



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

MEMORANDUM

DATE: September 3,
TO: 2024 Interested
FROM: Parties
Shanah Black, Rule Review Manager *SFB*
RE: Proposed Readoption/Amendment/Repeal of Radiation Protection Commission Rules
10A NCAC 15

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal analysis that has been prepared in connection with the proposed rule. There are 25 rules in this rulemaking action. With input from advisory committees, working groups of the N.C. Radiation Protection Commission and stake holders, substantive changes are proposed for 11 rules for readoption with substantive changes, two rules for readoption without substantive changes, three rules for amendment, one rule for repeal, and eight rules are proposed for repeal through readoption. Four of the rules proposed for readoption with substantive changes have been reorganized to incorporate by reference Title 10 of the federal Code of Federal Regulations (10 CFR) for Parts 34, 71 and 150, and Title 21 (21 CFR) for Subchapter J, including subsequent amendments and editions, instead of repeating the contents of those regulations. The remaining rules that are being readopted reflect agency requirements, not federal requirements. These rules are necessary because they clarify agency expectations for registrants and licensees possessing and using sources of radiation within the State. Two of the rules being amended are being amended to correct references to definitions that apply to X-Ray registrants found in one rule that is being readopted with substantive changes during this rulemaking. All of the rules proposed for repeal are being repealed due to rule requirement redundancy.

The North Carolina Radiation Protection Commission has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the following rule-making actions:

10A NCAC 15 Radiation Protection

- 10A NCAC 15 .0101 Scope (Readopt)
- 10A NCAC 15 .0102 Compliance With Laws (Readopt)
- 10A NCAC 15 .0103 ~~Intentional Exposure~~ Definitions (Readopt)
- 10A NCAC 15 .0104 ~~Definitions~~ Incorporation By Reference (Readopt)
- 10A NCAC 15 .0105 ~~Other Definitions~~ Designation of Authorized Representative Of The Agency (Readopt)
- 10A NCAC 15 .0106 ~~Exemptions~~ Inspections And Tests (Readopt)

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

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10A NCAC 15 .0107	Inspections Impounding (Readopt)
10A NCAC 15 .0108	Additional Requirements Enforcement (Readopt)
10A NCAC 15 .0109	Impounding Records (Readopt)
10A NCAC 15 .0110	Prohibited Uses (Readopt)
10A NCAC 15 .0112	Designation Of Authorized Representative Of The Agency <u>Petitioning For Rulemaking</u> (Amend)
10A NCAC 15 .0114	Tests For Special Form (Readopt as repeal)
10A NCAC 15 .0115	Records (Readopt as repeal)
10A NCAC 15 .0116	Tests (Readopt as repeal)
10A NCAC 15 .0117	Incorporation By Reference (Readopt)
10A NCAC 15 .0118	Optional Early Compliance With Section .1600 (Readopt)
10A NCAC 15 .0306	Types Of Licenses: General And Specific <u>Specific Licenses: Sealed Sources In Industrial Radiography And Radiation Safety Requirements For Industrail Radiographic Operations</u> (Readopt)
10A NCAC 15 .0311	General Licenses: Luminous Safety Devices <u>Packaging And Transportation Of Radioactive Material</u> (Readopt)
10A NCAC 15 .0313	Ownership Of Radioactive Material <u>Exemptions And Continued Regulatory Authority In Agreement States And In Offshore Waters Under Section 274</u> (Readopt)
10A NCAC 15 .0316	General Licenses: Transportation (Readopt)
10A NCAC 15 .0323	Specific Licenses: Sealed Sources In Industrial Radiography And Radiation Safety Requirements For Industrial Radiographic Operations (Repeal)
10A NCAC 15 .0345	Reciprocal Recognition Of Licenses (Readopt)
10A NCAC 15 .0346	Preparation Of Radioactive Material For Transport (Readopt)
10A NCAC 15 .1001	Notices, Instructions, And Reports To Employees (Amend)
10A NCAC 15 .1601	Standards For Protection Against Radiation (Amend)

Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on June 26, 2024 in accordance with G.S. 150B-21.4.

The proposed rule text is attached to this memo. The rules were published in today's September 3, 2024 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <https://www.oah.nc.gov/rules-division/north-carolina-register>.

A public hearing is scheduled for October 23, 2024 at 10:00 a.m. in Room 026, Edgerton Building, 809 Ruggles Drive, Raleigh, NC 27603. The building is in the Dorothea Dix Park. Ms. Shanah Black, DHSR Rule-Review Manager, is accepting public comments on these rules and fiscal analysis from September 3, 2024 through November 4, 2024, close of business. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is May 1, 2025.

A copy of the proposed rules, fiscal analysis, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at <https://info.ncdhhs.gov/dhsr/ruleactions.html>.

Please feel free to contact the Radiation Protection Section at (919) 814-2250, should you have questions related to this memorandum or the proposed rule text and fiscal note.

Enclosures

cc: Mark Payne, Director, Health Service Regulation

Emery Milliken, Deputy Director, DHSR
Raj Premakumar, Assistant General Counsel, DHHS
James Albright, Radiation Protection Section
Louis Brayboy, Acting Chief, Radiation Protection Section
Dr. Carmine Plott, PhD, CHP, Chair, N.C. Radiation Protection Commission