584-050-0015	8-20-2008	Amend	10-1-2008
584-017-0351	12-14-2007	Adopt	1-1-2008	584-050-0016	12-14-2007	Amend	1-1-2008
584-017-0355	4-15-2008	Amend	5-1-2008	584-050-0018	12-14-2007	Amend	1-1-2008
584-017-0442	4-15-2008	Repeal	5-1-2008	584-050-0019	12-14-2007	Amend	1-1-2008
584-017-0452	4-15-2008	Repeal	5-1-2008	584-050-0020	12-14-2007	Amend	1-1-2008
584-019-0002	12-14-2007	Amend	1-1-2008	584-050-0022	8-20-2008	Repeal	10-1-2008
584-019-0003	12-14-2007	Amend	1-1-2008	584-050-0035	12-14-2007	Amend	1-1-2008
584-019-0020	12-14-2007	Repeal	1-1-2008	584-050-0040	12-14-2007	Amend	1-1-2008
584-019-0025	12-14-2007	Amend	1-1-2008	584-050-0042	12-14-2007	Amend	1-1-2008
584-019-0035	12-14-2007	Amend	1-1-2008	584-050-0065	12-14-2007	Amend	1-1-2008
584-019-0040	12-14-2007	Amend	1-1-2008	584-050-0066	12-14-2007	Amend	1-1-2008
584-020-0000	12-14-2007	Amend	1-1-2008	584-050-0067	12-14-2007	Amend	1-1-2008
584-020-0005	12-14-2007	Amend	1-1-2008	584-050-0070	12-14-2007	Amend	1-1-2008
584-020-0010	12-14-2007	Amend	1-1-2008	584-052-0015	4-15-2008	Amend	5-1-2008
584-020-0015	12-14-2007	Amend	1-1-2008	584-052-0032	12-14-2007	Amend	1-1-2008
584-020-0020	12-14-2007	Amend	1-1-2008	584-060-0002	4-15-2008	Amend	5-1-2008
584-020-0025	12-14-2007	Amend	1-1-2008	584-060-0012	12-14-2007	Amend	1-1-2008
584-020-0030	12-14-2007	Amend	1-1-2008	584-060-0012	4-15-2008	Amend	5-1-2008
584-020-0035	12-14-2007	Amend	1-1-2008	584-060-0012	8-20-2008	Amend	10-1-2008
584-020-0040	12-14-2007	Amend	1-1-2008	584-060-0014	4-15-2008	Amend	5-1-2008
584-020-0041	12-14-2007	Amend	1-1-2008	584-060-0014	8-20-2008	Amend	10-1-2008
584-021-0105	6-13-2008	Amend	7-1-2008	584-060-0051	2-15-2008	Amend(T)	3-1-2008
584-021-0175	6-13-2008	Repeal	7-1-2008	584-060-0051	8-12-2008	Amend	9-1-2008
584-023-0005	12-14-2007	Amend	1-1-2008	584-060-0052	4-15-2008	Amend	5-1-2008
584-023-0015	12-14-2007	Amend	1-1-2008	584-060-0062	8-20-2008	Amend	10-1-2008
584-023-0025	12-14-2007	Amend	1-1-2008	584-060-0162	8-20-2008	Amend	10-1-2008
584-036-0010	8-20-2008	Amend	10-1-2008	584-060-0171	8-20-2008	Amend	10-1-2008
584-036-0055	6-13-2008	Amend	7-1-2008	584-060-0181	8-20-2008	Amend	10-1-2008
584-036-0055	8-20-2008	Amend	10-1-2008	584-060-0210	4-15-2008	Amend	5-1-2008
584-036-0060	6-13-2008	Repeal	7-1-2008	584-065-0070	4-15-2008	Amend	5-1-2008
584-036-0067	4-15-2008	Amend	5-1-2008	584-065-0080	4-15-2008	Amend	5-1-2008
584-038-0004	4-15-2008	Amend	5-1-2008	584-065-0120	6-13-2008	Adopt	7-1-2008
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584-038-0335	12-14-2007	Amend	1-1-2008	584-070-0012	6-13-2008	Amend	7-1-2008
584-038-0336	12-14-2007	Amend	1-1-2008	584-070-0014	12-14-2007	Amend	1-1-2008
584-040-0080	12-14-2007	Amend	1-1-2008	584-070-0021	12-14-2007	Repeal	1-1-2008
584-040-0310	12-14-2007	Amend	1-1-2008	584-070-0111	8-20-2008	Amend	10-1-2008

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584-070-0132	4-15-2008	Amend	5-1-2008	603-027-0490	3-17-2008	Amend(T)	4-1-2008
584-070-0271	8-20-2008	Amend	10-1-2008	603-027-0490	9-11-2008	Amend	10-1-2008
584-070-0310	8-20-2008	Amend	10-1-2008	603-052-0127	2-8-2008	Amend	3-1-2008
584-070-0320	4-15-2008	Repeal	5-1-2008	603-052-0129	2-8-2008	Amend	3-1-2008
584-080-0002	8-20-2008	Amend	10-1-2008	603-052-0130	2-8-2008	Repeal	3-1-2008
584-080-0012	8-20-2008	Amend	10-1-2008	603-052-0132	2-8-2008	Repeal	3-1-2008
584-080-0022	8-20-2008	Amend	10-1-2008	603-052-0134	2-8-2008	Repeal	3-1-2008
584-080-0151	8-20-2008	Amend	10-1-2008	603-052-0136	2-8-2008	Repeal	3-1-2008
584-080-0152	8-20-2008	Amend	10-1-2008	603-052-0138	2-8-2008	Repeal	3-1-2008
584-080-0153	8-20-2008	Amend	10-1-2008	603-052-0140	2-8-2008	Repeal	3-1-2008
584-080-0161	8-20-2008	Amend	10-1-2008	603-052-0142	2-8-2008	Repeal	3-1-2008
584-100-0006	6-5-2008	Amend(T)	7-1-2008	603-052-0145	2-8-2008	Repeal	3-1-2008
584-100-0006	8-20-2008	Amend	10-1-2008	603-052-0265	7-11-2008	Amend	8-1-2008
584-100-0011	8-20-2008	Amend	10-1-2008	603-052-0347	1-11-2008	Amend	2-1-2008
584-100-0051	8-20-2008	Amend	10-1-2008	603-052-0360	2-8-2008	Amend	3-1-2008
603-009-0300	7-30-2008	Adopt(T)	9-1-2008	603-052-0395	2-28-2008	Adopt	4-1-2008
603-009-0310	7-30-2008	Adopt(T)	9-1-2008	603-052-0880	1-7-2008	Amend	2-1-2008
603-009-0320	7-30-2008	Adopt(T)	9-1-2008	603-052-1200	3-7-2008	Amend	4-1-2008
603-009-0330	7-30-2008	Adopt(T)	9-1-2008	603-052-1221	2-8-2008	Amend	3-1-2008
603-009-0340	7-30-2008	Adopt(T)	9-1-2008	603-052-1230	1-16-2008	Amend	3-1-2008
603-009-0350	7-30-2008	Adopt(T)	9-1-2008	603-052-1240	1-7-2008	Amend	2-1-2008
603-009-0360	7-30-2008	Adopt(T)	9-1-2008	603-052-1250	1-16-2008	Amend	3-1-2008
603-011-0255	7-15-2008	Amend	8-1-2008	603-054-0016	1-7-2008	Amend	2-1-2008
603-011-0265	9-15-2008	Amend(T)	10-1-2008	603-054-0016	4-15-2008	Amend	5-1-2008
603-011-0610	11-28-2007	Amend	1-1-2008	603-054-0017	1-7-2008	Amend	2-1-2008
603-011-0610	9-1-2008	Amend	7-1-2008	603-054-0017	4-15-2008	Amend	5-1-2008
603-011-0615	9-1-2008	Adopt	7-1-2008	603-054-0018	1-7-2008	Amend	2-1-2008
603-011-0620	11-28-2007	Amend	1-1-2008	603-054-0018	4-15-2008	Amend	5-1-2008
603-011-0620	9-1-2008	Amend	7-1-2008	603-054-0024	1-7-2008	Amend	2-1-2008
603-014-0016	2-6-2008	Amend	3-1-2008	603-054-0035	2-15-2008	Amend	3-1-2008
603-014-0055	2-6-2008	Amend	3-1-2008	603-058-0032	1-1-2009	Adopt	6-1-2008
603-014-0065	2-6-2008	Amend	3-1-2008	617-010-0045	7-1-2008	Amend	7-1-2008
603-014-0095	2-6-2008	Amend	3-1-2008	620-020-0010	1-25-2008	Adopt	3-1-2008
603-014-0095	9-12-2008	Amend	10-1-2008	620-020-0020	1-25-2008	Adopt	3-1-2008
603-014-0100	2-6-2008	Repeal	3-1-2008	620-020-0030	1-25-2008	Adopt	3-1-2008
603-014-0135	2-6-2008	Amend	3-1-2008	623-040-0005	12-3-2007	Adopt	1-1-2008
603-027-0410	2-15-2008	Amend	3-1-2008	623-040-0010	12-3-2007	Adopt	1-1-2008
603-027-0410	3-17-2008	Amend(T)	4-1-2008	623-040-0015	12-3-2007	Adopt	1-1-2008
603-027-0410	9-11-2008	Amend	10-1-2008	624-030-0010	7-15-2008	Amend	8-1-2008
603-027-0420	11-29-2007	Amend(T)	1-1-2008	624-040-0010	7-15-2008	Adopt	8-1-2008
603-027-0420	2-15-2008	Amend	3-1-2008	624-040-0020	7-15-2008	Adopt	8-1-2008
603-027-0420	3-17-2008	Amend(T)	4-1-2008	624-040-0030	7-15-2008	Adopt	8-1-2008
603-027-0420	9-11-2008	Amend	10-1-2008	629-001-0005	3-7-2008	Amend	4-1-2008
603-027-0420(T)	11-29-2007	Suspend	1-1-2008	629-023-0420	9-1-2008	Amend	9-1-2008
603-027-0430	11-29-2007	Amend(T)	1-1-2008	629-023-0430	9-1-2008	Amend	9-1-2008
603-027-0430	2-15-2008	Amend	3-1-2008	629-023-0440	9-1-2008	Amend	9-1-2008
603-027-0430	3-17-2008	Amend(T)	4-1-2008	629-023-0450	9-1-2008	Amend	9-1-2008
603-027-0430	9-11-2008	Amend	10-1-2008	629-041-0555	5-12-2008	Amend	6-1-2008
603-027-0430(T)	11-29-2007	Suspend	1-1-2008	629-041-0557	5-12-2008	Amend	6-1-2008
603-027-0440	2-15-2008	Amend	3-1-2008	629-043-0040	1-1-2008	Amend	2-1-2008
603-027-0440	3-17-2008	Amend(T)	4-1-2008	629-043-0041	1-1-2008	Repeal	2-1-2008
603-027-0440	9-11-2008	Amend	10-1-2008	629-043-0043	1-1-2008	Repeal	2-1-2008
603-027-0450	9-11-2008	Amend	10-1-2008	629-048-0001	1-1-2008	Adopt	2-1-2008
603-027-0460	9-11-2008	Amend	10-1-2008	629-048-0005	1-1-2008	Adopt	2-1-2008
603-027-0470	2-15-2008	Amend	3-1-2008	629-048-0010	1-1-2008	Adopt	2-1-2008

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629-048-0100	1-1-2008	Adopt	2-1-2008	635-005-0066	1-23-2008	Amend	3-1-2008
629-048-0110	1-1-2008	Adopt	2-1-2008	635-006-0212	7-10-2008	Amend(T)	8-1-2008
629-048-0120	1-1-2008	Adopt	2-1-2008	635-006-0215	7-10-2008	Amend(T)	8-1-2008
629-048-0130	1-1-2008	Adopt	2-1-2008	635-006-0225	4-1-2008	Amend(T)	5-1-2008
629-048-0140	1-1-2008	Adopt	2-1-2008	635-006-0225	7-10-2008	Amend(T)	8-1-2008
629-048-0150	1-1-2008	Adopt	2-1-2008	635-006-0225(T)	7-10-2008	Suspend	8-1-2008
629-048-0160	1-1-2008	Adopt	2-1-2008	635-006-0230	4-1-2008	Amend(T)	5-1-2008
629-048-0200	1-1-2008	Adopt	2-1-2008	635-006-0232	1-15-2008	Amend	2-1-2008
629-048-0210	1-1-2008	Adopt	2-1-2008	635-006-0850	1-1-2008	Amend(T)	2-1-2008
629-048-0220	1-1-2008	Adopt	2-1-2008	635-006-0850	1-23-2008	Amend	3-1-2008
629-048-0230	1-1-2008	Adopt	2-1-2008	635-006-0850(T)	1-23-2008	Repeal	3-1-2008
629-048-0300	1-1-2008	Adopt	2-1-2008	635-006-0910	1-23-2008	Amend	3-1-2008
629-048-0310	1-1-2008	Adopt	2-1-2008	635-006-0930	1-23-2008	Amend	3-1-2008
629-048-0320	1-1-2008	Adopt	2-1-2008	635-006-1015	1-15-2008	Amend	2-1-2008
629-048-0330	1-1-2008	Adopt	2-1-2008	635-006-1065	1-15-2008	Amend	2-1-2008
629-048-0400	1-1-2008	Adopt	2-1-2008	635-006-1075	1-15-2008	Amend	2-1-2008
629-048-0450	1-1-2008	Adopt	2-1-2008	635-008-0115	4-24-2008	Amend	6-1-2008
629-048-0500	1-1-2008	Adopt	2-1-2008	635-008-0120	4-24-2008	Amend	6-1-2008
629-623-0400	7-18-2008	Amend(T)	8-1-2008	635-011-0100	1-1-2008	Amend	2-1-2008
629-623-0500	7-18-2008	Suspend	8-1-2008	635-013-0003	1-1-2008	Amend	2-1-2008
635-001-0210	1-1-2008	Amend	2-1-2008	635-013-0003	5-1-2008	Amend	6-1-2008
635-003-0003	5-1-2008	Amend	6-1-2008	635-013-0004	1-1-2008	Amend	2-1-2008
635-003-0004	3-15-2008	Amend(T)	4-1-2008	635-013-0004	3-15-2008	Amend(T)	4-1-2008
635-003-0004	6-21-2008	Amend(T)	8-1-2008	635-013-0004	6-21-2008	Amend(T)	8-1-2008
635-003-0004(T)	6-21-2008	Suspend	8-1-2008	635-013-0004	8-15-2008	Amend(T)	9-1-2008
635-003-0077	6-21-2008	Amend(T)	8-1-2008	635-013-0004(T)	6-21-2008	Suspend	8-1-2008
635-003-0085	9-1-2008	Amend(T)	8-1-2008	635-013-0004(T)	8-1-2008	Suspend	8-1-2008
635-004-0016	6-24-2008	Amend(T)	8-1-2008	635-013-0004(T)	8-15-2008	Suspend	9-1-2008
635-004-0016	8-6-2008	Amend(T)	9-1-2008	635-013-0007	8-1-2008	Amend(T)	8-1-2008
635-004-0016(T)	8-6-2008	Suspend	9-1-2008	635-013-0009	3-15-2008	Amend(T)	4-1-2008
635-004-0018	1-1-2008	Amend	1-1-2008	635-013-0009	8-1-2008	Amend(T)	8-1-2008
635-004-0019	11-28-2007	Amend(T)	1-1-2008	635-013-0009(T)	8-1-2008	Suspend	8-1-2008
635-004-0019	12-11-2007	Amend(T)	1-1-2008	635-014-0080	1-1-2008	Amend	2-1-2008
635-004-0019	5-1-2008	Amend(T)	6-1-2008	635-014-0090	1-1-2008	Amend	2-1-2008
635-004-0019	8-1-2008	Amend(T)	9-1-2008	635-014-0090	3-15-2008	Amend(T)	4-1-2008
635-004-0019(T)	11-28-2007	Suspend	1-1-2008	635-014-0090	8-1-2008	Amend(T)	8-1-2008
635-004-0019(T)	8-1-2008	Suspend	9-1-2008	635-014-0090(T)	8-1-2008	Suspend	8-1-2008
635-004-0027	1-1-2008	Amend(T)	2-1-2008	635-016-0080	1-1-2008	Amend	2-1-2008
635-004-0033	11-28-2007	Amend(T)	1-1-2008	635-016-0090	1-1-2008	Amend	2-1-2008
635-004-0033	1-1-2008	Amend	1-1-2008	635-016-0090	1-1-2008	Amend	2-1-2008
635-004-0033	7-1-2008	Amend(T)	8-1-2008	635-016-0090	6-1-2008	Amend(T)	7-1-2008
635-004-0033(T)	11-28-2007	Suspend	1-1-2008	635-016-0090	8-1-2008	Amend(T)	8-1-2008
635-004-0038	8-11-2008	Amend(T)	9-1-2008	635-017-0080	1-1-2008	Amend	2-1-2008
635-004-0170	11-28-2007	Amend(T)	1-1-2008	635-017-0090	1-1-2008	Amend	2-1-2008
635-004-0170	1-1-2008	Amend	1-1-2008	635-017-0090	1-1-2008	Amend	2-1-2008
635-005-0005	1-23-2008	Amend	3-1-2008	635-017-0090	1-9-2008	Amend(T)	2-1-2008
635-005-0055	12-11-2007	Amend(T)	1-1-2008	635-017-0090	2-1-2008	Amend(T)	3-1-2008
635-005-0055	12-14-2007	Amend(T)	1-1-2008	635-017-0090	3-1-2008	Amend(T)	4-1-2008
635-005-0055	12-14-2007	Suspend	1-1-2008	635-017-0090	5-12-2008	Amend(T)	6-1-2008
635-005-0055	3-25-2008	Amend(T)	5-1-2008	635-017-0090	6-2-2008	Amend(T)	7-1-2008
635-005-0055	6-11-2008	Amend(T)	7-1-2008	635-017-0090	7-29-2008	Amend(T)	9-1-2008
635-005-0055	8-29-2008	Amend(T)	10-1-2008	635-017-0090	9-17-2008	Amend(T)	10-1-2008
635-005-0055(T)	3-25-2008	Suspend	5-1-2008	635-017-0090(T)	2-1-2008	Suspend	3-1-2008
635-005-0055(T)	6-11-2008	Suspend	7-1-2008	635-017-0090(T)	5-12-2008	Suspend	6-1-2008
635-005-0064	1-23-2008	Amend	3-1-2008	635-017-0090(T)	6-2-2008	Suspend	7-1-2008

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635-017-0090(T)	7-29-2008	Suspend	9-1-2008	635-023-0130(T)	8-31-2008	Suspend	10-1-2008
635-017-0090(T)	9-17-2008	Suspend	10-1-2008	635-023-0134	4-26-2008	Amend(T)	6-1-2008
635-017-0095	1-1-2008	Amend	2-1-2008	635-023-0134	6-21-2008	Amend(T)	8-1-2008
635-017-0095	1-1-2008	Amend(T)	2-1-2008	635-023-0134(T)	6-21-2008	Suspend	8-1-2008
635-017-0095	2-11-2008	Amend	3-1-2008	635-039-0080	1-1-2008	Amend	2-1-2008
635-017-0095	7-25-2008	Amend(T)	9-1-2008	635-039-0085	6-1-2008	Amend(T)	7-1-2008
635-017-0095(T)	1-1-2008	Suspend	2-1-2008	635-039-0085	8-2-2008	Amend(T)	8-1-2008
635-017-0095(T)	2-11-2008	Repeal	3-1-2008	635-039-0085	8-11-2008	Amend(T)	9-1-2008
635-018-0080	1-1-2008	Amend	2-1-2008	635-039-0085	8-29-2008	Amend(T)	10-1-2008
635-018-0090	1-1-2008	Amend	2-1-2008	635-039-0085	9-7-2008	Amend(T)	10-1-2008
635-018-0090	4-15-2008	Amend(T)	5-1-2008	635-039-0085(T)	8-11-2008	Suspend	9-1-2008
635-018-0090	5-1-2008	Amend(T)	5-1-2008	635-039-0085(T)	8-29-2008	Suspend	10-1-2008
635-019-0080	1-1-2008	Amend	2-1-2008	635-039-0085(T)	9-7-2008	Suspend	10-1-2008
635-019-0090	1-1-2008	Amend	2-1-2008	635-039-0090	1-1-2008	Amend	2-1-2008
635-019-0090	5-31-2008	Amend(T)	7-1-2008	635-039-0090	7-7-2008	Amend(T)	8-1-2008
635-019-0090	7-9-2008	Amend(T)	8-1-2008	635-039-0090	8-21-2008	Amend(T)	10-1-2008
635-021-0080	1-1-2008	Amend	2-1-2008	635-039-0090	9-7-2008	Amend(T)	10-1-2008
635-021-0090	1-1-2008	Amend	2-1-2008	635-039-0090(T)	8-21-2008	Suspend	10-1-2008
635-021-0090	5-31-2008	Amend(T)	7-1-2008	635-039-0090(T)	9-7-2008	Suspend	10-1-2008
635-021-0090	7-4-2008	Amend(T)	8-1-2008	635-041-0050	2-11-2008	Amend	3-1-2008
635-021-0090	7-9-2008	Amend(T)	8-1-2008	635-041-0065	1-31-2008	Amend(T)	3-1-2008
635-021-0090(T)	7-4-2008	Suspend	8-1-2008	635-041-0065	2-29-2008	Amend(T)	4-1-2008
635-021-0090(T)	7-9-2008	Suspend	8-1-2008	635-041-0065	3-5-2008	Amend(T)	4-1-2008
635-023-0080	1-1-2008	Amend	2-1-2008	635-041-0065	3-10-2008	Amend(T)	4-1-2008
635-023-0090	1-1-2008	Amend	2-1-2008	635-041-0065(T)	3-10-2008	Suspend	4-1-2008
635-023-0095	1-1-2008	Amend	2-1-2008	635-041-0075	9-6-2008	Amend(T)	10-1-2008
635-023-0095	1-1-2008	Amend(T)	2-1-2008	635-041-0075	9-15-2008	Amend(T)	10-1-2008
635-023-0095	2-11-2008	Amend	3-1-2008	635-041-0075(T)	9-15-2008	Suspend	10-1-2008
635-023-0095	3-15-2008	Amend(T)	4-1-2008	635-041-0076	5-5-2008	Amend(T)	6-1-2008
635-023-0095	3-26-2008	Amend(T)	5-1-2008	635-041-0076	5-11-2008	Amend(T)	6-1-2008
635-023-0095	7-10-2008	Amend(T)	8-1-2008	635-041-0076	6-16-2008	Amend(T)	7-1-2008
635-023-0095	7-12-2008	Amend(T)	8-1-2008	635-041-0076	6-21-2008	Amend(T)	8-1-2008
635-023-0095	7-25-2008	Amend(T)	9-1-2008	635-041-0076	6-28-2008	Amend(T)	8-1-2008
635-023-0095(T)	1-1-2008	Suspend	2-1-2008	635-041-0076	7-10-2008	Amend(T)	8-1-2008
635-023-0095(T)	2-11-2008	Repeal	3-1-2008	635-041-0076	7-25-2008	Amend(T)	9-1-2008
635-023-0095(T)	7-10-2008	Suspend	8-1-2008	635-041-0076	8-14-2008	Amend(T)	9-1-2008
635-023-0095(T)	7-12-2008	Suspend	8-1-2008	635-041-0076(T)	5-11-2008	Suspend	6-1-2008
635-023-0095(T)	7-25-2008	Suspend	9-1-2008	635-041-0076(T)	6-16-2008	Suspend	7-1-2008
635-023-0125	1-1-2008	Amend	2-1-2008	635-041-0076(T)	6-21-2008	Suspend	8-1-2008
635-023-0125	2-25-2008	Amend(T)	4-1-2008	635-041-0076(T)	6-28-2008	Suspend	8-1-2008
635-023-0125	2-27-2008	Amend(T)	4-1-2008	635-041-0076(T)	7-10-2008	Suspend	8-1-2008
635-023-0125	4-21-2008	Amend(T)	6-1-2008	635-041-0076(T)	7-25-2008	Suspend	9-1-2008
635-023-0125	5-13-2008	Amend(T)	6-1-2008	635-041-0076(T)	8-14-2008	Suspend	9-1-2008
635-023-0125(T)	4-21-2008	Suspend	6-1-2008	635-042-0010	2-11-2008	Amend	3-1-2008
635-023-0125(T)	5-13-2008	Suspend	6-1-2008	635-042-0022	4-1-2008	Amend(T)	5-1-2008
635-023-0128	1-1-2008	Amend	2-1-2008	635-042-0022	4-8-2008	Amend(T)	5-1-2008
635-023-0128	5-1-2008	Amend	6-1-2008	635-042-0022	4-15-2008	Amend(T)	5-1-2008
635-023-0128	6-16-2008	Amend(T)	7-1-2008	635-042-0022(T)	4-15-2008	Suspend	5-1-2008
635-023-0128	6-21-2008	Amend(T)	8-1-2008	635-042-0022(T)	6-28-2008	Suspend	8-1-2008
635-023-0128	6-28-2008	Amend(T)	8-1-2008	635-042-0025	6-28-2008	Amend(T)	8-1-2008
635-023-0128(T)	6-21-2008	Suspend	8-1-2008	635-042-0027	6-21-2008	Amend(T)	8-1-2008
635-023-0128(T)	6-28-2008	Suspend	8-1-2008	635-042-0027	6-24-2008	Amend(T)	7-1-2008
635-023-0130	1-1-2008	Amend	2-1-2008	635-042-0027	7-7-2008	Amend(T)	8-1-2008
635-023-0130	5-1-2008	Amend	6-1-2008	635-042-0027(T)	6-21-2008	Suspend	8-1-2008
635-023-0130	8-25-2008	Amend(T)	10-1-2008	635-042-0027(T)	7-7-2008	Suspend	8-1-2008
635-023-0130	8-31-2008	Amend(T)	10-1-2008	635-042-0031	8-1-2008	Amend(T)	9-1-2008

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635-042-0031	8-12-2008	Amend(T)	9-1-2008	635-042-0170(T)	9-9-2008	Suspend	10-1-2008
635-042-0031	8-14-2008	Amend(T)	9-1-2008	635-042-0180	1-31-2008	Amend(T)	3-1-2008
635-042-0031	8-25-2008	Amend(T)	10-1-2008	635-042-0180	3-2-2008	Amend(T)	4-1-2008
635-042-0031	8-26-2008	Amend(T)	10-1-2008	635-042-0180	5-12-2008	Amend(T)	6-1-2008
635-042-0031(T)	8-12-2008	Suspend	9-1-2008	635-042-0180	6-4-2008	Amend(T)	7-1-2008
635-042-0031(T)	8-14-2008	Suspend	9-1-2008	635-042-0180	8-1-2008	Amend(T)	9-1-2008
635-042-0031(T)	8-25-2008	Suspend	10-1-2008	635-042-0180	9-9-2008	Amend(T)	10-1-2008
635-042-0031(T)	8-26-2008	Suspend	10-1-2008	635-042-0180(T)	3-2-2008	Suspend	4-1-2008
635-042-0110	5-12-2008	Amend(T)	4-1-2008	635-042-0180(T)	5-12-2008	Suspend	6-1-2008
635-042-0110	6-21-2008	Amend(T)	8-1-2008	635-042-0180(T)	6-4-2008	Suspend	7-1-2008
635-042-0110(T)	6-21-2008	Suspend	8-1-2008	635-042-0180(T)	8-1-2008	Suspend	9-1-2008
635-042-0130	12-1-2007	Amend(T)	1-1-2008	635-042-0180(T)	9-9-2008	Suspend	10-1-2008
635-042-0130	1-1-2008	Amend(T)	2-1-2008	635-043-0120	4-24-2008	Adopt	6-1-2008
635-042-0130	2-11-2008	Amend	3-1-2008	635-045-0000	8-13-2008	Amend	9-1-2008
635-042-0130(T)	1-1-2008	Suspend	2-1-2008	635-045-0002	5-28-2008	Amend	7-1-2008
635-042-0130(T)	2-11-2008	Repeal	3-1-2008	635-048-0005	1-1-2008	Amend	2-1-2008
635-042-0135	1-1-2008	Amend(T)	2-1-2008	635-048-0010	1-1-2008	Amend	2-1-2008
635-042-0135	1-31-2008	Amend(T)	3-1-2008	635-048-0030	1-1-2008	Amend	2-1-2008
635-042-0135	2-11-2008	Amend	3-1-2008	635-049-0000	5-28-2008	Repeal	7-1-2008
635-042-0135	2-21-2008	Amend(T)	4-1-2008	635-049-0001	5-28-2008	Adopt	7-1-2008
635-042-0135(T)	1-31-2008	Suspend	3-1-2008	635-049-0005	5-28-2008	Adopt	7-1-2008
635-042-0135(T)	2-11-2008	Repeal	3-1-2008	635-049-0010	5-28-2008	Repeal	7-1-2008
635-042-0145	1-31-2008	Amend(T)	3-1-2008	635-049-0015	5-28-2008	Adopt	7-1-2008
635-042-0145	3-2-2008	Amend(T)	4-1-2008	635-049-0020	5-28-2008	Repeal	7-1-2008
635-042-0145	3-30-2008	Amend(T)	5-1-2008	635-049-0025	5-28-2008	Adopt	7-1-2008
635-042-0145	5-12-2008	Amend(T)	6-1-2008	635-049-0030	5-28-2008	Repeal	7-1-2008
635-042-0145	6-4-2008	Amend(T)	7-1-2008	635-049-0035	5-28-2008	Adopt	7-1-2008
635-042-0145	8-1-2008	Amend(T)	9-1-2008	635-049-0040	5-28-2008	Repeal	7-1-2008
635-042-0145	9-9-2008	Amend(T)	10-1-2008	635-049-0045	5-28-2008	Adopt	7-1-2008
635-042-0145(T)	3-2-2008	Suspend	4-1-2008	635-049-0050	5-28-2008	Repeal	7-1-2008
635-042-0145(T)	3-30-2008	Suspend	5-1-2008	635-049-0055	5-28-2008	Adopt	7-1-2008
635-042-0145(T)	5-12-2008	Suspend	6-1-2008	635-049-0060	5-28-2008	Repeal	7-1-2008
635-042-0145(T)	6-4-2008	Suspend	7-1-2008	635-049-0070	5-28-2008	Repeal	7-1-2008
635-042-0145(T)	8-1-2008	Suspend	9-1-2008	635-049-0075	5-28-2008	Adopt	7-1-2008
635-042-0145(T)	9-9-2008	Suspend	10-1-2008	635-049-0080	5-28-2008	Repeal	7-1-2008
635-042-0160	1-31-2008	Amend(T)	3-1-2008	635-049-0085	5-28-2008	Adopt	7-1-2008
635-042-0160	3-2-2008	Amend(T)	4-1-2008	635-049-0090	5-28-2008	Amend	7-1-2008
635-042-0160	5-12-2008	Amend(T)	6-1-2008	635-049-0095	5-28-2008	Adopt	7-1-2008
635-042-0160	6-4-2008	Amend(T)	7-1-2008	635-049-0100	5-28-2008	Repeal	7-1-2008
635-042-0160	8-1-2008	Amend(T)	9-1-2008	635-049-0105	5-28-2008	Adopt	7-1-2008
635-042-0160	9-2-2008	Amend(T)	10-1-2008	635-049-0110	5-28-2008	Repeal	7-1-2008
635-042-0160	9-9-2008	Amend(T)	10-1-2008	635-049-0115	5-28-2008	Adopt	7-1-2008
635-042-0160(T)	3-2-2008	Suspend	4-1-2008	635-049-0120	5-28-2008	Repeal	7-1-2008
635-042-0160(T)	5-12-2008	Suspend	6-1-2008	635-049-0125	5-28-2008	Adopt	7-1-2008
635-042-0160(T)	6-4-2008	Suspend	7-1-2008	635-049-0130	5-28-2008	Repeal	7-1-2008
635-042-0160(T)	8-1-2008	Suspend	9-1-2008	635-049-0135	5-28-2008	Adopt	7-1-2008
635-042-0160(T)	9-2-2008	Suspend	10-1-2008	635-049-0140	5-28-2008	Repeal	7-1-2008
635-042-0160(T)	9-9-2008	Suspend	10-1-2008	635-049-0145	5-28-2008	Adopt	7-1-2008
635-042-0170	4-28-2008	Amend(T)	6-1-2008	635-049-0160	5-28-2008	Repeal	7-1-2008
635-042-0170	5-12-2008	Amend(T)	6-1-2008	635-049-0165	5-28-2008	Adopt	7-1-2008
635-042-0170	6-4-2008	Amend(T)	7-1-2008	635-049-0170	5-28-2008	Repeal	7-1-2008
635-042-0170	8-1-2008	Amend(T)	9-1-2008	635-049-0171	5-28-2008	Repeal	7-1-2008
635-042-0170	9-9-2008	Amend(T)	10-1-2008	635-049-0175	5-28-2008	Adopt	7-1-2008
635-042-0170(T)	5-12-2008	Suspend	6-1-2008	635-049-0180	5-28-2008	Repeal	7-1-2008
635-042-0170(T)	6-4-2008	Suspend	7-1-2008	635-049-0185	5-28-2008	Adopt	7-1-2008
635-042-0170(T)	8-1-2008	Suspend	9-1-2008	635-049-0190	5-28-2008	Repeal	7-1-2008

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635-049-0195	5-28-2008	Adopt	7-1-2008	635-069-0000	6-12-2008	Amend	7-1-2008
635-049-0200	5-28-2008	Amend	7-1-2008	635-070-0000	6-12-2008	Amend	7-1-2008
635-049-0205	5-28-2008	Adopt	7-1-2008	635-071-0000	6-12-2008	Amend	7-1-2008
635-049-0210	5-28-2008	Amend	7-1-2008	635-073-0000	6-12-2008	Amend	7-1-2008
635-049-0220	5-28-2008	Repeal	7-1-2008	635-079-0000	2-21-2008	Adopt	4-1-2008
635-049-0225	5-28-2008	Adopt	7-1-2008	635-079-0005	2-21-2008	Adopt	4-1-2008
635-049-0230	5-28-2008	Repeal	7-1-2008	635-079-0010	2-21-2008	Adopt	4-1-2008
635-049-0240	5-28-2008	Repeal	7-1-2008	635-200-0090	12-31-2007	Amend(T)	2-1-2008
635-049-0245	5-28-2008	Adopt	7-1-2008	635-200-0090	4-24-2008	Amend	6-1-2008
635-049-0250	5-28-2008	Repeal	7-1-2008	635-500-3890	7-28-2008	Adopt	9-1-2008
635-049-0265	5-28-2008	Adopt	7-1-2008	635-500-3895	7-28-2008	Adopt	9-1-2008
635-049-0275	5-28-2008	Adopt	7-1-2008	635-500-3900	7-28-2008	Adopt	9-1-2008
635-049-0285	5-28-2008	Adopt	7-1-2008	635-500-3905	7-28-2008	Adopt	9-1-2008
635-049-0330	5-28-2008	Repeal	7-1-2008	635-500-3910	7-28-2008	Adopt	9-1-2008
635-049-0340	5-28-2008	Repeal	7-1-2008	635-600-0000	4-24-2008	Adopt	6-1-2008
635-050-0045	7-25-2008	Amend	9-1-2008	635-600-0005	4-24-2008	Adopt	6-1-2008
635-050-0070	7-25-2008	Amend	9-1-2008	635-600-0010	4-24-2008	Adopt	6-1-2008
635-050-0080	7-25-2008	Amend	9-1-2008	635-600-0015	4-24-2008	Adopt	6-1-2008
635-050-0090	7-25-2008	Amend	9-1-2008	635-600-0020	4-24-2008	Adopt	6-1-2008
635-050-0100	7-25-2008	Amend	9-1-2008	635-600-0025	4-24-2008	Adopt	6-1-2008
635-050-0110	7-25-2008	Amend	9-1-2008	635-600-0030	4-24-2008	Adopt	6-1-2008
635-050-0120	7-25-2008	Amend	9-1-2008	635-600-0035	4-24-2008	Adopt	6-1-2008
635-050-0130	7-25-2008	Amend	9-1-2008	635-600-0040	4-24-2008	Adopt	6-1-2008
635-050-0140	7-25-2008	Amend	9-1-2008	635-600-0050	4-24-2008	Adopt	6-1-2008
635-050-0150	7-25-2008	Amend	9-1-2008	635-600-0055	4-24-2008	Adopt	6-1-2008
635-050-0170	7-25-2008	Amend	9-1-2008	635-600-0065	4-24-2008	Adopt	6-1-2008
635-050-0183	7-25-2008	Amend	9-1-2008	641-020-0010	3-22-2008	Adopt	3-1-2008
635-050-0189	7-25-2008	Amend	9-1-2008	641-020-0020	3-22-2008	Adopt	3-1-2008
635-050-0210	7-25-2008	Amend	9-1-2008	641-020-0030	3-22-2008	Adopt	3-1-2008
635-051-0000	8-13-2008	Amend	9-1-2008	642-020-0010	3-22-2008	Adopt	3-1-2008
635-051-0048	4-21-2008	Amend(T)	6-1-2008	642-020-0020	3-22-2008	Adopt	3-1-2008
635-051-0048	8-13-2008	Amend	9-1-2008	642-020-0030	3-22-2008	Adopt	3-1-2008
635-052-0000	8-13-2008	Amend	9-1-2008	644-040-0010	2-15-2008	Adopt	3-1-2008
635-053-0000	8-13-2008	Amend	9-1-2008	644-040-0020	2-15-2008	Adopt	3-1-2008
635-054-0000	8-13-2008	Amend	9-1-2008	644-040-0030	2-15-2008	Adopt	3-1-2008
635-055-0000	2-21-2008	Amend	4-1-2008	646-040-0000	1-23-2008	Adopt	3-1-2008
635-055-0000	2-29-2008	Amend	4-1-2008	646-040-0010	1-23-2008	Adopt	3-1-2008
635-055-0020	2-21-2008	Amend	4-1-2008	646-040-0020	1-23-2008	Adopt	3-1-2008
635-055-0020	2-29-2008	Amend	4-1-2008	647-010-0010	6-1-2008	Amend	6-1-2008
635-055-0030	2-21-2008	Amend	4-1-2008	647-040-0000	4-1-2008	Adopt	4-1-2008
635-055-0030	2-29-2008	Amend	4-1-2008	647-040-0010	4-1-2008	Adopt	4-1-2008
635-055-0035	2-21-2008	Amend	4-1-2008	647-040-0020	4-1-2008	Adopt	4-1-2008
635-055-0035	2-29-2008	Amend	4-1-2008	655-040-0000	4-1-2008	Adopt	3-1-2008
635-055-0075	2-21-2008	Amend	4-1-2008	655-040-0010	4-1-2008	Adopt	3-1-2008
635-055-0075	2-29-2008	Amend	4-1-2008	655-040-0020	4-1-2008	Adopt	3-1-2008
635-056-0010	11-19-2007	Amend	1-1-2008	657-010-0015	7-1-2008	Amend	7-1-2008
635-056-0020	11-19-2007	Amend	1-1-2008	657-020-0010	3-22-2008	Adopt	3-1-2008
635-056-0070	5-28-2008	Amend(T)	7-1-2008	657-020-0020	3-22-2008	Adopt	3-1-2008
635-056-0075	5-28-2008	Amend(T)	7-1-2008	657-020-0030	3-22-2008	Adopt	3-1-2008
635-057-0000	11-19-2007	Adopt	1-1-2008	660-002-0010	12-10-2007	Amend(T)	1-1-2008
635-060-0000	6-12-2008	Amend	7-1-2008	660-002-0010	2-21-2008	Amend(T)	4-1-2008
635-060-0000	8-13-2008	Amend	9-1-2008	660-002-0010	5-23-2008	Amend	7-1-2008
635-060-0008	5-14-2008	Amend(T)	6-1-2008	660-002-0015	12-10-2007	Amend(T)	1-1-2008
635-060-0023	12-1-2007	Amend	1-1-2008	660-002-0015	2-21-2008	Amend(T)	4-1-2008
635-067-0000	6-12-2008	Amend	7-1-2008	660-002-0015	5-23-2008	Amend	7-1-2008
635-068-0000	6-12-2008	Amend	7-1-2008	660-004-0010	4-18-2008	Amend	6-1-2008

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660-006-0005	4-18-2008	Amend	6-1-2008	660-041-0000	2-21-2008	Amend(T)	4-1-2008
660-006-0010	4-18-2008	Amend	6-1-2008	660-041-0000	5-23-2008	Amend	7-1-2008
660-006-0026	4-18-2008	Amend	6-1-2008	660-041-0010	12-10-2007	Amend(T)	1-1-2008
660-006-0055	4-18-2008	Amend	6-1-2008	660-041-0010	2-21-2008	Amend(T)	4-1-2008
660-007-0005	4-18-2008	Amend	6-1-2008	660-041-0010	5-23-2008	Amend	7-1-2008
660-008-0005	4-18-2008	Amend	6-1-2008	660-041-0020	2-21-2008	Amend(T)	4-1-2008
660-011-0060	2-13-2008	Amend	3-1-2008	660-041-0020	5-23-2008	Amend	7-1-2008
660-011-0060	4-18-2008	Amend	6-1-2008	660-041-0030	12-10-2007	Amend(T)	1-1-2008
660-015-0000	4-18-2008	Amend	6-1-2008	660-041-0030	2-21-2008	Amend(T)	4-1-2008
660-015-0005	4-18-2008	Amend	6-1-2008	660-041-0030	5-23-2008	Amend	7-1-2008
660-015-0010	4-18-2008	Amend	6-1-2008	660-041-0040	12-10-2007	Amend(T)	1-1-2008
660-018-0005	4-18-2008	Amend	6-1-2008	660-041-0040	2-21-2008	Amend(T)	4-1-2008
660-018-0010	4-18-2008	Amend	6-1-2008	660-041-0040	5-23-2008	Amend	7-1-2008
660-018-0020	4-18-2008	Amend	6-1-2008	660-041-0050	12-10-2007	Suspend	1-1-2008
660-018-0021	4-18-2008	Amend	6-1-2008	660-041-0050	2-21-2008	Suspend	4-1-2008
660-018-0022	4-18-2008	Amend	6-1-2008	660-041-0050	5-23-2008	Repeal	7-1-2008
660-018-0025	4-18-2008	Amend	6-1-2008	660-041-0060	12-10-2007	Adopt(T)	1-1-2008
660-018-0030	4-18-2008	Amend	6-1-2008	660-041-0060	2-21-2008	Adopt(T)	4-1-2008
660-018-0035	4-18-2008	Amend	6-1-2008	660-041-0060	5-23-2008	Adopt	7-1-2008
660-018-0040	4-18-2008	Amend	6-1-2008	660-041-0070	12-10-2007	Adopt(T)	1-1-2008
660-018-0045	4-18-2008	Amend	6-1-2008	660-041-0070	2-21-2008	Adopt(T)	4-1-2008
660-018-0050	4-18-2008	Amend	6-1-2008	660-041-0070	5-23-2008	Adopt	7-1-2008
660-018-0055	4-18-2008	Amend	6-1-2008	660-041-0080	2-21-2008	Adopt(T)	4-1-2008
660-018-0060	4-18-2008	Amend	6-1-2008	660-041-0080	5-23-2008	Adopt	7-1-2008
660-018-0085	4-18-2008	Amend	6-1-2008	660-041-0090	2-21-2008	Adopt(T)	4-1-2008
660-018-0140	4-18-2008	Amend	6-1-2008	660-041-0090	5-23-2008	Adopt	7-1-2008
660-018-0150	4-18-2008	Amend	6-1-2008	660-041-0100	2-21-2008	Adopt(T)	4-1-2008
660-021-0010	2-13-2008	Amend	3-1-2008	660-041-0100	5-23-2008	Adopt	7-1-2008
660-021-0020	2-13-2008	Amend	3-1-2008	660-041-0110	5-23-2008	Adopt	7-1-2008
660-021-0030	2-13-2008	Amend	3-1-2008	660-041-0120	5-23-2008	Adopt	7-1-2008
660-021-0040	2-13-2008	Amend	3-1-2008	660-041-0130	5-23-2008	Adopt	7-1-2008
660-021-0050	2-13-2008	Amend	3-1-2008	660-041-0140	5-23-2008	Adopt	7-1-2008
660-021-0060	2-13-2008	Amend	3-1-2008	660-041-0150	5-23-2008	Adopt	7-1-2008
660-021-0070	2-13-2008	Amend	3-1-2008	660-041-0160	5-23-2008	Adopt	7-1-2008
660-021-0080	2-13-2008	Amend	3-1-2008	660-041-0500	12-10-2007	Adopt(T)	1-1-2008
660-024-0030	4-18-2008	Amend	6-1-2008	660-041-0500	2-21-2008	Adopt(T)	4-1-2008
660-025-0040	2-13-2008	Amend	3-1-2008	660-041-0500	5-23-2008	Adopt	7-1-2008
660-026-0000	4-18-2008	Repeal	6-1-2008	660-041-0510	12-10-2007	Adopt(T)	1-1-2008
660-026-0010	4-18-2008	Repeal	6-1-2008	660-041-0510	2-21-2008	Adopt(T)	4-1-2008
660-026-0020	4-18-2008	Repeal	6-1-2008	660-041-0510	5-23-2008	Adopt	7-1-2008
660-026-0030	4-18-2008	Repeal	6-1-2008	660-041-0520	12-10-2007	Adopt(T)	1-1-2008
660-026-0040	4-18-2008	Repeal	6-1-2008	660-041-0520	2-21-2008	Adopt(T)	4-1-2008
660-027-0005	2-13-2008	Adopt	3-1-2008	660-041-0520	5-23-2008	Adopt	7-1-2008
660-027-0010	2-13-2008	Adopt	3-1-2008	660-041-0530	12-10-2007	Adopt(T)	1-1-2008
660-027-0020	2-13-2008	Adopt	3-1-2008	660-041-0530	2-21-2008	Adopt(T)	4-1-2008
660-027-0030	2-13-2008	Adopt	3-1-2008	660-041-0530	5-23-2008	Adopt	7-1-2008
660-027-0040	2-13-2008	Adopt	3-1-2008	664-020-0010	4-1-2008	Adopt	3-1-2008
660-027-0050	2-13-2008	Adopt	3-1-2008	664-020-0020	4-1-2008	Adopt	3-1-2008
660-027-0060	2-13-2008	Adopt	3-1-2008	664-020-0030	4-1-2008	Adopt	3-1-2008
660-027-0070	2-13-2008	Adopt	3-1-2008	670-020-0010	3-22-2008	Adopt	3-1-2008
660-027-0080	2-13-2008	Adopt	3-1-2008	670-020-0020	3-22-2008	Adopt	3-1-2008
660-033-0020	4-18-2008	Amend	6-1-2008	670-020-0030	3-22-2008	Adopt	3-1-2008
660-033-0030	4-18-2008	Amend	6-1-2008	678-010-0030	7-16-2008	Amend	9-1-2008
660-033-0120	4-18-2008	Amend	6-1-2008	678-030-0000	1-11-2008	Adopt	2-1-2008
660-033-0130	4-18-2008	Amend	6-1-2008	678-030-0010	1-11-2008	Adopt	2-1-2008

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678-030-0020	1-11-2008	Adopt	2-1-2008	734-058-0080	8-26-2008	Adopt	10-1-2008
678-030-0030	1-11-2008	Adopt	2-1-2008	734-059-0020	12-24-2007	Adopt	2-1-2008
679-030-0050	8-1-2008	Adopt	8-1-2008	734-059-0025	12-24-2007	Adopt	2-1-2008
690-200-0028	7-1-2008	Amend	8-1-2008	734-059-0030	12-24-2007	Adopt	2-1-2008
690-200-0050	7-1-2008	Amend	8-1-2008	734-059-0050	12-24-2007	Adopt	2-1-2008
690-210-0280	7-1-2008	Amend	8-1-2008	734-074-0010	5-19-2008	Amend	7-1-2008
690-215-0060	7-1-2008	Amend	8-1-2008	734-075-0010	4-24-2008	Amend(T)	6-1-2008
690-215-0080	7-1-2008	Amend	8-1-2008	734-075-0010	9-11-2008	Amend	10-1-2008
690-215-0200	7-1-2008	Adopt	8-1-2008	734-082-0015	5-19-2008	Amend	7-1-2008
690-600-0000	6-6-2008	Adopt	7-1-2008	734-082-0040	5-19-2008	Amend	7-1-2008
690-600-0010	6-6-2008	Adopt	7-1-2008	735-010-0008	7-1-2008	Amend	8-1-2008
690-600-0020	6-6-2008	Adopt	7-1-2008	735-010-0045	12-24-2007	Amend	2-1-2008
690-600-0030	6-6-2008	Adopt	7-1-2008	735-010-0100	7-1-2008	Amend	8-1-2008
690-600-0040	6-6-2008	Adopt	7-1-2008	735-010-0130	2-4-2008	Amend(T)	3-1-2008
690-600-0050	6-6-2008	Adopt	7-1-2008	735-010-0130	7-1-2008	Amend	8-1-2008
690-600-0060	6-6-2008	Adopt	7-1-2008	735-010-0130	9-15-2008	Amend(T)	10-1-2008
690-600-0070	6-6-2008	Adopt	7-1-2008	735-016-0030	2-4-2008	Amend	3-1-2008
695-003-0010	3-25-2008	Adopt	5-1-2008	735-016-0040	2-4-2008	Amend	3-1-2008
695-003-0020	3-25-2008	Adopt	5-1-2008	735-016-0070	7-1-2008	Amend	8-1-2008
695-003-0030	3-25-2008	Adopt	5-1-2008	735-020-0075	11-30-2007	Adopt	1-1-2008
695-003-0040	3-25-2008	Adopt	5-1-2008	735-024-0070	1-1-2008	Amend(T)	2-1-2008
695-007-0010	5-27-2008	Amend(T)	7-1-2008	735-024-0070	6-23-2008	Amend	8-1-2008
695-007-0020	5-27-2008	Amend(T)	7-1-2008	735-024-0070(T)	6-23-2008	Repeal	8-1-2008
695-007-0030	5-27-2008	Amend(T)	7-1-2008	735-024-0080	1-1-2008	Amend(T)	2-1-2008
695-007-0040	5-27-2008	Amend(T)	7-1-2008	735-024-0080	6-23-2008	Amend	8-1-2008
731-001-0025	12-24-2007	Amend	2-1-2008	735-024-0080(T)	6-23-2008	Repeal	8-1-2008
731-005-0450	1-24-2008	Amend(T)	3-1-2008	735-028-0100	3-21-2008	Amend	5-1-2008
731-005-0450	5-19-2008	Amend	7-1-2008	735-030-0300	1-1-2008	Adopt	2-1-2008
731-005-0450(T)	5-19-2008	Repeal	7-1-2008	735-030-0310	1-1-2008	Adopt	2-1-2008
731-005-0550	12-24-2007	Amend(T)	2-1-2008	735-030-0320	1-1-2008	Adopt	2-1-2008
731-005-0550	5-19-2008	Amend	7-1-2008	735-030-0330	1-1-2008	Adopt	2-1-2008
731-005-0550(T)	5-19-2008	Repeal	7-1-2008	735-032-0020	1-1-2008	Amend(T)	2-1-2008
732-035-0010	4-24-2008	Adopt	6-1-2008	735-032-0020	6-23-2008	Amend	8-1-2008
732-035-0020	4-24-2008	Adopt	6-1-2008	735-032-0020(T)	6-23-2008	Repeal	8-1-2008
732-035-0030	4-24-2008	Adopt	6-1-2008	735-032-0030	8-26-2008	Amend	10-1-2008
732-035-0040	4-24-2008	Adopt	6-1-2008	735-032-0050	1-1-2008	Amend	2-1-2008
732-035-0050	4-24-2008	Adopt	6-1-2008	735-040-0040	1-1-2008	Amend(T)	2-1-2008
732-035-0060	4-24-2008	Adopt	6-1-2008	735-040-0040	6-23-2008	Amend	8-1-2008
732-035-0070	4-24-2008	Adopt	6-1-2008	735-040-0040(T)	6-23-2008	Repeal	8-1-2008
732-035-0080	4-24-2008	Adopt	6-1-2008	735-040-0050	1-1-2008	Amend(T)	2-1-2008
734-001-0025	4-24-2008	Amend	6-1-2008	735-040-0050	6-23-2008	Repeal	8-1-2008
734-010-0230	1-24-2008	Amend(T)	3-1-2008	735-040-0080	1-1-2008	Amend(T)	2-1-2008
734-010-0230	5-19-2008	Amend	7-1-2008	735-040-0080	6-23-2008	Amend	8-1-2008
734-010-0230(T)	5-19-2008	Repeal	7-1-2008	735-040-0080(T)	6-23-2008	Repeal	8-1-2008
734-010-0260	1-24-2008	Amend(T)	3-1-2008	735-040-0090	1-1-2008	Amend(T)	2-1-2008
734-010-0260	5-19-2008	Amend	7-1-2008	735-040-0090	6-23-2008	Amend	8-1-2008
734-010-0260(T)	5-19-2008	Repeal	7-1-2008	735-040-0090(T)	6-23-2008	Repeal	8-1-2008
734-017-0005	7-28-2008	Amend	9-1-2008	735-040-0100	1-1-2008	Amend(T)	2-1-2008
734-020-0147	8-26-2008	Amend	10-1-2008	735-040-0100	6-23-2008	Amend	8-1-2008
734-058-0010	8-26-2008	Adopt	10-1-2008	735-040-0100(T)	6-23-2008	Repeal	8-1-2008
734-058-0020	8-26-2008	Adopt	10-1-2008	735-046-0000	6-23-2008	Amend	8-1-2008
734-058-0030	8-26-2008	Adopt	10-1-2008	735-046-0000	9-11-2008	Amend	10-1-2008
734-058-0040	8-26-2008	Adopt	10-1-2008	735-046-0000(T)	6-23-2008	Repeal	8-1-2008
734-058-0050	8-26-2008	Adopt	10-1-2008	735-046-0010	1-1-2008	Amend(T)	2-1-2008
734-058-0060	8-26-2008	Adopt	10-1-2008	735-046-0010	6-23-2008	Amend	8-1-2008
734-058-0070	8-26-2008	Adopt	10-1-2008	735-046-0010	9-11-2008	Amend	10-1-2008

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735-046-0050	1-1-2008	Amend(T)	2-1-2008	735-064-0020	7-1-2008	Amend	8-1-2008
735-046-0050	6-23-2008	Amend	8-1-2008	735-064-0040	1-1-2008	Amend	2-1-2008
735-046-0050	9-11-2008	Amend	10-1-2008	735-064-0070	1-1-2008	Amend	1-1-2008
735-046-0050(T)	6-23-2008	Repeal	8-1-2008	735-064-0100	1-25-2008	Amend	3-1-2008
735-050-0000	2-4-2008	Amend	3-1-2008	735-064-0220	1-1-2008	Amend	2-1-2008
735-050-0060	2-4-2008	Amend	3-1-2008	735-064-0230	1-25-2008	Amend	3-1-2008
735-050-0062	2-4-2008	Amend	3-1-2008	735-070-0000	7-1-2008	Amend	8-1-2008
735-050-0064	2-4-2008	Amend	3-1-2008	735-070-0004	7-1-2008	Amend	8-1-2008
735-060-0120	1-1-2008	Amend	2-1-2008	735-070-0010	2-4-2008	Amend(T)	3-1-2008
735-062-0000	1-1-2008	Amend	2-1-2008	735-070-0010	7-1-2008	Amend	8-1-2008
735-062-0000	2-4-2008	Amend(T)	3-1-2008	735-070-0020	7-1-2008	Amend	8-1-2008
735-062-0000	7-1-2008	Am. & Ren.	8-1-2008	735-070-0043	8-26-2008	Adopt(T)	10-1-2008
735-062-0002	7-1-2008	Adopt	8-1-2008	735-070-0080	1-1-2008	Amend	1-1-2008
735-062-0005	2-4-2008	Amend(T)	3-1-2008	735-070-0170	7-23-2008	Amend	9-1-2008
735-062-0005	7-1-2008	Amend	8-1-2008	735-070-0190	12-24-2007	Amend	2-1-2008
735-062-0010	2-4-2008	Amend(T)	3-1-2008	735-072-0035	1-1-2008	Amend	2-1-2008
735-062-0010	7-1-2008	Amend	8-1-2008	735-074-0080	1-1-2008	Amend	2-1-2008
735-062-0014	9-15-2008	Adopt(T)	10-1-2008	735-074-0140	1-1-2008	Amend	2-1-2008
735-062-0015	7-1-2008	Adopt	8-1-2008	735-074-0180	1-1-2008	Amend	2-1-2008
735-062-0015	9-15-2008	Amend(T)	10-1-2008	735-074-0260	1-1-2008	Am. & Ren.	2-1-2008
735-062-0016	7-1-2008	Adopt	8-1-2008	735-074-0270	1-1-2008	Am. & Ren.	2-1-2008
735-062-0020	2-4-2008	Amend(T)	3-1-2008	735-074-0280	1-1-2008	Am. & Ren.	2-1-2008
735-062-0020	7-1-2008	Amend	8-1-2008	735-074-0290	1-1-2008	Am. & Ren.	2-1-2008
735-062-0020	9-15-2008	Amend(T)	10-1-2008	735-075-0005	5-19-2008	Amend	7-1-2008
735-062-0021	2-4-2008	Adopt(T)	3-1-2008	735-076-0002	1-1-2008	Amend	2-1-2008
735-062-0021	7-1-2008	Repeal	8-1-2008	735-076-0005	2-22-2008	Amend(T)	4-1-2008
735-062-0030	2-4-2008	Amend	3-1-2008	735-076-0005(T)	5-19-2008	Repeal	7-1-2008
735-062-0030	2-4-2008	Amend(T)	3-1-2008	735-076-0007	1-1-2008	Amend	2-1-2008
735-062-0030	7-1-2008	Amend	8-1-2008	735-076-0018	1-1-2008	Amend	2-1-2008
735-062-0032	7-1-2008	Adopt	8-1-2008	735-076-0020	1-1-2008	Amend	2-1-2008
735-062-0033	7-1-2008	Adopt	8-1-2008	735-076-0035	1-1-2008	Amend	2-1-2008
735-062-0050	1-1-2008	Amend	2-1-2008	735-080-0000	9-11-2008	Amend	10-1-2008
735-062-0050	8-26-2008	Amend	10-1-2008	735-080-0010	1-1-2008	Repeal	2-1-2008
735-062-0073	1-1-2008	Amend	2-1-2008	735-080-0020	1-1-2008	Amend	2-1-2008
735-062-0090	1-1-2008	Amend	2-1-2008	735-080-0030	1-1-2008	Repeal	2-1-2008
735-062-0090	2-4-2008	Amend(T)	3-1-2008	735-080-0040	1-1-2008	Amend	2-1-2008
735-062-0090	2-22-2008	Amend(T)	4-1-2008	735-080-0060	7-1-2008	Amend	8-1-2008
735-062-0090	4-24-2008	Amend	6-1-2008	735-080-0070	7-1-2008	Amend	8-1-2008
735-062-0090	7-1-2008	Amend	8-1-2008	735-080-0080	1-1-2008	Amend	2-1-2008
735-062-0090(T)	4-24-2008	Repeal	6-1-2008	735-090-0000	12-24-2007	Amend	2-1-2008
735-062-0092	10-1-2008	Amend	10-1-2008	735-090-0020	12-24-2007	Amend	2-1-2008
735-062-0095	10-1-2008	Repeal	10-1-2008	735-090-0051	12-24-2007	Amend	2-1-2008
735-062-0110	2-4-2008	Amend(T)	3-1-2008	735-090-0120	12-24-2007	Amend	2-1-2008
735-062-0110	7-1-2008	Amend	8-1-2008	735-090-0130	12-24-2007	Amend	2-1-2008
735-062-0110	10-1-2008	Amend	10-1-2008	735-152-0000	1-1-2008	Amend(T)	2-1-2008
735-062-0120	7-1-2008	Amend	8-1-2008	735-152-0000	6-23-2008	Amend	8-1-2008
735-062-0125	7-1-2008	Adopt	8-1-2008	735-152-0000(T)	6-23-2008	Repeal	8-1-2008
735-062-0200	1-1-2008	Amend	2-1-2008	735-152-0040	1-1-2008	Amend(T)	2-1-2008
735-062-0200	10-1-2008	Amend	10-1-2008	735-152-0040	6-23-2008	Amend	8-1-2008
735-062-0220	7-1-2008	Adopt	8-1-2008	735-152-0040(T)	6-23-2008	Repeal	8-1-2008
735-062-0320	1-1-2008	Amend	2-1-2008	735-152-0050	1-1-2008	Amend(T)	2-1-2008
735-062-0320	7-1-2008	Amend	8-1-2008	735-152-0050	6-23-2008	Amend	8-1-2008
735-062-0330	1-1-2008	Amend	2-1-2008	735-152-0050(T)	6-23-2008	Repeal	8-1-2008
735-062-0380	1-1-2008	Amend	2-1-2008	735-152-0060	1-1-2008	Amend(T)	2-1-2008
735-062-0390	1-1-2008	Adopt	2-1-2008	735-152-0060	6-23-2008	Amend	8-1-2008

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735-158-0000	11-30-2007	Amend	1-1-2008	736-054-0025	2-15-2008	Amend	3-1-2008
735-160-0003	7-23-2008	Amend	9-1-2008	740-100-0010	4-1-2008	Amend	5-1-2008
735-160-0115	12-24-2007	Amend	2-1-2008	740-100-0030	7-23-2008	Amend	9-1-2008
736-002-0010	2-15-2008	Amend	3-1-2008	740-100-0060	4-1-2008	Amend	5-1-2008
736-002-0020	2-15-2008	Amend	3-1-2008	740-100-0070	4-1-2008	Amend	5-1-2008
736-002-0030	2-15-2008	Amend	3-1-2008	740-100-0080	4-1-2008	Amend	5-1-2008
736-002-0032	2-15-2008	Adopt	3-1-2008	740-100-0090	4-1-2008	Amend	5-1-2008
736-002-0038	2-15-2008	Adopt	3-1-2008	740-100-0140	3-21-2008	Am. & Ren.	5-1-2008
736-002-0040	2-15-2008	Repeal	3-1-2008	740-110-0010	4-1-2008	Amend	5-1-2008
736-002-0042	2-15-2008	Adopt	3-1-2008	740-200-0010	7-1-2008	Amend	8-1-2008
736-002-0050	2-15-2008	Adopt	3-1-2008	740-200-0020	7-1-2008	Amend	8-1-2008
736-002-0052	2-15-2008	Adopt	3-1-2008	740-200-0040	7-1-2008	Amend	8-1-2008
736-002-0058	2-15-2008	Adopt	3-1-2008	740-300-0140	3-21-2008	Am. & Ren.	5-1-2008
736-002-0060	2-15-2008	Repeal	3-1-2008	800-010-0015	2-1-2008	Amend	2-1-2008
736-002-0070	2-15-2008	Amend	3-1-2008	800-010-0017	2-1-2008	Amend	2-1-2008
736-002-0080	2-15-2008	Repeal	3-1-2008	800-010-0025	2-1-2008	Amend	2-1-2008
736-002-0082	2-15-2008	Adopt	3-1-2008	800-010-0030	2-1-2008	Amend	2-1-2008
736-002-0090	2-15-2008	Repeal	3-1-2008	800-010-0041	2-1-2008	Amend	2-1-2008
736-002-0092	2-15-2008	Adopt	3-1-2008	800-015-0005	2-1-2008	Amend	2-1-2008
736-002-0100	2-15-2008	Repeal	3-1-2008	800-015-0010	2-1-2008	Amend	2-1-2008
736-002-0102	2-15-2008	Adopt	3-1-2008	800-015-0015	2-1-2008	Adopt	2-1-2008
736-002-0150	2-15-2008	Adopt	3-1-2008	800-015-0030	2-1-2008	Amend	2-1-2008
736-002-0160	2-15-2008	Adopt	3-1-2008	800-020-0015	2-1-2008	Amend	2-1-2008
736-006-0100	3-1-2008	Amend	3-1-2008	800-020-0020	2-1-2008	Amend	2-1-2008
736-006-0110	3-1-2008	Amend(T)	3-1-2008	800-020-0022	2-1-2008	Amend	2-1-2008
736-006-0110	5-15-2008	Amend	6-1-2008	800-020-0025	2-1-2008	Amend	2-1-2008
736-006-0115	3-1-2008	Amend	3-1-2008	800-020-0026	2-1-2008	Amend	2-1-2008
736-006-0125	3-1-2008	Amend	3-1-2008	800-020-0030	2-1-2008	Amend	2-1-2008
736-006-0140	3-1-2008	Amend	3-1-2008	800-020-0031	2-1-2008	Amend	2-1-2008
736-006-0150	3-1-2008	Amend	3-1-2008	800-020-0035	2-1-2008	Amend	2-1-2008
736-009-0005	9-15-2008	Amend	10-1-2008	800-025-0020	2-1-2008	Amend	2-1-2008
736-009-0010	9-15-2008	Amend	10-1-2008	800-025-0023	2-1-2008	Amend	2-1-2008
736-009-0015	9-15-2008	Adopt	10-1-2008	800-025-0025	2-1-2008	Amend	2-1-2008
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736-009-0030	9-15-2008	Adopt	10-1-2008	800-025-0070	2-1-2008	Amend	2-1-2008
736-040-0005	5-15-2008	Amend	6-1-2008	800-030-0025	2-1-2008	Amend	2-1-2008
736-040-0015	5-15-2008	Amend	6-1-2008	800-030-0050	2-1-2008	Amend	2-1-2008
736-040-0020	5-15-2008	Amend	6-1-2008	801-001-0035	1-1-2008	Amend	2-1-2008
736-040-0035	5-15-2008	Amend	6-1-2008	801-010-0340	1-1-2008	Amend	2-1-2008
736-040-0041	5-15-2008	Amend	6-1-2008	801-030-0010	1-1-2008	Amend	2-1-2008
736-040-0042	5-15-2008	Amend	6-1-2008	801-030-0015	1-1-2008	Amend	2-1-2008
736-040-0043	5-15-2008	Amend	6-1-2008	801-030-0020	1-1-2008	Amend	2-1-2008
736-040-0044	5-15-2008	Amend	6-1-2008	801-040-0030	1-1-2008	Amend	2-1-2008
736-040-0046	5-15-2008	Amend	6-1-2008	804-022-0000	7-7-2008	Amend	8-1-2008
736-040-0056	5-15-2008	Amend	6-1-2008	804-022-0010	2-4-2008	Amend	3-1-2008
736-040-0070	5-15-2008	Amend	6-1-2008	804-025-0020	2-4-2008	Amend	3-1-2008
736-040-0071	5-15-2008	Amend	6-1-2008	804-027-0005	7-7-2008	Adopt	8-1-2008
736-040-0072	5-15-2008	Amend	6-1-2008	804-030-0005	7-7-2008	Am. & Ren.	8-1-2008
736-040-0073	5-15-2008	Amend	6-1-2008	804-030-0010	7-7-2008	Am. & Ren.	8-1-2008
736-040-0080	5-15-2008	Amend	6-1-2008	804-030-0015	2-4-2008	Am. & Ren.	3-1-2008
736-040-0085	5-15-2008	Amend	6-1-2008	804-030-0020	3-20-2008	Amend	5-1-2008
736-040-0090	5-15-2008	Amend	6-1-2008	804-030-0035	2-4-2008	Am. & Ren.	3-1-2008
736-054-0005	2-15-2008	Amend	3-1-2008	804-035-0010	3-20-2008	Amend	5-1-2008
736-054-0010	2-15-2008	Amend	3-1-2008	804-040-0000	3-20-2008	Amend	5-1-2008

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804-050-0001	7-7-2008	Am. & Ren.	8-1-2008	808-003-0110	1-1-2008	Amend	2-1-2008
804-050-0001	7-7-2008	Am. & Ren.	8-1-2008	808-003-0112	1-1-2008	Amend	2-1-2008
806-010-0010	2-28-2008	Amend	4-1-2008	808-003-0125	1-1-2008	Amend	2-1-2008
806-010-0015	2-28-2008	Repeal	4-1-2008	808-003-0125	6-2-2008	Amend	7-1-2008
806-010-0020	2-28-2008	Amend	4-1-2008	808-003-0130	1-1-2008	Amend	2-1-2008
806-010-0033	2-28-2008	Amend	4-1-2008	808-003-0130	1-1-2008	Amend	2-1-2008
806-010-0035	2-28-2008	Amend	4-1-2008	808-003-0130	4-11-2008	Amend	5-1-2008
806-010-0090	7-1-2008	Amend	4-1-2008	808-003-0135	1-1-2008	Amend	2-1-2008
806-010-0105	7-1-2008	Amend	4-1-2008	808-003-018	1-1-2008	Amend	2-1-2008
806-010-0145	7-1-2008	Amend	4-1-2008	808-003-0200	1-1-2008	Amend	2-1-2008
808-001-0005	4-25-2008	Amend	6-1-2008	808-003-0220	1-1-2008	Amend	2-1-2008
808-001-0020	1-1-2008	Amend	2-1-2008	808-003-0225	1-1-2008	Amend	2-1-2008
808-001-0020	1-1-2008	Amend	2-1-2008	808-003-0230	1-1-2008	Amend	2-1-2008
808-001-0020	4-11-2008	Amend	5-1-2008	808-003-0230	1-1-2008	Amend	2-1-2008
808-001-0020	4-23-2008	Amend(T)	6-1-2008	808-003-0230	4-11-2008	Amend	5-1-2008
808-002-0020	1-1-2008	Amend	2-1-2008	808-003-0235	1-1-2008	Amend	2-1-2008
808-002-0210	1-1-2008	Amend	2-1-2008	808-003-0255	1-1-2008	Amend	2-1-2008
808-002-0220	1-1-2008	Amend	2-1-2008	808-003-0440	1-1-2008	Amend	2-1-2008
808-002-0220	1-1-2008	Amend	2-1-2008	808-004-0120	1-1-2008	Amend	2-1-2008
808-002-0220	4-11-2008	Amend	5-1-2008	808-004-0120	4-11-2008	Amend	5-1-2008
808-002-0280	1-1-2008	Amend	2-1-2008	808-004-0250	1-1-2008	Amend	2-1-2008
808-002-0325	1-1-2008	Amend	2-1-2008	808-004-0320	1-1-2008	Amend	2-1-2008
808-002-0328	1-1-2008	Amend	2-1-2008	808-004-0340	1-1-2008	Amend	2-1-2008
808-002-0330	1-1-2008	Amend	2-1-2008	808-004-0340	1-1-2008	Amend	2-1-2008
808-002-0500	1-1-2008	Amend	2-1-2008	808-004-0400	1-1-2008	Amend	2-1-2008
808-002-0540	1-1-2008	Amend	2-1-2008	808-004-0450	1-1-2008	Amend	2-1-2008
808-002-0590	1-1-2008	Adopt	2-1-2008	808-004-0530	1-1-2008	Adopt	2-1-2008
808-002-0623	6-2-2008	Adopt	7-1-2008	808-004-0540	1-1-2008	Amend	2-1-2008
808-002-0625	1-1-2008	Adopt	2-1-2008	808-004-0600	1-1-2008	Amend	2-1-2008
808-002-0665	1-1-2008	Amend	2-1-2008	808-005-0020	1-1-2008	Amend	2-1-2008
808-002-0734	6-2-2008	Amend	7-1-2008	808-005-0020	1-1-2008	Amend	2-1-2008
808-002-0870	1-1-2008	Amend	2-1-2008	808-005-0020	4-11-2008	Amend	5-1-2008
808-002-0900	1-1-2008	Amend	2-1-2008	808-009-0340	8-8-2008	Amend(T)	9-1-2008
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808-003-0010	1-1-2008	Amend	2-1-2008	808-009-0360	3-7-2008	Repeal	4-1-2008
808-003-0015	1-1-2008	Amend	2-1-2008	808-030-0010	1-1-2008	Adopt	2-1-2008
808-003-0015	1-1-2008	Amend	2-1-2008	808-030-0010	6-2-2008	Amend	7-1-2008
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808-003-0018	4-11-2008	Amend	5-1-2008	808-030-0030	1-1-2008	Adopt	2-1-2008
808-003-0020	1-1-2008	Amend	2-1-2008	808-030-0040	1-1-2008	Adopt	2-1-2008
808-003-0030	1-1-2008	Amend	2-1-2008	808-030-0050	1-1-2008	Adopt	2-1-2008
808-003-0030	6-2-2008	Amend	7-1-2008	808-030-0060	1-1-2008	Adopt	2-1-2008
808-003-0035	1-1-2008	Amend	2-1-2008	808-030-0070	1-1-2008	Adopt	2-1-2008
808-003-0035	1-1-2008	Amend	2-1-2008	808-040-0010	1-1-2008	Adopt	2-1-2008
808-003-0035	4-11-2008	Amend	5-1-2008	808-040-0020	1-1-2008	Adopt	2-1-2008
808-003-0040	1-1-2008	Amend	2-1-2008	808-040-0025	1-1-2008	Adopt	2-1-2008
808-003-0040	1-1-2008	Amend	2-1-2008	808-040-0030	1-1-2008	Adopt	2-1-2008
808-003-0040	4-11-2008	Amend	5-1-2008	808-040-0040	1-1-2008	Adopt	2-1-2008
808-003-0045	1-1-2008	Amend	2-1-2008	808-040-0050	1-1-2008	Adopt	2-1-2008
808-003-0045	1-1-2008	Amend	2-1-2008	808-040-0060	1-1-2008	Adopt	2-1-2008
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808-003-0060	1-1-2008	Amend	2-1-2008	808-040-0080	1-1-2008	Adopt	2-1-2008
808-003-0090	1-1-2008	Amend	2-1-2008	809-030-0025	3-20-2008	Amend	5-1-2008
808-003-0095	1-1-2008	Amend	2-1-2008	811-001-0005	1-31-2008	Amend	1-1-2008
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811-010-0093	11-30-2007	Amend	1-1-2008	812-003-0120	7-1-2008	Amend	7-1-2008
811-015-0010	11-30-2007	Amend	1-1-2008	812-003-0130	7-1-2008	Amend	4-1-2008
811-015-0025	11-30-2007	Amend	1-1-2008	812-003-0131	7-1-2008	Adopt	4-1-2008
811-021-0005	11-30-2007	Amend	1-1-2008	812-003-0140	1-10-2008	Amend(T)	2-1-2008
811-030-0020	5-29-2008	Amend	7-1-2008	812-003-0140	7-1-2008	Amend	4-1-2008
812-001-0100	7-1-2008	Amend	7-1-2008	812-003-0150	1-1-2008	Amend	1-1-2008
812-001-0120	5-1-2008	Amend	6-1-2008	812-003-0150	7-1-2008	Amend	8-1-2008
812-001-0140	7-1-2008	Amend	7-1-2008	812-003-0152	7-1-2008	Adopt	4-1-2008
812-001-0160	5-1-2008	Amend	6-1-2008	812-003-0152	7-1-2008	Amend	8-1-2008
812-001-0160	8-1-2008	Amend(T)	9-1-2008	812-003-0153	7-1-2008	Adopt	4-1-2008
812-001-0200	1-1-2008	Amend	1-1-2008	812-003-0153	7-1-2008	Amend	8-1-2008
812-001-0200	1-2-2008	Amend(T)	2-1-2008	812-003-0155	1-1-2008	Adopt	1-1-2008
812-001-0200	5-1-2008	Amend	6-1-2008	812-003-0155	7-1-2008	Amend	4-1-2008
812-001-0200(T)	5-1-2008	Repeal	6-1-2008	812-003-0160	1-1-2008	Amend	1-1-2008
812-001-0240	7-1-2008	Adopt	8-1-2008	812-003-0160	7-1-2008	Amend	7-1-2008
812-001-0500	7-1-2008	Amend	7-1-2008	812-003-0170	1-1-2008	Amend	1-1-2008
812-002-0011	7-1-2008	Amend	7-1-2008	812-003-0170	7-1-2008	Amend	4-1-2008
812-002-0040	7-1-2008	Amend	7-1-2008	812-003-0171	7-1-2008	Adopt	4-1-2008
812-002-0140	1-1-2008	Amend	1-1-2008	812-003-0175	1-1-2008	Amend	1-1-2008
812-002-0140	7-1-2008	Amend	7-1-2008	812-003-0175	7-1-2008	Amend	4-1-2008
812-002-0143	1-1-2008	Amend	1-1-2008	812-003-0175	7-1-2008	Amend	8-1-2008
812-002-0143	7-1-2008	Amend	7-1-2008	812-003-0180	1-1-2008	Amend	1-1-2008
812-002-0160	7-1-2008	Amend	7-1-2008	812-003-0180	7-1-2008	Amend	7-1-2008
812-002-0170	1-1-2008	Adopt	1-1-2008	812-003-0190	1-1-2008	Amend	1-1-2008
812-002-0180	7-1-2008	Amend	7-1-2008	812-003-0190	7-1-2008	Amend	7-1-2008
812-002-0190	7-1-2008	Amend	7-1-2008	812-003-0200	1-1-2008	Amend	1-1-2008
812-002-0200	7-1-2008	Amend	7-1-2008	812-003-0200	7-1-2008	Amend	4-1-2008
812-002-0260	7-1-2008	Amend	7-1-2008	812-003-0210	7-1-2008	Amend	7-1-2008
812-002-0265	1-1-2008	Adopt	1-1-2008	812-003-0220	7-1-2008	Amend	4-1-2008
812-002-0280	7-1-2008	Amend	7-1-2008	812-003-0221	7-1-2008	Adopt	4-1-2008
812-002-0320	7-1-2008	Amend	4-1-2008	812-003-0230	7-1-2008	Amend	4-1-2008
812-002-0345	7-1-2008	Amend	7-1-2008	812-003-0240	1-1-2008	Amend	1-1-2008
812-002-0380	7-1-2008	Amend	4-1-2008	812-003-0240	7-1-2008	Amend	7-1-2008
812-002-0420	1-1-2008	Amend	1-1-2008	812-003-0250	1-1-2008	Amend	1-1-2008
812-002-0420	7-1-2008	Amend	7-1-2008	812-003-0250	7-1-2008	Amend	7-1-2008
812-002-0440	7-1-2008	Amend	7-1-2008	812-003-0260	1-1-2008	Amend	1-1-2008
812-002-0443	7-1-2008	Amend	7-1-2008	812-003-0260	3-24-2008	Amend	5-1-2008
812-002-0460	7-1-2008	Amend	7-1-2008	812-003-0260	7-1-2008	Amend	4-1-2008
812-002-0530	7-1-2008	Amend	7-1-2008	812-003-0260	7-1-2008	Amend	6-1-2008
812-002-0533	7-1-2008	Amend	7-1-2008	812-003-0260	7-1-2008	Amend	8-1-2008
812-002-0537	7-1-2008	Amend	7-1-2008	812-003-0270	1-10-2008	Amend(T)	2-1-2008
812-002-0580	1-1-2008	Amend	1-1-2008	812-003-0270	7-1-2008	Amend	4-1-2008
812-002-0630	1-1-2008	Adopt	1-1-2008	812-003-0280	1-1-2008	Amend	1-1-2008
812-002-0630	7-1-2008	Amend	7-1-2008	812-003-0280	7-1-2008	Amend	4-1-2008
812-002-0635	1-1-2008	Adopt	1-1-2008	812-003-0290	1-1-2008	Amend	1-1-2008
812-002-0635	7-1-2008	Amend	7-1-2008	812-003-0290	7-1-2008	Amend	4-1-2008
812-002-0640	1-1-2008	Amend	1-1-2008	812-003-0300	1-1-2008	Amend	1-1-2008
812-002-0640	7-1-2008	Amend	7-1-2008	812-003-0300	7-1-2008	Amend	4-1-2008
812-002-0670	7-1-2008	Amend	7-1-2008	812-003-0310	1-1-2008	Amend	1-1-2008
812-002-0673	7-1-2008	Amend	7-1-2008	812-003-0310	7-1-2008	Amend	7-1-2008
812-002-0675	7-1-2008	Amend	7-1-2008	812-003-0320	7-1-2008	Amend	7-1-2008
812-002-0760	1-1-2008	Amend	1-1-2008	812-003-0330	7-1-2008	Amend	7-1-2008
812-002-0760	7-1-2008	Amend	7-1-2008	812-003-0340	7-1-2008	Amend	4-1-2008
812-002-0780	7-1-2008	Amend	7-1-2008	812-003-0350	7-1-2008	Amend	7-1-2008

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812-003-0370	7-1-2008	Amend	7-1-2008	812-005-0800	7-1-2008	Amend	8-1-2008
812-003-0380	1-1-2008	Amend	1-1-2008	812-006-0100	7-1-2008	Amend	7-1-2008
812-003-0380	7-1-2008	Amend	7-1-2008	812-006-0150	7-1-2008	Amend	7-1-2008
812-003-0390	7-1-2008	Amend	7-1-2008	812-006-0200	7-1-2008	Amend	7-1-2008
812-003-0400	1-1-2008	Amend	1-1-2008	812-006-0250	7-1-2008	Amend	7-1-2008
812-003-0400	7-1-2008	Amend	7-1-2008	812-006-0300	7-1-2008	Amend	7-1-2008
812-003-0410	7-1-2008	Amend	7-1-2008	812-006-0350	7-1-2008	Amend	7-1-2008
812-003-0420	7-1-2008	Amend	4-1-2008	812-006-0400	7-1-2008	Amend	7-1-2008
812-003-0430	7-1-2008	Amend	7-1-2008	812-006-0450	7-1-2008	Amend	8-1-2008
812-003-0440	7-1-2008	Amend	4-1-2008	812-007-0040	7-1-2008	Amend	4-1-2008
812-003-0450	7-1-2008	Amend	4-1-2008	812-008-0030	7-1-2008	Amend	4-1-2008
812-004-0110	7-1-2008	Amend	7-1-2008	812-008-0040	1-1-2008	Amend	1-1-2008
812-004-0110	7-1-2008	Amend	8-1-2008	812-008-0040	7-1-2008	Amend	4-1-2008
812-004-0120	7-1-2008	Amend	7-1-2008	812-008-0060	1-1-2008	Amend	1-1-2008
812-004-0210	7-1-2008	Amend	7-1-2008	812-008-0070	1-1-2008	Amend	1-1-2008
812-004-0240	1-1-2008	Amend	1-1-2008	812-008-0110	1-1-2008	Amend	1-1-2008
812-004-0240	7-1-2008	Amend	7-1-2008	812-008-0201	7-1-2008	Amend	8-1-2008
812-004-0250	1-1-2008	Amend	1-1-2008	812-009-0020	7-1-2008	Amend	7-1-2008
812-004-0250	7-1-2008	Amend	7-1-2008	812-009-0050	7-1-2008	Amend	7-1-2008
812-004-0260	1-1-2008	Amend	1-1-2008	812-009-0070	7-1-2008	Amend	7-1-2008
812-004-0260	7-1-2008	Amend	8-1-2008	812-009-0090	7-1-2008	Amend	7-1-2008
812-004-0300	7-1-2008	Amend	7-1-2008	812-009-0140	1-1-2008	Amend	1-1-2008
812-004-0320	7-1-2008	Amend	8-1-2008	812-009-0140	7-1-2008	Amend	7-1-2008
812-004-0340	7-1-2008	Amend	7-1-2008	812-009-0160	7-1-2008	Amend	7-1-2008
812-004-0400	7-1-2008	Amend	7-1-2008	812-009-0200	7-1-2008	Amend	7-1-2008
812-004-0440	7-1-2008	Amend	7-1-2008	812-009-0220	7-1-2008	Amend	7-1-2008
812-004-0470	7-1-2008	Amend	7-1-2008	812-009-0320	7-1-2008	Amend	7-1-2008
812-004-0520	7-1-2008	Amend	7-1-2008	812-009-0340	7-1-2008	Amend	7-1-2008
812-004-0535	7-1-2008	Amend	7-1-2008	812-009-0400	5-1-2008	Amend	6-1-2008
812-004-0540	7-1-2008	Amend	7-1-2008	812-009-0420	5-1-2008	Amend	6-1-2008
812-004-0550	7-1-2008	Amend	7-1-2008	812-009-0430	7-1-2008	Amend	7-1-2008
812-004-0550	7-1-2008	Amend	8-1-2008	812-009-0435	5-1-2008	Adopt	6-1-2008
812-004-0560	1-1-2008	Amend	1-1-2008	812-010-0020	7-1-2008	Amend	7-1-2008
812-004-0560	7-1-2008	Amend	7-1-2008	812-010-0060	7-1-2008	Amend	7-1-2008
812-004-0590	1-1-2008	Amend	1-1-2008	812-010-0080	7-1-2008	Amend	7-1-2008
812-004-0590	7-1-2008	Amend	7-1-2008	812-010-0090	7-1-2008	Amend	7-1-2008
812-004-0600	1-1-2008	Amend	1-1-2008	812-010-0100	7-1-2008	Amend	7-1-2008
812-004-0600	7-1-2008	Amend	4-1-2008	812-010-0120	7-1-2008	Amend	7-1-2008
812-004-0600	7-1-2008	Amend	8-1-2008	812-010-0160	7-1-2008	Amend	7-1-2008
812-005-0100	7-1-2008	Amend	7-1-2008	812-010-0400	7-1-2008	Amend	7-1-2008
812-005-0130	7-1-2008	Amend	8-1-2008	812-010-0420	1-1-2008	Amend	1-1-2008
812-005-0140	7-1-2008	Amend	7-1-2008	812-010-0420	7-1-2008	Amend	7-1-2008
812-005-0160	7-1-2008	Amend	7-1-2008	812-010-0425	7-1-2008	Amend	7-1-2008
812-005-0170	7-1-2008	Amend	7-1-2008	812-010-0470	1-1-2008	Amend	1-1-2008
812-005-0200	1-1-2008	Amend	1-1-2008	812-010-0470	7-1-2008	Amend	7-1-2008
812-005-0200	7-1-2008	Amend	7-1-2008	812-012-0110	1-1-2008	Adopt	1-1-2008
812-005-0210	1-1-2008	Amend	1-1-2008	812-012-0110	7-1-2008	Amend	7-1-2008
812-005-0210	7-1-2008	Amend	7-1-2008	812-012-0130	1-1-2008	Adopt	1-1-2008
812-005-0250	1-1-2008	Amend	1-1-2008	812-012-0130	1-18-2008	Amend(T)	3-1-2008
812-005-0250	7-1-2008	Amend	7-1-2008	812-012-0130	5-1-2008	Amend	6-1-2008
812-005-0270	1-1-2008	Adopt	1-1-2008	812-012-0130(T)	5-1-2008	Repeal	6-1-2008
812-005-0270	7-1-2008	Amend	4-1-2008	813-110-0005	4-11-2008	Amend	5-1-2008
812-005-0280	7-1-2008	Adopt	8-1-2008	813-110-0005(T)	4-11-2008	Repeal	5-1-2008
812-005-0500	7-1-2008	Amend	8-1-2008	813-110-0010	4-11-2008	Amend	5-1-2008
812-005-0800	1-2-2008	Amend(T)	2-1-2008	813-110-0010(T)	4-11-2008	Repeal	5-1-2008

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813-110-0015	4-11-2008	Amend	5-1-2008	813-300-0060	3-18-2008	Amend	5-1-2008
813-110-0015(T)	4-11-2008	Repeal	5-1-2008	813-300-0060(T)	3-18-2008	Repeal	5-1-2008
813-110-0020	4-11-2008	Amend	5-1-2008	813-300-0080	3-18-2008	Amend	5-1-2008
813-110-0020(T)	4-11-2008	Repeal	5-1-2008	813-300-0080(T)	3-18-2008	Repeal	5-1-2008
813-110-0021	4-11-2008	Amend	5-1-2008	813-300-0100	3-18-2008	Amend	5-1-2008
813-110-0021(T)	4-11-2008	Repeal	5-1-2008	813-300-0100(T)	3-18-2008	Repeal	5-1-2008
813-110-0022	4-11-2008	Amend	5-1-2008	813-300-0120	3-18-2008	Amend	5-1-2008
813-110-0022(T)	4-11-2008	Repeal	5-1-2008	813-300-0120(T)	3-18-2008	Repeal	5-1-2008
813-110-0025	4-11-2008	Amend	5-1-2008	817-010-0065	6-1-2008	Amend	7-1-2008
813-110-0025(T)	4-11-2008	Repeal	5-1-2008	817-015-0050	6-1-2008	Amend	7-1-2008
813-110-0030	4-11-2008	Amend	5-1-2008	817-015-0065	6-1-2008	Amend	7-1-2008
813-110-0030(T)	4-11-2008	Repeal	5-1-2008	817-015-0070	6-1-2008	Adopt	7-1-2008
813-110-0035	4-11-2008	Amend	5-1-2008	817-030-0020	10-1-2008	Amend	10-1-2008
813-110-0035(T)	4-11-2008	Repeal	5-1-2008	817-035-0010	10-1-2008	Amend	10-1-2008
813-120-0001	1-28-2008	Amend	3-1-2008	817-035-0050	10-1-2008	Amend	10-1-2008
813-120-0010	1-28-2008	Amend	3-1-2008	817-040-0003	10-1-2008	Amend	10-1-2008
813-120-0020	1-28-2008	Amend	3-1-2008	818-001-0087	11-30-2007	Amend	1-1-2008
813-120-0030	1-28-2008	Am. & Ren.	3-1-2008	818-012-0030	11-30-2007	Amend	1-1-2008
813-120-0040	1-28-2008	Amend	3-1-2008	818-021-0060	11-30-2007	Amend	1-1-2008
813-120-0050	1-28-2008	Amend	3-1-2008	818-021-0070	11-30-2007	Amend	1-1-2008
813-120-0060	1-28-2008	Amend	3-1-2008	818-035-0030	11-30-2007	Amend	1-1-2008
813-120-0070	1-28-2008	Amend	3-1-2008	818-035-0040	11-30-2007	Amend	1-1-2008
813-120-0080	1-28-2008	Amend	3-1-2008	818-035-0065	11-30-2007	Amend	1-1-2008
813-120-0090	1-28-2008	Amend	3-1-2008	818-042-0040	11-30-2007	Amend	1-1-2008
813-120-0100	1-28-2008	Am. & Ren.	3-1-2008	818-042-0060	11-30-2007	Amend	1-1-2008
813-120-0110	1-28-2008	Amend	3-1-2008	818-042-0095	11-30-2007	Adopt	1-1-2008
813-120-0120	1-28-2008	Amend	3-1-2008	820-010-0010	7-9-2008	Amend	8-1-2008
813-120-0130	1-28-2008	Amend	3-1-2008	820-010-0225	7-9-2008	Amend	8-1-2008
813-120-0140	1-28-2008	Amend	3-1-2008	820-010-0226	7-9-2008	Amend	8-1-2008
813-140-0010	12-18-2007	Amend(T)	2-1-2008	820-010-0236	3-12-2008	Adopt	4-1-2008
813-140-0010	6-23-2008	Amend	8-1-2008	820-010-0300	3-12-2008	Amend	4-1-2008
813-140-0050	12-18-2007	Amend(T)	2-1-2008	820-010-0305	3-12-2008	Amend	4-1-2008
813-140-0050	6-23-2008	Amend	8-1-2008	820-010-0325	3-12-2008	Amend	4-1-2008
813-140-0090	12-18-2007	Amend(T)	2-1-2008	820-010-0415	3-12-2008	Amend	4-1-2008
813-140-0090	6-23-2008	Amend	8-1-2008	820-010-0425	3-12-2008	Amend	4-1-2008
813-140-0095	12-18-2007	Adopt(T)	2-1-2008	820-010-0427	3-12-2008	Amend	4-1-2008
813-140-0096	6-23-2008	Adopt	8-1-2008	820-010-0440	7-9-2008	Amend	8-1-2008
813-220-0001	3-31-2008	Amend	5-1-2008	820-010-0450	3-12-2008	Amend	4-1-2008
813-220-0005	3-31-2008	Amend	5-1-2008	820-010-0450	7-9-2008	Amend	8-1-2008
813-220-0010	3-31-2008	Amend	5-1-2008	820-010-0465	7-9-2008	Amend	8-1-2008
813-220-0015	3-31-2008	Amend	5-1-2008	820-010-0520	7-9-2008	Amend	8-1-2008
813-220-0020	3-31-2008	Amend	5-1-2008	820-010-0605	3-12-2008	Amend	4-1-2008
813-220-0030	3-31-2008	Amend	5-1-2008	820-010-0620	7-9-2008	Amend	8-1-2008
813-220-0050	3-31-2008	Amend	5-1-2008	820-015-0010	7-9-2008	Amend	8-1-2008
813-220-0060	3-31-2008	Amend	5-1-2008	833-020-0050	6-1-2008	Amend(T)	7-1-2008
813-250-0000	4-11-2008	Amend	5-1-2008	833-025-0050	6-1-2008	Amend(T)	7-1-2008
813-250-0010	4-11-2008	Amend	5-1-2008	833-025-0060	6-1-2008	Amend(T)	7-1-2008
813-250-0020	4-11-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-250-0030	4-11-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-250-0040	4-11-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-300-0010	3-18-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-300-0010(T)	3-18-2008	Repeal	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-300-0020	3-18-2008	Amend	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
813-300-0020(T)	3-18-2008	Repeal	5-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008

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836-009-0007	6-2-2008	Amend	7-1-2008	836-052-0556	1-1-2008	Amend	1-1-2008
836-011-0100	7-1-2008	Amend	8-1-2008	836-052-0566	1-1-2008	Amend	1-1-2008
836-011-0100	7-29-2008	Amend	9-1-2008	836-052-0576	1-1-2008	Amend	1-1-2008
836-011-0110	7-1-2008	Amend	8-1-2008	836-052-0616	1-1-2008	Amend	1-1-2008
836-011-0110	7-29-2008	Amend	9-1-2008	836-052-0626	1-1-2008	Amend	1-1-2008
836-011-0120	7-1-2008	Amend	8-1-2008	836-052-0636	1-1-2008	Amend	1-1-2008
836-011-0120	7-29-2008	Amend	9-1-2008	836-052-0639	1-1-2008	Adopt	1-1-2008
836-011-0130	7-1-2008	Amend	8-1-2008	836-052-0656	1-1-2008	Amend	1-1-2008
836-011-0130	7-29-2008	Amend	9-1-2008	836-052-0666	1-1-2008	Amend	1-1-2008
836-011-0140	7-1-2008	Amend	8-1-2008	836-052-0676	1-1-2008	Amend	1-1-2008
836-011-0140	7-29-2008	Amend	9-1-2008	836-052-0696	1-1-2008	Amend	1-1-2008
836-011-0150	7-1-2008	Amend	8-1-2008	836-052-0700	1-1-2008	Am. & Ren.	1-1-2008
836-011-0150	7-29-2008	Amend	9-1-2008	836-052-0706	1-1-2008	Amend	1-1-2008
836-011-0160	7-1-2008	Amend	8-1-2008	836-052-0726	1-1-2008	Amend	1-1-2008
836-011-0160	7-29-2008	Amend	9-1-2008	836-052-0736	1-1-2008	Amend	1-1-2008
836-011-0180	7-1-2008	Amend	8-1-2008	836-052-0738	1-1-2008	Adopt	1-1-2008
836-011-0180	7-29-2008	Amend	9-1-2008	836-052-0740	1-1-2008	Adopt	1-1-2008
836-011-0190	7-1-2008	Amend	8-1-2008	836-052-0746	1-1-2008	Amend	1-1-2008
836-011-0190	7-29-2008	Amend	9-1-2008	836-052-0756	1-1-2008	Amend	1-1-2008
836-011-0200	7-1-2008	Amend	8-1-2008	836-052-0766	1-1-2008	Amend	1-1-2008
836-011-0200	7-29-2008	Amend	9-1-2008	836-052-0776	1-1-2008	Amend	1-1-2008
836-011-0210	7-1-2008	Amend	8-1-2008	836-052-0786	1-1-2008	Amend	1-1-2008
836-011-0210	7-29-2008	Amend	9-1-2008	836-052-1000	1-1-2008	Adopt	2-1-2008
836-011-0220	7-1-2008	Amend	8-1-2008	836-053-0007	4-18-2008	Adopt	6-1-2008
836-011-0220	7-29-2008	Amend	9-1-2008	836-053-0016	2-11-2008	Repeal	3-1-2008
836-011-0223	7-1-2008	Adopt	8-1-2008	836-053-0021	2-11-2008	Amend	3-1-2008
836-011-0223	7-29-2008	Adopt	9-1-2008	836-053-0026	2-11-2008	Repeal	3-1-2008
836-011-0225	7-1-2008	Adopt	8-1-2008	836-053-0030	2-11-2008	Amend	3-1-2008
836-011-0225	7-29-2008	Adopt	9-1-2008	836-053-0040	2-11-2008	Amend	3-1-2008
836-011-0227	7-1-2008	Adopt	8-1-2008	836-053-0050	2-11-2008	Amend	3-1-2008
836-011-0227	7-29-2008	Adopt	9-1-2008	836-053-0060	2-11-2008	Amend	3-1-2008
836-011-0235	7-1-2008	Adopt	8-1-2008	836-053-0065	2-11-2008	Amend	3-1-2008
836-011-0235	7-29-2008	Adopt	9-1-2008	836-053-0065(T)	2-11-2008	Repeal	3-1-2008
836-024-0056	7-1-2008	Repeal	8-1-2008	836-053-0081	4-18-2008	Adopt	6-1-2008
836-024-0056	7-29-2008	Repeal	9-1-2008	836-053-0910	12-21-2007	Amend(T)	2-1-2008
836-024-0061	7-1-2008	Repeal	8-1-2008	836-053-0910	6-18-2008	Amend	8-1-2008
836-024-0061	7-29-2008	Repeal	9-1-2008	836-053-1400	4-18-2008	Amend	6-1-2008
836-042-0045	4-7-2008	Amend	5-1-2008	836-054-0050	1-16-2008	Repeal	3-1-2008
836-042-0045	9-1-2008	Amend(T)	9-1-2008	836-054-0055	1-16-2008	Repeal	3-1-2008
836-043-0068	4-7-2008	Amend	5-1-2008	836-054-0060	1-16-2008	Repeal	3-1-2008
836-050-0300	6-30-2008	Adopt	8-1-2008	836-054-0065	1-16-2008	Repeal	3-1-2008
836-050-0300	7-29-2008	Adopt	9-1-2008	836-071-0130	12-11-2007	Amend(T)	1-1-2008
836-050-0305	6-30-2008	Adopt	8-1-2008	836-071-0130	6-2-2008	Amend	7-1-2008
836-050-0305	7-29-2008	Adopt	9-1-2008	836-071-0135	12-11-2007	Amend(T)	1-1-2008
836-051-0900	8-15-2008	Adopt	9-1-2008	836-071-0135	6-2-2008	Amend	7-1-2008
836-051-0905	8-15-2008	Adopt	9-1-2008	836-071-0145	12-11-2007	Amend(T)	1-1-2008
836-051-0910	8-15-2008	Adopt	9-1-2008	836-071-0145	6-2-2008	Amend	7-1-2008
836-051-0915	8-15-2008	Adopt	9-1-2008	836-080-0001	8-15-2008	Amend	9-1-2008
836-051-0920	8-15-2008	Adopt	9-1-2008	836-080-0095	8-15-2008	Adopt	9-1-2008
836-051-0925	8-15-2008	Adopt	9-1-2008	836-080-0165	8-15-2008	Adopt	9-1-2008
836-052-0500	1-1-2008	Amend	1-1-2008	836-080-0166	9-3-2008	Adopt(T)	10-1-2008
836-052-0508	1-1-2008	Adopt	1-1-2008	836-200-0105	4-7-2008	Adopt	5-1-2008
836-052-0516	1-1-2008	Amend	1-1-2008	836-200-0110	4-7-2008	Adopt	5-1-2008
836-052-0526	1-1-2008	Amend	1-1-2008	836-200-0120	4-7-2008	Adopt	5-1-2008

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836-200-0140	4-7-2008	Adopt	5-1-2008	839-002-0040	1-1-2008	Adopt	2-1-2008
836-200-0200	4-14-2008	Adopt	5-1-2008	839-002-0045	1-1-2008	Adopt	2-1-2008
836-200-0210	4-14-2008	Adopt	5-1-2008	839-002-0050	1-1-2008	Adopt	2-1-2008
836-200-0215	4-14-2008	Adopt	5-1-2008	839-002-0055	1-1-2008	Adopt	2-1-2008
836-200-0220	4-14-2008	Adopt	5-1-2008	839-002-0060	1-1-2008	Adopt	2-1-2008
837-012-0520	1-25-2008	Amend(T)	3-1-2008	839-002-0065	1-1-2008	Adopt	2-1-2008
837-012-0520	5-1-2008	Amend	5-1-2008	839-002-0070	1-1-2008	Adopt	2-1-2008
837-020-0035	11-30-2007	Amend(T)	1-1-2008	839-002-0080	1-1-2008	Adopt	2-1-2008
837-020-0035	5-1-2008	Amend	5-1-2008	839-003-0005	1-1-2008	Amend	2-1-2008
837-020-0115	11-30-2007	Amend(T)	1-1-2008	839-003-0005	3-25-2008	Amend(T)	5-1-2008
837-020-0115	5-1-2008	Amend	5-1-2008	839-003-0010	3-25-2008	Amend(T)	5-1-2008
837-035-0000	11-16-2007	Adopt	1-1-2008	839-003-0020	1-1-2008	Amend	2-1-2008
837-035-0020	11-16-2007	Adopt	1-1-2008	839-003-0020	3-25-2008	Amend(T)	5-1-2008
837-035-0040	11-16-2007	Adopt	1-1-2008	839-003-0025	3-25-2008	Amend(T)	5-1-2008
837-035-0060	11-16-2007	Adopt	1-1-2008	839-003-0040	3-25-2008	Amend(T)	5-1-2008
837-035-0080	11-16-2007	Adopt	1-1-2008	839-003-0045	3-25-2008	Amend(T)	5-1-2008
837-035-0100	11-16-2007	Adopt	1-1-2008	839-003-0050	3-25-2008	Amend(T)	5-1-2008
837-035-0120	11-16-2007	Adopt	1-1-2008	839-003-0055	1-1-2008	Amend	2-1-2008
837-035-0140	11-16-2007	Adopt	1-1-2008	839-003-0055	3-25-2008	Amend(T)	5-1-2008
837-035-0160	11-16-2007	Adopt	1-1-2008	839-003-0060	1-1-2008	Amend	2-1-2008
837-035-0180	11-16-2007	Adopt	1-1-2008	839-003-0060	3-25-2008	Amend(T)	5-1-2008
837-035-0200	11-16-2007	Adopt	1-1-2008	839-003-0065	3-25-2008	Amend(T)	5-1-2008
837-035-0220	11-16-2007	Adopt	1-1-2008	839-003-0070	3-25-2008	Amend(T)	5-1-2008
837-035-0240	11-16-2007	Adopt	1-1-2008	839-003-0080	1-1-2008	Amend	2-1-2008
837-035-0260	11-16-2007	Adopt	1-1-2008	839-003-0080	3-25-2008	Amend(T)	5-1-2008
837-035-0280	11-16-2007	Adopt	1-1-2008	839-003-0085	3-25-2008	Amend(T)	5-1-2008
837-035-0300	11-16-2007	Adopt	1-1-2008	839-003-0090	1-1-2008	Amend	2-1-2008
837-035-0320	11-16-2007	Adopt	1-1-2008	839-003-0090	3-25-2008	Amend(T)	5-1-2008
837-035-0340	11-16-2007	Adopt	1-1-2008	839-003-0095	3-25-2008	Amend(T)	5-1-2008
837-039-0001	7-2-2008	Amend	8-1-2008	839-003-0100	3-25-2008	Amend(T)	5-1-2008
837-039-0003	7-2-2008	Amend	8-1-2008	839-003-0200	1-1-2008	Adopt	2-1-2008
837-039-0010	7-2-2008	Amend	8-1-2008	839-003-0200	3-25-2008	Amend(T)	5-1-2008
837-039-0015	7-2-2008	Amend	8-1-2008	839-003-0205	1-1-2008	Adopt	2-1-2008
837-039-0040	7-2-2008	Amend	8-1-2008	839-003-0205	3-25-2008	Amend(T)	5-1-2008
837-039-0050	7-2-2008	Amend	8-1-2008	839-003-0210	1-1-2008	Adopt	2-1-2008
837-039-0055	7-2-2008	Amend	8-1-2008	839-003-0210	3-25-2008	Amend(T)	5-1-2008
837-039-0060	7-2-2008	Amend	8-1-2008	839-003-0215	1-1-2008	Adopt	2-1-2008
837-039-0070	7-2-2008	Amend	8-1-2008	839-003-0215	3-25-2008	Amend(T)	5-1-2008
837-039-0080	7-2-2008	Amend	8-1-2008	839-003-0220	1-1-2008	Adopt	2-1-2008
837-039-0110	7-2-2008	Amend	8-1-2008	839-003-0220	3-25-2008	Amend(T)	5-1-2008
837-039-0120	7-2-2008	Adopt	8-1-2008	839-003-0225	1-1-2008	Adopt	2-1-2008
837-040-0020	10-1-2008	Amend	10-1-2008	839-003-0225	3-25-2008	Amend(T)	5-1-2008
837-041-0050	9-1-2008	Amend	10-1-2008	839-003-0230	1-1-2008	Adopt	2-1-2008
839-001-0150	1-1-2008	Amend	2-1-2008	839-003-0230	3-25-2008	Amend(T)	5-1-2008
839-001-0153	1-1-2008	Amend	2-1-2008	839-003-0235	1-1-2008	Adopt	2-1-2008
839-001-0157	1-1-2008	Repeal	2-1-2008	839-003-0235	3-25-2008	Amend(T)	5-1-2008
839-001-0160	1-1-2008	Amend	2-1-2008	839-003-0240	1-1-2008	Adopt	2-1-2008
839-001-0495	1-1-2008	Adopt	2-1-2008	839-003-0240	3-25-2008	Amend(T)	5-1-2008
839-001-0496	1-1-2008	Adopt	2-1-2008	839-003-0245	1-1-2008	Adopt	2-1-2008
839-001-0740	1-1-2008	Amend	2-1-2008	839-003-0245	3-25-2008	Amend(T)	5-1-2008
839-001-0760	1-1-2008	Amend	2-1-2008	839-005-0000	1-1-2008	Amend	2-1-2008
839-002-0015	1-1-2008	Adopt	2-1-2008	839-005-0000	3-25-2008	Amend(T)	5-1-2008
839-002-0020	1-1-2008	Adopt	2-1-2008	839-005-0003	1-1-2008	Amend	2-1-2008
839-002-0025	1-1-2008	Adopt	2-1-2008	839-005-0003	3-25-2008	Amend(T)	5-1-2008
839-002-0030	1-1-2008	Adopt	2-1-2008	839-005-0010	1-1-2008	Amend	2-1-2008

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839-005-0010	3-25-2008	Amend(T)	5-1-2008	839-010-0000	1-1-2008	Amend	2-1-2008
839-005-0016	1-1-2008	Adopt	2-1-2008	839-010-0010	1-1-2008	Amend	2-1-2008
839-005-0016	3-25-2008	Amend(T)	5-1-2008	839-010-0020	1-1-2008	Amend	2-1-2008
839-005-0021	1-1-2008	Amend	2-1-2008	839-010-0040	1-1-2008	Amend	2-1-2008
839-005-0026	1-1-2008	Amend	2-1-2008	839-010-0100	1-1-2008	Amend	2-1-2008
839-005-0026	3-25-2008	Amend(T)	5-1-2008	839-010-0110	1-1-2008	Repeal	2-1-2008
839-005-0030	1-1-2008	Amend	2-1-2008	839-015-0140	1-1-2008	Amend	2-1-2008
839-005-0033	8-6-2008	Adopt	9-1-2008	839-015-0141	5-5-2008	Amend(T)	6-1-2008
839-005-0195	1-1-2008	Adopt	2-1-2008	839-015-0141	6-23-2008	Amend	8-1-2008
839-005-0195	3-25-2008	Amend(T)	5-1-2008	839-015-0508	1-1-2008	Amend	2-1-2008
839-005-0200	1-1-2008	Adopt	2-1-2008	839-015-0509	1-1-2008	Adopt	2-1-2008
839-005-0200	3-25-2008	Amend(T)	5-1-2008	839-015-0605	3-10-2008	Amend	4-1-2008
839-005-0205	1-1-2008	Adopt	2-1-2008	839-020-0012	1-1-2008	Amend	2-1-2008
839-005-0205	3-25-2008	Amend(T)	5-1-2008	839-020-0015	1-1-2008	Amend	2-1-2008
839-005-0210	1-1-2008	Adopt	2-1-2008	839-020-0050	1-1-2008	Amend	2-1-2008
839-005-0215	1-1-2008	Adopt	2-1-2008	839-020-0050	7-8-2008	Amend	8-1-2008
839-005-0220	1-1-2008	Adopt	2-1-2008	839-020-0051	1-1-2008	Adopt	2-1-2008
839-005-0220	3-25-2008	Amend(T)	5-1-2008	839-020-0080	1-1-2008	Amend	2-1-2008
839-006-0105	1-1-2008	Amend	2-1-2008	839-020-0260	1-1-2008	Amend	2-1-2008
839-006-0130	1-1-2008	Amend	2-1-2008	839-020-1010	1-1-2008	Amend	2-1-2008
839-006-0131	1-1-2008	Amend	2-1-2008	839-021-0001	7-8-2008	Repeal	8-1-2008
839-006-0135	1-1-2008	Amend	2-1-2008	839-022-0000	7-8-2008	Amend	8-1-2008
839-006-0136	1-1-2008	Amend	2-1-2008	839-022-0005	7-8-2008	Repeal	8-1-2008
839-006-0150	1-1-2008	Amend	2-1-2008	839-022-0010	7-8-2008	Amend	8-1-2008
839-006-0200	6-6-2008	Amend	7-1-2008	839-022-0020	7-8-2008	Repeal	8-1-2008
839-006-0244	6-6-2008	Amend	7-1-2008	839-022-0025	7-8-2008	Repeal	8-1-2008
839-006-0255	6-6-2008	Amend	7-1-2008	839-022-0030	7-8-2008	Repeal	8-1-2008
839-006-0270	6-6-2008	Amend	7-1-2008	839-022-0035	7-8-2008	Repeal	8-1-2008
839-006-0275	6-6-2008	Amend	7-1-2008	839-022-0040	7-8-2008	Repeal	8-1-2008
839-006-0290	6-6-2008	Amend	7-1-2008	839-022-0045	7-8-2008	Repeal	8-1-2008
839-006-0300	6-6-2008	Amend	7-1-2008	839-022-0050	7-8-2008	Repeal	8-1-2008
839-006-0330	6-6-2008	Amend	7-1-2008	839-022-0055	7-8-2008	Repeal	8-1-2008
839-006-0335	6-6-2008	Amend	7-1-2008	839-022-0060	7-8-2008	Repeal	8-1-2008
839-006-0400	1-1-2008	Repeal	2-1-2008	839-022-0100	7-8-2008	Adopt	8-1-2008
839-006-0405	1-1-2008	Repeal	2-1-2008	839-022-0105	7-8-2008	Adopt	8-1-2008
839-006-0410	1-1-2008	Repeal	2-1-2008	839-022-0110	7-8-2008	Adopt	8-1-2008
839-006-0415	1-1-2008	Repeal	2-1-2008	839-022-0115	7-8-2008	Adopt	8-1-2008
839-006-0425	1-1-2008	Repeal	2-1-2008	839-022-0120	7-8-2008	Adopt	8-1-2008
839-007-0075	1-1-2008	Adopt	2-1-2008	839-022-0125	7-8-2008	Adopt	8-1-2008
839-009-0210	1-1-2008	Amend	2-1-2008	839-022-0130	7-8-2008	Adopt	8-1-2008
839-009-0240	1-1-2008	Amend	2-1-2008	839-022-0135	7-8-2008	Adopt	8-1-2008
839-009-0250	1-1-2008	Amend	2-1-2008	839-022-0140	7-8-2008	Adopt	8-1-2008
839-009-0260	1-1-2008	Amend	2-1-2008	839-022-0145	7-8-2008	Adopt	8-1-2008
839-009-0280	1-1-2008	Amend	2-1-2008	839-022-0150	7-8-2008	Adopt	8-1-2008
839-009-0320	1-1-2008	Amend	2-1-2008	839-022-0155	7-8-2008	Adopt	8-1-2008
839-009-0325	1-1-2008	Adopt	2-1-2008	839-022-0160	7-8-2008	Adopt	8-1-2008
839-009-0330	1-1-2008	Adopt	2-1-2008	839-022-0165	7-8-2008	Adopt	8-1-2008
839-009-0335	1-1-2008	Adopt	2-1-2008	839-025-0004	1-1-2008	Amend	2-1-2008
839-009-0340	1-1-2008	Adopt	2-1-2008	839-025-0005	1-1-2008	Adopt	2-1-2008
839-009-0345	1-1-2008	Adopt	2-1-2008	839-025-0007	1-1-2008	Amend	2-1-2008
839-009-0350	1-1-2008	Adopt	2-1-2008	839-025-0008	1-1-2008	Amend	2-1-2008
839-009-0355	1-1-2008	Adopt	2-1-2008	839-025-0008	3-10-2008	Amend	4-1-2008
839-009-0360	1-1-2008	Adopt	2-1-2008	839-025-0010	1-1-2008	Amend	2-1-2008
839-009-0362	1-1-2008	Adopt	2-1-2008	839-025-0013	1-1-2008	Amend	2-1-2008
839-009-0363	1-1-2008	Adopt	2-1-2008	839-025-0015	3-10-2008	Amend	4-1-2008
839-009-0365	1-1-2008	Adopt	2-1-2008	839-025-0020	1-1-2008	Amend	2-1-2008

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839-025-0035	1-1-2008	Amend	2-1-2008	845-004-0001	7-1-2008	Amend	7-1-2008
839-025-0037	1-1-2008	Amend	2-1-2008	845-005-0311	7-1-2008	Amend	7-1-2008
839-025-0080	1-1-2008	Amend	2-1-2008	845-005-0416	1-1-2008	Adopt(T)	1-1-2008
839-025-0085	1-1-2008	Amend	2-1-2008	845-005-0416	4-18-2008	Amend(T)	6-1-2008
839-025-0090	1-1-2008	Amend	2-1-2008	845-005-0416	6-29-2008	Adopt	7-1-2008
839-025-0095	1-1-2008	Amend	2-1-2008	845-005-0416(T)	4-18-2008	Suspend	6-1-2008
839-025-0100	1-1-2008	Amend	2-1-2008	845-005-0417	1-1-2008	Adopt(T)	1-1-2008
839-025-0150	1-1-2008	Amend	2-1-2008	845-005-0417	4-18-2008	Amend(T)	6-1-2008
839-025-0200	1-1-2008	Amend	2-1-2008	845-005-0417	6-29-2008	Adopt	7-1-2008
839-025-0210	1-1-2008	Amend	2-1-2008	845-005-0417(T)	4-18-2008	Suspend	6-1-2008
839-025-0220	1-1-2008	Amend	2-1-2008	845-005-0420	1-1-2008	Amend(T)	1-1-2008
839-025-0230	1-1-2008	Amend	2-1-2008	845-005-0420	6-29-2008	Amend	7-1-2008
839-025-0310	1-1-2008	Amend	2-1-2008	845-005-0422	1-1-2008	Suspend	1-1-2008
839-025-0315	1-1-2008	Adopt	2-1-2008	845-005-0422	6-29-2008	Repeal	7-1-2008
839-025-0340	1-1-2008	Amend	2-1-2008	845-005-0423	1-1-2008	Suspend	1-1-2008
839-025-0500	1-1-2008	Amend	2-1-2008	845-005-0423	6-29-2008	Repeal	7-1-2008
839-025-0520	1-1-2008	Amend	2-1-2008	845-005-0424	1-1-2008	Amend(T)	1-1-2008
839-025-0530	1-1-2008	Amend	2-1-2008	845-005-0424	6-29-2008	Amend	7-1-2008
839-025-0540	1-1-2008	Amend	2-1-2008	845-005-0425	1-1-2008	Adopt(T)	1-1-2008
839-025-0700	11-23-2007	Amend	1-1-2008	845-005-0425	6-29-2008	Adopt	7-1-2008
839-025-0700	1-1-2008	Amend	2-1-2008	845-005-0426	1-1-2008	Adopt(T)	1-1-2008
839-025-0700	1-4-2008	Amend	2-1-2008	845-005-0426	6-29-2008	Adopt	7-1-2008
839-025-0700	1-11-2008	Amend	2-1-2008	845-005-0430	2-18-2008	Adopt(T)	3-1-2008
839-025-0700	2-21-2008	Amend	4-1-2008	845-005-0430(T)	3-17-2008	Suspend	5-1-2008
839-025-0700	3-13-2008	Amend	4-1-2008	845-005-0440	1-1-2008	Amend	2-1-2008
839-025-0700	4-1-2008	Amend	5-1-2008	845-006-0335	7-1-2008	Amend	7-1-2008
839-025-0700	4-14-2008	Amend	5-1-2008	845-006-0340	1-1-2008	Amend	2-1-2008
839-025-0700	4-24-2008	Amend	6-1-2008	845-006-0340	6-1-2008	Amend	6-1-2008
839-025-0700	4-30-2008	Amend	6-1-2008	845-006-0391	1-1-2008	Adopt(T)	1-1-2008
839-025-0700	6-11-2008	Amend	7-1-2008	845-006-0391	4-18-2008	Amend(T)	6-1-2008
839-025-0700	6-18-2008	Amend	8-1-2008	845-006-0391	6-29-2008	Adopt	7-1-2008
839-025-0700	6-26-2008	Amend	8-1-2008	845-006-0391(T)	4-18-2008	Suspend	6-1-2008
839-025-0700	7-1-2008	Amend	8-1-2008	845-006-0392	1-1-2008	Adopt(T)	1-1-2008
839-025-0700	7-10-2008	Amend	8-1-2008	845-006-0392	4-18-2008	Amend(T)	6-1-2008
839-025-0700	7-30-2008	Amend	9-1-2008	845-006-0392	6-29-2008	Adopt	7-1-2008
839-025-0700	9-3-2008	Amend	10-1-2008	845-006-0392(T)	4-18-2008	Suspend	6-1-2008
839-025-0750	4-23-2008	Amend	6-1-2008	845-006-0395	1-1-2008	Suspend	1-1-2008
839-025-0750	6-5-2008	Amend	7-1-2008	845-006-0395	6-29-2008	Repeal	7-1-2008
839-050-0020	7-11-2008	Amend	8-1-2008	845-006-0396	1-1-2008	Amend(T)	1-1-2008
839-050-0445	7-29-2008	Adopt(T)	9-1-2008	845-006-0396	4-18-2008	Amend(T)	6-1-2008
845-001-0007	4-1-2008	Amend	5-1-2008	845-006-0396	6-29-2008	Amend	7-1-2008
845-002-0200	9-1-2008	Adopt	10-1-2008	845-006-0396(T)	4-18-2008	Suspend	6-1-2008
845-002-0210	9-1-2008	Adopt	10-1-2008	845-006-0398	1-1-2008	Suspend	1-1-2008
845-002-0220	9-1-2008	Adopt	10-1-2008	845-006-0398	6-29-2008	Repeal	7-1-2008
845-002-0230	9-1-2008	Adopt	10-1-2008	845-006-0400	1-1-2008	Adopt(T)	1-1-2008
845-002-0240	9-1-2008	Adopt	10-1-2008	845-006-0400	6-29-2008	Adopt	7-1-2008
845-002-0250	9-1-2008	Adopt	10-1-2008	845-006-0401	1-1-2008	Adopt(T)	1-1-2008
845-002-0260	9-1-2008	Adopt	10-1-2008	845-006-0401	6-29-2008	Adopt	7-1-2008
845-002-0270	9-1-2008	Adopt	10-1-2008	845-006-0451	2-18-2008	Adopt(T)	3-1-2008
845-002-0280	9-1-2008	Adopt	10-1-2008	845-006-0451(T)	3-17-2008	Suspend	5-1-2008
845-002-0290	9-1-2008	Adopt	10-1-2008	845-007-0015	1-1-2008	Amend	2-1-2008
845-002-0300	9-1-2008	Adopt	10-1-2008	845-008-0045	7-1-2008	Amend	7-1-2008
845-002-0310	9-1-2008	Adopt	10-1-2008	845-015-0118	7-1-2008	Amend	7-1-2008
845-002-0320	9-1-2008	Adopt	10-1-2008	845-015-0141	1-1-2008	Adopt(T)	1-1-2008
845-002-0330	9-1-2008	Adopt	10-1-2008	845-015-0141	6-29-2008	Adopt	7-1-2008

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845-015-0165	1-1-2008	Amend	2-1-2008	851-021-0015	6-24-2008	Amend	8-1-2008
845-015-0175	9-1-2008	Amend	10-1-2008	851-021-0020	6-24-2008	Amend	8-1-2008
845-015-0177	9-1-2008	Amend	10-1-2008	851-021-0025	6-24-2008	Amend	8-1-2008
845-015-0190	7-1-2008	Amend	7-1-2008	851-021-0040	6-24-2008	Amend	8-1-2008
845-020-0035	3-16-2008	Amend	3-1-2008	851-021-0045	6-24-2008	Amend	8-1-2008
847-001-0030	5-16-2008	Adopt(T)	7-1-2008	851-021-0050	6-24-2008	Amend	8-1-2008
847-005-0005	1-22-2008	Amend	3-1-2008	851-021-0055	6-24-2008	Amend	8-1-2008
847-005-0005	7-21-2008	Amend	9-1-2008	851-021-0060	6-24-2008	Amend	8-1-2008
847-008-0005	7-21-2008	Amend	9-1-2008	851-021-0065	6-24-2008	Amend	8-1-2008
847-008-0015	4-24-2008	Amend	6-1-2008	851-021-0070	6-24-2008	Amend	8-1-2008
847-008-0018	4-24-2008	Adopt	6-1-2008	851-021-0090	6-24-2008	Amend	8-1-2008
847-008-0022	4-24-2008	Amend	6-1-2008	851-021-0120	6-24-2008	Amend	8-1-2008
847-008-0023	4-24-2008	Amend	6-1-2008	851-045-0000	6-24-2008	Repeal	8-1-2008
847-008-0036	7-21-2008	Adopt	9-1-2008	851-045-0005	6-24-2008	Repeal	8-1-2008
847-008-0037	1-22-2008	Amend	3-1-2008	851-045-0010	6-24-2008	Repeal	8-1-2008
847-008-0037	4-24-2008	Amend	6-1-2008	851-045-0015	11-21-2007	Amend	1-1-2008
847-008-0040	7-21-2008	Amend	9-1-2008	851-045-0015	6-24-2008	Repeal	8-1-2008
847-008-0055	1-22-2008	Amend	3-1-2008	851-045-0016	6-24-2008	Repeal	8-1-2008
847-010-0060	1-22-2008	Amend	3-1-2008	851-045-0020	6-24-2008	Repeal	8-1-2008
847-010-0064	1-22-2008	Amend	3-1-2008	851-045-0025	6-24-2008	Repeal	8-1-2008
847-010-0070	1-22-2008	Amend	3-1-2008	851-045-0030	6-24-2008	Adopt	8-1-2008
847-010-0073	1-22-2008	Amend	3-1-2008	851-045-0040	6-24-2008	Adopt	8-1-2008
847-012-0000	7-21-2008	Amend	9-1-2008	851-045-0050	6-24-2008	Adopt	8-1-2008
847-015-0030	4-24-2008	Amend	6-1-2008	851-045-0060	6-24-2008	Adopt	8-1-2008
847-017-0010	4-24-2008	Amend	6-1-2008	851-045-0070	6-24-2008	Adopt	8-1-2008
847-020-0140	7-21-2008	Amend	9-1-2008	851-045-0080	6-24-2008	Adopt	8-1-2008
847-020-0155	1-22-2008	Amend	3-1-2008	851-045-0090	6-24-2008	Adopt	8-1-2008
847-020-0160	7-21-2008	Amend	9-1-2008	851-045-0100	6-24-2008	Adopt	8-1-2008
847-020-0170	7-21-2008	Amend	9-1-2008	851-056-0004	6-24-2008	Amend	8-1-2008
847-020-0183	1-22-2008	Amend	3-1-2008	851-056-0006	6-24-2008	Amend	8-1-2008
847-023-0005	1-22-2008	Amend	3-1-2008	851-056-0010	6-24-2008	Amend	8-1-2008
847-025-0000	7-15-2008	Amend(T)	8-1-2008	851-056-0012	11-21-2007	Amend	1-1-2008
847-035-0030	4-24-2008	Amend	6-1-2008	851-056-0012	2-25-2008	Amend	4-1-2008
847-035-0030	7-21-2008	Amend	9-1-2008	851-056-0012	6-24-2008	Amend	8-1-2008
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847-070-0005	7-21-2008	Amend	9-1-2008	851-056-0026	6-24-2008	Amend	8-1-2008
847-070-0016	4-24-2008	Amend(T)	6-1-2008	851-061-0020	2-25-2008	Amend	4-1-2008
847-070-0016	7-21-2008	Amend	9-1-2008	851-061-0030	2-25-2008	Amend	4-1-2008
847-080-0010	4-24-2008	Amend	6-1-2008	851-061-0050	6-24-2008	Amend	8-1-2008
847-080-0018	4-24-2008	Amend	6-1-2008	851-061-0070	6-24-2008	Amend	8-1-2008
848-035-0020	2-19-2008	Amend(T)	4-1-2008	851-061-0080	2-25-2008	Amend	4-1-2008
850-010-0005	6-11-2008	Amend	7-1-2008	851-061-0090	2-25-2008	Amend	4-1-2008
850-030-0020	6-10-2008	Amend	6-1-2008	851-061-0100	6-24-2008	Amend	8-1-2008
850-030-0035	6-10-2008	Amend	6-1-2008	851-061-0120	2-25-2008	Amend	4-1-2008
850-030-0090	6-10-2008	Amend	6-1-2008	852-001-0001	12-7-2007	Amend	1-1-2008
850-030-0195	6-10-2008	Amend	6-1-2008	852-001-0002	12-7-2007	Amend	1-1-2008
850-050-0120	6-11-2008	Amend	7-1-2008	852-001-0002	7-1-2008	Amend	8-1-2008
850-060-0225	2-19-2008	Amend	4-1-2008	852-050-0006	12-7-2007	Amend	1-1-2008
850-060-0225	3-21-2008	Amend	5-1-2008	852-080-0030	1-1-2008	Amend	1-1-2008
850-060-0225	6-11-2008	Amend	7-1-2008	852-080-0030	7-1-2008	Amend	8-1-2008
850-060-0226	2-19-2008	Amend	4-1-2008	855-001-0005	7-1-2008	Amend	8-1-2008
850-060-0226	3-21-2008	Amend	5-1-2008	855-006-0005	2-20-2008	Amend	4-1-2008
850-060-0226	6-11-2008	Amend	7-1-2008	855-006-0015	2-5-2008	Adopt	3-1-2008
851-021-0005	6-24-2008	Amend	8-1-2008	855-010-0045	2-20-2008	Adopt	4-1-2008

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855-019-0010	2-20-2008	Am. & Ren.	4-1-2008	858-010-0005	3-26-2008	Amend	5-1-2008
855-019-0015	2-20-2008	Am. & Ren.	4-1-2008	858-010-0007	3-26-2008	Amend	5-1-2008
855-019-0020	2-20-2008	Repeal	4-1-2008	858-010-0010	3-26-2008	Amend	5-1-2008
855-019-0025	2-20-2008	Am. & Ren.	4-1-2008	858-010-0015	3-26-2008	Amend	5-1-2008
855-019-0030	2-20-2008	Am. & Ren.	4-1-2008	858-010-0020	3-26-2008	Amend	5-1-2008
855-019-0035	2-20-2008	Repeal	4-1-2008	858-010-0025	3-26-2008	Amend	5-1-2008
855-019-0040	2-20-2008	Am. & Ren.	4-1-2008	858-010-0030	3-26-2008	Amend	5-1-2008
855-019-0050	2-20-2008	Am. & Ren.	4-1-2008	858-010-0036	3-26-2008	Amend	5-1-2008
855-019-0055	2-20-2008	Am. & Ren.	4-1-2008	858-010-0041	3-26-2008	Amend	5-1-2008
855-019-0100	2-20-2008	Adopt	4-1-2008	858-010-0050	3-26-2008	Amend	5-1-2008
855-019-0110	2-20-2008	Adopt	4-1-2008	858-010-0055	3-26-2008	Amend	5-1-2008
855-019-0150	2-20-2008	Adopt	4-1-2008	858-010-0075	3-26-2008	Amend	5-1-2008
855-019-0220	2-20-2008	Adopt	4-1-2008	858-020-0015	3-26-2008	Amend	5-1-2008
855-019-0240	2-20-2008	Adopt	4-1-2008	858-020-0045	3-26-2008	Amend	5-1-2008
855-019-0250	2-20-2008	Adopt	4-1-2008	858-020-0075	3-26-2008	Amend	5-1-2008
855-019-0300	2-20-2008	Adopt	4-1-2008	858-030-0005	3-26-2008	Amend	5-1-2008
855-035-0005	2-20-2008	Amend	4-1-2008	858-040-0015	3-26-2008	Amend	5-1-2008
855-035-0020	2-20-2008	Amend	4-1-2008	858-040-0025	3-26-2008	Amend	5-1-2008
855-041-0020	2-20-2008	Amend	4-1-2008	858-040-0035	3-26-2008	Amend	5-1-2008
855-041-0050	2-20-2008	Am. & Ren.	4-1-2008	858-040-0036	3-26-2008	Amend	5-1-2008
855-041-0060	2-20-2008	Amend	4-1-2008	858-040-0055	3-26-2008	Amend	5-1-2008
855-041-0061	2-5-2008	Adopt	3-1-2008	858-040-0065	3-26-2008	Amend	5-1-2008
855-041-0063	2-20-2008	Am. & Ren.	4-1-2008	858-040-0075	3-26-2008	Amend	5-1-2008
855-041-0085	2-20-2008	Am. & Ren.	4-1-2008	858-040-0085	3-26-2008	Amend	5-1-2008
855-041-0086	2-20-2008	Amend	4-1-2008	858-040-0095	3-26-2008	Amend	5-1-2008
855-041-0100	2-20-2008	Am. & Ren.	4-1-2008	858-050-0100	3-26-2008	Amend	5-1-2008
855-041-0210	2-20-2008	Am. & Ren.	4-1-2008	858-050-0105	3-26-2008	Amend	5-1-2008
855-041-0300	2-20-2008	Amend	4-1-2008	858-050-0110	3-26-2008	Amend	5-1-2008
855-041-0400	2-20-2008	Am. & Ren.	4-1-2008	858-050-0120	3-26-2008	Amend	5-1-2008
855-041-0500	2-20-2008	Am. & Ren.	4-1-2008	858-050-0125	3-26-2008	Amend	5-1-2008
855-041-0510	2-20-2008	Am. & Ren.	4-1-2008	858-050-0140	3-26-2008	Amend	5-1-2008
855-041-0520	2-20-2008	Am. & Ren.	4-1-2008	858-050-0145	3-26-2008	Amend	5-1-2008
855-042-0020	2-20-2008	Am. & Ren.	4-1-2008	858-050-0150	3-26-2008	Amend	5-1-2008
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855-045-0210	2-20-2008	Adopt	4-1-2008	860-029-0001	7-8-2008	Amend	8-1-2008
855-045-0220	2-20-2008	Adopt	4-1-2008	860-029-0100	7-8-2008	Adopt	8-1-2008
855-045-0230	2-20-2008	Adopt	4-1-2008	860-036-0030	5-30-2008	Amend	7-1-2008
855-045-0250	2-20-2008	Adopt	4-1-2008	860-038-0005	12-31-2007	Amend	2-1-2008
855-045-0260	2-20-2008	Adopt	4-1-2008	860-038-0480	12-31-2007	Amend	2-1-2008
855-045-0270	2-20-2008	Adopt	4-1-2008	863-001-0005	10-1-2008	Amend	10-1-2008
855-055-0005	2-20-2008	Repeal	4-1-2008	863-005-0000	7-1-2008	Adopt	7-1-2008
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855-055-0015	2-20-2008	Repeal	4-1-2008	863-005-0010	7-1-2008	Adopt	7-1-2008
855-055-0020	2-20-2008	Repeal	4-1-2008	863-005-0020	7-1-2008	Adopt	7-1-2008
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856-010-0010	1-24-2008	Amend	3-1-2008	863-005-0060	7-1-2008	Adopt	7-1-2008
856-010-0012	1-24-2008	Amend	3-1-2008	863-005-0070	7-1-2008	Adopt	7-1-2008
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856-010-0016	1-24-2008	Amend	3-1-2008	863-015-0125	1-18-2008	Amend(T)	3-1-2008
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875-005-0005	7-22-2008	Amend	9-1-2008	918-030-0400	7-28-2008	Am. & Ren.	9-1-2008
875-010-0026	2-11-2008	Amend	3-1-2008	918-030-0410	7-28-2008	Am. & Ren.	9-1-2008
875-010-0050	2-11-2008	Amend	3-1-2008	918-030-0420	7-28-2008	Am. & Ren.	9-1-2008
875-010-0090	2-11-2008	Amend	3-1-2008	918-030-0430	7-28-2008	Am. & Ren.	9-1-2008
875-010-0090	2-11-2008	Amend(T)	3-1-2008	918-030-0490	7-28-2008	Am. & Ren.	9-1-2008
875-011-0010	3-19-2008	Amend	5-1-2008	918-098-1012	1-1-2008	Amend	2-1-2008
875-011-0010	7-22-2008	Amend	9-1-2008	918-098-1015	1-1-2008	Amend	2-1-2008
875-015-0020	7-22-2008	Amend	9-1-2008	918-225-0240	1-1-2008	Amend	2-1-2008
875-015-0030	2-11-2008	Amend	3-1-2008	918-225-0345	1-1-2008	Adopt	2-1-2008
875-020-0005	4-21-2008	Amend(T)	5-1-2008	918-225-0600	1-1-2008	Amend	2-1-2008
875-030-0010	7-22-2008	Amend	9-1-2008	918-225-0605	7-1-2008	Amend	8-1-2008
875-030-0030	2-11-2008	Amend	3-1-2008	918-225-0610	1-1-2008	Amend	2-1-2008
875-030-0040	2-11-2008	Amend	3-1-2008	918-225-0640	1-1-2008	Amend	2-1-2008
875-030-0040	7-22-2008	Amend	9-1-2008	918-261-0015	7-25-2008	Adopt(T)	9-1-2008
875-030-0050	2-11-2008	Amend	3-1-2008	918-282-0130	1-1-2008	Amend	2-1-2008
875-030-0050	5-12-2008	Amend	6-1-2008	918-282-0210	1-1-2008	Repeal	2-1-2008
875-030-0050	7-22-2008	Amend	9-1-2008	918-282-0220	1-1-2008	Amend	2-1-2008
877-020-0000	7-1-2008	Amend	8-1-2008	918-282-0240	1-1-2008	Amend	2-1-2008
877-020-0005	7-1-2008	Amend	8-1-2008	918-282-0270	4-1-2008	Amend	4-1-2008
877-020-0008	7-1-2008	Amend	8-1-2008	918-282-0300	1-1-2008	Repeal	2-1-2008
877-020-0009	7-1-2008	Amend	8-1-2008	918-282-0310	1-1-2008	Repeal	2-1-2008
877-020-0010	7-1-2008	Amend	8-1-2008	918-282-0355	1-1-2008	Amend	2-1-2008
877-020-0012	7-1-2008	Amend	8-1-2008	918-305-0005	4-1-2008	Amend	4-1-2008
877-020-0013	7-1-2008	Repeal	8-1-2008	918-305-0030	4-1-2008	Amend	4-1-2008
877-020-0015	7-1-2008	Amend	8-1-2008	918-305-0100	4-1-2008	Amend	4-1-2008
877-020-0016	7-1-2008	Amend	8-1-2008	918-305-0105	4-1-2008	Amend	4-1-2008
877-020-0020	7-1-2008	Amend	8-1-2008	918-305-0110	4-1-2008	Amend	4-1-2008
877-020-0030	7-1-2008	Amend	8-1-2008	918-305-0120	4-1-2008	Amend	4-1-2008
877-020-0031	7-1-2008	Amend	8-1-2008	918-305-0130	4-1-2008	Amend	4-1-2008
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