



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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

MEMORANDUM

DATE: November 15, 2023
TO: Interested Parties
FROM: Taylor Corpening, Rule Review Manager ^{TC}
RE: Proposed Temporary Adoption of Radiation Protection Rules

GS 150B-21.1 requires a rule-making body to notify certain individuals of its intent to publish a temporary rule on the Office of Administrative Hearings website. It also requires notification of the date, time and location of the public hearing on the rules.

The N.C. Radiation Protection Commission has submitted form OAH 0500 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to adopt the following rule:

10A NCAC 15 .1801

The public hearing is scheduled for December 7, 2023 at 10:00 a.m. in Room 104, Brown Building, 801 Biggs Drive, Raleigh, NC 27603. The building is located in the Dorothea Dix Park. Ms. Taylor Corpening, DHSR Rule-Review Manager, is accepting public comments on this rule from November 27, 2023 – December 18, 2023. Comments can also be made at the public hearing. The proposed effective date of this rule is February 23, 2024.

A copy of the proposed rules are attached to this memo and can also be found at the Division of Health Service Regulation web site <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.

Enclosures

cc: Mark Payne, Director, Health Service Regulation
Emery Milliken, Deputy Director, DHSR
Raj Premakumar, Deputy General Counsel, DHHS
Catherine Rosfjord, Radiation Protection Section
Louis Brayboy, Acting Chief, Radiation Protection Section
Dr. Carmine Plott, PhD, CHP, Chair, N.C. Radiation Protection Commission

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: 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

1 10A NCAC 15 .1801 is proposed for adoption under temporary procedures as follows:

2
3 **SECTION .1800 – STANDARDS FOR RADON PROFICIENCY PROGRAM APPROVAL**

4
5 **10A NCAC 15 .1801 REQUIREMENTS FOR REGISTRATION OF RADON PROFICIENCY**
6 **PROGRAMS**

7 (a) No person shall offer services as a radon proficiency program unless registered with the Department.

8 (b) In addition to the definitions found in Rule .0104 of this Chapter, the following definition shall apply to this Rule:
9 “Radon proficiency program” means an organization that provides training, competency testing, and certification to
10 an individual as a radon professional.

11 (c) Persons seeking initial registration, to amend a registration, or to renew a registration as a radon proficiency
12 program shall:

13 (1) submit an application for registration to the agency at the addresses shown in Rule .0111(a) of this
14 Chapter or as otherwise instructed by the agency. Applications for initial registration and
15 applications to renew a registration shall be submitted with supporting information demonstrating
16 that the requirements of Paragraph (d) of this Rule and S.L. 2023-91, s.2 are met. Applications to
17 amend a registration shall be submitted with an attachment explaining the items to be amended; and

18 (2) comply with the provisions of Paragraph (i) of this Rule.

19 (d) The Department shall approve an application for initial registration or to renew a registration as a radon proficiency
20 program that meets the criteria set out in S.L. 2023-91, s.2.

21 (e) Radon proficiency program registrations issued by the Department shall expire at midnight on the expiration date
22 stated on the radon proficiency program registration. The Department shall not issue an initial or renewed registration
23 expiring less than one year from the date of issuance.

24 (f) The Department shall deny an application for initial registration or to renew a registration as a radon proficiency
25 program if the application fails to demonstrate compliance with Paragraph (d) of this Rule and S.L. 2023-91, s.2.

26 (g) Persons whose radon proficiency program registrations are revoked or expired may apply for registration in
27 accordance with Paragraph (c) of this Rule and S.L. 2023-91, s.2 and shall not offer services as a radon proficiency
28 program with a revoked or expired registration.

29 (h) Each registrant shall, upon notice of at least 48 hours, make available to the Department for inspection records
30 maintained pursuant to this Rule.

31 (i) Applications submitted to the Department for registration as a radon proficiency program shall contain the
32 following information:

33 (1) Box 1, check the box next to the type of registration requested;

34 (2) Box 2, business physical address:

35 (A) name of the radiation proficiency program;

36 (B) phone number at the physical location;

37 (C) website associated with the radiation proficiency program;

- 1 (D) physical address of the business, including the street address, city, county, state, and zip
2 code. The five digit zip code may be used if the nine digit zip code is not known;
- 3 (E) mailing address if different from Box 1. If the physical and mailing addresses are the same,
4 the mailing address may be left blank: Mailing address of the business, including city, state,
5 and zip code. The five digit zip code may be used if the nine digit zip code is not known;
6 and
- 7 (F) name, phone number and email for the individual completing the form.
- 8 (3) Box 3, authorizing signature of individual responsible for the radon proficiency program:
- 9 (A) name of company or corporate office;
- 10 (B) full legal name. Middle initials may be used in lieu of the full middle name; and
- 11 (C) signature of the individual registering the radiation proficiency program on behalf of the
12 business; and
- 13 (4) Additional Attachments to include with application:
- 14 (A) documents establishing compliance and periodic reaccreditation with the international
15 program approval standard through accreditation by a recognized accreditation body or
16 demonstration of current approval by the United States Environmental Protection Agency
17 as a radon proficiency program;
- 18 (B) list of a board members from various private and public sector stakeholders to make
19 decisions regarding curriculum, testing, instructor qualifications, quality assurance and
20 control, continuing education requirements, and procedures for the handling of complaints;
- 21 (C) minimum training requirements for radon professionals for each type of certification
22 offered;
- 23 (D) examination requirements for each type of certification;
- 24 (E) continuing education requirements for each type of certification; and
- 25 (F) instructor names and qualifications demonstrating relevant knowledge and experience.
- 26 (5) copies of the registration form are available free of charge by emailing the contacts listed at
27 <https://www.ncdhhs.gov/divisions/health-service-regulation/north-carolina-radon->
28 [program/contacts.](https://www.ncdhhs.gov/divisions/health-service-regulation/north-carolina-radon-)

29
30 History Note: Authority: S.L. 2023-91, s. 2;

31 Temporary Adoption Eff. February 23, 2024.