

1 10A NCAC 15 .1001 is proposed for amendment as follows:

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3 **SECTION .1000 - NOTICES: INSTRUCTIONS: REPORTS AND INSPECTIONS**

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5 Codifier's Note: 10 NCAC 03G .3100 was transferred to 15A NCAC 11 .1000 effective January 4, 1990.
6 Recodification pursuant to G.S. 143B-279.3.

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8 **10A NCAC 15 .1001 SCOPE NOTICES, INSTRUCTIONS, AND REPORTS TO EMPLOYEES**

9 ~~This Section establishes requirements for notices, instructions and reports by licensees or registrants to individuals~~
10 ~~engaged in work under a license or registration and options available to such individuals in connection with agency~~
11 ~~inspections of licensees or registrants to ascertain compliance with the provisions of the Act and rules, orders and~~
12 ~~licenses issued thereunder regarding radiological working conditions. The rules in this Section apply to all persons~~
13 ~~who receive, possess, use, own or transfer sources of radiation licensed by or registered with the agency pursuant to~~
14 ~~the rules in Sections .0200, .0300, .0900 and .1200 of this Chapter.~~

15 (a) Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter and persons licensed
16 under the rules in Sections .0300, .0900, .1200, and .1300 of this Chapter shall comply with the provisions of 10 CFR
17 19 as follows, which are hereby incorporated by reference including subsequent amendments and editions, except that
18 references to and requirements for 10 CFR 2, 50, 52, 54, 60, 63, 72, and 76 shall not apply:

19 (1) 10 CFR 19.1, "Purpose;"

20 (2) 10 CFR 19.2, "Scope;"

21 (3) 10 CFR 19.3, "Definitions," except that the definition of "regulated activities" and "regulated
22 entities" shall not apply. For persons registered with the agency pursuant to the rules in Section
23 .0200 of this Chapter, the following terms used in 19.3 shall have the following substitutions:

24 (A) "license" shall have the same meaning as "registration" as defined in Rule .0104(131) of
25 this Chapter;

26 (B) "licensed" means registered pursuant to the rules in Section .0200 of this Chapter;

27 (C) "licensee" shall have the same meaning as "registrant" as defined in Rule .0104(130) of
28 this Chapter;

29 (E) "materials" shall have the same meaning as "radiation machine" as defined in Rule
30 .0104(122) of this Chapter;

31 (F) "NRC-licensed" means registered pursuant to the rules in Section .0200 of this Chapter;
32 and

33 (D) "radioactive material" shall have the same meaning as "radiation machine" as defined in
34 Rule .0104(122) of this Chapter;

35 (4) 10 CFR 19.5, "Communications," except that licensees and registrants shall address
36 communications and reports to the agency at the address shown in Rule .0111 of this Chapter in lieu
37 of the NRC;

- 1 (5) 10 CFR 19.11, “Posting of notices to workers,” except that 19.11(b) and (c) shall not apply;
2 (A) NRC Form 3 shall not be used in lieu of the Notice to Employees issued by the agency,
3 except as authorized by the agency in writing;
4 (B) licensees and registrants shall not post other notices, postings, notes, or other materials
5 over the notice to employees, nor shall equipment be placed in such a manner that the
6 notice to employees is obscured or hidden by that equipment; and
7 (C) additional copies of the Notice to Employees may be obtained free of charge from the
8 agency by contacting the agency at the address shown in Rule .0111 of this Chapter in lieu
9 of the NRC, or online at <https://radiation.ncdhhs.gov/>;
10 (6) 10 CFR 19.12, “Instructions to workers;”
11 (7) 10 CFR 19.13, “Notifications and reports to individuals;”
12 (8) 10 CFR 19.14, “Presence of representatives of licensees and regulated entities, and workers during
13 inspections;”
14 (9) 10 CFR 19.15, “Consultation with workers during inspections;”
15 (10) 10 CFR 19.16, “Requests by workers for inspections.” Requests for inspections shall be submitted
16 to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC;
17 (11) 10 CFR 19.17, “Inspections not warranted; informal review.” Communications regarding the
18 agency’s decisions with respect to a request for inspection submitted to the agency under
19 Subparagraph (a)(10) shall be submitted to the agency at the address shown in Rule .0111 of this
20 Chapter in lieu of the NRC;
21 (12) 10 CFR 19.18, “Sequestration of witnesses and exclusion of counsel in interviews conducted under
22 subpoena;”
23 (13) 10 CFR 19.20, “Employee protection;”
24 (14) 10 CFR 19.31, “Application for exemptions,” except that the request for exemption shall be made
25 on the licensee’s or registrant’s business letterhead. Requests for exemptions from the requirements
26 of this Rule shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu
27 of the NRC or as otherwise instructed by the agency. To request an exemption, the following
28 information shall be submitted to the agency:
29 (A) licensee or registrant name;
30 (B) license or registration number;
31 (C) name of the individual requesting the exemption;
32 (D) contact information for the individual requesting the exemption;
33 (E) a description of the exemption being requested; and
34 (F) an explanation describing why the exemption is necessary.
35 (b) Notwithstanding Subparagraph (a)(5) of this Rule, registrants temporarily working in North Carolina and licensees
36 working in North Carolina under reciprocity may post the Notice to Employees, NRC Form 3, or an equivalent form
37 issued under the authority of the regulatory agency issuing the registration or license.

1 (c) Copies of these regulations are available free of charge at [https://www.nrc.gov/reading-rm/doc-](https://www.nrc.gov/reading-rm/doc-collections/cfr/part019/)
2 [collections/cfr/part019/](https://www.nrc.gov/reading-rm/doc-collections/cfr/part019/).

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4 *History Note: Authority G.S. 104E-7; 104E-12;*
5 *Eff. February 1, 1980;*
6 *Amended Eff. May 1, 1993; June 1, 1989;*
7 *Transferred and Recodified from 15A NCAC 11 .1001 Eff. February 1, 2015;*
8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22,*
9 *~~2019~~ 2019;*
10 *Amended Eff. October 1, 2023.*