



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 13, 2024

TO: Interested Parties

FROM: Shanah Black, Rule Review Manager *SFB*

RE: Proposed Readoption/Amendment/Repeal of Radiation Protection Commission Rules 10A NCAC 15 .0201-.0213

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal analysis that has been prepared in connection with the proposed rule. There are 13 rules in this rulemaking action. With input from advisory committees, working groups of the N.C. Radiation Protection Commission and stake holders, substantive changes are proposed for 10 rules for readoption with substantive changes and four rules for amendment.

The rules that are being readopted reflect agency requirements, not federal requirements. These rules are necessary because they clarify agency expectations for registrants and licensees possessing and using sources of radiation within the State. Two of the rules being amended are being amended to correct references to definitions that apply to X-Ray registrants found in one rule that is being readopted with substantive changes during this rulemaking.

The North Carolina Radiation Protection Commission has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the following rule-making actions:

10A NCAC 15 Radiation Protection

- 10A NCAC 15 .0201 Purpose and Scope (Amend)
- 10A NCAC 15 .0202 Exemptions (Readopt)
- 10A NCAC 15 .0203 ~~Application: Registration: Radiation Machines: Facilities~~ Application For Registration Process: General Requirements For All Facilities, Radiation Machines, And Services Provided (Readopt)
- 10A NCAC 15 .0204 ~~Prohibited Services And Installation~~ Facility Responsibilities (Readopt)
- 10A NCAC 15 .0205 ~~Application For Registration Of Services~~ Service Provider Responsibilities (Readopt)
- 10A NCAC 15 .0206 ~~Reports Of Installation~~ Training And Educational Requirements To Provide Services (Readopt)

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

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10A NCAC 15 .0207	Issuance Of Notice Of Registration <u>Additional Requirements To Provide Services</u> (Readopt)
10A NCAC 15 .0208	Prior Notification Of Transfer <u>Out-Of-State Radiation Machines And Radiation Generation Devices</u> (Amend)
10A NCAC 15 .0209	Report Of Changes <u>Issuance Of Notice Of Registration</u> (Readopt)
10A NCAC 15 .0210	Other Prohibited Activities <u>Modifications: Revocation: Termination Of Registrations</u> (Readopt)
10A NCAC 15 .0211	Out Of State Radiation Machines <u>Individual Responsibilities For Radiation Protection Requirements And Responsibilities</u> (Amend)
10A NCAC 15 .0212	Modifications: Revocation: Termination Of Registrants <u>Radiation Machines And Radiation Generating Devices That Do Not Meet Equipment Requirements</u> (Amend)
10A NCAC 15 .0213	Additional Requirements: Registered Services <u>Clinical Studies, Research, And Screening Requirements</u> (Readopt)

Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on in accordance with G.S. 150B-21.4.

The proposed rule text is attached to this memo. The rules will be published in the November 15, 2024 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <https://www.oah.nc.gov/rules-division/north-carolina-register>.

A public hearing is scheduled for December 11, 2024 at 10:00 p.m. in Room 026, Edgerton Building, 809 Ruggles Drive, Raleigh, NC 27603. The building is in the Dorothea Dix Park. Ms. Shanah Black, DHSR Rule-Review Manager, is accepting public comments on these rules and fiscal analysis from November 15, 2024 through January 14, 2025, close of business. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is May 1, 2025.

A copy of the proposed rules, fiscal analysis, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at <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 and fiscal note.

Enclosures

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