TO: Office of State Budget & Management

FROM: Megan Lamphere, DHSR Rule-making Coordinator

DATE: July 6, 2012

RE: Federal Certification for Radiation Protection Rule Amendments

Rule-making Coordinator's Certificate

As Required by GS 150B-19.1(g)
For Proposed Permanent and Temporary Rules Adopted to
Implement a Federal Law or which upon Receipt of Federal Funds is Conditioned

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Rules 15A NCAC 11 .0104, ..0105, .0117, .0301, .0303, .0304, .0305, .0309, .0317, .0318, .0321, .0322, .0325, .0326, .0328, .0331, .0333, .0334, .0338, .0352, .0358, .0361, .0362, .1004, .1604, .1626, .1633, and .1648 are proposed for amendment in order to be compatible with federal regulations in compliance with North Carolina's agreement with the U.S. Nuclear Regulatory Commission. These rules apply to business entities in North Carolina that require the use of radioactive materials.

Regulation by the State of North Carolina of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of the "Agreement Between the United States Atomic Energy Commission and the State of North Carolina for Discontinuance of Certain Commission Regulatory and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended" under provisions of Public Law 86-373, as amended, and 10 CFR Part 150. The "United States Atomic Energy Commission" is now called the "United States Nuclear Regulatory Commission (USNRC). The amendment of the above-named rules is necessary to comply with the Agreement and federal regulations, as the state is inspected regularly by the USNRC to ensure the compatibility of its regulations.