

# ***NORTH CAROLINA REGISTER***

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**April 1, 2026**

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**PUBLISHED BY**

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## Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

### **Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2026 – December 2026

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period/Latest date for public hearing	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 <sup>th</sup> day from publication in the Register
40:13	01/02/26	12/11/25	01/17/26	03/03/26	03/20/26	04/28/2026	05/01/26	09/29/26
40:14	01/15/26	12/23/25	01/30/26	03/16/26	03/20/26	04/28/2026	05/01/26	10/12/26
40:15	02/02/26	01/09/26	02/17/26	04/06/26	04/20/26	05/28/2026	06/01/26	10/30/26
40:16	02/16/26	01/26/26	03/03/26	04/17/26	04/20/26	05/28/2026	06/01/26	11/13/26
40:17	03/02/26	02/09/26	03/17/26	05/01/26	05/20/26	06/25/2026	07/01/26	11/27/26
40:18	03/16/26	02/23/26	03/31/26	05/15/26	05/20/26	06/25/2026	07/01/26	12/11/26
40:19	04/01/26	03/11/26	04/16/26	06/01/26	06/20/26	07/30/2026	08/01/26	12/27/26
40:20	04/15/26	03/24/26	04/30/26	06/15/26	06/20/26	07/30/2026	08/01/26	01/10/27
40:21	05/01/26	04/10/26	05/16/26	06/30/26	07/20/26	08/27/2026	09/01/26	01/26/27
40:22	05/15/26	04/24/26	05/30/26	07/14/26	07/20/26	08/27/2026	09/01/26	02/09/27
40:23	06/01/26	05/08/26	06/16/26	07/31/26	08/20/26	09/29/2026	10/01/26	02/26/27
40:24	06/15/26	05/22/26	06/30/26	08/14/26	08/20/26	09/29/2026	10/01/26	03/12/27
41:01	07/01/26	06/10/26	07/16/26	08/31/26	09/20/26	10/29/2026	11/01/26	03/28/27
41:02	07/15/26	06/23/26	07/30/26	09/14/26	09/20/26	10/29/2026	11/01/26	04/11/27
41:03	08/03/26	07/13/26	08/18/26	10/02/26	10/20/26	11/24/2026	12/01/26	04/30/27
41:04	08/17/26	07/27/26	09/01/26	10/16/26	10/20/26	11/24/2026	12/01/26	05/14/27
41:05	09/01/26	08/11/26	09/16/26	11/02/26	11/20/26	12/17/2026	01/01/27	05/29/27
41:06	09/15/26	08/24/26	09/30/26	11/16/26	11/20/26	12/17/2026	01/01/27	06/12/27
41:07	10/01/26	09/10/26	10/16/26	11/30/26	12/20/26	01/28/2027*	02/01/27	06/28/27
41:08	10/15/26	09/24/26	10/30/26	12/14/26	12/20/26	01/28/2027*	02/01/27	07/12/27
41:09	11/02/26	10/12/26	11/17/26	01/04/27	01/20/27	02/25/2027*	03/01/27	07/30/27
41:10	11/16/26	10/23/26	12/01/26	01/15/27	01/20/27	02/25/2027*	03/01/27	08/13/27
41:11	12/01/26	11/05/26	12/16/26	02/01/27	02/20/27	03/25/2027*	04/01/27	08/28/27
41:12	12/15/26	11/20/26	12/30/26	02/15/27	02/20/27	03/25/2027*	04/01/27	09/11/27

\*dates not approved by RRC

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

### GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

**COMPUTING TIME:** In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

### FILING DEADLINES

**ISSUE DATE:** The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Human Resources Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

**LAST DAY FOR FILING:** The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

### NOTICE OF TEXT

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

**END OF REQUIRED COMMENT PERIOD**  
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

**DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:** The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: SEGWAY INC

Applicant's Address: 5308 W PLANO PKWY

PLANO, TX 75093

Application Date: 03/10/2026

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

WEI ZHAO – PRESIDENT

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Club Car LLC

Applicant's Address: 4125 Washington Road

Evans, GA 30809

Application Date: 03/06/2026

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Craig Scanlon – PRESIDENT & CEO

MajorDrive Holding IV, llc- owner 100%

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: INDIAN MOTORCYCLE LLC

Applicant's Address: 1900 HIGHWAY 71 SPIRIT LAKE, IA 51360

Application Date: 03/05/2026

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

JOEL HARMON – PRESIDENT & CEO

BRIAN KALINOSKI – VP & SECRETARY

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: JCE TRAILERS LLC

Applicant's Address: 17701 FM 38 N HONEY GROVE, TX 75446

Application Date: 02/24/2026

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

ABRAHAM PENNER – MANAGER

PETER PENNER SR. – Co-owner

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept written comments on any proposed rules for at least 60 days from the publication date, or until the date of any public hearing, whichever is longer. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Radiation Protection Commission intends to amend the rules cited as 10A NCAC 15 .0103, .0104, .0301, .0302, .0304-.0311, .0313, .1203, .1301, .1601, and .1701.

Link to agency website pursuant to G.S. 150B-19.1(c): https://info.ncdhhs.gov/dhsr/ruleactions.html

Proposed Effective Date: October 1, 2026

Public Hearing:

Date: May 4, 2026

Time: 10:00 a.m.

Location: DHHS Headquarters, 1915 Health Services Way, Conference Rm 2210, Raleigh, NC 27607

Reason for Proposed Action: The purpose of these amendments is to add clarity to these rules by moving comments made by the Nuclear Regulatory Commission (NRC) during the public comment periods of the readoption phases for these rules from a single rule in Section .0100 to the rules that those comments pertain to in the other Sections of the Chapter. In addition, Rule .0307 is being amended to reduce the regulatory burden of the rule on the regulated community.

Comments may be submitted to: Shanah Black, 1915 Health Services Way, 2201 Mail Service Center, Raleigh, NC 27607; phone (919) 855-3481; email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: June 1, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 15 - RADIATION PROTECTION

SECTION .0100 – GENERAL PROVISIONS

10A NCAC 15 .0103 DEFINITIONS

(a) As used in the rules of this Chapter, persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, and persons licensed under the rules in Sections .0300, .0900, .1200, and .1300 of this Chapter, the following definitions apply:

- (1) "Act" means North Carolina Radiation Protection Act as defined in G.S. 104E-1.
(2) "Agency" means the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Radiation Protection Section.
(3) "Authorized representative of the agency" means an employee of the agency.
(4) "Annually" means either:
(A) at intervals not to exceed 12 consecutive months; or
(B) once per year at the same time each year (completed during the same month each year over a period of multiple years).
(5) "Calendar month" means January, February, March, April, May, June, July, August, September, October, November, or December.
(6) "Calendar year" means the period of time between 12:00:00 am January 1 to 11:59:59 pm December 31.
(7) "Calibration" means the determination of the reading or response of an instrument to known radiation values over the range of the instrument, or the strength of a source of radiation relative to a standard.
(8) "CFR" means Code of Federal Regulations.
(9) "Commission" has the meaning as defined in G.S. 104E-5(5), except as stated in Paragraph (c) of this Rule.
(10) "Department" has the meaning as defined in G.S. 104E-5(6) except as stated in Paragraph (c) of this Rule.
(11) "Exposure rate" means the exposure per unit of time, such as R/min and mR/h.

**PROPOSED RULES**

- (12) "Human use" means the internal or external administration of radiation or radioactive materials to human beings.
  - (13) "Inspection" means an examination or observation by an authorized representative of the agency to determine compliance with rules, orders, requirements, and conditions of the agency or the Commission.
  - (14) "Monthly" means once every calendar month.
  - (15) "Natural radioactivity" means radioactivity of naturally occurring nuclides.
  - (16) "Person" has the same meaning as defined in G.S. 104E-5(11).
  - (17) "Quarterly" means four times per calendar year, and:
    - (A) at intervals not to exceed 13 weeks; or
    - (B) once per month during the months of January, April, July, and October; or
    - (C) once per month during the months of February, May, August, and November; or
    - (D) once per month during the months of March, June, September, and December.
  - (18) "Radiation" except as otherwise defined in Section .1400 of this Chapter, has the meaning as defined in G.S. 104E-5(12).
  - (19) "Semiannually" means twice per calendar year at six month intervals.
  - (20) "SI unit" means a unit of measure from the International System of Units as established by the General Conference of Weights and Measures.
  - (21) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing radiation.
  - (22) "State" means the State of North Carolina.
  - (23) "These Rules" means Chapter 10 of this Title.
- (b) As used in the rules of this Chapter, persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, the following definitions shall apply:
- (1) "Clinical study" means human use of a radiation machine for research and development. The terms "clinical investigation", "clinical research", "research", and "study" also mean "clinical study".
  - (2) "Consulting" means providing professional technical advice on radiological matters by an expert registered with the agency in accordance with Rule .0205 of this Chapter.
  - (3) "Facility" means the location at which one or more radiation machines or sources of radiation are installed or located within one building, at one address or vehicle, and are under the same administrative control.
  - (4) "Healing arts" means the art or science of diagnostic examination using a source of radiation in the diagnosis or treatment of human or animal diseases.
  - (5) "Individual responsible for radiation protection" means a person who has the knowledge and responsibility to apply appropriate radiation protection rules, for persons registered with the agency in accordance with Section .0200 of this Chapter, commensurate with the scope of the activities authorized by the registrant.
  - (6) "Install or installation" means the assembly, placement, initial calibration, operational testing, or other actions that allow a radiation machine to be used in a new location or after being moved from one location to another.
  - (7) "Licensed practitioner" means a person authorized to order diagnostic exams that use radiation machines for diagnosing or treatment of human or animal diseases. The person shall be:
    - (A) a physician in accordance with Subparagraph (8) of this Paragraph; or
    - (B) licensed by the appropriate licensing board in North Carolina pursuant to G.S. Chapter 90 to provide professional services in chiropractic, dentistry, podiatry, and veterinary medicine.
  - (8) "Physician" means a person licensed to practice medicine in North Carolina pursuant to G.S. Chapter 90, Article 1.
  - (9) "Radiation machine" has the same meaning as defined in G.S. 104E-5(13).
  - (10) "Registrant" means any person who is registered with the agency, after completing the registration process, in accordance with Rule .0203 of this Chapter.
  - (11) "Registration" means the process of registration, with the agency, by completing and submitting agency forms in accordance with Rules .0203 and .0205 of this Chapter.
  - (12) "Registered" means a facility or service provider that has completed the registration process in accordance with Rules .0203 and .0205 of this Chapter and has been issued a Notice of Registration in accordance with Rule .0207 of this Chapter.
  - (13) "Research and development" means:
    - (A) theoretical analysis, exploration, or experimentation; or
    - (B) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.
  - (14) "Service" means calibration, conversion, repair, routine maintenance, or other testing performed on a radiation machine, x-ray system or

subsystem, or source of radiation, other than those actions taken during installation.

- (15) "Service Provider" means any person engaged in equipment services included in Rule .0205(d) of this Chapter.

(c) Definitions of certain other words and phrases as used in these Rules are set forth in Sections .0300, .0500, .0600, .0800, .1000, .1200, .1300, .1400, .1600, and ~~1700~~ .1700, 1900, and .2000 of this Chapter.

(d) To reconcile differences between the rules of this Chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of the Federal regulations:

- (1) With the exception of 10 CFR 30.4 and in the definition of Special Nuclear Material, a reference to "NRC" or "Commission" means the "Agency".
- (2) A reference to "NRC or agreement state" means the "Agency or agreement state".
- (3) In 10 CFR 40.4 and 70.4, in the definition of "Special Nuclear Material", the sentence "and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material", remains preserved as implemented by G.S. 104E-5.(16).
- (4) In 10 CFR 30.18(d), 30.32(g), 31.5(b)(1)(ii), 31.5(e)(3)(ii), 31.5(e)(8)(i), 31.6, 31.7(a), 31.10(a), 1.10(b)(1), 31.12(e)(4), 32.13, 32.51(a), 32.51(e), 32.56, 32.59, 32.72(b)(5)(ii), 40.13(e)(10), 40.22(e), 40.25(b), 40.25(d)(3), 40.54, 40.55(e), (e)(1), (d)(1)(ii), (d)(2) and (d)(3), where a reference is made to "an Agreement State", it means "an Agreement State or the NRC".
- (5) In 10 CFR 31.6, where the words "any non-agreement state" or "offshore waters" are used, substitute the words "State of North Carolina,".
- (6) In 10 CFR 70.19(a)(1) and 70.19(e)(3), the term "Commission" or the Atomic Energy Commission" remains and does not mean the Agency or have the same definition shown in G.S. 104E-5(5). In 10 CFR 70.42(b)(1), the word "Department" means the "U.S. Department of Energy".
- (7) "Written directive," except as defined in Rule .0307 of this Chapter, means an order in writing for a specific patient or human research subject dated and signed by an authorized user prior to the administration of radiation therapy through the use of a licensed accelerator that contains the patient or human research subject's name and the following information:
  - (A) total dose;
  - (B) dose per fraction;
  - (C) treatment site, and
  - (D) number of fractions.

Authority G.S. 104E-7(a); 10 CFR 20.1003.

**10A NCAC 15 .0104 INCORPORATION BY REFERENCE**

(a) For purposes of the rules in this Chapter, the following rules, standards, and other requirements are hereby incorporated by reference including any subsequent amendments and editions:

- (1) The following parts of 21 CFR Subchapter J:
  - (A) Part 1000, "General;"
  - (B) Subpart A 1000.1, "General Provisions General;"
  - (C) Subpart A 1000.3(a) through (j),(k),(l), and (n) through (t), "Definitions;"
  - (D) Subpart A 1000.15, "Examples of electronic products subject to the Radiation Control for Health and Safety Act of 1968;"
  - (E) Part 1002, "Records and Reports;"
  - (F) Subpart A 1002.1(a) and (c)(4), "Applicability;"
  - (G) Subpart D 1002.31, "Preservation and inspection of records;"
  - (H) Part 1003, "Notification of Defects of Failures to Comply;"
  - (I) Subpart A 1003.1, "Applicability;"
  - (J) Subpart A 1003.2, "Defect in an electronic product;"
  - (K) Subpart C 1003.21, "Notification by the manufacturer to affected persons;"
  - (L) Part 1010, "Performance Standards for Electronic Products General;"
  - (M) Subpart A 1010.1, "Scope;"
  - (N) Subpart A 1010.2(a),(b), and (d), "Certification;"
  - (O) Subpart A 1010.3, "Identification;"
  - (P) Subpart A 1010.4(a) and (d), "Variances;"
  - (Q) Part 1020, "Performance Standards for Ionizing Radiation Emitting Products;"
  - (R) Section 1020.20, "Cold cathode gas discharge tubes;"
  - (S) Section 1020.30, "Diagnostic x ray systems and their main components;"
  - (T) Section 1020.31, "Radiographic equipment;"
  - (U) Section 1020.32, "Fluoroscopic equipment;" and
  - (V) Section 1020.33, "Computed tomography (CT) equipment."

(2) "Agreement Between the United States Atomic Energy Commission and the State of North Carolina for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended," signed July 21, 1964.

(b) The rules, standards and other requirements incorporated by reference in Paragraph (a) of this Rule are available free of charge at:

(1) ~~[https://www.ecfr.gov/current/title-21/chapter-1/subchapter-J/for-Part-\(a\)\(1\)\(A\)-through-\(a\)\(1\)\(V\)-of-this-Rule,-and](https://www.ecfr.gov/current/title-21/chapter-1/subchapter-J/for-Part-(a)(1)(A)-through-(a)(1)(V)-of-this-Rule,-and)~~

(2) [https://www.nrc.gov/cdn/nmss/pdf/ne\\_agreements.pdf](https://www.nrc.gov/cdn/nmss/pdf/ne_agreements.pdf) for the agreement between the NRC and the State of North Carolina.

The "Agreement Between the United States Atomic Energy Commission and the State of North Carolina for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended," signed July 21, 1964, hereinafter known as the "Agreement," is hereby incorporated by reference including subsequent amendments and editions. A copy of the Agreement is available free of charge at <https://www.nrc.gov/cdn/nmss/pdf/ncagreements.pdf>.

*Authority G.S. 104E-7(a)(2); 104E-15(a) and (b)(1); 104E-25(b); 150B-19(5)(b); 150B-21.6.*

**SECTION .0300 - LICENSING OF RADIOACTIVE MATERIAL**

Codifier's Note: 10 NCAC 03G .2400 was transferred to 15A NCAC 11 .0300 effective January 4, 1990. Recodification pursuant to G.S. 143B-279.3.

**10A NCAC 15 .0301 GENERAL RULES APPLICABLE TO THE SPECIFIC LICENSING OF BYPRODUCT MATERIAL**

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 30 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 30:

- (1) With the exception of 10 CFR 30.4 a reference to "NRC" or "Commission" means the "Agency;"
- (2) A reference to "NRC or agreement state" means the "Agency or agreement state;" and
- (3) In 10 CFR 30.18(d) and 30.32(g) where a reference is made to "an Agreement State", it means "an Agreement State or the NRC."

~~(a)~~(b) All persons using byproduct material shall comply with the provisions of 10 CFR 30, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

- (1) 10 CFR 30.1, "Scope;"
- (2) 10 CFR 30.2, "Resolution of conflict;"
- (3) 10 CFR 30.3(a), (c), and (d), "Activities requiring license," except that references to 10 CFR 30.3(b)(1), (b)(2), and (b)(3) shall not apply;
- (4) 10 CFR 30.4, "Definitions," except that references in the definitions to common defense and security shall not apply. The term "temporary jobsite" shall mean a location where byproduct materials are used and stored other than those location(s) of use authorized on the license;

- (5) 10 CFR 30.6, "Communications," except that notices and reports required by this Rule shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the United States Nuclear Regulatory Commission (NRC);
- (6) 10 CFR 30.9, "Completeness and accuracy of information;"
- (7) 10 CFR 30.10, "Deliberate misconduct;"
- (8) 10 CFR 30.11, "Specific exemptions;"
- (9) 10 CFR 30.12, "Persons using byproduct material under certain Department of Energy and Nuclear Regulatory Commission contracts;"
- (10) 10 CFR 30.13, "Carriers;"
- (11) 10 CFR 30.14, "Exempt concentration;"
- (12) 10 CFR 30.15, "Certain items containing byproduct material;"
- (13) 10 CFR 30.18, "Exempt quantities;"
- (14) 10 CFR 30.19, "Self-luminous products containing tritium, krypton-85, or promethium-147;"
- (15) 10 CFR 30.20, "Gas and aerosol detectors containing byproduct material;"
- (16) 10 CFR 30.21(a), (b), and (d), "Radioactive drug: Capsules containing carbon-14 urea for "in vivo" diagnostic use for humans;"
- (17) 10 CFR 30.22, "Certain industrial devices;"
- (18) 10 CFR 30.31, "Types of licenses;"
- (19) 10 CFR 30.32(a) – (d) and (f) – (j), "Application for specific licenses," except that the requirements of Paragraph ~~(b)~~(c) of this Rule shall be met.
- (20) 10 CFR 30.33, "General requirements for issuance of specific licenses," except the agency shall issue a "Radioactive Materials License." In the event an "environmental document," as defined by G.S. 113A-9.(2), has been prepared in accordance with 15A NCAC 01C .0206, the agency may base the issuance of a specific license on information and evaluations made in that environmental document;
- (21) 10 CFR 30.34(a) – (c), (e)(2), (e)(4), (f) – (k), "Terms and conditions of licenses;"
- (22) 10 CFR 30.35, "Financial assurance and recordkeeping for decommissioning," the initials "DCE" shall mean "detailed cost estimate;"
- (23) 10 CFR 30.36, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas;"
- (24) 10 CFR 30.37, "Application for renewal of licenses;"
- (25) 10 CFR 30.38, "Application for amendment of licenses and registration certificates." Licensees shall submit an application for amendment to the agency to add temporary jobsites to the license as authorized places of use if the

- (26) duration of use or storage at the temporary jobsite exceeds 180 days in any calendar year;
- (27) 10 CFR 30.39, "Commission action on applications to renew or amend;"
- (28) 10 CFR 30.41(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of byproduct material;"
- (29) 10 CFR 30.50, "Reporting requirements;"
- (30) 10 CFR 30.51, "Records;"
- (31) 10 CFR 30.52, "Inspections;"
- (32) 10 CFR 30.53, "Tests;"
- (33) 10 CFR 30.61, "Modification and revocation of licenses and registration certificates;"
- (34) 10 CFR 30.62, "Right to cause the withholding or recall of byproduct material;"
- (35) 10 CFR 30.70, "Schedule A – Exempt concentrations;"
- (36) 10 CFR 30.71, "Schedule B." This schedule shall also be known as the "exempt quantity table;"
- (37) 10 CFR 30.72, "Schedule C – Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release;"
- (38) Appendix A to Part 30, "Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning;"
- (39) Appendix B to Part 30, "Quantities of Licensed Material Requiring Labeling;"
- (40) Appendix C to Part 30, "Criteria Relating to Use of Financial Tests and Self Guarantees for Providing Reasonable Assurance of Funds for Decommissioning;"
- (41) Appendix D to Part 30 "Criteria Relating To Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Commercial Companies That Have no Outstanding Rated Bonds;" and Appendix E to Part 30, "Criteria Relating to Use of Financial Tests and Self-Guarantee For Providing Reasonable Assurance of Funds For Decommissioning by Nonprofit Colleges, Universities, and Hospitals."

(b)(c) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule ~~0111~~ 0111(a) of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if

- (C) radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
  - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
- (A) the license number;
  - (B) amendment number of the current license;
  - (C) expiration date of the license;
  - (D) licensee name as it currently appears on the license;
  - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
  - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
  - (H) explanation of the action requested; and

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

- (3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

~~(e)(d)~~ Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part030/>.

*Authority G.S. 104E-7; 104E-9(8); 104E-10(b).*

**10A NCAC 15 .0302 GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL**

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 31 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 31:

- (1) A reference to "NRC" or "Commission" means the "Agency;"
- (2) A reference to "NRC or agreement state" means the "Agency or agreement state;"
- (3) In 10 CFR 31.5(b)(1)(ii), 31.5(c)(3)(ii), 31.5(c)(8)(i), 31.6, 31.7(a), 31.10(a), 31.10(b)(1), and 31.12(c)(4), where a reference is made to "an Agreement State", it means "an Agreement State or the NRC;" and
- (4) In 10 CFR 31.6, where the words "any non-agreement state" or "offshore waters" are used, substitute the words "State of North Carolina".

~~(e)(b)~~ Persons possessing generally licensed items, manufactured or initially transferred pursuant to Subpart B of 10 CFR 32, shall comply with the provisions of 10 CFR 31, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

- (1) Reports, notifications, and responses to agency requests for information required by this Rule shall be made to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency;
- (2) 10 CFR 31.1, "Purpose and scope;"
- (3) 10 CFR 31.2, "Terms and conditions;"
- (4) 10 CFR 31.5, "Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere," except that the fee required by 10 CFR 170.31 shall not apply. Persons using devices described in 31.5(a) shall be registered with the agency. Device registration shall be made in accordance with Paragraph ~~(b)(c)~~ of this Rule and shall contain the information required by 31.5(c)(13)(iii);
- (5) 10 CFR 31.6, "General license to install devices generally licensed in 10 CFR 31.5;"

- (6) 10 CFR 31.7, "Luminous safety devices in aircraft;"
- (7) 10 CFR 31.8, "Americium-241 and radium-226 in the form of calibration or reference sources;"
- (8) 10 CFR 31.9, "General license to own byproduct material;"
- (9) 10 CFR 31.10, "General license for strontium 90 in ice detection devices;"
- (10) 10 CFR 31.11, "General license for use of byproduct material for certain in vitro clinical or laboratory testing," except that persons required by 31.11(b) to register devices with the agency shall comply with the provisions of Paragraph ~~(b)(c)~~ of this Rule;
- (11) 10 CFR 31.12, "General license for certain items and self-luminous products containing radium-226;" and
- (12) 10 CFR 31.21, "Maintenance of records;"

~~(b)(c)~~ Persons registering devices shall use General License Application for Registration forms provided by the agency. These forms are available free of charge at: <https://radiation.ncdhhs.gov/rms/rmsgeniclicforms.htm>.

Applications and supporting material shall be submitted to the agency by e-mail at [Licensing.ram@dhhs.nc.gov](mailto:Licensing.ram@dhhs.nc.gov), or at the address shown in Rule ~~.0111~~ .0111(a) of this Chapter in lieu of the United States Nuclear Regulatory Commission. The following information shall appear on the application:

- (1) facility name, mailing address, physical address if different from the mailing address, and the name of the county where the facility is located;
- (2) type of device;
- (3) device manufacturer;
- (4) device model numbers and serial numbers;
- (5) number of devices being registered, isotopes, and activity;
- (6) indicate if the devices have been leak tested by checking the corresponding check box;
- (7) if the devices have been leak tested, write down the frequency that leak tests are required;
- (8) the name of the person or company performing the leak test;
- (9) describe the method of device disposal; and
- (10) the signature, printed name, title, date the form is signed and telephone number of the contact person.

~~(e)(d)~~ Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part031/>.

*Authority G.S. 104E-7; 104E-10(b).*

**10A NCAC 15 .0304 SPECIFIC LICENSES: MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL**

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 32 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 32:

- (1) A reference to "NRC" or "Commission" means the "Agency;"
- (2) A reference to "NRC or agreement state" means the "Agency or agreement state;" and
- (3) In 10 CFR 32.13, 32.51(a), 32.51(c), 32.56, 32.59, and 32.72(b)(5)(ii), where a reference is made to "an Agreement State", it means "an Agreement State or the NRC."

~~(a)~~(b) All persons manufacturing or initially transferring items or devices containing exempt quantities or exempt concentrations of byproduct material, as described in Rule ~~0301(a)(11), 0301(b)(11)~~ and ~~0301(a)(13), 0301(b)(13)~~ of this Chapter, generally licensed and specifically licensed items or devices containing byproduct material, items or devices containing byproduct material for medical use in humans, and persons requesting safety evaluations of sealed sources or devices for registration with the national Sealed Source and Device Registry shall comply with the following requirements of 10 CFR 32:

- (1) 10 CFR 32.1(a), (b), and (c)(2), "Purpose and scope;"
- (2) 10 CFR 32.2, "Definitions," the term "initially transfer" shall mean the "initial commercial transfer of items and devices to an end user or a commercial or retail reseller;"
- (3) 10 CFR 32.3, "Maintenance of records."

~~(b)~~(c) All Persons manufacturing or initially transferring items or devices containing exempt quantities of byproduct material shall comply with the following requirements of Subpart A – Exempt Concentrations and Items:

- (1) 10 CFR 32.13, "Same: Prohibition of introduction;"
- (2) 10 CFR 32.24, "Same: Table of organ doses;" and
- (3) applications to manufacture, process, produce, prepare, package, re-package, or initially transfer items or devices for commercial distribution containing exempt concentrations or exempt quantities of byproduct material shall be made to the United States Nuclear Regulatory Commission (NRC) in lieu of the agency.

~~(c)~~(d) All persons manufacturing or initially transferring generally licensed devices containing byproduct material shall comply with Paragraph ~~(g)~~(h) of this Rule and the following requirements of Subpart B – Generally Licensed Items:

- (1) 10 CFR 32.51, "Byproduct material contained in devices for use under 10 CFR 31.5; requirements for license to manufacture, or initially transfer;"
- (2) 10 CFR 32.51a, "Same: Conditions of licenses;"
- (3) 10 CFR 32.52, "Same: Material transfer reports and records;"
- (4) 10 CFR 32.53, "Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer;"
- (5) 10 CFR 32.54, "Same: Labeling of devices;"

- (6) 10 CFR 32.55, "Same: Quality assurance; prohibition of transfer;"
- (7) 10 CFR 32.56, "Same: Material transfer reports;"
- (8) 10 CFR 32.57, "Calibration or reference sources containing americium-241 or radium-226: Requirements for license to manufacture or initially transfer;"
- (9) 10 CFR 32.58, "Same: Labeling of devices;"
- (10) 10 CFR 32.59, "Same: Leak testing of each source;"
- (11) 10 CFR 32.61, "Ice detection devices containing strontium-90; requirements for license to manufacture or initially transfer;"
- (12) 10 CFR 32.62, "Same: Quality assurance; prohibition of transfer;" and
- (13) 10 CFR 32.71, "Manufacture and distribution of byproduct material in certain in vitro clinical or laboratory testing under general license."

~~(d)~~(e) All persons manufacturing or initially transferring items or devices containing byproduct material for medical use in humans shall comply with Paragraph ~~(g)~~(h) of this Rule and the following requirements of Subpart C – Specifically Licensed Items:

- (1) 10 CFR 32.72, "Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under part 35;" and
- (2) 10 CFR 32.74, "Manufacture and distribution of sources or devices containing byproduct material for medical use."

~~(e)~~(f) All persons manufacturing sealed sources containing byproduct material in quantities equal to or greater than the quantities listed in Appendix E of 10 CFR 20 shall comply with Paragraph ~~(g)~~(h) of this Rule and the requirements of 10 CFR 32.201.

~~(f)~~(g) All persons manufacturing or initially transferring sealed sources or devices containing byproduct material under this Rule for commercial distribution and persons requesting safety evaluations of sealed sources or devices for registration with the national Sealed Source and Device Registry shall comply with the following requirements of Subpart D – Sealed Source and Device Registration:

- (1) 10 CFR 32.210, "Registration of product information;"
- (2) 10 CFR 32.211, "Inactivation of certificates of registration of sealed sources and devices;" and
- (3) requests for safety evaluations and registration of product information under this Paragraph and inactivation of certificates of registration of sealed sources and devices issued by the agency shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule ~~0111~~ 0111(a) of this Chapter in lieu of the NRC.

~~(g)~~(h) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule ~~0111~~ 0111(a) of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
- (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
  - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
- (A) the license number;
  - (B) amendment number of the current license;
  - (C) expiration date of the license;
  - (D) licensee name as it currently appears on the license;
  - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
  - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
  - (H) explanation of the action requested; and
  - (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).
- ~~(4)(i)~~ The regulations cited in this Rule from 10 CFR Part 32 are hereby incorporated by reference, including subsequent amendments and editions. Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part032/>.
- Authority G.S. 104E-7; 104E-10(b); 104E-20; 10 CFR 30.71.*
- 10A NCAC 15 .0305 SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL**
- (a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 33 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 33:
- (1) A reference to "NRC" or "Commission" means the "Agency;"
  - (2) A reference to "NRC or agreement state" means the "Agency or agreement state."
- (b) Persons who have established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to assure safe operations in compliance with the rules of this Chapter shall comply with the provisions of 10 CFR 33, which are hereby incorporated by reference including subsequent amendments and editions, as follows:
- (1) 10 CFR 33.1, "Purpose and scope;"
  - (2) 10 CFR 33.11(a), "Types of specific licenses of broad scope;"
  - (3) 10 CFR 33.12, "Applications for specific licenses of broad scope," except that the requirements of Paragraph ~~(b)(c)~~ of this Rule shall be met;
  - (4) 10 CFR 33.13, "Requirements for the issuance of a Type A specific license of broad scope;"
  - (5) 10 CFR 33.16, "Application for other specific licenses;" and

(6) 10 CFR ~~33.17(a)~~, 33.17(a) and (b), "Conditions of specific licenses of broad scope."  
~~(b)(c)~~ Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule ~~0111~~ 0111(a) of this Chapter in lieu of the United States Nuclear Regulatory Commission:

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

- (A) legal business name and mailing address;
- (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
- (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
- (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
- (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
- (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
- (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

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

- (A) the license number;

- (B) amendment number of the current license;
- (C) expiration date of the license;
- (D) licensee name as it currently appears on the license;
- (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
- (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
- (H) explanation of the action requested; and
- (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

~~(e)(d)~~ Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part033/>.

*Authority G.S. 104E-7; 104E-10(b); 104E-20.*

**10A NCAC 15 .0306 SPECIFIC LICENSES: SEALED SOURCES IN INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS**

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 34 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 34:

- (1) A reference to "NRC" or "Commission" means the "Agency;" and.
- (2) A reference to "NRC or agreement state" means the "Agency or agreement state."

~~(a)(b)~~ Persons conducting industrial radiography using radioactive materials shall comply with the requirements of 10 CFR 34, which are hereby incorporated by reference including subsequent amendments and editions, except ~~for~~ for 10 CFR 34.5, 34.8, 34.121, and 34.123. Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part034/>.

~~(b)(c)~~ Applications required by 10 CFR 34 shall be made on forms provided by the agency. Applications and supporting material shall be submitted to the agency by e-mail to Licensing.RAM@dhhs.nc.gov, or mailed to the address shown in Rule ~~0111~~ .0111(a) of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is the same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
  - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
  - (A) the license number;
  - (B) amendment number of the current license;
  - (C) expiration date of the license;
  - (D) licensee name as it currently appears on the license;
  - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

- (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;
  - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
  - (H) explanation of the action requested; and
  - (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Applications specified in this Rule are available at:  
www.ncradiation.net/rms/rmsforms2.htm(Rev 01).htm

~~(e)(d)~~ Reports of leaking sealed sources required by 10 CFR 34.27 shall be made to the agency at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC.

~~(d)(c)~~ Notifications required by 10 CFR 34.101, including notifications of source disconnects, shall be made to the agency at the address shown in Rule ~~0111(a)~~.0111 of this Chapter in lieu of the NRC. In addition to the information required by 10 CFR 34.101(b), notifications of devices with failed or worn through S-tubes shall contain the serial number and storage location of the device, whether the device has been disposed of or returned to the manufacturer, and whether personnel contamination occurred.

~~(e)(f)~~ Requests for exemption under 10 CFR 34.111 shall be made to the agency as specified in Paragraph ~~(b)(c)~~ of this Rule.

Authority G.S. 104E-7; 104E-10(b).

**10A NCAC 15 .0307 MEDICAL USE OF BYPRODUCT MATERIAL IN HUMANS**

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 35 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 35:

- (1) A reference to "NRC" or "Commission" means the "Agency;" and
- (2) A reference to "NRC or agreement state" means the "Agency or agreement state."

~~(a)(b)~~ All persons using radioactive materials for medical use in humans shall comply with the general information requirements of Subpart A to 10 CFR 35, as follows:

- (1) 10 CFR 35.1, "Purpose and scope;"
- (2) 10 CFR 35.2, "Definitions;"
- (3) 10 CFR 35.5, "Maintenance of records;"

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| <p>(4) 10 CFR 35.6, "Provisions for the protection of human research subjects;"</p> <p>(5) 10 CFR 35.7, "FDA, other Federal, and State requirements;"</p> <p>(6) 10 CFR 35.10, "Implementation;"</p> <p>(7) 10 CFR 35.11, "License required," except that 35.11(c)(1) shall not apply;</p> <p>(8) 10 CFR 35.12, "Application for license, amendment, or renewal," except that the requirements in Paragraph <del>(m)</del>(n) of this Rule shall be met;</p> <p>(9) 10 CFR 35.13, "License amendments," except that 35.13(a)(1) shall not apply;</p> <p>(10) 10 CFR 35.14, "Notifications," except that notifications required by this rule shall be submitted to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency;</p> <p>(11) 10 CFR 35.15, "Exemptions regarding Type A specific licenses of broad scope;"</p> <p>(12) 10 CFR 35.18, "License issuance," except 35.18(a)(2) shall not apply; and</p> <p>(13) 10 CFR 35.19, "Specific exemptions."</p> <p><del>(b)</del>(c) All persons using radioactive materials for medical use in humans shall comply with the general administrative requirements of Subpart B to 10 CFR 35, as follows:</p> <p>(1) 10 CFR 35.24, "Authority and responsibilities for the radiation safety program;"</p> <p>(2) 10 CFR 35.26, "Radiation protection program changes;"</p> <p>(3) 10 CFR 35.27, "Supervision." Persons using instrumentation for the collection of data to be used by a physician shall hold active nuclear medicine technology (N) certification issued by the American Registry of Radiographic Technologists (ARRT) or hold active certification issued by the Nuclear Medicine Technologist Certification Board (NMTCB) within three (3) years of the effective date of this readopted Rule, or shall be in training and under the supervision of an individual holding active ARRT(N) or NMTCB certification or an authorized user;</p> <p>(4) 10 CFR 35.40, "Written Directives;"</p> <p>(5) 10 CFR 35.41, "Procedures for administrations requiring a written directive;"</p> <p>(6) 10 CFR 35.49, "Suppliers for sealed source and devices for medical use;"</p> <p>(7) 10 CFR 35.50, "Training for Radiation Safety Officer and Associate Radiation Safety Officer;"</p> <p>(8) 10 CFR 35.51, "Training for an authorized medical physicist;"</p> <p>(9) 10 CFR 35.55, "Training for an authorized nuclear pharmacist;"</p> <p>(10) 10 CFR 35.57, "Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical</p> | <p>physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist;"</p> <p>(11) 10 CFR 35.59, "Recentness of training;" and</p> <p>(12) licensees administering radioactive materials to patients shall have a physician, a nurse practitioner, or a physicians' assistant available to provide emergency life-saving assistance in the event of a medical emergency. These individuals are not required to be users of radioactive materials.</p> <p><del>(e)</del>(d) All persons administering radioactive materials to humans not requiring a written directive shall develop, document, maintain, and require the use of, of a clinical procedures manual. <del>A copy of this manual shall be provided to the agency with each application for a new license or each application for renewal of an existing license.</del> This manual shall be approved in writing by an authorized user, and shall include, for each nuclear medicine procedure not requiring a written directive performed at the facility:</p> <p>(1) the range of radiopharmaceutical dosages;</p> <p>(2) the method used to determine the dosage;</p> <p>(3) the route of administration;</p> <p>(4) provision of job-specific training and assistance to medical personnel in the administration of radioactive material for purposes including, but not limited to, the evaluation of cardiac ischemia in the emergent setting and localization of seizure foci as an adjunct to epilepsy monitoring; and</p> <p>(5) any other information the licensee determines to be useful for patient care, and to prevent the occurrence of medical events.</p> <p><del>(d)</del>(e) All persons using radioactive materials for medical use in humans shall comply with the general technical requirements of Subpart C to 10 CFR 35, as follows:</p> <p>(1) 10 CFR 35.60, "Possession, use, and calibration of instruments used to measure the activity of byproduct material;"</p> <p>(2) 10 CFR 35.61, "Calibration of survey instruments;"</p> <p>(3) 10 CFR 35.63, "Determination of dosages of unsealed byproduct material for medical use," except that the determination of dosages of unsealed photon emitting byproduct material shall be made only by direct measurement of radioactivity. If direct measurement of the dosage is not feasible because of the nature of the radiopharmaceutical, the manufacturer's recommendations for determining the dosage shall be used;</p> <p>(4) 10 CFR 35.65, "Authorization for calibration, transmission, and reference sources;"</p> <p>(5) 10 CFR 35.67, "Requirements for possession of sealed sources and brachytherapy sources," except that sealed sources and brachytherapy sources placed in storage may be decayed-in-storage as permitted by Subparagraph <del>(d)(10)</del>(e)(10) of this Paragraph. <u>Brachytherapy Sealed sources and brachytherapy sources</u></p> |
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placed into decay-in-storage shall be exempt from leak testing and the semi-annual inventory requirements of this Subparagraph;

- (6) 10 CFR 35.69, "Labeling of vials and syringes," except that syringe shields and dose carriers used to shield or transport syringes labeled in accordance with this Rule shall not be required to be labeled when under the continuous direct control of the individual measuring the dose in accordance with Subparagraph ~~(d)(3)~~(e)(3) of this Rule and administering the dose to the patient;
- (7) 10 CFR 35.70, "Surveys of ambient radiation exposure rate;"
- (8) 10 CFR 35.75, "Release of individuals containing unsealed byproduct material or implants containing byproduct material;"
- (9) 10 CFR 35.80, "Provision of mobile medical service;" and
- (10) 10 CFR 35.92, "Decay-in-storage," except that licensees may hold byproduct material with a half-life of less than or equal to 275 days for decay-in-storage.

~~(e)~~(f) Persons using unsealed radioactive material for medical use not requiring a written directive shall comply with the requirements of Subpart D to 10 CFR 35, as follows:

- (1) 10 CFR 35.100, "Use of unsealed byproduct material for uptake, dilution, and excretion studies for which a written directive is not required;"
- (2) 10 CFR 35.190, "Training for uptake, dilution, and excretion studies;"
- (3) 10 CFR 35.200, "Use of unsealed byproduct material for imaging and localization studies for which a written directive is not required;"
- (4) 10 CFR 35.204, "Permissible molybdenum-99, strontium-82, and strontium-85 concentrations;" and
- (5) 10 CFR 35.290, "Training for imaging and localization studies."

~~(f)~~(g) Persons using unsealed radioactive material for medical use requiring a written directive shall comply with the requirements of Subpart E to 10 CFR 35, as follows:

- (1) 10 CFR 35.300, "Use of unsealed byproduct material for which a written directive is required;"
- (2) 10 CFR 35.310, "Safety instruction;"
- (3) 10 CFR 35.315, "Safety precautions;" except that patient's or human research subject's personal items that cannot be effectively decontaminated to a level indistinguishable from the natural background may be released to them upon discharge, provided that the patient or human research subject is instructed not to share such items with others;
- (4) 10 CFR 35.390, "Training for use of unsealed byproduct material for which a written directive is required;"

- (5) 10 CFR 35.392, "Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries);"
- (6) 10 CFR 35.394, "Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 gigabecquerels (33 millicuries);" and
- (7) 10 CFR 35.396, "Training for the parenteral administration of unsealed byproduct material requiring a written directive."

~~(g)~~(h) Persons using sealed source radioactive material for medical use in manual brachytherapy shall comply with the requirements of Subpart F to 10 CFR 35, as follows:

- (1) 10 CFR 35.400, "Use of sources for manual brachytherapy;"
- (2) 10 CFR 35.404, "Surveys after source implant and removal;"
- (3) 10 CFR 35.406, "Brachytherapy sources accountability;"
- (4) 10 CFR 35.410, "Safety instructions;"
- (5) 10 CFR 35.415, "Safety precautions;"
- (6) 10 CFR 35.432, "Calibration measurements of brachytherapy sources;"
- (7) 10 CFR 35.433, "Strontium-90 sources for ophthalmic treatments;"
- (8) 10 CFR 35.457, "Therapy-related computer systems;"
- (9) 10 CFR 35.490, "Training for use of manual brachytherapy sources;"
- (10) 10 CFR 35.491, "Training for ophthalmic use of strontium-90;" and
- (11) activities listed in Subparagraphs ~~(g)(6)~~(h)(6) and ~~(g)(7)~~(h)(7) of this Rule shall be approved by an Authorized Medical Physicist.

~~(h)~~(i) Persons using sealed source radioactive material for medical diagnosis shall comply with the requirements of Subpart G to 10 CFR 35, as follows:

- (1) 10 CFR 35.500, "Use of sealed sources and medical devices for diagnosis;" and
- (2) 10 CFR 35.590, "Training for use of sealed sources and medical devices for diagnosis."

~~(i)~~(j) Persons using sealed source radioactive material for medical use in remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units shall comply with the requirements of Subpart H to 10 CFR 35, as follows:

- (1) 10 CFR 35.600, "Use of a sealed source in a remote afterloading unit, teletherapy unit, or gamma stereotactic radiosurgery unit;"
- (2) 10 CFR 35.604, "Surveys of patients and human research subjects treated with a remote afterloader unit;"
- (3) 10 CFR 35.605, "Installation, maintenance, and repair;"
- (4) 10 CFR 35.610, "Safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"

- (5) 10 CFR 35.615, "Safety precautions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"
- (6) 10 CFR 35.630, "Dosimetry equipment;"
- (7) 10 CFR 35.632, "Full calibration measurements on teletherapy units;"
- (8) 10 CFR 35.633, "Full calibration measurements on remote afterloader units;"
- (9) 10 CFR 35.635, "Full calibration measurements on stereotactic radiosurgery units;"
- (10) 10 CFR 35.642, "Periodic spot-checks for teletherapy units;"
- (11) 10 CFR 35.643, "Periodic spot-checks for remote afterloader units;"
- (12) 10 CFR 35.645, "Periodic spot-checks for on stereotactic radiosurgery units;"
- (13) 10 CFR 35.647, "Additional technical requirements for mobile remote afterloader units;"
- (14) 10 CFR 35.652, "Radiation surveys;"
- (15) 10 CFR 35.655, "Full-inspection servicing for teletherapy and gamma stereotactic radiosurgery units;"
- (16) 10 CFR 35.657, "Therapy-related computer systems;" and
- (17) 10 CFR 35.690, "Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units."

- (11) 10 CFR 35.2080, "Records of mobile medical services;"
- (12) 10 CFR 35.2092, "Records of decay-in-storage;"
- (13) 10 CFR 35.2204, "Records of molybdenum-99, strontium-82, and strontium-85 concentrations;"
- (14) 10 CFR 35.2310, "Records of safety instruction;"
- (15) 10 CFR 35.2404, "Records of surveys after source implant and removal;"
- (16) 10 CFR 35.2406, "Records of brachytherapy source accountability;"
- (17) 10 CFR 35.2432, "Records of calibration measurements of brachytherapy sources;"
- (18) 10 CFR 35.2433, "Records of decay of strontium-90 sources for ophthalmic treatments;"
- (19) 10 CFR 35.2605, "Records of installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"
- (20) 10 CFR 35.2610, "Records of safety procedures;"
- (21) 10 CFR 35.2630, "Records of dosimetry equipment used with remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units;"
- (22) 10 CFR 35.2632, "Records of teletherapy, remote afterloader, and gamma stereotactic radiosurgery full calibrations;"
- (23) 10 CFR 35.2642, "Records of periodic spot-checks for teletherapy units;"
- (24) 10 CFR 35.2643, "Records of periodic spot-checks for remote afterloader units;"
- (25) 10 CFR 35.2645, "Records of periodic spot-checks for gamma stereotactic radiosurgery units;"
- (26) 10 CFR 35.2647, "Records of additional technical requirements for mobile remote afterloader units;"
- (27) 10 CFR 35.2652, "Records of surveys of therapeutic treatment units;" and
- (28) 10 CFR 35.2655, "Records of full-inspection servicing for teletherapy and gamma stereotactic radiosurgery units."

~~(k)~~ Persons using radioactive material for medical use, or radiation from radioactive material for medical use, that are not specifically addressed in Paragraphs ~~(e)(f)~~ through ~~(i)(j)~~ of this Rule shall comply with requirements of Subpart K to 10 CFR 35. ~~(k)(l)~~ All persons licensed by the agency for the medical use of radioactive material shall maintain records required by Subpart L to 10 CFR 35, as follows:

- (1) 10 CFR 35.2024, "Records of authority and responsibilities for radiation protection programs;"
- (2) 10 CFR 35.2026, "Records of radiation protection program changes;"
- (3) 10 CFR 35.2040, "Records of written directives;"
- (4) 10 CFR 35.2041, "Records of procedures for administrations requiring a written directive;"
- (5) 10 CFR 35.2060, "Records of calibrations of instruments used to measure the activity of unsealed byproduct materials;"
- (6) 10 CFR 35.2061, "Records of radiation survey instrument calibrations;"
- (7) 10 CFR 35.2063, "Records of dosages of unsealed byproduct material for medical use;"
- (8) 10 CFR 35.2067, "Records of leak tests of sealed sources and brachytherapy sources;"
- (9) 10 CFR 35.2070, "Records of surveys for ambient radiation exposure rate;"
- (10) 10 CFR 35.2075, "Records of the release of individuals containing unsealed byproduct material or implants containing byproduct material;"

~~(m)~~ All persons licensed by the agency for the medical use of radioactive material shall make, or cause to be made, the reports required by Subpart M to 10 CFR Part 35. Notifications made by telephone shall be made in accordance with Rule .0111 of this Chapter to the agency in lieu of the United States Nuclear Regulatory Commission (NRC) Operations Center. Written reports and correspondence required by this Rule shall be submitted to the agency at the address shown in Rule ~~0111~~ .0111(a) of this Chapter unless otherwise directed by the agency, in lieu of the NRC Regional Office:

- (1) 10 CFR 35.3045, "Report and notification of a medical event;"

- (2) 10 CFR 35.3047, "Report and notification of a dose to an embryo/fetus or a nursing child;"
- (3) 10 CFR 35.3067, "Report of a leaking source;" and
- (4) 10 CFR 35.3204, "Report and notification for an eluate exceeding permissible molybdenum-99, strontium-82, and strontium-85 concentrations."

~~(m)~~(n) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule ~~0111~~ 0111(a) of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license or for the renewal of an existing license by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
  - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
  - (A) the license number;

- (B) amendment number of the current license;
- (C) expiration date of the license;
- (D) licensee name as it currently appears on the license;
- (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
- (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
- (H) explanation of the action requested; and
- (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

- (3) Applications specified in this Rule are available free of charge at: [https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

~~(m)~~(o) The regulations cited in this Rule from 10 CFR 35 are hereby incorporated by reference, including subsequent amendments and editions. Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part035/>.

Authority G.S. 104E-7; 104E-10(b).

**10A NCAC 15 .0308 LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS**

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 36 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 36:

- (1) A reference to "NRC" or "Commission" means the "Agency;" and
- (2) A reference to "NRC or agreement state" means the "Agency or agreement state."

~~(a)~~(b) Persons irradiating objects or materials using sealed sources containing radioactive materials shall comply with the provisions of 10 CFR 36, which are hereby incorporated by reference including subsequent amendments and editions, except that the requirements of 10 CFR 170 shall not apply, as follows:

- (1) 10 CFR 36.1, "Purpose and scope;"

- (2) 10 CFR 36.2, "Definitions," except that references to common defense and security shall not apply;
  - (3) 10 CFR 36.11, "Application for a specific license," except that the requirements of Paragraph ~~(b)~~(c) of this Rule shall be met;
  - (4) 10 CFR 36.13, "Specific licenses for irradiators;"
  - (5) 10 CFR 36.15, "Commencement of construction;"
  - (6) 10 CFR 36.17, "Applications for exemptions;"
  - (7) 10 CFR 36.19, "Requests for written statements;"
  - (8) 10 CFR 36.21, "Performance criteria for sealed sources;"
  - (9) 10 CFR 36.23, "Access control;"
  - (10) 10 CFR 36.25, "Shielding;"
  - (11) 10 CFR 36.27, "Fire protection;"
  - (12) 10 CFR 36.29, "Radiation monitors;"
  - (13) 10 ~~CFR~~ CFR 36.31, "Control of source movement;"
  - (14) 10 CFR 36.33, "Irradiator pools;"
  - (15) 10 CFR 36.35, "Source rack protection;"
  - (16) 10 CFR 36.37, "Power failures;"
  - (17) 10 CFR 36.39, "Design requirements;"
  - (18) 10 CFR 36.41, "Construction monitoring and acceptance testing;"
  - (19) 10 CFR 36.51, "Training;"
  - (20) 10 CFR 36.53, "Operating and emergency procedures;"
  - (21) 10 CFR 36.55, "Personnel monitoring;"
  - (22) 10 CFR 36.57, "Radiation surveys;"
  - (23) 10 CFR 36.59, "Detection of leaking sources;"
  - (24) 10 CFR 36.61, "Inspection and maintenance;"
  - (25) 10 CFR 36.63, "Pool water quality;"
  - (26) 10 CFR 36.65, "Attendance during operations;"
  - (27) 10 CFR 36.67, "Entering and leaving the radiation room;"
  - (28) 10 CFR 36.69, "Irradiation of explosive or flammable materials;"
  - (29) 10 CFR 36.81, "Records and retention periods;" and
  - (30) 10 CFR 36.83, "Reports," except that reports required by this Rule shall be made to the agency at the address shown in Rule ~~.0111~~ .0111(a) of this Chapter unless directed otherwise by the agency, in lieu of the United States Nuclear Regulatory Commission (NRC).
- ~~(b)~~(c) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule ~~.0111~~ .0111(a) of this Chapter in lieu of the NRC:
- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
    - (A) legal business name and mailing address;
    - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
    - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
    - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
    - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
    - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
    - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
    - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
  - (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
    - (A) the license number;
    - (B) amendment number of the current license;
    - (C) expiration date of the license;
    - (D) licensee name as it currently appears on the license;
    - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
    - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
    - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief

- (H) description of the action requested in the space provided in item 6b; explanation of the action requested; and
- (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

~~(d)~~ Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part036/>.

*Authority G.S. 104E-7; 104E-10(b).*

**10A NCAC 15 .0309 DOMESTIC LICENSING OF SOURCE MATERIAL**

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 40 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 40:

- (1) With the exception of the definition of Special Nuclear Material, a reference to "NRC" or "Commission" means the "Agency;"
- (2) A reference to "NRC or agreement state" means the "Agency or agreement state;"
- (3) In 10 CFR 40.4, in the definition of "Special Nuclear Material", the sentence "and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material", remains preserved as implemented by G.S. 104E-5.(16); and
- (4) In 40.13(c)(10), 40.22(e), 40.25(b), 40.25(d)(3), 40.54, 40.55(c), (c)(1), (d)(1)(ii), (d)(2) and (d)(3), where a reference is made to "an Agreement State", it means "an Agreement State or the NRC".

~~(b)~~ Persons using source material and byproduct material as defined in this Rule shall comply with the provisions of 10 CFR 40, which are hereby incorporated by reference including subsequent amendments and editions, except that references to importation and exportation of radioactive material and references to and requirements of 10 CFR 70.22(b), (c), (f) – (n), and 10 CFR 110 shall not apply, as follows:

- (1) 10 CFR 40.1, "Purpose;"
- (2) 10 CFR 40.2, "Scope;"
- (3) 10 CFR 40.2a, "Coverage of inactive tailings sites;"
- (4) 10 CFR 40.3, "Licensing requirements;"
- (5) 10 CFR 40.4, "Definitions," except that the definition of "foreign obligations," "reconciliation," and references in the

- (6) definitions to common defense and security shall not apply; 10 CFR 40.5, "Communications," except that notices and reports shall be made to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency or specified otherwise in this Rule, in lieu of the United States Nuclear Regulatory Commission (NRC);
- (7) 10 CFR 40.9, "Completeness and accuracy of information;"
- (8) 10 CFR 40.10, "Deliberate misconduct;"
- (9) 10 CFR 40.11, "Persons using source material under certain Department of Energy and Nuclear Regulatory Commission contracts;"
- (10) 10 CFR 40.12(a), "Carriers;"
- (11) 10 CFR 40.13, "Unimportant quantities of source material," except 10 CFR 40.13(c)(5)(iv);
- (12) 10 CFR 40.14, "Specific Exemptions;"
- (13) 10 CFR 40.20, "Types of licenses;"
- (14) 10 CFR 40.21, "General license to receive title to source or byproduct material;"
- (15) 10 CFR 40.22, "Small quantities of source material;"
- (16) 10 CFR 40.25, "General license for use of certain industrial products or devices;"
- (17) 10 CFR 40.26, "General license for possession and storage of byproduct material as defined in this part;"
- (18) 10 CFR 40.31(a), (b), (d), (f) – (i), "Application for specific licenses," except that the requirements of Paragraph ~~(b)~~(c) of this Rule shall be met, and reports required by 10 CFR 40.31(g) shall be submitted to the NRC in lieu of the agency. In the event an "environmental document," as defined by G.S. 113-9.(2), has been prepared in accordance with 15A NCAC 01C .0206, the agency may base the issuance of a specific license on information and evaluations made in that environmental document;
- (19) 10 CFR 40.32, "General requirements for issuance of specific licenses," except that 10 CFR 40.32(d), (g), and references to and requirements for uranium enrichment and uranium hexafluoride facilities shall not apply. In the event an "environmental document," as defined by G.S. 113A-9.(2), has been prepared in accordance with 15A NCAC 01C .0206, the agency may base the issuance of a specific license on information and evaluations made in that environmental document;
- (20) 10 CFR 40.34, "Special requirements for issuance of specific licenses;"
- (21) 10 CFR 40.35, "Conditions of specific licenses issued pursuant to 10 CFR 40.34;"
- (22) 10 CFR 40.36, "Financial assurance and recordkeeping for decommissioning," the

- initials "DCE" shall mean "detailed cost estimate;"
- (23) 10 CFR 40.41(a) – (c), (e)(2), (e)(4), (f), "Terms and conditions of licenses;"
- (24) 10 CFR 40.42, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas;"
- (25) 10 CFR 40.43, "Renewal of licenses;"
- (26) 10 CFR 40.44, "Amendment of licenses at request of licensee;"
- (27) 10 CFR 40.45, "Commission action on application to renew or amend;"
- (28) 10 CFR 40.46, "Inalienability of licenses;"
- (29) 10 CFR 40.51(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of source or byproduct material;"
- (30) 10 CFR 40.54, "Requirements for license to initially transfer source material for use under the 'small quantities of source material' general license;"
- (31) 10 CFR 40.55, "Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports;"
- (32) 10 CFR 40.60, "Reporting requirements;"
- (33) 10 CFR 40.61, "Records;"
- (34) 10 CFR 40.62, "Inspections;"
- (35) 10 CFR 40.63, "Tests;"
- (36) 10 CFR 40.65, "Effluent monitoring reporting requirements;"
- (37) 10 CFR 40.71, "Modification and revocation of licenses," and
- (38) Appendix A to Part 40, "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content," except Criterion 11A - F and 12 shall not apply.

~~(b)(c)~~ Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule ~~0111~~ 0111(a) of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;

- (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
  - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
- (A) the license number;
  - (B) amendment number of the current license;
  - (C) expiration date of the license;
  - (D) licensee name as it currently appears on the license;
  - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
  - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
  - (H) explanation of the action requested; and
  - (I) the printed name, title, and signature of the certifying official. The certifying official shall be an

individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

- (3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

~~(e)~~(d) Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part040/>.

*Authority G.S. 104E-7; 104E-10(b).*

**10A NCAC 15 .0310 DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL**

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 70 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 70:

- (1) With the exception of the definition of Special Nuclear Material, a reference to "NRC" or "Commission" means the "Agency".
- (2) A reference to "NRC or agreement state" means the "Agency or agreement state".
- (3) In 10 CFR 70.4, in the definition of "Special Nuclear Material", the sentence "and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material", remains preserved as implemented by G.S. 104E-5.(16).
- (4) In 10 CFR 70.19(a)(1) and 70.19(c)(3), the term "Commission or the Atomic Energy Commission" remains and does not mean the Agency or have the same definition shown in G.S. 104E-5(5). In 10 CFR 70.42(b)(1), the word "Department" means the "U.S. Department of Energy".

~~(a)~~(b) Persons using special nuclear material as defined in this Rule shall comply with the provisions of 10 CFR 70, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

- (1) 10 CFR 70.1(a) and (b), "Purpose;"
- (2) 10 CFR 70.2, "Scope;"
- (3) 10 CFR 70.3, "License requirements;"
- (4) 10 CFR 70.4, "Definitions," except that references in the definitions to common defense and security shall not apply;
- (5) 10 CFR 70.5, "Communications," except that notices and reports shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the United States Nuclear Regulatory Commission (NRC) unless otherwise specified by the agency;
- (6) 10 CFR 70.9, "Completeness and accuracy of information;"
- (7) 10 CFR 70.10, "Deliberate misconduct;"

- (8) 10 CFR 70.11, "Persons using special nuclear material under certain DOE and NRC contracts;"
- (9) 10 CFR 70.12, "Carriers;"
- (10) 10 CFR 70.17, "Specific exemption;"
- (11) 10 CFR 70.18, "Types of licenses;"
- (12) 10 CFR 70.19, "General license for calibration and reference sources;"
- (13) 10 CFR 70.20, "General license to own special nuclear material;"
- (14) 10 CFR 70.21(a)(2), (a)(3), (b), "Filing," except that the requirements of Paragraph ~~(b)~~(c) of this Rule shall be met;
- (15) 10 CFR 70.22(a), (d), and (e), "Contents of application;"
- (16) 10 CFR 70.23(a)(1) – (5), "Requirements for the approval of applications;"
- (17) 10 CFR 70.25(a)(2), (b) – (h), "Financial assurance and recordkeeping for decommissioning," the initials "DCE" shall mean "detailed cost estimate;"
- (18) 10 CFR 70.31(a) and (b), "Issuance of license;"
- (19) 10 CFR 70.32(a)(2), (a)(3), (a)(8), (a)(9), (b)(2), and (b)(5), "Conditions of licenses;"
- (20) 10 CFR 70.33, "Applications for renewal of licenses;"
- (21) 10 CFR 70.34, "Amendment of licenses;"
- (22) 10 CFR 70.35, "Commission action on applications to renew or amend;"
- (23) 10 CFR 70.36, "Inalienability of licenses;"
- (24) 10 CFR 70.38, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor structures;"
- (25) 10 CFR 70.39, "Specific licenses for the manufacture or initial transfer of calibration sources;"
- (26) 10 CFR 70.41, "Authorized use of special nuclear material;"
- (27) 10 CFR 70.42(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of special nuclear material;"
- (28) 10 CFR 70.50, "Reporting requirements;"
- (29) 10 CFR 70.51, "Records requirements;"
- (30) 10 CFR 70.55(a) and (b), "Inspections;"
- (31) 10 CFR 70.56, "Tests;" and
- (32) 10 CFR 70.81, "Modification and revocation of licenses."

~~(b)~~(c) Applications shall be made on forms provided by the agency. One copy of the application and supporting material shall be submitted to the agency by e-mail at [Licensing.RAM@dhhs.nc.gov](mailto:Licensing.RAM@dhhs.nc.gov), or at the address shown in Rule ~~.0111~~ .0111(a) of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  - (A) legal business name and mailing address;

- (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application shall so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
  - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
  - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
  - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
- (A) the license number;
  - (B) amendment number of the current license;
  - (C) expiration date of the license;
  - (D) licensee name as it currently appears on the license;
  - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application shall be left blank;
  - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
  - (H) explanation of the action requested; and
  - (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Applications specified in this Rule are available at:  
[https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).
- ~~(e)~~(d) Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part070/>.
- Authority G.S. 104E-7; 104E-10(b).*
- 10A NCAC 15 .0311 PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL**
- (a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 71 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 71:
- (1) In 10 CFR 71.0(c), 71.3, 71.5 71.17(a), (b), 71.22, 71.23(a), (b), 10 CFR 71.101(c)(1), a reference to "NRC" or "Commission" means the "Agency;"
  - (2) In 10 CFR 71.8(b), (d), and 71.17(b), the Agency is the "quality assurance program approval holder," and
  - (3) A reference to "NRC or agreement state" means the "Agency or agreement state."
- (b) All persons packaging, preparing for transport, or transporting radioactive materials shall comply with the provisions of 10 CFR 71, which are hereby incorporated by reference including subsequent amendments and editions, as follows;
- (1) 10 CFR 71.0, "Purpose and scope;"
  - (2) 10 CFR 71.1, "Communications and records;" except that communications, notices, and reports required by this Rule shall be sent to the addresses shown in Rule .0111 of this Chapter unless directed otherwise by the agency, in lieu of the NRC;
  - (3) 10 CFR 71.3, "Requirement for license;"
  - (4) 10 CFR 71.4, "Definitions;"
  - (5) 10 CFR 71.5, "Transportation of licensed material;"
  - (6) 10 CFR 71.7(a), "Completeness and accuracy of information;"
  - (7) 10 CFR 71.8, "Deliberate ~~misconduct~~;" misconduct." In 10 CFR 71.8(a)(3), the agency is the "quality assurance program approval holder;"
  - (8) 10 CFR 71.12, "Specific exemptions;"
  - (9) 10 CFR 71.13, "Exemption of Physicians;"
  - (10) 10 CFR 71.14(a), "Exemption for low-level materials;"

- (11) 10 CFR 71.15, "Exemption from classification as fissile material;"
  - (12) 10 CFR 71.17, "General license: NRC-approved package," except that 10 CFR 71.17(a) applies to any licensee of the agency, and the quality assurance program approval required by 10 CFR 71.17(b) shall be issued by the agency in lieu of the NRC. Notifications required by 10 CFR 71.17(c) shall be made to the agency as required by Subparagraph (2) of this Paragraph and to the NRC in accordance with 71.17(c)(3);
  - (13) 10 CFR 71.21, "General license: Use of foreign approved ~~package;~~ package." except that 10 CFR 71.21(a) applies to any licensee of the agency, and the quality assurance program approval required by 10 CFR 71.21(b) shall be issued by the agency or the NRC.
  - (14) 10 CFR 71.22, "General license: Fissile ~~material;~~ material" except that 10 CFR 71.22(a) applies to any licensee of the agency, and the quality assurance program approval required by 10 CFR 71.22(b) shall be issued by the agency.
  - (15) 10 CFR 71.23, "General license: Plutonium-beryllium special form ~~material;~~ material." except that 10 CFR 71.23(a) applies to any licensee of the agency, and the quality assurance program approval required by 10 CFR 71.23(b) shall be issued by the agency.
  - (16) 10 CFR 71.47, "External radiation standards for all packages;"
  - (17) 10 CFR 71.81, "Applicability of operating controls and procedures;"
  - (18) 10 CFR 71.83, "Assumptions as to unknown properties;"
  - (19) 10 CFR 71.85(d), "Preliminary determinations;"
  - (20) 10 CFR 71.87, "Routine determinations;"
  - (21) 10 CFR 71.88, "Air transport of plutonium;"
  - (22) 10 CFR 71.89, "Opening instructions;"
  - (23) 10 CFR 71.91(a), (c) through (d), "Records;"
  - (24) 10 CFR 71.93, "Inspection and tests;"
  - (25) 10 CFR 71.95, "Reports;"
  - (26) 10 CFR 71.97, "Advance notification of shipment of irradiated reactor fuel and nuclear waste." Advanced notifications required by this Subparagraph shall be made to the NRC as required by 10 CFR 71(c)(iii) and to the Governor's designee as follows:
    - (A) designee: N.C. Highway Patrol Headquarters, Operations Officer;
    - (B) mailing address: P.O. Box 27687, Raleigh, North Carolina 27611-7687;
    - (C) telephone: (919) 733-4030 from 8 a.m. to 5 p.m. Monday through Friday except State holidays, and (919) 733-3861 at all other times.
  - (27) 10 CFR 71.101(a) through (c)(1), (f), (g), "Quality assurance requirements." The quality assurance plan required by 10 CFR 71.101(c)(1) shall be submitted to the agency for review and approval in lieu of the NRC;
  - (28) 10 CFR 71.103, "Quality assurance organization," except that certificates of compliance shall be issued by the NRC in lieu of the agency;
  - (29) 10 CFR 71.105, "Quality assurance program;"
  - (30) 10 CFR 71.106, "~~Changes to quality assurance program;~~ program." Changes to the quality assurance plan required by 10 CFR 71.101(c)(1) shall be submitted to the agency for review and approval in lieu of the NRC;
  - (31) 10 CFR 71.127, "Handling, storage, and shipping control;"
  - (32) 10 CFR 71.129, "Inspection, test, and operating status;"
  - (33) 10 CFR 71.131, "Nonconforming materials, parts, or components;"
  - (34) 10 CFR 71.133, "Corrective action;"
  - (35) 10 CFR 71.135, "Quality assurance records;"
  - (36) 10 CFR 71.137, "Audits;"
  - (37) Appendix A to 10 CFR 71, "Determination of A<sub>1</sub> and A<sub>2</sub>;"
  - (38) Table A-1 of Appendix A to 10 CFR 71, "A<sub>1</sub> and A<sub>2</sub> Values for Radionuclides;"
  - (39) Table A-2 of Appendix A to 10 CFR 71, "Exempt Material Activity Concentrations and Exempt Consignment Activity Limits for Radionuclides," and
  - (40) Table A-3 of Appendix A to 10 CFR 71, "General Values for A<sub>1</sub> and A<sub>2</sub>."
- (b) Requests for a specific exemption from this Rule as permitted by 10 CFR 71.12 shall be made on the licensee's business letterhead. Requests for exemptions from the requirements of this Rule shall be made to the agency at the addresses shown in Rule .0111(a) of this Chapter, in lieu of the NRC, or as otherwise instructed by the agency. To request an exemption, the following information shall be submitted to the agency:
- (1) licensee name;
  - (2) license number;
  - (3) name of the individual requesting the exemption;
  - (4) contact information for the individual requesting the exemption;
  - (5) a description of the exemption being requested; and
  - (6) an explanation describing why the exemption is necessary.
- (c) Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part071/>.
- Authority G.S. 104E-7; 104E-10(b).*

**10A NCAC 15 .0313 EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274**

(a) All persons using byproduct material, source material, or special nuclear material shall comply with the provisions of 10 CFR 150, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

- (1) 10 CFR 150.1, "Purpose;"
- (2) 10 CFR 150.2, "Scope;"
- (3) 10 CFR 150.3, "Definitions," except that the terms "foreign obligations" and "reconciliation" shall not ~~apply~~ apply, and in the definition of "Special Nuclear Material", the sentence "and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material", remains preserved as implemented by G.S. 104E-5.(16);
- (4) 10 CFR 150.4, "Communications," except that questions about this Rule and communications and reports required by this Rule shall be sent to the address shown in Rule .0111(a) of this Chapter unless directed otherwise by the agency, in lieu of the NRC;
- (5) 10 CFR 150.11, "Critical Mass;"
- (6) 10 CFR 150.20, "Recognition of Agreement State ~~licenses;"~~ licenses," in addition to the general license authorized by 10 CFR 150.20(a)(1) and subject to the limitations of 10 CFR 150.20(a)(2), any person who holds a specific license issued by an Agreement State or by the NRC is granted a general license to conduct the same activity in North Carolina and the offshore waters within the jurisdiction of the State of North Carolina;
- (7) 10 CFR 150.31, "Requirements for Agreement State regulation of byproduct material," and
- (8) 10 CFR 150.32, "Funds for reclamation or maintenance of byproduct material;"

(b) Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part150/>.

*Authority G.S. 104E-7; 104E-10(b).*

**SECTION .1200 - LAND DISPOSAL OF RADIOACTIVE WASTE**

**10A NCAC 15 .1203 LICENSE REQUIRED: LAND DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE**

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 61 and to effectuate their joint enforcement, except in 10 CFR 61.2, a reference to "NRC" or "Commission" means the "Agency."

~~(a)~~(b) This Rule establishes the procedures, standards, criteria, and terms and conditions upon which the Department issues licenses authorizing land disposal of low-level radioactive waste received from other persons for disposal.

- (1) No person may receive, possess, and dispose of low-level radioactive waste at a land disposal facility located in North Carolina unless authorized by a license issued by the Department pursuant to this Rule.
- (2) No low-level radioactive waste shall be received from any source not licensed by the agency except as may be specifically authorized in writing by the agency.
- (3) The regulations in 10 CFR 61 which are hereby incorporated by reference, including subsequent amendments and editions, except that 10 CFR 61.5, 61.8, 61.16, 61.23(i) and (j), 61.83, and 61.84 are not incorporated by reference. Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part061/>. Communications, records, reports, and notifications required by 10 CFR 61.4 and 61.80 shall be submitted to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC.
- (4) The requirements found in G.S. 104E-6.1, 104E-10.1(a), (a1), and (b), 104E-10.2, 104E-25(a), (c) through (h), and (j) shall be met.
- (5) In addition to the definitions found in 10 CFR 61.2, the definitions in G.S. 104E-5 shall apply.
- (6) The agency may access and inspect any licensed low-level radioactive waste disposal facility on a temporary or emergency basis to determine compliance with the rules in this Chapter or to respond to any emergency which involves possible or actual release of radioactive material.
- ~~(b)~~(c) This Rule establishes the procedures, criteria, and terms and conditions upon which the agency issues licenses authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph ~~(a)~~(b) of this Rule.
  - (1) No person shall transport or transfer waste to a low-level radioactive waste land disposal facility licensed under Paragraph ~~(a)~~(b) of this Rule unless licensed by the agency or otherwise specifically authorized in writing by the agency.
  - (2) The definitions of terms in G.S. 104E-5 shall apply.
  - (3) Generators, waste brokers, and waste processors of low-level radioactive waste shall develop procedures and implement practices to prevent, minimize, and reduce the generation of low-level radioactive waste, including segregating radioactive waste by half-life and holding low-level radioactive waste for decay in storage.
  - (4) Upon receipt of an application for a license authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph ~~(a)~~(b) of this Rule, the agency shall review the contents of the application and

determine if the applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and safety of the public and occupationally exposed workers, and if the requirements in Subparagraph ~~(b)(3)~~(c)(3) of this Rule are met. If the agency determines that the applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and safety of the public and occupationally exposed workers, and that the applicant's procedures and practices prevent, minimize and reduce the generation of low-level radioactive waste, the agency shall issue a license as described in this Rule.

- (5) Licenses issued under this Rule are subject to suspension or revocation for failure to comply with the rules of this Chapter or in accordance with 10 CFR 61.9b(a) and (c).
- (6) Facilities licensed by the agency and licensed activities may be inspected by authorized representatives of the Department as permitted by G.S. 104E-11(a). For licenses issued to licensees located outside of the jurisdiction of the Department, the Department may delegate this authority to individuals representing the radiation control programs within those jurisdictions.

~~(e)~~(d) Applications required by this Rule shall be made on forms provided by the agency, and the payment of fees required by 10 CFR 61.20(c) shall not apply. Applications and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule ~~.0111~~ .0111(a) of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
  - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application may so state;
  - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;

- (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
- (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
- (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The following information shall appear on the application:
  - (A) the license number;
  - (B) amendment number of the current license;
  - (C) expiration date of the license;
  - (D) licensee name as it currently appears on the license;
  - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
  - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;
  - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
  - (H) explanation of the action requested; and
  - (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Application forms specified in this Rule shall be made available by the agency on the agency's public website.

~~(d)~~(e) Nothing in this Rule shall relieve any person of responsibility for complying with other applicable North Carolina laws and rules.

Authority G.S. 104E-5; 104E-6.1; 104E-7; 104E-10(b); 104E-10.1; 104E-10.2; 104E-10.3; 104E-11; 104E-18; 104E-25; 104E-26; 104E-27.

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

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

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

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 39 and to effectuate their joint enforcement, a reference to "NRC" or "Commission" means the "Agency."

~~(a)~~(b) Persons using sources of radiation for well logging, wireline-service operations, mineral logging, radioactive markers, or subsurface tracer studies shall comply with the provisions of 10 CFR Part 39, except that 10 CFR 39.5, 39.8, 39.101, and 39.103 shall not apply.

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

- ~~(1) "Mineral logging" means any logging performed for the purpose of mineral exploration other than oil or gas;~~
- ~~(2) "Well bore" means a drilled hole in which wireline service operations and subsurface tracer studies are performed;~~
- ~~(3) "Wireline" means a cable containing one or more electrical conductors that is used to lower and raise logging tools in the well bore; and~~
- ~~(4) "Wireline service operations" means any evaluation or mechanical service that is performed in the well bore using devices on a wireline.~~

(c) Applications required by 10 CFR 39.11 shall be made on forms provided by the agency, and the payment of fees required by 10 CFR Part 170 shall not apply. One copy of the application and supporting material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule ~~.0111~~ .0111(a) of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. Items one through five on the application form shall be completed by the applicant, using additional sheets as necessary. The following information shall appear on the application:
  - (A) legal business name and mailing address;
  - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if

- (C) radioactive materials shall be used at temporary jobsites;
- (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application may so state;
- (E) the application shall indicate if the application is for a new license or for the renewal of an existing license by marking the corresponding check box;
- (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
- (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
- (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. Items one through seven on the application form shall be completed by the applicant, using additional sheets as necessary. The following information shall appear on the application:

- (A) the license number;
- (B) amendment number of the current license;
- (C) expiration date of the license;
- (D) licensee name as it currently appears on the license;
- (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;
- (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;

- (H) explanation of the action requested; and
- (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available free of charge at: [www.ncradiation.net/rms/rmsforms2.htm](http://www.ncradiation.net/rms/rmsforms2.htm) (Rev 01).htm.

(d) Persons conducting subsurface tracer studies using unsealed sources of radiation shall obtain agency approval prior to injecting licensed material into the subsurface. Agency approval shall be obtained by submitting a license application to the agency in accordance with Paragraph (c) of this Rule.

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

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

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

*Authority G.S. 104E-3; 104E-7.*

**SECTION .1600 - STANDARDS FOR PROTECTION AGAINST RADIATION**

**10A NCAC 15 .1601 STANDARDS FOR PROTECTION AGAINST RADIATION**

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 20 and to effectuate their joint enforcement, and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 20:

- (1) Except in 20.1003, a reference to the "Nuclear Regulatory Commission," "NRC" or "Commission" means the "Agency," and
- (2) In 10 CFR 20.1003, in the definition of "Special Nuclear Material", the sentence "and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material", remains preserved as implemented by G.S. 104E-5.(16).

~~(a)~~(b) Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, and persons licensed pursuant to the rules in Section .0300, .0900, .1200, or .1300 of this Chapter, shall comply with the provisions of 10 CFR 20 as follows, which are hereby incorporated by reference including subsequent amendments and editions, except references to and requirements for 10 CFR 50, 52, 60, 63, 72, 73, and 76 shall not apply:

- (1) 20.1001, "Purpose," except that non-ionizing radiation from radiation machines registered in accordance with the rules in Section .0200 of this Chapter shall also be regulated by this Rule;
- (2) 20.1002, "Scope;"
- (3) 20.1003, "Definitions," except that for persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, the following terms used in 10 CFR 20 shall have the following substitutions:
  - (A) "license" shall have the same meaning as "registration" as defined in Rule .0103(b) of this Chapter;
  - (B) "licensed" shall have the same meaning as "registered" as defined in Rule .0103(b) of this Chapter;
  - (C) "licensed material" shall have the same meaning as "radiation machine" as defined in Rule .0103(b) of this Chapter, and
  - (D) "licensee" shall have the same meaning as "registrant" as defined in Rule .0103(b) of this Chapter;
- (4) 20.1004, "Units of radiation dose;"
- (5) 20.1005, "Units of radioactivity;"
- (6) 20.1007, "Communications," except that licensees and registrants shall address communications regarding these rules, notifications, and reports to the agency as instructed by Rule .0111 of this Chapter in lieu of the NRC;
- (7) 20.1101, "Radiation protection programs;"
- (8) 20.1201, "Occupational dose limits for adults;"
- (9) 20.1202, "Compliance with requirements for summation of external and internal doses;"
- (10) 20.1203, "Determination of external dose from airborne radioactive material;"
- (11) 20.1204, "Determination of internal exposure;"
- (12) 20.1206, "Planned special exposures;"
- (13) 20.1207, "Occupational dose limits for minors;"
- (14) 20.1208, "Dose equivalent to an embryo/fetus;"
- (15) 20.1301, "Dose limits for individual members of the public;"
- (16) 20.1302, "Compliance with dose limits for individual members of the public;"
- (17) 20.1401, "General provisions and scope;"
- (18) 20.1402, "Radiological criteria for unrestricted use;"
- (19) 20.1403, "Criteria for license termination under restricted conditions;"
- (20) 20.1404, "Alternate criteria for license termination;"
- (21) 20.1405, "Public notification and public participation," except the agency shall not publish a notice in the Federal Register;
- (22) 20.1406, "Minimization of contamination," except that 20.1406(b) shall not apply;
- (23) 20.1501, "General;"

**PROPOSED RULES**

- (24) 20.1502, "Conditions requiring individual monitoring of external and internal occupational dose;"
- (25) 20.1601, "Control of access to high radiation areas;"
- (26) 20.1602, "Control of access to very high radiation areas;"
- (27) 20.1701, "Use of process or other engineering controls;"
- (28) 20.1702, "Use of other controls;"
- (29) 20.1703, "Use of individual respiratory protection equipment;"
- (30) 20.1704, "Further restrictions on the use of respiratory equipment;"
- (31) 20.1705, "Application for use of higher assigned protection factors;"
- (32) 20.1801, "Security of stored material;"
- (33) 20.1802, "Control of material not in storage;"
- (34) 20.1901, "Caution signs;"
- (35) 20.1902, "Posting requirements;"
- (36) 20.1903, "Exceptions to posting requirements;"
- (37) 20.1904, "Labeling containers;"
- (38) 20.1905, "Exemptions to labeling requirements," except that 20.1905(g) shall not apply;
- (39) 20.1906, "Procedures for receiving and opening packages;"
- (40) 20.2001, "General requirements;"
- (41) 20.2002, "Method for obtaining approval of proposed disposal procedures;"
- (42) 20.2003, "Disposal by release to sanitary sewerage;"
- (43) 20.2004, "Treatment or disposal by incineration;"
- (44) 20.2005, "Disposal of specific wastes;"
- (45) 20.2006, "Transfer for disposal and manifests;"
- (46) 20.2007, "Compliance with environmental and health protection regulations;"
- (47) 20.2008, "Disposal of certain byproduct material;"
- (48) 20.2101, "General provisions;"
- (49) 20.2102, "Records of radiation protection programs;"
- (50) 20.2103, "Records of surveys;"
- (51) 20.2104, "Determination of prior occupational dose;"
- (52) 20.2105, "Records of planned special exposures;"
- (53) 20.2106, "Records of individual monitoring results;"
- (54) 20.2107, "Records of dose to individual members of the public;"
- (55) 20.2108, "Records of waste disposal;"
- (56) 20.2110, "Form of records;"
- (57) 20.2201, "Reports of theft or loss of material." Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter shall make telephone reports of the theft or loss of radiation machines in accordance with 20.2201(a)(1)(i);
- (58) 20.2202, "Notifications of incidents;"
- (59) 20.2203, "Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits," except that 20.2203(c) shall not apply;
- (60) 20.2204, "Reports of planned special exposures;"
- (61) 20.2205, "Reports to individuals exceeding dose limits;"
- (62) 20.2206, "Reports of individual monitoring," except that 20.2206(a)(1), and 20.2206(a)(3) through (a)(5) shall not apply. The report required by 20.2206(b) shall be submitted upon request by the agency in lieu of the requirements of 20.2206(c);
- (63) 20.2207, "Reports of transactions involving nationally tracked sources." Notwithstanding Subparagraph (a)(6) of this Rule, reports required by this Subparagraph shall be made in accordance with 20.2207(f) and (g);
- (64) 20.2301, "Application for exemptions," except that the request for exemption shall be made on the licensee's or registrant's business letterhead. Requests for exemptions from the requirements of this Rule shall be made to the agency at the addresses shown in Rule .0111(a) of this Chapter, in lieu of the NRC, or as otherwise instructed by the agency. To request an exemption, the following information shall be submitted to the agency:
- (A) licensee or registrant name;
  - (B) license or registration number;
  - (C) name and contact information for the individual requesting the exemption;
  - (D) a description of the exemption being requested, and
  - (E) an explanation describing why the exemption is necessary;
- (65) 20.2302, "Additional requirements;"
- (66) Appendix A to Part 20, "Assigned Protection Factors for Respirators;"
- (67) Appendix B to Part 20, "Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage;"
- (68) Appendix C to Part 20, "Quantities of Radioactive Material Requiring Labeling;"
- (69) Appendix E to Part 20, "Nationally Tracked Source Thresholds," and
- (70) Appendix G to Part 20, "Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests."
- (b)(c) Exposure of a personnel monitoring device to deceptively indicate a dose delivered to an individual is prohibited.

(d) Licensees and registrants shall continue to perform all activities required by the rules of this Chapter, license or registration condition, and shall pay annual fees as instructed on an invoice issued by the agency until the license or registration is terminated. Registrants shall maintain registration of all radiation machines under their control until those units are disposed.

(e) Nothing in the rules of this Chapter shall relieve any person of responsibility for complying with other applicable North Carolina laws and rules.

(f) Copies of these regulations are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part020/.

Authority G.S. 104E-7(a)(2).

SECTION .1700 – PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

10A NCAC 15 .1701 ADDITIONAL REQUIREMENTS FOR LICENSEES POSSESSING CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

(a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 37 and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of 10 CFR 37:

- (1) With the exception of 10 CFR 37.5 a reference to "NRC" or "Commission" means the "Agency."
(2) A reference to "NRC-licensed" means licensed by the Agency.

(b) Licensees possessing an aggregate category 1 or category 2 quantity of radioactive material, as defined in 10 CFR 37.5, shall comply with the requirements for the physical protection program listed in 10 CFR Part 37, which is hereby incorporated by reference, including any subsequent amendments and editions, except the following regulations are not incorporated:

- (1) 10 CFR 37.1;
(2) 10 CFR 37.3;
(3) 10 CFR 37.7;
(4) 10 CFR 37.9;
(5) 10 CFR 37.11(a) and (b);
(6) 10 CFR 37.13;
(7) 10 CFR 37.105;
(8) 10 CFR 37.107; and
(9) 10 CFR 37.109.

(c) Licensee required reports of events or notifications in 10 CFR 37.23(b)(2), 37.41, 37.45, 37.57, 37.77(a) through (d), and 37.81 shall use the Agency contact information in Rule .0111 of this Chapter.

(d) The Code of Federal Regulations incorporated by this Rule are available free of charge at https://www.ecfr.gov/current/title-10/chapter-I/part-37.

Authority G.S. 104E-7.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the Radiation Protection Commission intends to amend the rules cited as 10A NCAC 15 .0201- .0207, .0211, .0212 and repeal the rule cited as 10A NCAC 15 .0214.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): https://info.ncdhhs.gov/dhsr/index.html

Proposed Effective Date: October 1, 2026

Public Hearing:

Date: April 28, 2026

Time: 1:00 p.m.

Location: 1915 Health Services Way, Conference Rm 2210, Raleigh, NC 27607

Reason for Proposed Action: The purpose of these amendments is to add clarity to these rules using comments from the comment period during the re adoption phase. These amendments do not change the intent of the current Rules. There are 8 amendments and 1 repeal.

Comments may be submitted to: Shanah Black, 1915 Health Services Way; 2201 Mail Service Center; Raleigh, NC 27607; phone (919) 855-3481; email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: June 1, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 15 - RADIATION PROTECTION

SECTION .0200 - REGISTRATION OF RADIATION MACHINES: FACILITIES AND SERVICES

Codifier's Note: 10 NCAC 03G .2300 was transferred to 15A NCAC 11 .0200 effective January 4, 1990. Recodification pursuant to G.S. 143B-279.3.

10A NCAC 15 .0201 PURPOSE AND SCOPE

(a) This Section provides for the registration of ~~radiation X-ray~~ machines, radiation generating devices, facilities, and persons providing other radiological services.

(b) A person who acquires, owns, possesses, or receives a ~~radiation machine or an X-Ray machine~~, a radiation generating device, or provides other radiologic services before receiving a notice of registration in accordance with Rule .0209 of this Section is subject to the requirements of this Chapter.

(c) In addition to the requirements of this Section, all registrants are subject to the provisions in Sections .0100, .1000, .1100, and .1600 of this Chapter.

(d) Service providers using ~~radiation machines an X-Ray machine~~, or a radiation generating device for demonstration purposes or that provide mobile leasing ~~services~~ services, are subject to the additional requirements of Rule .0205 of this Section. Service providers that provide those services by bringing ~~radiation machines an X-ray machine~~ or radiation generating devices from out of state are subject to the additional requirements of Rule .0208 of this Section.

(e) Emerging technologies for ~~radiation X-ray~~ machines and radiation generating devices that do not meet the equipment requirements of this Chapter are subject to the additional requirements in Rule .0212 of this Section.

(f) ~~Registrants using industrial~~ Industrial radiographic ~~X-Ray~~ machines are subject to the additional requirements of Section .0500 of this Chapter.

(g) ~~Registrants using radiation X-ray~~ machines for ~~human diagnostic imaging~~ and veterinary use are subject to the additional requirements in Section .0600 of this Chapter.

(h) ~~Registrants using radiation X-ray~~ machines for ~~non-human use non-diagnostic imaging~~ at educational facilities, ~~for forensic medicine~~, for clinical studies, or by service providers for demonstration purposes are subject to the additional requirements of Section .0600 of this Chapter.

(i) ~~Registrants using ionizing radiation~~ Radiation generating devices and X-ray machines for non-human use are subject to the additional requirements of Section .0800 of this Chapter.

Authority G.S. 104E-7; 104E-9(8); 104E-19(a).

10A NCAC 15 .0202 EXEMPTIONS

(a) Electronic equipment that produces radiation incidental to its operation for other purposes is exempt from the registration and notification requirements of this ~~Section~~ Section, provided that the dose equivalent rate average over an area of 10 square centimeters does not exceed 0.5 mrem per hour at 5 centimeters from any accessible surface of the equipment when any external shielding is removed. The production, testing, or factory servicing of such equipment is not exempt.

(b) The agency may, upon application therefore, grant individual exemptions or exceptions from the requirements of these Rules if it will not result in radiation dose or contamination that exceeds the limits prescribed in these Rules for the protection of public health, safety, or property.

~~(b)(c)~~ (c) The following are exempt from the requirements of this Section:

- (1) all radioactive materials; and
- (2) ~~radiation~~ X-ray machines or radiation generating devices while in transit.

Authority G.S. 104E-7.

10A NCAC 15 .0203 APPLICATION FOR REGISTRATION PROCESS: GENERAL REQUIREMENTS FOR ALL FACILITIES, RADIATION MACHINES, AND SERVICES PROVIDED

(a) A person with an unregistered facility, ~~radiation X-ray~~ machine, radiation generating device, or an unregistered service ~~provider~~, provider shall apply for registration with the agency. After submitting the required application forms prescribed by the agency in this Rule, registration of the first ~~radiation X-ray~~ machine, radiation generating device, or registration of services provided, constitutes registration of the facility or service provider.

(b) All application forms in this Rule shall be completed by meeting the following requirements:

- (1) ~~An individual with administrative control and representative of the organization of a radiation~~ The owner or the individual responsible for the business operations of a facility with an X-ray machine, radiation generating device, or who is responsible for providing provides radiological services, shall ensure that application forms, required by the agency in this Rule, meet the following requirements:
  - (A) are accurate, complete, and contain all the information required by the application forms and accompanying instructions; and
  - (B) are submitted to the agency at the e-mail address on the application for registration forms or mailed to the address in Rule .0111 of this Chapter.
- (2) Incomplete application forms or application forms submitted without the requested documentation to provide ~~services~~, radiological services will not be processed.
- (3) The agency may require additional information at any time after submission of the application to determine if the notice of registration should be issued or denied.
- (4) Application forms can be found at <https://radiation.ncdhhs.gov/Xray/applic.htm>. <https://radiation.ncdhhs.gov/Xray/applic.htm> and <https://radiation.ncdhhs.gov/Xray/service.htm>.
- (5) The owner or individual responsible for business operations can designate a responsible

person or persons within the organization to sign when amendments are made to forms by notifying the agency in writing.

(c) A Business Application form shall be submitted prior to the operation of a facility or providing services in this ~~State~~ State, and the following additional requirements shall be met:

- (1) The application shall be submitted by any person:
  - (A) with one or more ~~radiation machines~~ X-ray machines or radiation generating device at a facility; or
  - (B) that plans to engage in radiological services listed in Paragraphs (f) and (g) of this Rule.
- (2) The application form requires the following:
  - (A) indication if the application is for a new facility, a change of ownership, relocation of a facility, or to update information by marking the corresponding checkbox;
  - (B) the legal business name, facility physical address, phone ~~number,~~ number, and type of ~~business, days and hours of operation;~~ business;
  - (C) the name, title, mailing address, phone, and e-mail address of the business manager;
  - (D) the name of the individual on-site who is responsible for radiation protection. The training and experience qualifying him or her to perform the job duties and responsibilities in Rule .0211 of this Section, shall be ~~documented on the application;~~ available during inspection or upon request by the agency;
  - (E) the name, title, mailing address, phone, and e-mail address for the invoice ~~contact;~~ contact; and
  - (F) ~~description of facility use;~~
  - (G) ~~description of service provider equipment;~~
  - (H)(F) dated and signed by the owner or the individual ~~with administrative control;~~ and responsible for business operations.
  - (I) ~~identify equipment forms included with the application form by marking the corresponding checkbox.~~

(d) A ~~Radiation~~ An X-ray Machine Application or Radiation Generating Devices Application form shall be submitted in accordance with Rule .0204(c)(1) through (5) of this Section, for the type of ~~radiation~~ X-ray machine or radiation generating device owned by the registrant or potential registrant or the service provided. The following additional requirements shall be met:

- (1) The application shall be submitted by any person:

- (A) with one or more unregistered ~~radiation~~ X-Ray machines or radiation generating devices at a facility; or
- (B) that is engaged in leasing or performing demonstrations using an unregistered ~~radiation~~ X-Ray machine or radiation generating device.

- (2) The application requires the following information:
  - (A) registration number;
  - (B) machine or device location;
  - (C) manufacturer, model, serial number, number of tubes, install date, modality, ~~application,~~ type, and use;
  - (D) location of the machine or device not in use;
  - (E) installer information; and
  - (F) ~~shall be~~ dated and signed by the ~~individual with administrative control-~~ owner or individual responsible for business operations. ~~An individual with administrative control can delegate a responsible person or persons within the organization to sign when amendments are made to this form by notifying the agency in writing.~~

(e) A Disposal of a ~~Radiation~~ An X-ray Machine or Radiation Generating Device Form shall be submitted when a facility disposes of a ~~radiation~~ An X-ray machine or radiation generating device. The agency form requires the following information:

- (1) registration number, facility name, and physical address;
- (2) identify if the application is for a new facility, for a change of ownership, a facility ~~relocates,~~ relocation, or to update information;
- (3) ~~radiation~~ X-ray machine or radiation generating device location; manufacturer, ~~model,~~ model and serial number;
- (4) identify the ~~reason for~~ method of disposal of the ~~radiation~~ X-ray machine or radiation generating device;
- (5) ~~the recipient of the radiation~~ X-ray machine or radiation generating device, ~~to the individual or business name,~~ device, physical and e-mail address, and phone number; and
- (6) dated and signed by the owner or the individual ~~with administrative control~~ responsible for business operations of the ~~radiation~~ X-ray machine or radiation generating device.

(f) A Company Service Application form shall be submitted prior to furnishing or offering to furnish services in Parts (f)(1)(A) through (f)(1)(C) of this Rule and the following additional requirements shall be met:

- (1) The application shall be submitted by any person engaged in:
  - (A) direct sales, demonstration, leasing, or transfer of ~~radiation~~ X-ray machines or radiation generating devices;

- (B) providing individual monitoring devices; and
  - (C) radiation survey equipment calibrations, except when calibrations are performed by the manufacturer of the equipment.
- (2) The application requires the following information:
- (A) registration number;
  - (B) business name, facility physical address;
  - (C) identify if the application is for a new service provider, for a change of ownership, relocation of the facility, or to update information;
  - (D) identify each class and modality of services requested to be provided in the State;
  - (E) submit the requirements listed on the agency form for each class and modality requesting to provide services in the State;
  - (F) list any class or modality not listed on this form;
  - (G) description of service provider equipment used for output measurements and surveys; and
  - (H) ~~signature of~~ dated and signed by the owner or the individual with administrative control. responsible for business operations.

(g) A Company Employee Services Application form shall be submitted prior to furnishing or offering to furnish services in Parts (g)(1)(A) through ~~(H)(g)(1)(G)~~ of this Rule and the following additional requirements shall be met:

- (1) The application shall be submitted by any person engaged in providing the following services:
- (A) area radiation surveys for ~~diagnostic radiographic and fluoroscopy facilities;~~ X-ray machines;
  - (B) equipment surveys and shielding designs for radiation generating devices;
  - (C) general health physics consulting services to perform dose estimates, radiation output measurements, radiation safety program development, and radiation safety program training;
  - (D) installation or service repair of ~~radiation~~ X-ray machines or radiation generating devices;
  - (E) qualified expert consulting services for CT and mammography ~~radiation~~ X-ray machines;
  - ~~(F) radiation protection expert;~~

- ~~(G)(F)~~ shielding designs for ~~diagnostic radiographic and fluoroscopy facilities;~~ X-ray machines; and
- ~~(H)(G)~~ therapeutic facility shielding design, area radiation survey, or calibration-verification and area radiation surveys.

- (2) The application requires the following information:
- (A) name of the employee to be registered;
  - (B) start date if the employee is being ~~added~~ added, and the stop date if the employee is being removed from the registration;
  - (C) business registration number, name, physical address, and contact e-mail;
  - (D) class identification and modality of services to be provided;
  - (E) training and experience to submit for each class of services to be provided;
  - (F) date and signature of the employee applying for registration;
  - (G) date and signature of the owner or the individual with administrative control; responsible for business operations; and
  - (H) additional information the agency determines is necessary for evaluating the application for registration.

(h) Owners of radiation imaging systems and in-house personnel employed by a facility or corporation shall be exempt from the registration requirements in this Rule to provide services in this State, provided such personnel:

- (1) meets the education, or is supervised by an individual who meets the training and experience requirements of the Class for the services provided;
- (2) provides services at one facility or corporation; and
- (3) provides requirements in Subparagraph (1)(h) of this Rule for agency review during inspection.

(i) The following general requirements apply to all facilities and services provided in North Carolina.

- (1) The registrant shall notify the agency when any change will render the information in an application for registration or notice of registration no longer accurate.
- (2) A registrant that terminates all activities ~~of radiation~~ involving X-ray machines, radiation generating devices, or providing services shall meet the following requirements within 30 days:
  - (A) request termination of the notice of registration in writing by the owner or the individual with administrative control;
  - (B) submit to the agency, a Disposal of a ~~Radiation~~ an X-ray Machine or

- Radiation Generating Device Form in accordance with Paragraph (e) of this Rule; and
- (C) pay any outstanding fees pursuant to Section .1100 of this Chapter.
- (3) A registrant shall not transfer the registration as part of a change of ownership.
- (4) A person who takes possession of ~~a radiation an~~ X-ray machine or radiation generating device because of bankruptcy, foreclosure, or state auction may possess the machine or device when the following additional requirements are met:
  - (A) The machine or device shall be posted with a visible sign stating that the new owner is responsible for registering with the agency if used in this State; and
  - (B) If the machine or device is energized, it shall only be energized by someone registered in accordance with this Section and only to demonstrate that it is operable for sale or transfer.
- (5) No person shall in any advertisement refer to the fact that his or her facility is registered with the agency pursuant to the provisions of Rule .0204 or .0205 of this Section, and no person shall state or imply that under such registration any activities have been approved by the agency.

- (3) ~~A radiation~~ An X-ray machine shall not be installed until the applicant has received acknowledgment of the shielding design from the agency.
- (4) ~~A radiation~~ An X-ray machine shall not be replaced until the existing shielding design, acknowledged previously by the agency, is reviewed by a registered service provider in accordance with Rule .0205. The registrant shall have a service provider review the acknowledged shielding design for the proposed ~~radiation~~ X-Ray machine replacement to assess if the existing shielding meets the requirements of this Chapter. The documentation provided to the registrant from the service provider shall be submitted to the agency and maintained for agency review during inspection.
- (5) The acknowledgment of such plans shall not preclude the requirement for additional modifications should a subsequent analysis of operating conditions indicate the possibility of a dose that exceeds the limits in Rule .1601 of this Chapter.
- (6) Shielding designs are not required to be submitted for the following radiation machines:
  - (A) dental handheld;
  - (B) dual ~~x-ray~~ X-ray absorptiometry (DEXA);
  - (C) mammography; or
  - (D) mobile or portable radiographic and fluoroscopic machines used in more than two locations.

*Authority G.S. 104E-7; 104E-12; 104E-20.*

**10A NCAC 15 .0204 FACILITY RESPONSIBILITIES**

- (a) All forms in this Rule shall be completed in accordance with Rule .0203 of this Section and any accompanying instructions.
- (b) Shielding design requirements:
  - (1) Prior to construction for all new installations of ~~radiation~~ X-ray machines for human, non-human, or veterinary use and prior to structural modification of existing installations, an ~~applicant,~~ applicant shall have the floor plans, shielding specifications, and equipment arrangement reviewed by a registered service provider.
  - (2) The registrant shall submit ~~the~~ a shielding design and the agency Shielding Design Review Form to the agency for review. Shielding design drawings shall include a scaled drawing. The ~~agency form~~ Shielding Design Review Form shall include the following information:
    - (A) facility and service provider name, registration number, e-mail and physical address, and phone number;
    - (B) ~~equipment~~ machine location, manufacturer, status, kVp, mA, mA min per week, facility type; and
    - (C) proposed date of installation.

(c) Facility registration

- (1) Mobile ~~radiation~~ X-ray machines located and used in this ~~State that are fixed in~~ State, and permanently affixed within a vehicle or ~~trailer~~ trailer, shall meet the following requirements prior to use:
  - (A) have a shielding design ~~submitted~~ acknowledged by the agency in accordance with Paragraph ~~(a)~~(b) of this Rule;
  - (B) have a ~~Radiation an X-ray Machine Application or a Radiation Generating Devices Application~~ form submitted in accordance with Rule .0203(d) of this Section. ~~Radiation~~ X-ray machines leased or on loan from a registered service provider shall ~~register the radiation machine be~~ registered with the agency if ~~used~~ maintained for more than 30 days;
  - (C) have a copy of the operating and safety procedures describing how to protect patients, operators, and the public from radiation submitted to the ~~agency;~~ agency; and

- ~~(D)~~ receive a notice of registration from the agency; and
  - ~~(E)~~(D) an individual ~~with administrative control~~ responsible for business operations shall ensure that ~~radiation~~ X-ray machines are operated in accordance with Section .0600 of this Chapter.
- (2) Mobile ~~radiation~~ X-ray machines located out-of-state and brought into this State for use, ~~that are fixed in and permanently affixed within a vehicle or trailer,~~ shall meet the following ~~requirements prior to use:~~ requirements:
- (A) have the requirements in Parts (c)(1)(A) through (c)(1)(C) of this Rule submitted as a complete document for agency ~~review;~~ review;
  - (B) have a written notice submitted, in accordance with Rule .0208 of this Section, and maintain it for agency review during ~~inspection.~~ inspection; and
  - (C) an individual responsible for business operations shall ensure that X-ray machines are operated in accordance with Section .0600 of this Chapter.
- (3) Mobile radiation generating devices located out-of-state and brought into this State for use shall meet the following requirements prior to use:
- (A) have a Radiation Generating Devices Application form submitted in accordance with Rule .0203(d) of this Section. Radiation generating devices leased or on loan from a registered service provider shall be registered with the agency if maintained for use for more than 30 days;
  - (B) have a copy of the operating and safety procedures describing how to protect operators and the public from radiation submitted to the agency;
  - (C) submit a written notice, in accordance with Rule .0208 of this Section, and maintain it for agency review during inspection; and
  - (D) an individual with administrative control responsible for business operations shall ensure operators are qualified in accordance with Rule .0800 of this Chapter to use the radiation generating device indicated on the application.
- ~~(3)~~(4) Radiation X-ray machines for human, non-human, diagnostic imaging, non-diagnostic imaging, clinical studies, or veterinary use use, or by service providers for demonstration

- purposes shall meet the following additional requirements:
- (A) have a shielding design acknowledged by the agency in accordance with Paragraph (b) of this ~~Rule;~~ Rule;
  - (B) submit a ~~Radiation~~ an X-ray Machine Application form in accordance with Rule .0203 (d) of this Section within 30 days of ~~use.~~ use; and
  - (C) an individual with administrative control responsible for business operations shall ensure that X-ray machines are operated in accordance with Section .0600 of this Chapter.
- ~~(4)~~(5) Radiation generating devices in Section .0800 of this Chapter shall meet the following additional requirements prior to use:
- (A) submit a Radiation Generation Device Application form in accordance with Rule .0203(d) of this Section; and
  - (B) an individual ~~with administrative control~~ responsible for business operations shall ensure operators are qualified in accordance with Rule .0800 of this Chapter to use the radiation generating device indicated on the application.
- ~~(5)~~(6) Industrial radiography ~~radiation~~ X-ray machines in Section .0500 of this Chapter shall meet the following additional requirements prior to use:
- (A) submit a Radiation Generating Device Application form in accordance with Rule .0203(d) of this Section; and
  - (B) an individual ~~with administrative control~~ responsible for business operations shall ensure operators are qualified in accordance with Section .0500 of this Chapter to use the machines indicated on the application.
- (d) Persons registered pursuant to Paragraph (c) of this Rule shall notify the agency, using the Disposal of a ~~Radiation~~ an X-Ray Machine or Radiation Generating Device Form, prior to the disposition or the transfer of a registered ~~radiation~~ X-ray machine or radiation generating device to another person required to be registered pursuant to Paragraph (c) of this Rule.
- (e) Persons registered pursuant to Paragraph(c) of this Rule shall prohibit any person from furnishing services described in Rule .0205(d) of this Section, at his or her facility, until such person provides evidence they are currently registered with the agency as a provider of such services in accordance with Rule .0205 of this Section.
- (f) No person registered pursuant to the provisions of Paragraph (c) of this Rule shall perform any services listed in Rule .0205(d) of this Section in his or her facility unless such person meets the requirements in Rules .0205 and .0206 of this Section and has received written authorization from the agency to perform such services.

Authority G.S. 104E-7; 104E-9(a)(3); 104E-12.

10A NCAC 15 .0205 SERVICE PROVIDER RESPONSIBILITIES

(a) Each person who is engaged in the business of furnishing or offering to furnish any services listed in Paragraph (e) of this Rule in this State, or any agency registrant, State shall apply for registration of such services with the agency prior to furnishing or offering to furnish any of these services.

(b) Applications for registration shall be completed in accordance with Rule .0203 of this Section and contain all information required by the agency as indicated on the form and accompanying instructions.

(c) Each person applying for registration pursuant to Paragraph (a) of this Rule shall certify that he or she has read and understands the requirements of the rules in this Chapter by signing the Company Employee Services Application or Company Services Application form.

(d) Applicants for registration of services are subject to the requirements of Rules .0206 and .0207 of this Section.

(e) For purposes of this Section, services include:

- (1) Class I - direct sales, transfer, leasing, lending, demonstration, or manufacturer training for the use of radiation X-ray machines or radiation generating devices;
(2) Class II - installation, repair, or service of the following:
(A) radiation X-ray machines and machine components, including the making of diagnostic radiation output measurements, and performance verification; or
(B) radiation generating devices to include equipment surveys.
(3) Class III - shielding designs for diagnostic radiographic facilities; X-ray machines;
(4) Class IV - shielding designs for diagnostic fluoroscopy facilities; fluoroscopic X-ray machines;
(5) Class V - area radiation surveys and shielding evaluations for diagnostic radiographic and fluoroscopy facilities; X-ray machines;
(6) Class VI - radiation survey equipment calibrations;
(7) Class VII - therapeutic facility shielding design, area radiation survey, or verification; verification and area surveys;
(8) Class VIII - providing individual monitoring devices;
(9) Class IX - general health and medical physics consulting to include the following services:
(A) equipment surveys and shielding designs for radiation generating devices;
(B) dose estimates;
(C) radiation output measurements;
(D) radiation safety program development; and
(E) radiation safety program training.

(f) Persons registered pursuant to Subparagraph (e)(1) of this Rule as a Class I service provider to provide mobile radiation X-ray machines that are fixed in permanently affixed within a vehicle or trailer for demonstration purposes or that provides provide leasing services shall meet the following requirements prior to use:

- (1) mobile radiation X-ray machines located and used in this State shall meet the requirements of Rule .0204(c)(1)(A) through (E) of this Section; and
(2) mobile radiation X-ray machines located out of state and brought into this State for use shall meet the requirements of Rule .0204(c)(2)(A) and (B) of this Section.

(g) Report of installation

- (1) Persons registered pursuant to Paragraph (a) of this Rule who sell, install, transfer, lease, lend, or dispose of radiation X-ray machines or radiation generating devices in this State shall, within 45 30 days after each calendar quarter, notify the agency at XrayNORS@dhs.nc.gov fda2579@dhs.nc.gov or the address, in accordance with Rule .0111 of this Chapter, of the following:
(A) whether any radiation X-ray machines or radiation generating devices were directly sold, disposed of, installed, leased, loaned, or transferred during the calendar quarter;
(B) the name and address of persons who received radiation machines during the calendar quarter;
(C) the manufacturer, model, and serial number of each radiation X-ray machine or radiation generating devices directly sold, disposed of, installed, leased, loaned, or transferred during the calendar quarter; and
(D) the date of disposition, installation, lease, loan, sale, or transfer of each radiation X-ray machine or radiation generating devices during the calendar quarter.
(2) The information specified in Parts (g)(1)(A) through (D) of this Rule may be omitted from the quarterly reports when either of the following requirements are met:
(A) for any diagnostic x-ray X-ray system that contains certified components, when a copy of the assembler's report prepared in compliance with 21 CFR 1020.30(d) is received by the agency; or
(B) for radiation X-ray machines for nonhuman use and radiation generating devices, when a Report of Sale and Installation Form prepared in accordance with Paragraph (i)(h) of this Rule is received by the agency.

(h) A Report of Sale and Installation of ~~radiation X-ray~~ machines for nonhuman use or radiation generating devices can be found at <https://radiation.ncdhhs.gov/Xray/documents/rptofassembly.pdf> and shall include the following information:

- (1) facility registration number, street address, city, state, and telephone number;
- (2) service provider registration number, company name, street address, city, state, and telephone number;
- (3) identify if the ~~radiation X-ray~~ machine or the radiation generating device was sold or installed by checking the corresponding checkbox;
- (4) identify the system type by checking the corresponding checkbox;
- (5) room location;
- (6) date of sale or installation;
- (7) manufacturer, serial number, and control model number;
- (8) the seller's signature or the signature of the individual responsible for installation; and
- (9) the date signed.

(i) No person registered pursuant to Paragraph (a) of this Rule for ~~x-ray~~ sales or installations shall make, sell, lease, transfer, lend, assemble, or install ~~radiation X-ray~~ machines, ~~radiation X-ray~~ machine components, or radiation ~~machine~~ generating devices unless such machines and ~~devices~~ devices, when placed in ~~operation~~ operation, shall meet the requirements of these Rules.

(j) No person registered pursuant to Rule .0205 of this Section shall install ~~radiation X-ray~~ machines that are subject to provisions of Section .0600 of this Chapter unless the registrant first ~~determines~~ confirms that the agency has issued a written acknowledgment of a shielding design in accordance with Rule .0204(b) of this Section.

(k) ~~Tests~~ Records of tests performed at the time of installation ~~demonstrating that demonstrate~~ the requirements of these Rules are ~~met, met~~ shall be provided to the registrant for agency review during inspection for the following:

- (1) ~~fluoroseopy~~ fluoroscopic machine output measurement; and
- (2) radiation generating devices equipment surveys.

(l) Records of any routine maintenance, repair, alterations, or reassembly of ~~radiation X-ray~~ machines or radiation generating devices shall:

- (1) include the date that the service was performed and a legible signature of the person performing the service; and
- (2) be provided to the registrant for agency review during inspection.

*Authority G.S. 104E-7; 104E-12; 104E-20.*

**10A NCAC 15 .0206 TRAINING AND EDUCATIONAL REQUIREMENTS TO PROVIDE SERVICES**

(a) A person registered to provide services pursuant to Rule .0205 of this Section shall be qualified by reason of education, training, and experience to provide the services for which registration is

requested. The following are the minimum qualifications for each service class:

- (1) Class I - direct sales, transfer, leasing, lending, demonstration, or manufacturer training for the use of ~~radiation X-ray~~ machines or radiation generating ~~devices~~ devices. The applicant shall certify that all persons providing services are knowledgeable, familiar, and comply with the rules which govern the possession, installation, and use of ~~radiation X-ray~~ machines or radiation generating devices in North Carolina.
- (2) Class II - ~~installation or service to verify installation, service, or performance verification~~ associated with the installation or service:
  - (A) manufacturer's equipment school for service, maintenance, and installation for the type of ~~radiation X-ray~~ machine or used for dental hand held, intraoral, and extra oral, medical diagnostic, or medical fluoroscopic, radiation generation devices, or equivalent training;
  - (B) training in basic principles of radiation protection; and
  - (C) three months of experience in the installation and service of ~~radiation X-ray~~ machines, radiation generating devices, and machine components ~~services~~ are required.
- (3) Class III - shielding design for ~~diagnostic radiographic facilities~~ X-ray machine:
  - (A) training in basic principles of radiation protection;
  - (B) training in shielding design for each modality registering to provide services; and
  - (C) one year of experience ~~in diagnostic radiographic facility and shielding for each type of machine application.~~ modality.
- (4) Class IV - shielding design for ~~diagnostic fluoroscopic facilities~~ fluoroscopic X-ray machines:
  - (A) training in basic principles of radiation protection;
  - (B) training in shielding design for each modality registering to provide services; and
  - (C) one year of experience ~~in diagnostic fluoroscopic facility and shielding for each type of machine application.~~ type.
- (5) Class V - area radiation surveys and shielding evaluation for ~~diagnostic radiographic and fluoroseopy facilities~~ X-ray machines:
  - (A) training in basic principles of radiation protection;

- (B) training in shielding evaluation for each modality registering to provide services; and
  - (C) one year of experience performing area radiation surveys for each type of machine ~~application~~ modality.
- (6) Class VI - radiation instrument calibration: The applicant must possess a current radioactive materials license or registration authorizing radiation instrument calibration.
- (7) Class VII - therapeutic ~~facility and shielding design, area radiation survey, or verification~~ verification and area surveys:
- (A) certification by the American Board of Radiology in therapeutic radiological physics, radiological physics, roentgen-ray and gamma ray physics, or x-ray and radium physics;
  - (B) certification by the American Board of Medical Physics;
  - (C) doctorate degree in medical physics or related field; or
  - (D) have a master's degree in physics, biophysics, radiological physics, nuclear engineering, or health physics, one year of full-time training in therapeutic radiological physics, one year of full-time experience in a therapeutic facility including personal calibration and spot-check of at least one ~~machine~~ machine. ~~submit a description of the procedures that will be utilized in performing therapeutic calibrations including a list of all guides and references to be employed, submit a copy of all forms, reports, and documents that will be supplied to customers; and submit one sample of each type of therapy modality service provided.~~
- (8) Class VIII - providing individual monitoring dosimetry: The applicant must hold current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology or use NVLAP-accredited dosimetry.
- (9) Class IX - general health or medical physics consulting shall be performed by a person meeting one of the following requirements:
- (A) certified by the American Board of Health Physics in health physics in the appropriate field or specialties for services provided;
  - (B) certified by the American Board of Medical Physics;
  - (C) certified by the American Board of Radiology in therapeutic radiological physics, radiological physics, roentgen-ray and gamma ray physics, ~~x-ray~~ X-ray and radium physics; or
  - (D) hold a master's or doctorate in physics, medical physics, other physical science, engineering, or applied mathematics, from an accredited college or university, and have 40 hours of practical training or supervised experience in ~~x-ray~~ X-ray physics.
- (b) Any person registered to provide Class IX services prior to the effective date of this Rule and holding a baccalaureate degree in physical science of physics, chemistry, or radiologic science, engineering or related field, and having two years of progressive experience in medical or health physics, or two years of graduate training in medical or health physics, is exempt from the requirements in Parts (a)(9)(A) through (D) of this Rule, provided he or she is in good standing with the agency.
- (c) The agency shall initiate action to terminate the registration of any person who fails to meet the requirements of this Rule.

*Authority G.S. 104E-7; 104E-13.*

**10A NCAC 15 .0207 ADDITIONAL REQUIREMENTS TO PROVIDE SERVICES**

(a) A person applying for registration to perform Class II or Class IX services for diagnostic radiation output ~~measurements, measurements and equipment surveys~~, Class V area radiation surveys and shielding evaluations for ~~diagnostic radiographic and fluoroscopy facilities~~ fluoroscopic X-ray machines, or Class VII therapeutic area radiation survey or shielding verification services pursuant to Rule .0205 of this Section shall meet the following additional requirements:

- (1) have radiation survey and radiation measurement equipment capable of measuring the radiation energies corresponding to the services requested for authorization;
- (2) ensure that the equipment in Subparagraph (a)(1) of this Rule is calibrated annually when a frequency is not recommended by the manufacturer;
- (3) submit the following for agency review prior to registration:
  - (A) a description of the procedures that will be used in performing area radiation ~~surveys~~ surveys, including a list of all guides and references to be employed;
  - (B) a copy of all forms, reports, and documents that will be supplied to registrants;
  - (C) samples of surveys for each modality requested for registration;
  - (D) samples of reports of diagnostic radiation output measurements for each modality requested for registration; and

- (E) samples of calibration reports for each therapeutic and kV imaging modality requested for registration.
- (b) A person applying for registration to perform Class VI equipment calibrations shall meet the following requirements:
  - (1) ensure such calibrations are current and traceable to the National Institute of Standards and Technology;
  - (2) license or register radiation sources used for such calibration as required by the rules in this Chapter;
  - (3) label the equipment to indicate the date of calibration; and
  - (4) maintain records of the calibration.
- (c) A person applying for registration to perform Class III shielding designs for ~~diagnostic radiographic facilities, X-ray machines,~~ Class IV shielding designs for ~~diagnostic fluoroscopy facilities, fluoroscopic X-ray machines,~~ and Class VII therapeutic ~~facilities and~~ shielding design verification services shall meet the following additional requirements:
  - (1) submit examples of the ~~facility and~~ shielding design which will be provided to registrants;
  - (2) submit any technical guides, methodology, occupancy factor rationales, and workload estimation rationales that will be used; and
  - (3) ensure that the ~~facility and~~ shielding design verification services provided to registrants meet the requirements in this Chapter.

*Authority G.S. 104E-7.*

**10A NCAC 15 .0211 THE INDIVIDUAL RESPONSIBLE FOR RADIATION PROTECTION REQUIREMENTS AND RESPONSIBILITIES**

- (a) A person applying for registration shall designate an individual responsible for radiation protection on the Business Application form pursuant to Rule .0203(c) of this Section. The qualified individual, ~~which who~~ can be an actively registered ~~radiologic technologist, Registered Technologist (RT) by the American Registry of Radiologic Technologists (ARRT),~~ shall be on site and be qualified by reason of education, training, and experience. Records of this individual's education, training, and experience shall be available for review during inspections or upon request by the agency. The following are the minimum qualifications that must be met to carry out the job duties:
  - (1) training in basic radiation protection principles;
  - (2) completed educational courses relating to ionizing radiation;
  - (3) know potential radiation hazards and emergency precautions; and
  - (4) training and experience in and knowing the proper use of the type of equipment used.
- (b) The individual shall be responsible for the following:
  - (1) Establishing and overseeing operating and safety procedures:
    - (A) that maintain radiation exposures as low as reasonably achievable (ALARA); and

- (B) to review the procedures annually, or when changes ~~occur occur~~, to ensure the procedures are current.
- (2) Ensuring individual monitoring devices are used in accordance with these Rules by occupationally exposed personnel and records of monitoring results shall be:
  - (A) reviewed;
  - (B) maintained; and
  - (C) notifications made in accordance with Rule .1601 of this Chapter.
- (3) Ensuring that personnel are complying with:
  - (A) this Chapter;
  - (B) the conditions of the notice of registration; and
  - (C) the operating and safety procedures of the registrant.
- (4) Knowing:
  - (A) the management policies and administrative procedures of the registrant; and
  - (B) keeping management informed of the registrant's radiation protection program.
- (5) Assuming control and having the authority to carry out corrective ~~actions actions~~, including stopping operations in emergencies or unsafe conditions.

*Authority G.S. 104E-7.*

**10A NCAC 15 .0212 EMERGING TECHNOLOGIES NOT MEETING EXISTING EQUIPMENT REQUIREMENTS**

- (a) ~~Radiation X-ray machines or radiation generating devices that do not meet the radiation X-ray machine or radiation generating device requirements in Section .0600 of this Chapter or radiation generating devices in Rule .0807 of this Chapter shall not be sold, installed, or used prior to the agency completing a review of information regarding the radiation X-ray machine or radiation generating device and determining if the use of the radiation X-ray machine or radiation generating device is allowed. The user or manufacturer of the radiation machine shall submit the following to the agency for review:~~
  - (1) ~~an application form in accordance with Rule .0203(d) of this Section;~~
  - (2) ~~the manufacturer manual;~~
  - (3) ~~description of intended use;~~
  - (4) ~~operator training provided to the end user;~~
  - (5) ~~an independent equipment survey to include the following:~~
    - (A) ~~all equipment settings available to the operator;~~
    - (B) ~~output at the highest setting; and~~
    - (C) ~~leakage radiation around the radiation machine.~~
  - (6) ~~an area survey to include the following:~~

- (A) ~~radiation levels in adjacent areas, the operator location, and annual exposure to an operator;~~
- (B) ~~the survey instrument used; and~~
- (C) ~~the name and legible signature of the person who performed the survey.~~
- (7) ~~the hazard level associated with the use of the radiation machine.~~
- (8) ~~means to achieve radiation protection equivalent to the rules of this Section.~~

(b) The user or manufacturer of the X-ray machine shall submit the following to the agency for review:

- (1) an application form in accordance with Rule .0203(d) of this Section;
- (2) the manufacturer's manual;
- (3) description of intended use;
- (4) operator training provided to the end user;
- (5) an independent equipment survey to include the following:
  - (A) all equipment settings available to the operator;
  - (B) output at the highest setting; and
  - (C) leakage radiation around the X-ray machine.
- (6) an area survey to include the following:
  - (A) radiation levels in adjacent areas, the operator location, and annual exposure to an operator;
  - (B) the survey instrument used; and
  - (C) the name and legible signature of the person who performed the survey.
- (7) the hazard level associated with the use of the X-ray machine.
- (8) means to achieve radiation protection equivalent to the rules of this Section.

(c) The user or manufacturer of the radiation generating device shall submit the requirements in Rule .0808 of this Chapter for review.

~~(b)(d)~~ After receiving the information in Paragraph ~~(a)~~ Paragraphs (b) and (c) of this Rule, the agency will respond to the applicant in writing within 90 calendar days. Upon review, the agency may require additional information to determine if the ~~radiation~~ X-ray machine or radiation generating device is allowed for use.

Authority G.S. 104E-7; 104E-20.

**10A NCAC 15 .0214 TRAINING AND EDUCATIONAL REQUIREMENTS FOR EQUIPMENT SERVICES**

Authority G.S. 104E-7; 104E-13.

**TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION**

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to adopt the rule cited as 16 NCAC 06C .0110.

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.dpi.nc.gov/about-dpi/state-board-education/rulemaking-information>

**Proposed Effective Date:** August 1, 2026

**Instructions on How to Demand a Public Hearing:** (must be requested in writing within 15 days of notice): Contact Ryan Collins via email ([ryan.collins@dpi.nc.gov](mailto:ryan.collins@dpi.nc.gov)) or USPS mail (6301 Mail Service Center Raleigh, NC 27699-6301).

**Reason for Proposed Action:** Session Law 2025-60, Part V, amended G.S. 115C-315 to require the State Board of Education to adopt rules the establish the qualifications and training required to be hired or contracted for as a school nurse. The law as revised prohibits the State Board from requiring a school nurse to obtain a four-year degree, and requires a school nurse to be paid on the state salary schedule established by the State Board if the school nurse meets the following criteria:

1. The school nurse is a registered nurse licensed under Chapter 90, Article 9A of the General Statutes; and
2. The school nurse has at least two years of experience serving in a hospital or health clinic.

The proposed rule is responsive to the new law while continuing to allow school nurse candidates to qualify under the more rigorous existing State Board policy, which requires a bachelor's degree and certification from the National Board for Certification of School Nurses. In addition to these minimum qualifications, the proposed rule also includes certain training requirements that the school nurse must complete within a certain amount of time of being hired.

The State Board previously adopted the rule cited as 16 NCAC 06C .0110 as a temporary rule, effective November 7, 2025. The proposed permanent rule is identical to the temporary rule except for additional language clarifying salary requirements for school nurses employed by local health departments.

**Comments may be submitted to:** Ryan Collins, 6301 Mail Service Center, Raleigh, NC 27699-6301; email [ryan.collins@dpi.nc.gov](mailto:ryan.collins@dpi.nc.gov)

**Comment period ends:** June 1, 2026

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions

concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

**CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION**

**SUBCHAPTER 06C - PERSONNEL  
SECTION .0100 - GENERAL PROVISIONS**

**16 NCAC 06C .0110 QUALIFICATIONS OF SCHOOL NURSES**

(a) Any person employed or contracted to serve as a school nurse in a North Carolina public school shall meet all qualifications established by the State Board of Education ("SBE"). At minimum, the person shall:

- (1) Be licensed as a registered nurse under Chapter 90, Article 9A of the General Statutes and have at least two years of experience serving as a nurse in a hospital or health clinic; or
- (2) Be certified by the American Nurses Credentialing Center or the National Board for Certification of School Nurses.

(b) A school nurse employed by a public school unit who meets either of these qualifications shall be paid under the certified school nurse pay scale as established by the SBE. A nurse employed by a local health department, as defined in G.S. 130A-2(5), and contracted to serve as a school nurse shall be paid according to the local pay schedule established by the county government.

(c) Any person employed or contracted to serve as a school nurse in a North Carolina public school shall complete all training requirements established by the SBE. At minimum, the person shall:

- (1) Within six months of starting employment or a contract with a public school unit ("PSU"), complete the School Nurse Orientation Modules offered by the North Carolina Department of Health and Human Services ("DHHS"); and
- (2) Within two years of starting employment or a contract with a PSU, complete the School Nurse Roles and Responsibilities course offered by DHHS.

(d) The person shall provide proof of completion of these training requirements to the employing or contracting PSU by the established deadline. If the person completed these requirements prior to employment or contract with the PSU, the person is not required to repeat those requirements so long as proof of completion is provided to the PSU.

(e) Nothing in this Rule shall be construed to prevent a PSU from requiring additional qualifications or training for a school nurse under its employment or contract.

(f) This Rule applies to school nurses initially hired or contracted for on or after July 1, 2025.

*Authority G.S. 115C-12(9); 115C-315.*

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the State Board of Education intends to readopt with substantive changes the rules cited as 16 NCAC 06E .0101-.0105.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.dpi.nc.gov/about-dpi/state-board-education/rulemakinginformation>

**Proposed Effective Date:** August 1, 2026

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): Contact Ryan Collins via email (ryan.collins@dpi.nc.gov) or USPS mail (6301 Mail Service Center Raleigh, NC 27699-6301).*

**Reason for Proposed Action:** *G.S. 115C-379 requires the State Board of Education to adopt rules related to compulsory school attendance for children under age 16. In addition, G.S. 115C-364(d) requires the State Board to adopt guidelines for early admission to Kindergarten. The State Board has adopted such rules in Title 16, Subchapter 6E Section .0100 of the North Carolina Administrative Code. The Administrative Procedure Act requires the State Board to review and re-adopt necessary rules once every 10 years. See G.S. 150B-213.A. The attendance rules must be readopted by June 30, 2026.*

*The rules as proposed for re-adoption have been modernized and revised to align with current law as well as State Board of Education Policies ATND-000 and KNEC-001.*

**Comments may be submitted to:** Ryan Collins, 6301 Mail Service Center, Raleigh, NC 27699-6301; email [ryan.collins@dpi.nc.gov](mailto:ryan.collins@dpi.nc.gov)

**Comment period ends:** June 1, 2026

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to

1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 6E - STUDENTS

SECTION .0100 - ATTENDANCE

16 NCAC 06E .0101 ATTENDANCE DEFINED DEFINITIONS

To be considered in attendance, a student shall be present in the school or at a place other than the school with the approval of the appropriate school official to attend an authorized school activity. These activities include field trips, athletic contests, student conventions, music festivals or similar activities.

For purposes of this Section, the following definitions shall apply:

- (1) "Compulsory Attendance Law" means G.S. 115C-378.
(2) "Homebound instruction" is defined in G.S. 115C-106.3(5a).
(3) "Local superintendent" means the superintendent of a local school administrative unit, as provided in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-making authority for a PSU, if there is no superintendent.
(4) "Membership" means enrollment in a public school unit with a class schedule covering at least one half of the instructional day.
(5) "Principal" means a school administrator employed as the principal of a school, as provided in Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-making authority at a school, if there is no principal.
(6) "Remote academy" means:
(A) A remote academy approved by the State Board of Education under G.S. 115C-234.15; or
(B) A remote charter academy approved by the Charter Schools Review Board under G.S. 115C-218.123.
(7) "Remote instruction" is defined in G.S. 115C-84.3(a).

Authority G.S. 115C-378; 115C-379.

16 NCAC 06E .0102 ATTENDANCE EXCUSED REQUIREMENTS

(a) To be considered in attendance on any given instructional day:

- (1) The student shall be physically present either:
(A) In the school under the supervision of school personnel for at least one-half of the instructional day; or
(B) In a place other than the school with the approval of the appropriate school official to attend a school-sponsored activity, such as a field trip, athletic contest, student convention, musical festival, or similar activity;
(2) If the student is enrolled in a remote academy, the student shall log into the assigned learning management system at least once per day consistent with the remote academy plan approved by the State Board of Education in accordance with G.S. 115C-234.15 or the Charter Schools Review Board in accordance with G.S. 115C-218.123; or
(3) If the student is participating in remote instruction other than a remote academy, the student shall complete the student's assignments for each remote instruction day, either online or offline, consistent with the remote instruction plan approved by the State Board of Education in accordance with G.S. 115C-84.3

(b) A student shall not be recorded as in attendance until the student has, following enrollment, attended at least one-half of an instructional day in accordance with Paragraph (a) of this Rule. If the student is enrolled in a remote academy, the student shall log into the assigned learning management system and be virtually present and responsive on the first instructional day. A student shall not participate in remote instruction other than through enrollment in a remote academy until the student has been in physical attendance for at least one instructional day.

(c) LEAs A public school unit ("PSU") shall excuse the temporary absence of a student upon a showing of satisfactory evidence of one of the following bases: if the appropriate school official determines by a preponderance of the evidence that the absence was for one of the following lawful reasons:

- (1) Illness or injury The student or, if the student is a custodial parent, a child in the student's care, has a physical or mental illness or injury that prevents the student from being physically able to attend school.
(2) The student is isolating in accordance with directives from the local health officer or department, the State Board of Health orders the isolation of the student. North Carolina Department of Health and Human Services, or the Centers for Disease Control and Prevention.
(3) The student is absent due to has suffered the death of a member of the immediate family. an immediate family member. For purposes of this Rule, "immediate family member" means a

- spouse, parent, legal guardian or custodian, grandparent, child, grandchild, brother, sister, half-sibling, or step-sibling. The term applies to any such relationship whether by blood, adoption, or marriage.
- (4) The student or, if the student is a custodial parent, a child in the student's care, has a medical or dental appointment.
- (5) The student is a party to or is under subpoena as a witness in the proceedings of a court or administrative tribunal. For purposes of this Rule, an administrative tribunal shall include the governing body of the PSU.
- (6) The student is absent due to a religious observance in accordance with local school board policy, required by the faith of the student or the student's parent or legal guardian. A student is entitled to at least two absences for this purpose each school year, but the parent or legal guardian shall provide the PSU with notice of the intended absence at least one instructional day in advance. The PSU shall offer the student the opportunity to make up any tests or other assignments missed due to these absences.
- (7) The student obtains prior approval from the local superintendent or designee to take advantage of a valid educational opportunity, an educational opportunity outside of school, such as travel, service as a legislative page or Governor's page.
- (8) The student cannot safely travel to school due to a natural disaster, provided the area in which the student resides or through which the student must travel has been declared a disaster area by the Federal Emergency Management Agency.
- (9) The student is receiving educational services outside of school under one of the following conditions:
- (A) Medical necessity initiated by a medical report or physician's orders and documented in the student's written homebound instruction plan, Section 504 plan, or Individualized Education Program ("IEP").
- (B) The student's IEP Team has determined that placement of the student outside of school is the least restrictive environment available given the student's needs and has documented that need in the student's IEP or Section 504 plan.
- (10) The student is receiving educational services through the Teacher-in-Treatment Program administered by the North Carolina Department of Health and Human Services.
- (11) The student satisfies the following criteria for military-affiliated absences:

- (A) The student's parent or legal guardian is an active-duty member of the uniformed services, as defined in G.S. 115C-407.5;
- (B) The student's parent or legal guardian has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting; and
- (C) The student has not been identified by the PSU as being at risk of academic failure due to unexcused absences.

A student is entitled to at least two absences for this purpose each school year, but the parent or legal guardian shall provide the PSU with notice of the intended absence at least one instructional day in advance.

(d) A PSU shall not excuse students for nonattendance due to immediate demands of the farm or the home, unless such demands satisfy one of the lawful reasons for absence listed in Paragraph (c) of this Rule.

~~(b)(c) LEAs may~~ A PSU shall have the authority to excuse the temporary or occasional absence of a student for other reasons in accordance with local board policies, policies adopted by the governing body of the PSU, provided that the student has been in attendance for at least one half of the school day, is currently in membership.

(f) A student's willful absence from school, with or without the knowledge of the student's parent or legal guardian, or a student's absence from school for any reason other than those permitted by this Rule or Rule .0104 of this Section, shall be deemed unlawful for purposes of the Compulsory Attendance Law.

*Authority G.S. 115C-84.3; 115C-378; 115C-379.*

**16 NCAC 06E .0103 ENFORCEMENT**

(a) ~~Each LEA must~~ public school unit ("PSU") shall enforce within its jurisdiction the state laws and regulations which rules that relate to compulsory attendance. LEAs The PSU governing body may adopt rules which policies that allow teachers a teacher to consider a student's absences in the computation of the student's grades. Each PSU shall communicate all attendance obligations and procedures to students, parents, and legal guardians before the first day of each school year.

- (b) Duties of Teachers. It shall be the duty of each teacher to:
- (1) Inform students and parents of the importance of regular school attendance through classroom activities, programs and announcements at parent-teacher association meetings and parent-teacher conferences, and other engagements with the school community;
- (2) Record absences and reasons for those absences in accordance with the policies and procedures of the PSU; and
- (3) Maintain accurate student attendance records.

(c) Duties of School Social Workers. It shall be the duty of each school social worker to:

- (1) Investigate potential violations of the Compulsory Attendance Law reported by a teacher or the principal;
- (2) Work with the student and the student's parent or legal guardian to determine the reasons for the absences and determine appropriate responsive measures, including adjustments to the school program or the provision of supplemental services;
- (3) Report violations of the Compulsory Attendance Law to local law enforcement and provide all documentation necessary for prosecution under G.S. 115C-380.

(d) Duties of Principals. It shall be the duty of each principal to:

- (1) Execute the duties assigned to principals under G.S. 115C-378;
- (2) Inform students and parents of the importance of regular school attendance;
- (3) Inform teachers, social workers, and other staff under the principal's supervision of their obligations with respect to the Compulsory Attendance Law; and
- (4) Provide teachers with the necessary resources to document student attendance.

(e) Duties of Local Superintendents. It shall be the duty of each local superintendent to:

- (1) Enforce within the PSU those state laws, State Board of Education rules, and local policies of the PSU that relate to compulsory attendance;
- (2) Inform students, parents, and the general public of the importance of regular school attendance through PSU staff meetings, parent-teacher association meetings, press releases, and other public media;
- (3) Inform principals, teachers, social workers, and other staff under the superintendent's supervision of their obligations with respect to the Compulsory Attendance Law; and
- (4) Coordinate meetings between teachers, social workers, and principals as needed for discussions concerning school attendance and enforcement of the Compulsory Attendance Law.

Authority G.S. 115C-378; 115C-379; G.S. 115C-380; 115C-381.

**16 NCAC 06E .0104 INVOLUNTARY SUSPENSIONS**

The absence of a student which results from the suspension or expulsion of that student for ~~misconduct~~ disciplinary reasons pursuant to the provisions of ~~G.S. 115C-391~~ Chapter 115C, Article 27 of the General Statutes shall not be used for a compulsory attendance violation action. constitute a violation of the Compulsory Attendance Law.

Authority G.S. 115C-378; 115C-379; 115C-380.

**16 NCAC 06E .0105 EARLY ADMISSION TO KINDERGARTEN**

(a) ~~To determine the eligibility of a four year old child to enter kindergarten~~ A child who turns four years old on or before April 16 may be admitted to Kindergarten for the following school year pursuant to the provisions of G.S. 115C-364(d), the principal shall ~~confer with a committee of professional educators to consider for each child the following factors:~~ G.S. 115C-364(d) if the principal, after conferring with a committee of professional educators, determines at the student meets the following requirements:

- (1) Student Aptitude. The child ~~shall be~~ is functioning at a level two to three years beyond peers of the same age in academic and social development and ~~shall score~~ has scored at or above the 98th percentile on a standard individual test of intelligence such as ~~the Stanford Binet~~, as:
  - (A) The Stanford-Binet;
  - (B) The Wechsler Preschool and Primary Scale of Intelligence, ~~the Intelligence~~;
  - (C) The Kaufman Anderson, ~~Anderson~~; or
  - (D) ~~any~~ Any other comparable test administered by a licensed psychologist.
- (2) Achievement. The child ~~shall be~~ is functioning ~~from~~ at a level two to three years beyond ~~the child's peers~~, peers of the same age. The child shall score at the 98th percentile on either reading or mathematics on a standard test of achievement such as ~~the~~ as:
  - (A) ~~The Metropolitan Readiness Test, the Test~~;
  - (B) ~~The Stanford Early School Achievement Test, Test~~;
  - (C) ~~The Mini Battery of Achievement, the Woodcock Johnson, the Achievement~~;
  - (D) ~~The Woodcock-Johnson~~;
  - (E) ~~The Test of Early Mathematics Ability (TEMA), the ("TEMA")~~;
  - (F) ~~The Test of Early Reading Ability (TERA), ("TERA")~~; or
  - (G) ~~any~~ Any other comparable test administered by a licensed psychologist, a member of the psychologist's professional staff, or a professional educator who is trained in the use of the instrument and who has no conflict of interest in the outcome of the assessment.
- (3) Performance. The child ~~shall be~~ is able to perform tasks well above ~~age peers as~~ peers of the same age, as evidenced by behaviors in ~~one or more~~ areas such as independent reading, problem solving skills, advanced vocabulary, and some writing fluency. The parents shall submit a sample of the child's work that shows outstanding ~~examples~~ of ability in any area

including, but not limited to, including art, mathematics, writing, dramatic play, creative productions, science, or social interactions. The principal may also require a teacher to complete an informal reading assessment of the child.

- (4) Observable Student Behavior/Student Interest. The child ~~shall demonstrate~~ demonstrates social and developmental maturity sufficient to participate in a structured setting for a full school day. The child shall be capable of following verbal instructions and functioning independently within a group. The parent shall provide two recommendation letters with specific documentation of physical and social maturity from preschool teachers, child care workers, pediatricians, or others who have direct knowledge of the child. ~~Useful documentation checklists include~~ Other useful documentation includes the child's performance on the California Preschool Competency Scale, the Harrison Teacher's Observation of Potential in Students ("TOPS") Scale, or any other comparable scale of early social development.
- (5) Motivation/Student Interest. The principal or principal's designee shall conduct an informal interview with the child and a more structured interview with the parent to determine if the child displays a ~~thirst~~ desire for knowledge and seeks new and challenging learning situations.

(b) The parent or legal guardian of the child shall present ~~the information required by this Rule~~ all evidence in support of their child's early entry into Kindergarten to the principal within the first 30 calendar days of the school's instructional year. All testing shall be administered at the parent's or legal guardian's expense after the April 16th that follows the child's fourth birthday.

(c) The principal shall decide whether to grant the ~~parent's request for enrollment within three weeks after receiving this information.~~ the evidence provided by the parent or legal guardian. The principal may conditionally enroll the child for up to 90 days ~~in order~~ to observe whether the child is able to adjust to the school setting. If the principal determines that the child has not adjusted to the school setting, the principal shall deny the request for enrollment.

(d) ~~However, before the child is exited~~ Before removing the child from school, the principal shall invite the parent or legal guardian to assist in the development of intervention strategies for the child. If those strategies are not successful, the principal shall provide the parent or legal guardian at least 10 ~~days~~ days' notice before ~~exiting removing~~ the child from school so the parent may arrange child care, if needed. ~~school.~~

(e) ~~LEAs may require parents to supply information in addition to that required by this Rule. LEAs may also require specific tests or other measures to provide information relating to the factors listed in Paragraph (a) of this Rule.~~

(e) Nothing in this Rule shall preclude a local board of education from adopting policies that require a parent or legal guardian to provide additional information beyond the requirements of this Rule, including results of other standardized tests or measures related to the child's giftedness or maturity.

~~(d)(f) Early admission to kindergarten shall not automatically result in the placement of the child in the program for academically gifted students. By the time After the child has been enrolled for 90 calendar days, or at any earlier time that school officials determine the principal has determined that the child has adjusted satisfactorily and shall be allowed to remain in school, the gifted identification team local school administrative unit shall review the child's information to determine if the child shall receive gifted services. services for academically or intellectually gifted students in accordance with the local plan developed under G.S. 115C-150.9. If the team determines that the child shall receive gifted services, it shall develop either a differentiated education plan or an individual differentiated education plan for the child.~~

*Authority G.S. 115-150.6; 115C-364(d); N.C. Constitution, Article IX, Sec. 5.*

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to adopt the rule cited as 16 NCAC 06G .0602.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.dpi.nc.gov/about-dpi/state-board-education/rulemaking-information>

**Proposed Effective Date:** *August 1, 2026*

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): Contact Ryan Collins via email (ryan.collins@dpi.nc.gov) or USPS mail (6301 Mail Service Center Raleigh, NC 27699-6301).*

**Reason for Proposed Action:** *G.S. 115C-102.10, as enacted by S.L. 2025-46, requires the State Board of Education to adopt rules requiring all public school units to evaluate certain factors when acquiring technology, computer hardware, and software. The proposed rule is responsive to this requirement.*

**Comments may be submitted to:** *Ryan M. Collins, 6301 Mail Service Center, Raleigh, NC 27699-6301; email ryan.collins@dpi.nc.gov*

**Comment period ends:** *June 1, 2026*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via

email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06G - EDUCATION AGENCY RELATIONS

SECTION .0600 - REMOTE ACADEMIES TECHNOLOGY AND INFORMATION SERVICES

16 NCAC 06G .0602 TECHNOLOGY COST CONSIDERATIONS

(a) Each public school unit ("PSU") shall evaluate the following factors when acquiring technology, computer hardware, or computer software.

- (1) The long-term cost of ownership of the technology, hardware, or software, including anticipated costs of maintenance, support, licensing, subscription renewals, and repair.
(2) Any flexibility for innovation in the use of the technology, hardware, or software to support instructional innovation, software upgrades, and evolving educational needs.
(3) Any anticipated resale or salvage value at the end of the target lifecycle for the technology, hardware, or software. The anticipated value shall be calculated as a percentage of the initial purchase cost based on the comparable market value of the technology, hardware, or software at the end of its useful life.

(b) The PSU shall retain documentation of the evaluation for a minimum of three years and shall provide such documentation to the State Board of Education upon request.

(c) Each PSU shall submit the report required by G.S. 115C-102.11 no later than June 30th of each school year.

Authority G.S. 115C-13; 115C-102.10; 115C-102.11.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 69 - SOIL SCIENTISTS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board for Licensing of Soil Scientists intends to amend the rule cited as 21 NCAC 69 .0104.

Link to agency website pursuant to G.S. 150B-19.1(c): https://ncblss.wordpress.ncsu.edu/

Proposed Effective Date: August 1, 2026

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): E-mail admin@ncblss.org

Reason for Proposed Action: The General Assembly passed Session Law 2024-49. Section 4.6 (Fees Increase for Licensed Soil Scientists) increased fees for licensed soil scientists in 89F-25. This proposed rule change will update the current rule to reflect the approved fee increases by the General Assembly

Comments may be submitted to: Elizabeth Taylor, PO Box 1038, Wake Forest, NC 27588; phone (919) 809-5611; email admin@ncblss.org

Comment period ends: June 1, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

SECTION .0100 - STATUTORY AND ADMINISTRATIVE PROVISIONS

21 NCAC 69 .0104 FEES

Each completed application form shall be accompanied by the prescribed fee. Application fees shall not be refunded regardless of Board approval or disapproval of the application. Fees for services of the Board shall be as follows:

Table with 4 columns: Item number, Description, Current Fee, Proposed Fee. Includes application for license, license, renewal of license, and restoration of license.

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**PROPOSED RULES**

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- |     |   |                                    |   |
|-----|---|------------------------------------|---|
| (5) | replacement of license  | <del>\$50.00</del> <u>\$100.00</u> |   |
| (6) | licensed soil scientist seal  | <del>\$30.00</del> <u>\$75.00</u>  | <i>Authority G.S. 55B-10; 55B-11; 57D-2-02; 89F-5; 89F-25; 150B-19.</i> |
| (7) | application for corporate certificate of licensure<br>(corporations and limited liability corporations) | <del>\$50.00</del> <u>\$100.00</u> |   |
| (8) | renewal of corporate certificate of licensure   | <del>\$25.00</del> <u>\$100.00</u> |   |

**Note from the Codifier:** The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270<sup>th</sup> day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270<sup>th</sup> day. This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

**TITLE 11 – DEPARTMENT OF INSURANCE**

**Rule-making Agency:** Code Officials Qualification Board

**Rule Citation:** 11 NCAC 08 .0602

**Effective Date:** March 6, 2026

**Date Approved by the Rules Review Commission:** February 26, 2026

**Reason for Action:** The Code Officials Qualification Board finds that temporary rulemaking is required to address a serious and unforeseen threat to the public health, safety, and welfare created by the current language of 11 NCAC 08 .0602(a)(4). That provision allows an applicant to qualify for a probationary Level III code enforcement certificate solely by passing a community college course examination, without satisfying the experience or comprehensive examination requirements otherwise established by the Board for Level I, II, or III standard certificates, and without first obtaining a Level I or Level II probationary certificate.

Under the existing rule, an individual who possesses only a high school diploma or equivalent and who has no prior inspection experience may obtain a probationary Level III certificate and immediately exercise the statutory powers of a code enforcement official. A Level III certificate authorizes inspection of complex and high-risk structures, including highrise buildings, large assembly occupancies, and sophisticated mechanical, electrical, plumbing, and fire protection systems. These inspections require advanced technical knowledge and demonstrated competency in enforcing the North Carolina State Building Code.

Because G.S. 143-151.13 authorizes the holder of a probationary certificate to exercise the powers of a code enforcement official during the certificate’s effective period, the current rule permits individuals who have not demonstrated adequate qualifications or competency to perform critical inspection duties affecting life safety. This circumstance presents a serious and unforeseen threat to the public health, safety, and welfare and requires immediate corrective action.

The Board did not anticipate, at the time of its most recent amendment to 11 NCAC 08 .0602(a)(4), that community colleges allow individuals to register for and complete a Level III inspector course without first completing Level I and Level II coursework or possessing relevant field experience. The Board’s recent awareness of this practice revealed a regulatory gap that allows individuals to bypass the progressive qualification structure intended to ensure competency before performing advanced inspections. Temporary rulemaking is therefore necessary to promptly delete Subparagraph (a)(4) while the Board undertakes

permanent rulemaking through the standard notice and hearing process.

**Why Is Adherence to Notice and Hearing Requirements Contrary to the Public Interest and Why Is Immediate Adoption Required?**

Adherence to the full notice and hearing requirements for permanent rulemaking would delay correction of the existing regulatory gap for several months. During that time, additional applicants could qualify for probationary Level III certificates under the current rule and immediately exercise inspection authority over complex and high-risk buildings without first demonstrating sufficient experience or competency.

Issuance of a probationary Level III certificate under the existing language increases the risk that inspections of life-safety systems, structural elements, and fire protection features may be conducted by individuals who have not completed the progressive training and experience requirements established by the Board. Deficient inspections in such occupancies can result in undetected code violations, unsafe building conditions, and increased risk of injury, loss of life, and property damage.

Because probationary certificate holders are authorized by statute to perform inspections immediately upon issuance, the threat to public safety is ongoing and immediate. Waiting for completion of the permanent rulemaking process would allow the continued issuance of certificates under a rule that the Board has determined undermines the integrity of the State’s building code enforcement system.

Accordingly, immediate adoption of the temporary rule is required to prevent further issuance of probationary Level III certificates based solely on passage of a single course examination and to preserve the public health, safety, and welfare while permanent rulemaking proceeds.

**TITLE 11 - DEPARTMENT OF INSURANCE**

**CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION**

**SECTION .0600 - QUALIFICATION BOARD-PROBATIONARY CERTIFICATE**

**11 NCAC 08 .0602 NATURE OF PROBATIONARY CERTIFICATE**

(a) A probationary certificate may be issued as a building inspector, electrical inspector, mechanical inspector, plumbing inspector, or fire inspector, as set forth in the rule in this Chapter specific to the type of probationary certificate being sought, to any newly employed or newly promoted code-enforcement official

who lacks a standard certificate that covers the new position. A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rule in this Chapter specific to the type of probationary certificate being sought to qualify for the appropriate standard certificate. A probationary certificate shall authorize the official, during the effective period of the certificate, to hold the position of the type, level, and jurisdiction specified. A probationary certificate may be placed on inactive status ~~by upon~~ written request, request by the code-enforcement official. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code for the probationary certificate held. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and meeting one of the following:

- (1) working under supervision sufficient, as determined by a supporting letter provided for in 11 NCAC 08 .0706(b), to protect the public health and safety;
- (2) possessing a minimum of one year of design, construction, or inspection experience working under a certified inspector or under a licensed professional engineer, licensed architect, licensed contractor, or registered interior designer; or
- (3) possessing one of the education or experience qualifications listed in the rule in this Chapter specific to the area of code enforcement for which the probationary certificate is ~~issued, or~~ issued.
- (4) ~~making a passing grade of at least 70 percent on courses for certification in building, electrical, fire, mechanical, or plumbing inspection at levels I, II, or III in each area of code enforcement for which the probationary certificate is issued.~~

(b) A probationary certificate as a residential changeout inspector set forth in 11 NCAC 08 .0734 may be issued to any employed code-enforcement official, whose employment can be verified pursuant to 11 NCAC 08 .0734(d)(2), who lacks a standard certificate as a residential changeout inspector and who successfully completes a residential changeout inspections course set forth in 11 NCAC 08 .0734(c)(3). A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rules in this Chapter, specific to an area of code enforcement, to qualify for the corresponding standard certificate. A probationary certificate as a residential changeout inspector shall authorize the inspector, during the effective period of the certificate, to hold the position set forth in 11 NCAC 08 .0734(a). A probationary certificate may be placed on inactive status ~~by upon~~ written request, request by the code-enforcement official. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The probationary certificate shall be conditioned on the applicant's completion of a high school

diploma, or a high school equivalency certificate, and working under the direct supervision of a person who possesses, or persons who collectively possess, standard certificates as an electrical inspector III, mechanical inspector III, and plumbing inspector III, or an individual holding a residential changeout inspector certificate and five years of code enforcement experience.

*Authority G.S. 143-151.12(1); 143-151.12(2); 143-151.13.*

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**TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Rule-making Agency:** *Wildlife Resources Commission*

**Rule Citation:** *15A NCAC 10C .0218, .0314, .0414*

**Effective Date:** *March 6, 2026*

**Date Approved by the Rules Review Commission:** *February 26, 2026*

**Reason for Action:**

*15A NCAC 10C .0218 – The proposed temporary amendments to 15A NCAC 10C .0218 add additional detail for locations where harvest reporting requirements are mandatory. The amendments add clarity and will better ensure the regulated community understands where this rule applies.*

*15A NCAC 10C .0314 – The temporary amendments establish a Striped Bass harvest season April 1 to April 30, in the inland waters of the Tar-Pamlico River and its tributaries upstream of a line shore to shore between Gum Point and Fork Point and the Neuse River and its tributaries upstream of a line shore to shore between Cooper Point and Fisher Landing Point. The daily creel limit for striped bass and striped bass hybrids is one fish in aggregate. The minimum size limit is 18 inches, and no fish may be possessed between 22 and 27 inches in length.*

*The NC Division of Marine Fisheries is also changing their regulations to provide regulatory consistency in coastal waters. This regulatory change is part of the cooperative Striped Bass management between the two agencies.*

*15A NCAC 10C .0414 – The proposed temporary amendments to 15A NCAC 10C .0414 increase the daily creel limit for Bluefish from three fish to five fish.*

*The amendments follow the recommendations outlined by the Mid-Atlantic Fishery Management Council for recreational bluefish harvest.*

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10C - INLAND FISHING REGULATIONS**

**SECTION .0200 - GENERAL REGULATIONS**

**15A NCAC 10C .0218 HARVEST REPORTING REQUIREMENTS**

(a) For the purpose of this Rule, the following definitions shall apply:

- (1) "Division" means the North Carolina Division of Marine Fisheries.
- (2) "inland fishing waters adjacent to joint or coastal fishing waters" means inland fishing waters upstream of joint or coastal fishing waters of the Roanoke River upstream to [downstream of] Roanoke Rapids Dam, the Tar River upstream to [downstream of] Rocky Mount Mill Dam, the Neuse River upstream to [downstream of] Falls Lake Dam and the Cape Fear River upstream to [downstream of] Buckhorn Dam, and their tributaries extending upstream to the first impoundment, Roanoke, Tar, Neuse, and Cape Fear rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of Interstate 95 except in the Lumber and Waccamaw rivers ~~River~~ and ~~its~~ tributaries.
- (3) "harvest" means catching or taking a fish and reducing it to permanent possession by not returning it to the water.

(b) An individual who harvests the following species, from joint fishing waters or inland fishing waters adjacent to joint or coastal fishing waters, shall report the information required in Rule 15A NCAC 03I .0124(b) to the Division at <https://www.ncmarinefisheries.net> or record the harvest on a Division-issued report card when harvest is complete:

- (1) flounder;
- (2) red drum;
- (3) spotted seatrout;
- (4) striped bass; and
- (5) weakfish.

(c) Individuals using a Division-issued report card shall report the information electronically at <https://www.ncmarinefisheries.net> in a manner consistent with requirements of Rule 15A NCAC 03I .0124(b).

(d) An individual shall not remove the head or tail or otherwise change the appearance of the fish to render it impractical to identify, count, or measure while fishing or afield and until harvest has been recorded or reported.

(e) The requirements of this Rule shall be effective in accordance with the schedule in S.L. 2023-137, s. 6(f).

*Authority G.S. 113-134; 113-170.3.*

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10C - INLAND FISHING REGULATIONS**

**SECTION .0300 – GAME FISH IN INLAND FISHING WATERS**

**15A NCAC 10C .0314 STRIPED BASS**

(a) The daily creel limit for striped bass and its hybrids is four fish in e aggregate, except in waters identified in Paragraphs (d) and (g) through ~~(h)(m)~~ of this Rule.

(b) The minimum size limit for these fish is 20 inches, except in waters identified in Paragraphs (d) through ~~(h)(m)~~ of this Rule.

(c) There is no closed season, except for waters identified in Paragraphs (i) through ~~(h)(m)~~ of this Rule.

(d) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA and in John H. Kerr Reservoir, the daily creel limit on striped bass and its hybrids is two in aggregate and the minimum size limit is 20 inches. No fish greater than 26 inches may be possessed from October 1 through May 31. From June 1 through September 30, the daily creel limit for striped bass and its hybrids is four in aggregate with no minimum size limit.

(e) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for striped bass and its hybrids is 20 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September 30.

(f) In Farmer Lake, Hyco Lake, Moss Lake, Oak Hollow Lake, Lake Townsend, and Salem Lake the minimum size limit for striped bass and its hybrids is 16 inches.

(g) In Lake Chatuge in Clay County, the daily creel limit is 15 in the aggregate. There is no minimum size limit, and two may be greater than 22 inches.

(h) In Lake Mattamuskeet, and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to the South Carolina state line, the daily creel limit for striped bass and its hybrids is three fish in aggregate, and the minimum size limit is 18 inches.

(i) In the inland waters of the Tar-Pamlico River and its tributaries upstream of a line shore to shore beginning at a point at Gum Point 35.419448 N 76.758752 W running southwesterly to a point at Fork Point at 35.390755 N 76.77391 W and the Neuse River and its tributaries upstream of a line shore to shore beginning at a point at Cooper Point 35.035722 N 76.933275 W running southwesterly to a point at Fisher Landing Point 35.002583 N 76.97623 W, the following restrictions shall apply:

- (1) the season for taking and possessing striped bass and striped bass hybrids is April 1 through April 30.
- (2) the daily creel limit for striped bass and striped bass hybrids is one fish in aggregate.
- (3) it is unlawful to possess a striped bass or striped bass hybrid less than 18 inches or between 22 and 27 inches in length.

In the inland waters tributary to the Tar-Pamlico River and Neuse River downstream of these lines, the season for taking and possessing striped bass and striped bass hybrids is closed year-round.

~~(i)(j)~~ (j) In the inland fishing waters of the Tar, Pungo, Neuse, Pungo and Cape Fear rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, in other inland fishing waters east of Interstate 95 not specified in Paragraphs (h), (j), and (k) of this Rule, and in the ponds associated with Martin Marietta Park in Craven County, the season for taking and possessing striped bass is closed year-round.

~~(j)~~(k) In the inland and joint fishing waters of the Roanoke River Striped Bass Management Area, as established in 15A NCAC 03R .0201 and identified in 15A NCAC 10C .0110 which includes the Roanoke, Cashie, Middle, and Eastmost rivers and their tributaries, the open season for taking and possessing striped bass and its hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake Dam. During the open season, the daily creel limit for striped bass and its hybrids is one fish in aggregate, and the minimum size limit is 18 inches. No fish over 22 inches in length shall be possessed.

~~(k)~~(l) In designated inland and joint fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries, excluding the Roanoke River and Cashie River and their tributaries, the striped bass fishing season, size limits, and creel limits are the same as those established by rules or proclamations of the Marine Fisheries Commission in adjacent coastal fishing waters.

~~(j)~~(m) In accordance with G.S. 113-292, the Executive Director may, by proclamation, suspend or extend the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of a proclamation issued pursuant to this authority.

*Authority G.S. 113-134; 113-292; 113-304; 113-305.*

**SECTION .0400 – NONGAME FISH IN INLAND FISHING WATERS**

**15A NCAC 10C .0414 BLUEFISH**

- (a) The daily creel limit for bluefish is five, ~~three~~.
- (b) There is no size limit.
- (c) There is no closed season.
- (d) Bluefish shall not be sold.

*Authority G.S. 113-134; 113-292; 113-304; 113-305.*

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on February 26, 2026 Meeting.

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Basic Law Enforcement Training Course for Deputies</u>	12 NCAC 10B .0502*	40:10 NCR
<u>Minimum Training Requirements</u>	12 NCAC 10B .2103*	40:10 NCR
<u>In-Service Firearms Requalification Specifications</u>	12 NCAC 10B .2104*	40:10 NCR
<u>Failure to Qualify</u>	12 NCAC 10B .2105*	40:10 NCR

**PHARMACY, BOARD OF**

<u>Health Care Facility Pharmacy Technicians</u>	21 NCAC 46 .1418	40:08 NCR
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**STATE HUMAN RESOURCES COMMISSION**

<u>Salary Rates</u>	25 NCAC 011 .2103	39:22 NCR
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**TITLE 12 - DEPARTMENT OF JUSTICE**

**12 NCAC 10B .0502 BASIC LAW ENFORCEMENT TRAINING COURSE FOR DEPUTIES**

(a) The basic training course for deputy sheriffs shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(b) The "Basic Law Enforcement Training Manual" as published by the North Carolina Justice Academy shall be used as the curriculum for this Basic Law Enforcement Training Course. Copies of this manual may be obtained from the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385-0099. The cost of the manual shall be determined by the Justice Academy based upon the current cost of manufacture and shipping.

(c) The rules governing Minimum Standards for Completion of Training, codified as 12 NCAC 09B .0400 and adopted by the North Carolina Criminal Justice Education and Training Standards Commission, are hereby incorporated by reference, and shall include any later amendments and editions of the incorporated matter to apply to actions of the North Carolina Sheriffs' Education and Training Standards Commission. Copies of the incorporated materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina Department of Justice, 1700 Tryon Park Drive, Raleigh, North Carolina 27602.

*History Note: Authority G.S. 17E-4(a); Eff. January 1, 1989; Amended Eff. February 1, 2014; August 1, 2011; January 1, 2010; January 1, 2006; August 1, 2000; January 1, 1996; January 1, 1995; February 1, 1991; January 1, 1990;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. March 1, 2026.*

**12 NCAC 10B .2103 MINIMUM TRAINING REQUIREMENTS**

In addition to conducting Annual Firearms Qualification, as prescribed in 12 NCAC 10B .2104, Specialized Firearms Instructors shall provide instruction on the following specified topics:

- (1) Use of Force: the authority to use deadly force including relevant case law and materials.
- (2) Safety:
  - (a) Range rules and regulations;
  - (b) Handling of a firearm; and
  - (c) Malfunctions.
- (3) Review of Basic Marksmanship Fundamentals:
  - (a) Grip, stance, breath control, trigger press, and trigger reset;
  - (b) Sight alignment and sight picture; and
  - (c) Nomenclature.
- (4) Operation and Maintenance of all agency-authorized weapons.

*History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 1989; Amended Eff. January 1, 2013; January 1, 1993; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. March 1, 2026.*

**12 NCAC 10B .2104 ANNUAL FIREARMS**

**QUALIFICATION SPECIFICATIONS**

(a) All deputy sheriffs and detention officers who are authorized by the sheriff to carry a handgun shall qualify a minimum of once each calendar year with each department-approved service handgun by completing the Qualification courses set forth in Paragraphs (b), (c), and (e) of this Rule. For the purpose of this Rule, service handgun shall include any semi-automatic pistol or revolver.

(b) The Accuracy Qualification course of fire shall meet the following minimum requirements for Day Accuracy Qualification:

- (1) No fewer than thirty (30) rounds;
- (2) Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25) yard lines shall consist of no more than the following percentage of shots at each yard line:
  - (A) 3-yard line: 10%
  - (B) 5-yard line: 12%
  - (C) 7-yard line: 30%
  - (D) 10-yard line: 20%
  - (E) 15-yard line: 25%
  - (F) 25-yard line: 20%
- (3) Firing at least two rounds from each of the following positions:
  - (A) Standing;
  - (B) Kneeling;
  - (C) Barricade; and
- (4) Firing at least two rounds dominant hand only;
- (5) Firing at least two rounds support hand only;
- (6) Fire after drawing from the holster; and
- (7) At least one stage that includes a mandatory magazine change.

(c) The Accuracy Qualification course of fire shall meet the following minimum requirements for Low-Light Accuracy Qualification:

- (1) No fewer than thirty (30) rounds;
- (2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines shall consist of no more than the following percentage of shots at each yard line:
  - (A) 3-yard line: 13%
  - (B) 5-yard line: 26%
  - (C) 7-yard line: 24%
  - (D) 10-yard line: 24%
  - (E) 15-yard line: 24%.
- (3) Firing at least two rounds from the following positions:
  - (A) Standing; and
  - (B) Kneeling.
- (4) Firing at least two rounds dominant hand only;
- (5) Firing at least two rounds support hand only;
- (6) Firing after drawing from the holster;
- (7) At least one stage that includes a mandatory magazine change;
- (8) At least one stage that includes the use of a flashlight or weapon-mounted light;
- (9) At least one stage that includes the use of blue lights;

- (10) At least one stage that includes the use of low-beam headlights and blue lights; and
- (11) At least one stage that includes the use of headlights, blue lights, and all available lighting.

(d) All deputy sheriffs and detention officers shall successfully complete a Decision Making Qualification course for both day and low-light at least once each calendar year.

(e) The Decision Making Qualification course shall meet the following minimum requirements:

- (1) Day Decision Making Qualification:
  - (A) No fewer than three decision points within the course;
  - (B) Required target discrimination decision (shoot/no-shoot);
  - (C) Required articulation by the officer of a minimum of two decisions made during the course; and
  - (D) Shall contain a detailed diagram of the decision making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.
- (2) Low-Light Decision Making Qualification:
  - (A) No fewer than three decision points within the course;
  - (B) Required target discrimination decision (shoot/no-shoot);
  - (C) Required use of a flashlight, weapon-mounted light, or other shooter-controlled light source;
  - (D) Required articulation by the officer of a minimum of two decisions made during the course; and
  - (E) Shall contain a detailed diagram of the decision making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.

(f) If a deputy sheriff's or detention officer's handgun is replaced with another service handgun of the same make and model, they shall successfully complete the Day Accuracy Qualification with the new service handgun within 15 days of issuance.

(g) All deputy sheriffs and detention officers who are issued or otherwise authorized by the sheriff to use a shotgun, rifle, or automatic weapon shall qualify with each weapon respectively, for both day and low-light use at least once each calendar year.

(h) The accuracy qualification courses required by Paragraphs (a), (b), and (c) of this Rule shall be completed with duty equipment and duty ammunition or ballistic-equivalent ammunition including lead-free ammunition that meets the same

point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

(i) All deputy sheriffs and detention officers who are issued or authorized to use a less-lethal weapon, that may also be classified as a firearm, shall qualify with each weapon, respectively, in compliance with the manufacturer's specifications or certification requirements.

(j) The accuracy qualification and decision making qualification courses required by Paragraphs (a) through (g) and (k) of this Rule shall define low-light for an outdoor range as beginning 30 minutes after sunset, based on the time provided by the U.S. Naval Observatory chart for the date of qualification, specific to the location of the outdoor range. For an indoor range, transition to low-light environment occurs by cutting off the lighting and is not defined by a specific time.

(k) All deputy sheriffs and detention officers who are authorized by the sheriff to carry off-duty handguns shall qualify with their off-duty handgun a minimum of once each calendar year pursuant to Paragraphs (a) through (e) of this Rule with each handgun the officer carries off-duty using ammunition approved by the sheriff.

(l) All deputy sheriffs and detention officers who are issued or have access to any weapons not stated in this Rule must qualify with these weapons once each calendar year using ammunition approved by the sheriff.

(m) To satisfy the requirements for all firearms accuracy qualifications, a deputy sheriff or detention officer shall attain a minimum qualification score of 80 percent accuracy with each weapon at least once in three attempts with no more than three attempts on each course of fire per day.

(n) To satisfy the requirements for all decision making qualification courses, a deputy sheriff or detention officer shall attain a passing score as outlined by the specific course scoring matrix.

(o) In cases where reduced-sized targets are used to simulate actual distances, a modified course of fire may be used.

(p) The following shall apply to each Day Accuracy Qualification course and Low-Light Accuracy Qualification course:

- (1) Each course shall be completed successfully on a single day, once out of three attempts.
- (2) Failure to qualify within three attempts on a single day shall be deemed a failure.
- (3) Once qualification has begun, if a deputy sheriff or detention officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer shall be deemed to have failed to qualify.
- (4) No practice shall be allowed once qualification begins. Practice shall not be allowed until after the officer qualifies successfully or the third qualification attempt is completed.
- (5) Each course shall be completed with each weapon for which qualification is required.
- (6) Each Qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on the same day.
- (7) Once a deputy sheriff or detention officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single

day on any Qualification course, access to the weapon shall be restricted until such time the deputy sheriff or detention officer successfully qualifies with the weapon.

(q) The following shall apply to each Day Decision Making Qualification course and Low-Light Decision-Making Qualification course:

- (1) Each course shall be completed successfully on a single day, once out of three attempts.
- (2) Failure to qualify within three attempts on a single day shall be deemed a failure.
- (3) Once qualification has begun, if a deputy sheriff or detention officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer shall be deemed to have failed to qualify.
- (4) No practice shall be allowed once qualification begins. Practice shall not be allowed until after the deputy sheriff or detention officer qualifies successfully or the third qualification attempt is completed.
- (5) Each qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on the same day.
- (6) Once a deputy sheriff or detention officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any qualification course, access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon.

*History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 1989; Amended Eff. January 1, 1994; January 1, 1993; January 1, 1992; January 1, 1991; Temporary Amendment Eff. March 1, 1998; Amended Eff. January 1, 2011; January 1, 2006; August 1, 2002; August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. March 1, 2026.*

**12 NCAC 10B .2105 FAILURE TO QUALIFY**

(a) Deputy sheriffs and detention officers who fail to qualify pursuant to Rule .2104 of this Section shall surrender their weapons to the sheriff or his or her authorized designee upon failure and shall have 30 days in which to obtain the qualification score required in 12 NCAC 10B .2104.

(b) Failure to qualify within the time period allowed in Paragraph (a) of this Rule shall result in the summary suspension of the deputy sheriff's or detention officer's certification by the Commission.

(c) No deputy sheriff or detention officer summarily suspended under Paragraph (b) of this Rule and in compliance with 12 NCAC 10B .0206(a)(3) may work as a certified justice officer until:

- (1) the sheriff forwards to the Commission documentary evidence verifying that the officer

has complied with the requirements of 12 NCAC 10B .2103 and .2104 and

- (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that the Commission has terminated the suspension and reinstated the certification to the deputy sheriff or detention officer.

(d) Any deputy sheriff or detention officer not previously authorized by the sheriff to carry a weapon but whose status changed to "authorized to carry a weapon," shall comply with the provisions set out in 12 NCAC 10B .2103 and .2104 and may not carry a firearm until:

- (1) the sheriff forwards to the Commission documentary evidence verifying that the officer has complied with the requirements of 12 NCAC 10B .2103 and .2104; and
- (2) the deputy sheriff or detention officer and the sheriff receive from the Commission documentation that the Commission has amended the officer's status to "authorized to carry a weapon" and all Commission certification files reflect the same.

*History Note: Authority G.S. 17E-4; 17E-7; 17E-9; Eff. January 1, 1989; Amended Eff. March 1, 1995; January 1, 1995; January 1, 1993; January 1, 1990; Temporary Amendment Eff. March 1, 1998; Amended Eff. August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. March 1, 2026.*

program accredited by the American Society of Health System Pharmacists; or

- (B) holds a current Advanced Certified Pharmacy Technician (CPhT-Adv) credential from the Pharmacy Technician Certification Board (PTCB), and also holds a current Technician Product Verification Certificate either as part of or in addition to the CPhT-Adv credential. The Subparagraphs in this Rule may require other specific certifications for functions described in those Subparagraphs.

(b) A Health Care Facility may utilize Validating Technicians to validate the following functions for a Health Care Facility pharmacy:

- (1) stocking of patient care unit medication inventories;
- (2) stocking of ancillary drug cabinet inventories;
- (3) stocking of automated dispensing or drug supply devices;
- (4) stocking of emergency kits;
- (5) prepackaging of prescription drugs within the Health Care Facility pharmacy;
- (6) selection of the correct dose by an automated medication system that has been stocked and restocked in compliance with 21 NCAC 46 .3404, only in the following circumstances:

- (A) If a pharmacist has performed a Drug Regimen Review to ensure that dispensing the order is safe and effective for the patient, and that the requirements of 21 NCAC 46. 1414 have been met; and
- (B) If the order has not changed following the Drug Regimen Review and review for compliance with 21 NCAC 46 .1414;

- (7) preparation of a product by an automated compounding device, only in the following circumstances:

- (A) If the technician qualifies as a Validating Technician by virtue of holding the certifications set out in Part (a)(4)(B) of this Rule, in addition to those qualifications, the Validating Technician must hold a current Certified Compounded Sterile Preparation Technician credential from the PTCB. If the technician qualifies as a Validating Technician by virtue of the educational requirements set out in Part (a)(4)(A) of this Rule, the technician is not required to hold this credential;
- (B) A Health Care Facility pharmacist must prepare the automated

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 46 - PHARMACY**

**21 NCAC 46 .1418 HEALTH CARE FACILITY PHARMACY TECHNICIANS**

(a) For the purposes of this Rule, a "Validating Technician" shall be a pharmacy technician who:

- (1) is registered with the Board and trained as specified in G.S. 90-85.15A;
- (2) is a certified technician;
- (3) is employed by a Health Care Facility pharmacy; and
- (4) either:
  - (A) holds an associate's degree in pharmacy technology conferred by one of the following: (i) an institution within the North Carolina Community College System or University System; (ii) an institution accredited by one of the regional accrediting agencies recognized by the United States Department of Education; or (iii) a

compounding device to compound the appropriate compounded product; and

- (C) The automated compounding device must automatically measure and compound the components for the compounded product, and must keep and maintain records of all steps in the compounding process; or
- (8) validating the preparation and repackaging by other registered pharmacy technicians of non-sterile low-risk products that are compounded in multi-patient volume and whose composition does not vary by patient. If the technician qualifies as a Validating Technician by virtue of holding the certifications set out in Part (a)(4)(B) of this Rule, in addition to those qualifications, the Validating Technician must hold a current Nonsterile Compounding Certificate from the PTCB, either as part of or in addition to the CPhT-Adv credential. If the technician qualifies as a Validating Technician by virtue of the educational requirements set out in Part (a)(4)(A) of this Rule, the technician is not required to hold this credential.

(c) If the Health Care Facility elects to utilize Validating Technicians for functions described in this Rule, the pharmacist-manager shall develop written policies and procedures that:

- (1) establish the parameters for pharmacist supervision of pharmacy technician validation functions;
- (2) establish facility-specific training for pharmacy technician validation functions;
- (3) establish an ongoing evaluation and assessment program to ensure that pharmacy technician validation functions are performed safely and accurately; and
- (4) establish a recordkeeping system that shall permit the identification of the Validating Technician who performs activities authorized by this Rule. Readily retrievable records generated by this system shall be maintained for the period of time specified in 21 NCAC 46 .1414(j)(1) and (2).

(d) A Health Care Facility's pharmacist-manager is responsible for the oversight of all validation functions, and that responsibility may not be delegated pursuant to 21 NCAC 46 .1411. This Rule does not permit a pharmacy technician to perform any act requiring the exercise of professional judgment by a pharmacist.

(e) Pursuant to G.S. 90-85.15A(c), the Board approves a pharmacist's supervision of more than two pharmacy technicians where the additional technicians are Validating Technicians. This Rule does not relieve the pharmacist-manager of the obligation to request and receive written Board approval for a pharmacist's supervision of more than two pharmacy technicians where the additional technicians are certified pharmacy technicians but are not Validating Technicians.

*History Note:* Authority G.S. 90-85.6; 90-85.15A; 90-85.21; 90-85.26; 90-85.32; 90-85.33; 90-85.34;

*Eff. June 18, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;*

*Amended Eff. May 1, 2026.*

**TITLE 25 - OFFICE OF STATE HUMAN RESOURCES**

**25 NCAC 011 .2103 SALARY RATES**

(a) New Appointments. The entrance salary rate for an employee in a non-trainee appointment shall be at the minimum of the range or at a salary rate within the salary range assigned to the class that is consistent with job-related education, job-related experience, and fiscal policy. The entrance salary rate for an employee in a trainee appointment shall be set pursuant to Paragraph (e) of this Rule. Boards of county commissioners or their designees must perform an analysis when setting salaries above the minimum of the range, to avoid creating salary inequities within the jurisdiction. Analyzing "salary inequities" for purposes of this Rule, means comparing the salaries of employees in the same job classification or in closely related job classifications at the same local government employer who have comparable levels of education and experience; duties and responsibilities; productivity; funding availability; and knowledge, skills, and abilities. Employees in trainee appointments are not comparable for purposes of this salary inequity analysis.

(b) Promotion. When a promotion occurs, the member of county management who has been delegated authority over personnel decisions shall increase the employee's salary if it is below the new minimum, to at least the minimum rate of the salary range assigned to the class to which the employee is promoted. If an employee's current salary is already above the new minimum salary rate, the employee's salary may be adjusted upward or left unchanged at the discretion of local management, consistent with job-related education, job-related experience, and fiscal policy, provided that the adjusted salary does not exceed the maximum of the assigned salary range. If the salary falls between steps in the salary range, it may be adjusted to the next higher step in the range, consistent with job-related education, job-related experience, and fiscal policy.

(c) Demotion. When an employee's current salary falls above the maximum of the range for the lower class, the member of county management who has been delegated authority over personnel decisions may allow the employee's salary to remain the same until general schedule adjustments or range revisions bring it back within the lower range or the salary may be reduced to any step in the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range. If the employee's current salary falls between steps in the lower range, it may be reduced to the next lower step. These decisions shall be consistent with job-related education, job-related experience, and fiscal policy.

(d) Salary Adjustments; Salary Plan Revisions. When the salary rates in the salary plan are changed or a class is moved to a higher or lower salary grade, the following adjustments shall be made in incumbents' salary rates:

- (1) When it is an upward revision and the employee's current salary is less than the minimum salary rate of the salary range for the

classification, the employee's salary shall be adjusted to at least the minimum of the range. If the employee's salary is already at or above the new minimum of the range, management may elect to increase the salary to another step within the range. An employee's salary may not, however, exceed the maximum of the range.

- (2) If there is a downward revision, management may elect to reduce each employee's salary rate by a corresponding amount or allow the salary rates to remain the same.

These decisions shall be consistent with job-related education, job-related experience, and fiscal policy.

(e) Trainee Adjustments. During a trainee appointment, an evaluation of the individual's performance and progress on the job is to be made by the direct supervisor at intervals that are at most six months apart. As a general guide, salary increases are provided at specified intervals. These increases are not automatic, and may be provided at any time. Salary adjustments may be either advanced or delayed depending upon the progress of the employee. The salary rate for a trainee shall be no lower than 10 percent below the minimum of the position's salary range. Note: as an example, the salary rate would be ninety thousand dollars (\$90,000) if the salary range is one hundred thousand dollars (\$100,000) to one hundred forty thousand dollars (\$140,000). The salary rate for a trainee shall be no higher than the 25th percentile of the position's salary range. Note: as an example, the salary rate would be one hundred ten thousand dollars (\$110,000) if the salary range is one hundred thousand dollars (\$100,000) to one

hundred forty thousand dollars (\$140,000). Adjustments are to be given upon recommendations by the appointing authority and the supervisor that the employee has earned an increase, based on successful performance and completed training milestones as specified by local policy. Trainee salary adjustments shall not be awarded if an employee has unsatisfactory job performance as defined in 25 NCAC 011 .2302(a). The trainee's salary must not exceed that of any existing non-trainee employee in the same classification at the same local government, unless the employee possesses education or experience exceeding the minimum requirements for the position. When the employee with a trainee appointment has successfully completed the training and experience requirements for the classification, the employee must be given a permanent appointment to that classification, and the employee's salary must be set pursuant to Paragraph (a) of this Rule. Pursuant to Paragraph (a) of this Rule, the former trainee's salary must be set at least to the minimum of the salary range.

(f) An employee's salary cannot be raised by merit increases to exceed the maximum salary rate of the salary range assignment to the employee's class.

*History Note:* Authority G.S. 126-4 (2), (3), (6); S.L. 2024-23, s. 7;

*Eff. August 3, 1992;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;*

*Temporary Amendment Eff. January 2, 2025;*

*Amended Eff. March 1, 2026.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission on February 26, 2026 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.*

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Bill Nelson (2<sup>nd</sup> Vice-Chair)  
Jeanette Doran  
John Hahn  
Jeff Hyde  
Wyatt Dixon, III

**Appointed by House**

Jake Parker (Chair)  
Paul Powell (1st Vice-Chair)  
Wayne R. Boyles, III  
Christopher Loutit  
Randy Overton

**COMMISSION COUNSEL**

Seth M. Ascher            984-236-1934  
Travis Wiggs             984-236-1929  
Christopher S. Miller    984-236-1935

**RULES REVIEW COMMISSION MEETING DATES**

April 28, 2026                                  June 25, 2026  
May 28, 2026                                  July 30, 2026

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**RULES REVIEW COMMISSION MEETING  
MINUTES**

**February 26, 2026**

The Rules Review Commission met on Thursday, February 26, 2026, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wayne Ronald Boyles, III, Wyatt Dixon, III, Jeanette Doran, John Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Christopher Miller, and Travis Wiggs were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Parker presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

Commissioner Hyde joined the meeting at 10:03 a.m.

The Chair notified the Commission that the following agenda item will be taken up at the end of the meeting: Permanent Rules from the Sheriffs' Education and Training Standards Commission.

**APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes of the January 29, 2026 meeting. There were none, and the minutes were unanimously approved as distributed. Commissioner Hyde did not vote.

**FOLLOW-UP MATTERS**

**Commission for Public Health**

10A NCAC 43D .0205 and .0304 – The agency has indicated that it has decided not to change the rules.

The rules are being returned to the agency. No action was required by the Commission.

**State Board of Education**

Prior to the review of the rules from the State Board of Education, Commissioner Loutit recused himself and did not participate in any discussion or vote concerning the rules because of a potential conflict of interest.

16 NCAC 06H .0102 – The Commission voted to further extend the period of review to the March 2026 meeting.

**LOG OF FILINGS (PERMANENT RULES)**

**Sheriffs' Education and Training Standards Commission**

12 NCAC 10B .0502, .2103, .2104, and .2105 were unanimously approved.

Joy Strickland, with the Department of Justice and representing the agency, addressed the Commission.

**Board of Pharmacy**

21 NCAC 46 .1418 was unanimously approved.

**State Human Resources Commission**

25 NCAC 01I .2103 was unanimously approved.

**LOG OF FILINGS (TEMPORARY RULES)**

**Code Officials Qualification Board**

11 NCAC 08 .0602 was unanimously approved.

**Wildlife Resources Commission**

15A NCAC 10C .0218, .0314, and .0414 were unanimously approved.

**EXISTING RULES REVIEW**

**Social Services Commission**

- 10A NCAC 10 - The Commission unanimously approved the report as submitted by the agency.
- 10A NCAC 70A - The Commission unanimously approved the report as submitted by the agency.
- 10A NCAC 70B - The Commission unanimously approved the report as submitted by the agency.
- 10A NCAC 70C - The Commission unanimously approved the report as submitted by the agency.
- 10A NCAC 70E - The Commission unanimously approved the report as submitted by the agency.
- 10A NCAC 70F - The Commission unanimously approved the report as submitted by the agency.
- 10A NCAC 70G - The Commission unanimously approved the report as submitted by the agency.
- 10A NCAC 70H - The Commission unanimously approved the report as submitted by the agency.
- 10A NCAC 70J - The Commission unanimously approved the report as submitted by the agency.
- 10A NCAC 70L - The Commission unanimously approved the report as submitted by the agency.

**HHS - Division of Employment and Independence for People with Disabilities**

10A NCAC 89 - The Commission unanimously approved the report as submitted by the agency.

**Department of Labor**

- 13 NCAC 07 - The Commission unanimously approved the report as submitted by the agency.
- 13 NCAC 12 - The Commission unanimously approved the report as submitted by the agency.

**Medical Board**

21 NCAC 32 - The Commission unanimously approved the report as submitted by the agency.

**Board of Examiners of Fee-Based Practicing Pastoral Counselors**

21 NCAC 45 - The Commission unanimously approved the report as submitted by the agency.

**READOPTIONS**

**North Carolina Battleship Commission**

07 NCAC 05 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than March 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

**Commission for Public Health**

15A NCAC 18C – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than December 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

**Hearing Aid Dealers and Fitters Board**

21 NCAC 22 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than April 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

**Social Work Certification and Licensure Board**

21 NCAC 63 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than February 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

**COMMISSION BUSINESS**

Staff gave a brief overview of the Incorporation Guidance to the Commissioners. At the direction of the Chair, the guidance will be posted to the March agenda and will be open to receive public comments.

Staff also gave a brief overview of an NCBA guidance request concerning the Commission's position on form requirements. Staff will draft a memorandum for the Commission's consideration at a future meeting later this year.

The meeting adjourned at 10:53 a.m.

The next regularly scheduled meeting of the Commission is Thursday, March 26, 2026, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:  
Jake Parker, Chair



**Rules Review Commission Meeting February 26, 2026 Via Webex**

<b>Name</b>	<b>Agency</b>
Ava Fierst	deq.nc.gov
Dana McGhee	ic.nc.gov
Devon Horine	dhhs.nc.gov
Nancy Hunter	dhhs.nc.gov
Ashley Snyder	labor.nc.gov
Kyle Heuser	ncdoi.gov
Brian Liebman	oah.nc.gov
Christian Waters	ncwildlife.gov
Carrie Ruhlman	ncwildlife.gov
Laura Rowe	nctreasurer.com
Anna Perkinson	nc.gov
Julie Ventaloro	osbm.nc.gov
Donya Strong	doa.nc.gov
Virginia Niehaus	dhhs.nc.gov
Julie Eddins	oah.nc.gov
Arthur Harrell	oah.nc.gov
Dominick Derasmo	nc.gov
Catherine Blum	deq.nc.gov
Kenneth Bausell	dhhs.nc.gov
Elly Young	ncdoj.gov
Sarah Wolfe DuBose	mwcllc.com
Caitlin Schwab NCHALB	nchalb.org
Misty Piekaar	dhhs.nc.gov
Raj.Premakumar@dhhs.nc.gov	dhhs.nc.gov
Hope Ascher	
Rhya Martin	bcbsnc.com
Sloane Hauck	duke.edu
Nute Thompson	summitde.com
Gabby Decker	bcbsnc.com
Larry Ascher	
Ryan Mitiguy	hedrickgardner.com
Paris	dhhs.nc.gov
Meghan Lock	ncdoj.gov
Sorensen, Nicholas	ncdoj.gov
Robert Cooke	tpccounseling.org
Tia	roboro.ai
Erica Babusci	duke.edu
Shanah Black	dhhs.nc.gov
Valentina Jimenez Vilaro	duke.edu

**MEMORANDUM OF ABSTENTION FROM**  
**PARTICIPATION IN OFFICIAL ACTION**  
**RULES REVIEW COMMISSION**

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding State Board of Education.

I have abstained because Current potential client conflict

This the 26 day of February, 2026

Cheryl C. Poulter

Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

February 26, 2026

Jonathan Avery, North Carolina Battleship Commission  
**Sent via email only to: [jonathan.avery@dncr.nc.gov](mailto:jonathan.avery@dncr.nc.gov)**

Re: Readoption deadline for 07 NCAC 05

Dear Mr. Avery,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the February 26, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
07 NCAC 05	March 1, 2028

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher  
Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

*An Equal Employment Opportunity Employer*  
1711 New Hope Church Road, Raleigh, NC 27609  
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871  
[www.oah.nc.gov](http://www.oah.nc.gov)

RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 30, 2025  
APO Review: September 30, 2025  
USS North Carolina Battleship Commission  
Total: 4

RRC Determination: Necessary

07 NCAC 05 .0205

07 NCAC 05 .0207

07 NCAC 05 .0208

07 NCAC 05 .0209



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

February 26, 2026

Jennifer Everett

**Sent via email to: [jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)**

Re: Readoption deadline for 15A NCAC 18C

Dear Ms. Everett:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on February 26, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **December 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs  
Commission Counsel

**Melissa Owens Lassiter**, Director  
Chief Administrative Law Judge

**John C. Evans**  
Senior Administrative Law Judge

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[www.oah.nc.gov](http://www.oah.nc.gov)

RRC DETERMINATION  
PERIODIC RULE REVIEW  
September 25, 2025  
APO Review: November 26, 2025  
Public Health, Commission for  
Total: 167

RRC Determination: Necessary

15A NCAC 18C .0102	15A NCAC 18C .0708	15A NCAC 18C .1208
15A NCAC 18C .0201	15A NCAC 18C .0709	15A NCAC 18C .1209
15A NCAC 18C .0202	15A NCAC 18C .0710	15A NCAC 18C .1210
15A NCAC 18C .0203	15A NCAC 18C .0711	15A NCAC 18C .1212
15A NCAC 18C .0301	15A NCAC 18C .0712	15A NCAC 18C .1213
15A NCAC 18C .0302	15A NCAC 18C .0713	15A NCAC 18C .1214
15A NCAC 18C .0303	15A NCAC 18C .0714	15A NCAC 18C .1301
15A NCAC 18C .0304	15A NCAC 18C .0801	15A NCAC 18C .1302
15A NCAC 18C .0305	15A NCAC 18C .0802	15A NCAC 18C .1303
15A NCAC 18C .0306	15A NCAC 18C .0803	15A NCAC 18C .1304
15A NCAC 18C .0307	15A NCAC 18C .0804	15A NCAC 18C .1305
15A NCAC 18C .0308	15A NCAC 18C .0805	15A NCAC 18C .1401
15A NCAC 18C .0309	15A NCAC 18C .0901	15A NCAC 18C .1402
15A NCAC 18C .0401	15A NCAC 18C .0902	15A NCAC 18C .1404
15A NCAC 18C .0402	15A NCAC 18C .0903	15A NCAC 18C .1405
15A NCAC 18C .0403	15A NCAC 18C .0904	15A NCAC 18C .1406
15A NCAC 18C .0404	15A NCAC 18C .0905	15A NCAC 18C .1407
15A NCAC 18C .0405	15A NCAC 18C .0906	15A NCAC 18C .1502
15A NCAC 18C .0406	15A NCAC 18C .0907	15A NCAC 18C .1505
15A NCAC 18C .0407	15A NCAC 18C .1001	15A NCAC 18C .1506
15A NCAC 18C .0408	15A NCAC 18C .1002	15A NCAC 18C .1507
15A NCAC 18C .0409	15A NCAC 18C .1003	15A NCAC 18C .1508
15A NCAC 18C .0501	15A NCAC 18C .1004	15A NCAC 18C .1509
15A NCAC 18C .0502	15A NCAC 18C .1101	15A NCAC 18C .1510
15A NCAC 18C .0503	15A NCAC 18C .1102	15A NCAC 18C .1511
15A NCAC 18C .0601	15A NCAC 18C .1103	15A NCAC 18C .1512
15A NCAC 18C .0602	15A NCAC 18C .1104	15A NCAC 18C .1515
15A NCAC 18C .0603	15A NCAC 18C .1105	15A NCAC 18C .1516
15A NCAC 18C .0604	15A NCAC 18C .1106	15A NCAC 18C .1518
15A NCAC 18C .0701	15A NCAC 18C .1107	15A NCAC 18C .1519
15A NCAC 18C .0702	15A NCAC 18C .1108	15A NCAC 18C .1520
15A NCAC 18C .0703	15A NCAC 18C .1201	15A NCAC 18C .1521
15A NCAC 18C .0704	15A NCAC 18C .1202	15A NCAC 18C .1522
15A NCAC 18C .0705	15A NCAC 18C .1203	15A NCAC 18C .1523
15A NCAC 18C .0706	15A NCAC 18C .1204	15A NCAC 18C .1524
15A NCAC 18C .0707	15A NCAC 18C .1207	15A NCAC 18C .1525

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15A NCAC 18C .2101  
15A NCAC 18C .2102  
15A NCAC 18C .2104  
15A NCAC 18C .2105  
15A NCAC 18C .2201  
15A NCAC 18C .2202



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

February 26, 2026

Caitlin Schwab, Hearing Aid Dealers and Fitters Board  
**Sent via email only to: [info@nchalb.org](mailto:info@nchalb.org)**

Re: Readoption deadline for 21 NCAC 22

Dear Ms. Schwab,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the February 26, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	
21 NCAC 22	April 1, 2029

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher  
Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

*An Equal Employment Opportunity Employer*  
1711 New Hope Church Road, Raleigh, NC 27609  
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871  
[www.oah.nc.gov](http://www.oah.nc.gov)

RRC DETERMINATION  
PERIODIC RULE REVIEW  
August 28, 2025  
APO Review: October 29, 2025  
Hearing Aid Dealers and Fitters Board  
Total: 69

RRC Determination: Necessary

21 NCAC 22A .0401	21 NCAC 22I .0108
21 NCAC 22A .0402	21 NCAC 22I .0109
21 NCAC 22A .0403	21 NCAC 22I .0110
21 NCAC 22A .0404	21 NCAC 22I .0111
21 NCAC 22A .0501	21 NCAC 22I .0112
21 NCAC 22A .0502	21 NCAC 22I .0113
21 NCAC 22A .0503	21 NCAC 22I .0114
21 NCAC 22B .0101	21 NCAC 22J .0102
21 NCAC 22B .0302	21 NCAC 22J .0103
21 NCAC 22B .0307	21 NCAC 22J .0105
21 NCAC 22B .0501	21 NCAC 22J .0107
21 NCAC 22B .0503	21 NCAC 22J .0108
21 NCAC 22F .0101	21 NCAC 22J .0109
21 NCAC 22F .0104	21 NCAC 22J .0110
21 NCAC 22F .0105	21 NCAC 22J .0114
21 NCAC 22F .0107	21 NCAC 22J .0115
21 NCAC 22F .0108	21 NCAC 22J .0116
21 NCAC 22F .0121	21 NCAC 22L .0101
21 NCAC 22F .0123	21 NCAC 22L .0102
21 NCAC 22F .0201	21 NCAC 22L .0103
21 NCAC 22F .0202	21 NCAC 22L .0104
21 NCAC 22F .0203	21 NCAC 22L .0105
21 NCAC 22F .0204	21 NCAC 22L .0106
21 NCAC 22F .0205	21 NCAC 22L .0107
21 NCAC 22F .0206	21 NCAC 22L .0108
21 NCAC 22F .0207	21 NCAC 22L .0109
21 NCAC 22F .0208	21 NCAC 22L .0110
21 NCAC 22F .0209	21 NCAC 22L .0111
21 NCAC 22F .0301	21 NCAC 22L .0112
21 NCAC 22F .0302	21 NCAC 22L .0113
21 NCAC 22F .0303	21 NCAC 22L .0115
21 NCAC 22F .0304	21 NCAC 22L .0116
21 NCAC 22F .0305	
21 NCAC 22F .0306	
21 NCAC 22I .0101	
21 NCAC 22I .0103	
21 NCAC 22I .0106	



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

February 26, 2026

Elizabeth Pope, Social Work Certification and Licensure Board  
**Sent via email only to: [epope@ncswboard.gov](mailto:epope@ncswboard.gov)**

Re: Readoption deadline for 21 NCAC 63

Dear Ms. Pope,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the February 26, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	
21 NCAC 63	February 1, 2029

If you have any questions regarding the Commission’s actions, please let me know.

Sincerely,

/s/ Seth Ascher  
Seth Ascher  
Commission Counsel

Melissa Owens Lassiter, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

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RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 30, 2025

APO Review: September 30, 2025  
Social Work Certification and Licensure Board  
Total: 46

RRC Determination: Necessary

21 NCAC 63 .0102	21 NCAC 63 .0607
21 NCAC 63 .0106	21 NCAC 63 .0608
21 NCAC 63 .0202	21 NCAC 63 .0609
21 NCAC 63 .0203	21 NCAC 63 .0610
21 NCAC 63 .0204	21 NCAC 63 .0701
21 NCAC 63 .0207	21 NCAC 63 .0704
21 NCAC 63 .0208	21 NCAC 63 .0705
21 NCAC 63 .0209	21 NCAC 63 .0901
21 NCAC 63 .0210	21 NCAC 63 .0902
21 NCAC 63 .0211	21 NCAC 63 .0903
21 NCAC 63 .0212	
21 NCAC 63 .0213	
21 NCAC 63 .0214	
21 NCAC 63 .0215	
21 NCAC 63 .0301	
21 NCAC 63 .0302	
21 NCAC 63 .0303	
21 NCAC 63 .0306	
21 NCAC 63 .0401	
21 NCAC 63 .0403	
21 NCAC 63 .0404	
21 NCAC 63 .0405	
21 NCAC 63 .0406	
21 NCAC 63 .0501	
21 NCAC 63 .0503	
21 NCAC 63 .0504	
21 NCAC 63 .0505	
21 NCAC 63 .0506	
21 NCAC 63 .0507	
21 NCAC 63 .0508	
21 NCAC 63 .0509	
21 NCAC 63 .0601	
21 NCAC 63 .0602	
21 NCAC 63 .0603	
21 NCAC 63 .0605	
21 NCAC 63 .0606	

**LIST OF APPROVED PERMANENT RULES**

**February 26, 2026 Meeting**

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Basic Law Enforcement Training Course for Deputies</u>	12 NCAC	10B	.0502
<u>Minimum Training Requirements</u>	12 NCAC	10B	.2103
<u>In-Service Firearms Requalification Specifications</u>	12 NCAC	10B	.2104
<u>Failure to Qualify</u>	12 NCAC	10B	.2105

**PHARMACY, BOARD OF**

<u>Health Care Facility Pharmacy Technicians</u>	21 NCAC	46	.1418
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**STATE HUMAN RESOURCES COMMISSION**

<u>Salary Rates</u>	25 NCAC	01I	.2103
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**LIST OF APPROVED TEMPORARY RULES**

**February 26, 2026 Meeting**

**CODE OFFICIALS QUALIFICATION BOARD**

<u>Nature of Probationary Certificate</u>	11 NCAC	08	.0602
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**WILDLIFE RESOURCES COMMISSION**

<u>Harvest Reporting Requirements</u>	15A NCAC	10C	.0218
<u>Striped Bass</u>	15A NCAC	10C	.0314
<u>Bluefish</u>	15A NCAC	10C	.04