

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15 .1301

DEADLINE FOR RECEIPT: Friday, September 9, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In general, where is your statutory authority to state which provisions of the CFR will not apply within the State of North Carolina?

In (a), line 17, it is unclear whether “mineral logging” and the terms that come after are types of wireline-service operations, or are independent operations. Please clarify.

Is the final sentence in (a) unnecessary, since the requirement for subsurface tracer studies is listed in paragraph (d)?

In (c), are the “forms provided by the agency” the same as the ones set forth in this Rule?

In (c)(1) and (2), what are the “instructions” being required? To the extent you’re requiring compliance with them, I think they may need to be stated in the Rule.

Under (c)(1)(B), what are “temporary jobsites” and how are they defined?

Under (c)(1)(E), consider removing the commas to clarify the requirement on both application and renewals.

In (c)(3), include the language “free of charge” after “available.”

In (d), what does it mean to “obtain agency approval”? What exactly are you requiring the regulated public to do?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: August 29, 2022

1 10A NCAC 15 .1301 is readopted as published in 36:19 NCR 1527-1530 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 repealed through readoption as published in 36:19 NCR 1527-1530 as follows:

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

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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 repealed through readoption as published in 36:19 NCR 1527-1530 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.*