



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:** Nadine Pfeiffer, DHSR Rule-making Coordinator *NP*

**DATE:** July 25, 2022

**RE:** Federal Certification for Radiation Protection Rule Readoptions, Amendment

**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

---

The attached rule-making package applies to rules 10A NCAC 15 .0113, .0323, .0349, .1201-.1231, .1233-.1242, .1650-.1652, and .1701. These rules are proposed for re adoption and amendment for all licensees who use radioactive materials for industrial radiography, all licensees possessing the types and quantities of radioactive material requiring special security measures to prevent or detect the theft or diversion of those materials, and all applicants for radioactive materials licenses authorizing the construction and operation of a low-level radioactive waste land disposal facility located in the State.

The re adoption and amendment of these rules are necessary to come into compliance with the federal regulations in 10 CFR 34 that govern the use of radioactive material for industrial radiography, 10 CFR 37 that govern the security of radioactive materials of certain types and in certain quantities, and 10 CFR 61 that governs the licensing and operation of land disposal facilities for low-level radioactive waste. The specific regulations being re adopted and amended are:

For re adoption, industrial radiography, 10 CFR 34.1, 34.3, 34.11, 34.13, 34.20, 34.21, 34.23, 34.25, 34.27, 34.29, 34.31, 34.33, 34.35, 34.41, 34.42, 34.43, 34.45, 34.46, 34.47, 34.49, 34.51, 34.53, 34.61, 34.63, 34.65, 34.67, 34.69, 34.71, 34.73, 34.75, 34.79, 34.81, 34.83, 34.85, 34.87, 34.89, 34.101, 34.111, 34.121, 34.123, and Appendix A to Part 34 that include General Provisions;

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

**OFFICE OF THE DIRECTOR**

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603  
MAILING ADDRESS: 809 Ruggles Drive, 2701 Mail Service Center, Raleigh, NC 27699-2701  
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3750 • FAX: 919-733-2757

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Specific Licensing Requirements; Equipment; Radiation Safety Requirements; Security, Records, Notifications; and Exemptions.

For amendment, licensees possessing the types and quantities of radioactive materials requiring special security measures, and individuals receiving advance notice of shipments of radioactive materials requiring special security measures: 10 CFR 37.71 and 37.77(f) that include license verification requirements for the transfer of radioactive material between licensees and requires individuals who are not licensees or employees of licensees who receive advance notification about the shipment or transfer of radioactive material to protect that information from disclosure to unauthorized individuals.

For readoption, licenses to construct and operate a facility for the burial of low-level radioactive: 10 CFR 61.1, 61.2, 61.3, 61.4, 61.6, 61.7, 61.9, 61.9a, 61.9b, 61.10, 61.11, 61.12, 61.13, 61.14, 61.15, 61.20, 61.21, 61.22, 61.23(a) – (h), 61.23(k) and (l), 61.24, 61.25, 61.26, 61.27, 61.28, 61.29, 61.30, 61.31, 61.40, 61.41, 61.42, 61.43, 61.44, 61.50, 61.51, 61.52, 61.53, 61.54, 61.55, 61.56, 61.57, 61.58, 61.59, 61.61, 61.62, 61.63, 61.70, 61.71, 61.72, 61.73, 61.80, 61.81, and 61.82 that include General Provisions; Specific Licensing Requirements; Equipment; Radiation Safety Requirements; Security, Records, Notifications; and Exemptions.