



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

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

**MEMORANDUM**

**DATE:** April 1, 2022  
**TO:** Interested Parties  
**FROM:** Nadine Pfeiffer, Rule Review Manager *NP*  
**RE:** Proposed Readoption of Radiation Protection Rules – 10A NCAC 15

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. As a result of the periodic review of the rules in Chapter 10A NCAC 15, 257 rules determined as “Necessary With Substantive Public Interest” are required to be readopted. At this time, 27 rules are being proposed for readoption for radiation protection.

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 .1301 ~~Purpose and Scope~~ Well Logging, Wireline-Service Operations, and Substance Tracer Studies: Requirements for Licensees (Readopt)
- 10A NCAC 15 .1302 Definitions (Readopt as a Repeal)
- 10A NCAC 15 .1303 Written Agreements Required (Readopt as a Repeal)
- 10A NCAC 15 .1304 Limits On Levels Of Radiation (Readopt as a Repeal)
- 10A NCAC 15 .1305 Storage Precautions (Readopt as a Repeal)
- 10A NCAC 15 .1306 Transport Precautions (Readopt as a Repeal)
- 10A NCAC 15 .1307 Radiation Survey Instruments (Readopt as a Repeal)
- 10A NCAC 15 .1308 Leak Testing Of Sealed Sources (Readopt as a Repeal)
- 10A NCAC 15 .1309 Quarterly Inventory (Readopt as a Repeal)
- 10A NCAC 15 .1310 Utilization Records (Readopt as a Repeal)
- 10A NCAC 15 .1311 Design: Performance: And Certification Criteria (Readopt as a Repeal)
- 10A NCAC 15 .1312 Labeling (Readopt as a Repeal)
- 10A NCAC 15 .1313 Inspection And Maintenance (Readopt as a Repeal)
- 10A NCAC 15 .1314 Training Requirements (Readopt as a Repeal)
- 10A NCAC 15 .1315 Operating And Emergency Procedures (Readopt as a Repeal)
- 10A NCAC 15 .1316 Personnel Monitoring (Readopt as a Repeal)
- 10A NCAC 15 .1317 Security (Readopt as a Repeal)
- 10A NCAC 15 .1318 Handling Tools (Readopt as a Repeal)
- 10A NCAC 15 .1319 Subsurface Tracer Studies (Readopt as a Repeal)

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

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

10A NCAC 15      Radiation Protection (continued)

10A NCAC 15 .1320	Particle Accelerators (Readopt as a Repeal)
10A NCAC 15 .1321	Radiation Surveys (Readopt as a Repeal)
10A NCAC 15 .1322	Documents And Records Required At Field Stations (Readopt as a Repeal)
10A NCAC 15 .1323	Documents And Records Required At Temporary Jobsites (Readopt as a Repeal)
10A NCAC 15 .1324	Notification Of Incidents: Abandonment: And Lost Sources (Readopt as a Repeal)
10A NCAC 15 .1325	Subjects In Training Courses For Logging Supervisors (Readopt as a Repeal)
10A NCAC 15 .1326	Energy Compensation Sources (Readopt as a Repeal)
10A NCAC 15 .1327	Tritium Neutron Generator Target Sources (Readopt as a Repeal)

In accordance with G.S. 150B-21.3A(d)(2), a fiscal analysis was prepared for the rule with substantive change. Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on January 3, 2022 in accordance with G.S. 150B-21.4.

The proposed rule text is attached to this memo. The rules were published in today's April 1, 2022 edition of the N.C. Register that can be found on the Office of Administrative Hearings web site at <https://www.oah.nc.gov/documents/nc-register>.

A public hearing is scheduled for May 17, 2022 at 10:00 a.m. in Room 104, Brown Building, 801 Biggs Drive, Raleigh, NC 27603. The building is in the Dorothea Dix Park. Ms. Nadine Pfeiffer, DHSR Rule-Review Manager, is accepting public comments on these rules and fiscal analysis from April 1, 2022 through May 31, 2022, close of business. Comments will also be accepted in person at the public hearing. The proposed effective date of these rules is October 1, 2022.

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>.

Should you have questions related to this memorandum or the proposed rule and fiscal note, please feel free to contact the Radiation Protection Section at (919) 814-2250.

Enclosures

cc:     Mark Payne, Director, Health Service Regulation  
       Emery Milliken, Deputy Director, DHSR  
       Lisa Corbett, General Counsel, DHHS  
       James Albright, Radiation Protection Section  
       David Crowley, Chief, Radiation Protection Section  
       Dr. Carmine Plott, PhD, CHP, Chair, N.C. Radiation Protection Commission

1 10A NCAC 15 .1301 is proposed for readoption with substantive changes as follows:

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3 **SECTION .1300 - REQUIREMENTS FOR WIRELINE-SERVICE OPERATORS AND**  
4 **SUBSURFACE-TRACER STUDIES**

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6 Codifier's Note: 10 NCAC 03G .3400 was transferred to 15A NCAC 11 .1300 effective January 4, 1990.  
7 Recodification pursuant to G.S. 143B-279.3.

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9 **10A NCAC 15 .1301 ~~PURPOSE AND SCOPE~~ WELL LOGGING, WIRELINE-SERVICE**  
10 **OPERATIONS, AND SUBSURFACE TRACER STUDIES: REQUIREMENTS FOR**  
11 **LICENSEES**

12  
13 ~~(a) The rules in this Section apply to all licensees who use sources of radiation for wireline service operations~~  
14 ~~including mineral logging, radioactive markers, or subsurface tracer studies.~~

15 ~~(b) The requirements of this Section are in addition to, and not in substitution for, the requirements of Sections .0100,~~  
16 ~~.0300, .0900, .1000, .1100 and .1600 of this Chapter.~~

17 (a) Persons using sources of radiation for well logging, wireline-service operations including mineral logging,  
18 radioactive markers, or subsurface tracer studies shall comply with the provisions of 10 CFR Part 39, except that 10  
19 CFR 39.5, 39.8, 39.101, and 39.103 shall not apply. Persons conducting subsurface tracer studies shall meet the  
20 additional requirement listed in Paragraph (d) of this Rule.

21 (b) In addition to the terms defined in 10 CFR 39.2, the following definitions shall also apply to this Section:

22 (1) "Mineral logging" means any logging performed for the purpose of mineral exploration other than  
23 oil or gas;

24 (2) "Well-bore" means a drilled hole in which wireline-service operations and subsurface-tracer studies  
25 are performed;

26 (3) "Wireline" means a cable containing one or more electrical conductors that is used to lower and  
27 raise logging tools in the well-bore; and

28 (4) "Wireline-service operations" means any evaluation or mechanical service that is performed in the  
29 well-bore using devices on a wireline.

30 (c) Applications required by 10 CFR 39.11 shall be made on forms provided by the agency, and the payment of fees  
31 required by 10 CFR Part 170 shall not apply. Applications and supporting material shall be submitted to the agency  
32 at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

33 (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive  
34 materials licenses, shall submit an Application for Radioactive Materials License. The instructions  
35 for completing the application printed on the application form shall be followed. The following  
36 information shall appear on the application:

37 (A) legal business name and mailing address;

1 (B) physical address(es) where radioactive material shall be used or possessed. The application  
2 shall indicate if radioactive materials shall be used at temporary jobsites;

3 (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

4 (D) the name, telephone number, and e-mail address of the individual to be contacted about the  
5 application. If this individual is same as the Radiation Safety Officer, the application may  
6 so state;

7 (E) the application shall indicate if the application is for a new license, or for the renewal of an  
8 existing license, by marking the corresponding check box;

9 (F) if the application is for the renewal of an existing license, the license number shall be  
10 provided on the application;

11 (G) applicants shall indicate the type and category of license as shown on the form by marking  
12 the corresponding check box; and

13 (H) the printed name, title, and signature of the certifying official. The certifying official shall  
14 be an individual employed by the business or licensee, who is authorized by the licensee  
15 to sign license applications on behalf of the business or licensee.

16 (2) Persons applying for an amendment to an existing license shall submit an Application for  
17 Amendment of Radioactive Materials and Accelerator Licenses. The instructions for completing the  
18 application printed on the application form shall be followed. The following information shall  
19 appear on the application:

20 (A) the license number;

21 (B) amendment number of the current license;

22 (C) expiration date of the license;

23 (D) licensee name as it currently appears on the license;

24 (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

25 (F) the name, telephone number, and e-mail address of the individual to be contacted about the  
26 application. If this individual is same as the Radiation Safety Officer, item 5b on the  
27 application may be left blank;

28 (G) applicants shall provide a description of the action requested by marking the corresponding  
29 checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief  
30 description of the action requested in the space provided in item 6b;

31 (H) explanation of the action requested; and

32 (I) the printed name, title, and signature of the certifying official. The certifying official shall  
33 be an individual employed by the business or licensee who is authorized by the licensee to  
34 sign license applications on behalf of the business or licensee.

35 (3) Applications specified in this Rule are available at:  
36 [www.ncradiation.net/rms/rmsforms2.htm\(Rev01\).htm](http://www.ncradiation.net/rms/rmsforms2.htm(Rev01).htm)

1 (d) Persons conducting subsurface tracer studies using unsealed sources of radiation shall obtain agency approval  
2 prior to injecting licensed material into the subsurface.

3 (e) Notifications, authorization requests, and reports required by 10 CFR 39.77 shall be made to the agency at the  
4 address shown in Rule .0111 of this Chapter in lieu of the NRC.

5 (f) Applications for exemptions to this Rule shall be submitted to the agency at the address shown in Rule .0111 of  
6 this Chapter in lieu of the NRC.

7 (g) The regulations cited in this Rule from 10 CFR Part 39 are hereby incorporated by reference, including subsequent  
8 amendments and editions. Copies of these regulations are available free of charge at [https://www.nrc.gov/reading-](https://www.nrc.gov/reading-rm/doc-collections/cfr/part039/)  
9 [rm/doc-collections/cfr/part039/](https://www.nrc.gov/reading-rm/doc-collections/cfr/part039/).

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11 *History Note: Authority G.S. 104E-7;*

12 *Eff. June 1, 1989;*

13 *Amended Eff. January 1, 1994;*

14 *Transferred and Recodified from 15A NCAC 11 .1301 Eff. February 1, ~~2015~~ 2015;*

15 *Readopted Eff. October 1, 2022.*

1 10A NCAC 15 .1302 - .1325 are proposed for reoption as a repeal as follows:

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3	<b>10A NCAC 15 .1302</b>	<b>DEFINITIONS</b>
4	<b>10A NCAC 15 .1303</b>	<b>WRITTEN AGREEMENTS REQUIRED</b>
5	<b>10A NCAC 15 .1304</b>	<b>LIMITS ON LEVELS OF RADIATION</b>
6	<b>10A NCAC 15 .1305</b>	<b>STORAGE PRECAUTIONS</b>
7	<b>10A NCAC 15 .1306</b>	<b>TRANSPORT PRECAUTIONS</b>
8	<b>10A NCAC 15 .1307</b>	<b>RADIATION SURVEY INSTRUMENTS</b>
9	<b>10A NCAC 15 .1308</b>	<b>LEAK TESTING OF SEALED SOURCES</b>
10	<b>10A NCAC 15 .1309</b>	<b>QUARTERLY INVENTORY</b>
11	<b>10A NCAC 15 .1310</b>	<b>UTILIZATION RECORDS</b>
12	<b>10A NCAC 15 .1311</b>	<b>DESIGN: PERFORMANCE: AND CERTIFICATION CRITERIA</b>
13	<b>10A NCAC 15 .1312</b>	<b>LABELING</b>
14	<b>10A NCAC 15 .1313</b>	<b>INSPECTION AND MAINTENANCE</b>
15	<b>10A NCAC 15 .1314</b>	<b>TRAINING REQUIREMENTS</b>
16	<b>10A NCAC 15 .1315</b>	<b>OPERATING AND EMERGENCY PROCEDURES</b>
17	<b>10A NCAC 15 .1316</b>	<b>PERSONNEL MONITORING</b>
18	<b>10A NCAC 15 .1317</b>	<b>SECURITY</b>
19	<b>10A NCAC 15 .1318</b>	<b>HANDLING TOOLS</b>
20	<b>10A NCAC 15 .1319</b>	<b>SUBSURFACE-TRACER STUDIES</b>
21	<b>10A NCAC 15 .1320</b>	<b>PARTICLE ACCELERATORS</b>
22	<b>10A NCAC 15 .1321</b>	<b>RADIATION SURVEYS</b>
23	<b>10A NCAC 15 .1322</b>	<b>DOCUMENTS AND RECORDS REQUIRED AT FIELD STATIONS</b>
24	<b>10A NCAC 15 .1323</b>	<b>DOCUMENTS AND RECORDS REQUIRED AT TEMPORARY JOBSITES</b>
25	<b>10A NCAC 15 .1324</b>	<b>NOTIFICATION OF INCIDENTS: ABANDONMENT: AND LOST SOURCES</b>
26	<b>10A NCAC 15 .1325</b>	<b>SUBJECTS IN TRAINING COURSES FOR LOGGING SUPERVISORS</b>

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28 *History Note: Authority G.S. 20-167.1; 104E-7; 104E-10(b); 104E-12(a); 104E-12(a)(1); 104E-12(a)(2);*  
 29 *104E-15(a); 10 C.F.R. Chapter 1, Commission Notices, Policy Statements, Agreement States, 46*  
 30 *F.R. 7540;*  
 31 *Eff. June 1, 1989;*  
 32 *Amended Eff. January 1, 2005; January 1, 1994; May 1, 1993; May 1, 1992; November 1, 1989;*  
 33 *Transferred and Recodified from 15A NCAC 11 .1302 - .1325 Eff. February 1, ~~2015~~ 2015;*  
 34 *Repealed Eff. October 1, 2022.*

1 10A NCAC 15 .1326 - .1327 are proposed for readoption as a repeal as follows:

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3 **10A NCAC 15 .1326 ENERGY COMPENSATION SOURCES**

4 **10A NCAC 15 .1327 TRITIUM NEUTRON GENERATOR TARGET SOURCES**

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6 *History Note: Authority G.S. 104E-7;*

7 *Eff. January 1, 2005;*

8 *Transferred and Recodified from 15A NCAC 11 .1326 - .1327 Eff. February 1, ~~2015~~ 2015;*

9 *Repealed Eff. October 1, 2022.*