



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**ROY COOPER** • Governor

**KODY H. KINSLEY** • Secretary

**MARK PAYNE** • Director, Division of Health Service Regulation

**MEMORANDUM**

**TO:** Office of State Budget & Management

**FROM:** Shanah Black, DHSR Rule-making Coordinator

**DATE:** August 22, 2024

**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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The attached rule-making package applies to rules 10A NCAC 15 .0201 - .0213. These rules are proposed for amendment for regulate all registrants who use radiation machines, radiation generating devices (RGDs), and who provide radiological services in the state.

Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of the rules in Chapter 10A NCAC 15, Radiation Protection, 10A NCAC 15 Section .0200 had four rules, .0201, .0208, .0211, and .0212 that were determined to be "Necessary Without Substantive Public Interest" and will be amended with this rulemaking action. Nine rules, Rules 10A NCAC 15 .0202 - .0207, .0209, .0210, and .0213 were determined to be "Necessary with Substantive Public Interest" and will be readopted with this rulemaking action.

As mandated by G.S. 150B-19 (4) the agency may not adopt a rule that repeats the content of a law, a rule, or a federal regulation. To comply with this mandate, the federal regulations in 21 CFR 1020.30(d)<sup>1</sup> are proposed for incorporation by reference, including subsequent amendments and editions. The federal regulations are being incorporated by reference into Rule 10A NCAC 15 .0205(f)(2)(A).

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

**OFFICE OF THE DIRECTOR**

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The readoption of Rule .0205 is necessary to come into compliance with the Code of Federal Regulations for Radiologic Health in Title 21 Chapter I Subchapter J, Part 1020.30(d) that governs the assemblers' responsibility.