

1 10A NCAC 15 .0212 is proposed for amendment as follows:

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3 **10A NCAC 15 .0212 ~~MODIFICATIONS: REVOCATION: TERMINATION OF REGISTRANTS~~**
4 **EMERGING TECHNOLOGIES THAT DO NOT MEET EQUIPMENT**
5 **REQUIREMENTS**

6 ~~(a) The terms and conditions of all registrations are subject to amendment, revision or modification and all~~
7 ~~registrations are subject to suspension or revocation by reason of:~~

8 ~~(1) rules adopted pursuant to provisions of the Act; or~~

9 ~~(2) orders issued by the agency pursuant to provisions of the Act and rules adopted pursuant to~~
10 ~~provisions of the Act.~~

11 ~~(b) Any registration may be revoked, suspended or modified in whole or in part:~~

12 ~~(1) for any material false statement in the application or in any statement of fact required by~~
13 ~~provisions of this Section;~~

14 ~~(2) because of conditions which would warrant the agency to refuse to grant a registration on original~~
15 ~~application revealed by:~~

16 ~~(A) the application;~~

17 ~~(B) any statement of fact;~~

18 ~~(C) any report, record, inspection or other means; or~~

19 ~~(3) for violations of, or failure to observe any of the terms and conditions of the Act, the registration,~~
20 ~~the rules of this Chapter, or order of the agency.~~

21 ~~(c) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, prior to~~
22 ~~the institution of proceedings for modification, revocation or suspension of a registrant, the agency shall:~~

23 ~~(1) call to the attention of the registrant in writing the facts or conduct which may warrant these~~
24 ~~actions, and~~

25 ~~(2) provide an opportunity for the registrant to demonstrate or achieve compliance with all lawful~~
26 ~~requirements.~~

27 ~~(d) Before any order is entered suspending, revoking or modifying a registration, the agency shall give notice and~~
28 ~~grant a hearing as provided in Chapter 150B of the North Carolina General Statutes.~~

29 ~~(e) The agency may terminate a registration upon written request submitted by the registrant to the agency.~~

30 (a) Radiation machines or radiation generating devices that are not able to meet the equipment requirements of
31 these Rules shall not be sold, installed, or used prior to the agency completing a review of information regarding the
32 radiation machine and determining if the use of the radiation machine is allowed. The user or manufacturer of the
33 radiation machine shall submit the following to the agency for review:

34 (1) an equipment application form in accordance with Rule .0204(c) of this Section;

35 (2) the manufacturer manual;

36 (3) description of intended use;

37 (4) operator training provided to the end user;

1 (5) an independent equipment survey to include the following:

2 (A) all equipment settings available to the operator;

3 (B) output at the highest setting;

4 (C) leakage radiation around the radiation machine;

5 (6) an area survey to include the following:

6 (A) radiation levels in adjacent areas, the operator location, and annual exposure to operator;

7 (B) the survey instrument used; and

8 (C) the name and legible signature of the person who performed the survey; and

9 (7) the hazard level associated with the use of the RGD.

10 (b) After receiving the information in Paragraph (a) of this Rule, the agency will respond to the applicant in writing
11 within 90 days. Upon review, the agency may require additional information to determine if the radiation machine is
12 allowed for use.

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14 *History Note: Authority G.S. 104E-7; ~~104E-13~~; 104E-20;*

15 *Eff. June 1, 1989;*

16 *Amended Eff. June 1, 1993;*

17 *Transferred and Recodified from 15A NCAC 11 .0212 Eff. February 1, 2015;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22,*
19 *~~2019~~; 2019;*

20 *Amended Eff. May 1, 2025.*