

1 10A NCAC 15 .0112 is proposed for amendment as follows:

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3 **10A NCAC 15 .0112 ~~DESIGNATION OF AUTHORIZED REPRESENTATIVE OF THE AGENCY~~**
4 **PETITIONING FOR RULEMAKING**

5 ~~(a) When an employee of the agency is qualified and is specifically designated by the agency, the employee shall be~~
6 ~~an authorized representative of the agency to conduct inspections, or tests, or surveys.~~

7 ~~(b) When a public employee of other than the agency is determined by the agency to be qualified, the agency may~~
8 ~~designate the employee as an authorized representative of the agency to conduct specified inspections, or tests, or~~
9 ~~surveys.~~

10 (a) Except for petitions regarding the Rules in Section .1100 of this Chapter, any person wishing to submit a petition
11 for rulemaking requesting the adoption, amendment, or repeal of a Rule in this Chapter shall address the petition to
12 the Radiation Protection Commission care of the Radiation Protection Section and submit the petition to one of the
13 addresses shown in Rule .0111(a) of this Chapter. A petition for adoption, amendment, or repeal of a Rule in Section
14 .1100 of this Chapter shall be addressed to the Department of Health and Human Services care of the Radiation
15 Protection Section and submitted to one of the addresses shown in Rule .0111(a) of this Chapter.

16 (b) Petitions to adopt a new Rule, or to amend or repeal an existing Rule shall contain the following information:

17 (1) the proposed text of the new Rule or the proposed text amending a Rule. If the petition is for the
18 repeal of a Rule the petitioner shall not be required to submit proposed Rule text;

19 (2) statutory authority supporting the new Rule, or amending or repealing a Rule;

20 (3) reason for the proposed rulemaking action;

21 (4) effect of the proposed rule change on existing rules;

22 (5) effect of the proposed rule change on existing practices;

23 (6) information supporting the proposed rulemaking;

24 (7) effect of the proposed rule change on the regulated community and the public; and

25 (8) name and contact information of the petitioner.

26 (c) The agency shall determine if the petitioned rule change is authorized under G.S. 104E. The agency shall maintain
27 a record of this review.

28 (d) Petitions failing to contain the information required by Subparagraphs (b)(1) through (b)(7) of this Rule and petitions
29 for rulemaking activities that are not authorized by G.S. 104E as determined by the agency under Paragraph (c) of this
30 Rule shall be denied and the petitioner shall be notified by the agency of this decision and the reason for this decision if
31 the information required by Subparagraph (b)(8) of this Rule is provided in the petition. Denial of a petition for failing
32 to contain the information required by Paragraph (b) of this Rule shall not preclude resubmitting a corrected petition.

33 (e) Except for petitions denied in accordance with Paragraph (d) of this Rule, the agency shall send the petition to the
34 Department of Health and Human Services (department). The department shall provide copies of the documents required
35 by G.S 150B-20(a) to the Office of Administrative Hearings.

36 (f) Except for petitions denied in accordance with Paragraph (d) of this Rule and petitions for changes to the Rules in
37 Section .1100 of this Chapter, the agency shall submit the rulemaking petition to the Radiation Protection Commission

1 (commission). The agency may include written recommendations to the commission endorsing or not endorsing the
2 petition for rulemaking when it submits the petition to the commission.

3 (g) The commission shall grant or deny a rulemaking petition within the time requirements of G.S. 150B20.(b). The
4 commission shall grant or deny a rulemaking petition based on the requirements of G.S. 104E-7(a). The petitioner shall
5 be notified in writing of this decision and the reason for this decision if the information required by Subparagraph (b)(8)
6 of this Rule is provided in the petition. If the commission grants the rulemaking petition the commission shall initiate
7 rulemaking proceedings.

8 (h) Except for petitions denied in accordance with Paragraph (d) of this Rule, the agency shall submit petitions for
9 changes to the Rules in Section .1100 of this Chapter to the department. The agency may include written
10 recommendations to the department endorsing or not endorsing the petition for rulemaking when it submits the petition
11 to the department.

12 (i) The department shall grant or deny a rulemaking petition regarding the Rules in Section .1100 of this Chapter within
13 the time requirements of G.S. 150B-20.(b). The department shall grant or deny a rulemaking petition regarding the Rules
14 in Section .1100 of this Chapter based on the requirements of G.S. 104E-19. The petitioner shall be notified in writing of
15 this decision and the reason for this decision if the information required by Subparagraph (b)(8) of this Rule is provided
16 in the petition. If the department grants the rulemaking petition the department shall initiate rulemaking proceedings.

17 (j) Failure of the commission or the department to grant or deny a rulemaking petition within the time limit set in this
18 Rule is a denial of the petition for rulemaking.

19 (k) Denial of a rulemaking petition is a final agency action and is subject to judicial review as specified by G.S. 150B-
20 20.(d).

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22 *History Note: Authority G.S. ~~104E-7~~; 104E-15;*

23 *Eff. February 1, 1980;*

24 *Amended Eff. November 1, 1989;*

25 *Transferred and Recodified from 10 NCAC 3G .2213 Eff. January 4, 1990;*

26 *Transferred and Recodified from 15A NCAC 11 .0112 Eff. February 1, 2015;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22,*
28 *~~2019-2019~~;*

29 *Readopted Eff. May 1, 2025.*