

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Health and Human Services

RULE CITATION: 10A NCAC 15 .1102

DEADLINE FOR RECEIPT: Tuesday, June 9, 2020

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

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

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

In (b), lines 5 and 6, do you need to retain "after the effective date of this Rule"? I would think that "... issued by the agency after the first day of July..." would be sufficient.

In (d), I take it you are relying upon G.S. 104E-19(a) to state that the fees are nonrefundable?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: May 26, 2020

10A NCAC 15 .1102 is readopted as published in 34:07 NCR 547-548 as follows:

10A NCAC 15 .1102 PAYMENT DUE

(a) All fees established in this Section shall be due on the first day of July of each year.

(b) Notwithstanding Paragraph (a) of this Rule, when a new license or registration is issued by the agency after the effective date of this Rule or after the first day of July of any subsequent year, the initial fee shall be due on the date of issuance of the license or registration.

(c) The initial fee in Paragraph (b) of this Rule shall be computed as follows:

(1) When any new license or registration is issued before the first day of January of any year, the initial fee shall be the full amount specified in Rule .1105 or .1106 of this Section; and

(2) When any new license or registration is issued on or after the first day of January of any year, the initial fee shall be one-half of the amount specified in Rule .1105 or .1106 of this Section.

(d) All fees received by the agency pursuant to provisions of this Section shall be nonrefundable.

(e) Each licensee or registrant shall pay all fees online at <https://www.thepayplace.com/northcarolinadhhs/dhsr/ncrpsfees/challenge.aspx>, or by check or money order made payable to "Radiation Protection Section" and mail such payment to: Radiation Protection Section, Division of Environmental Health, Department of Environment and Natural Resources, 1645 Mail Service Center, Raleigh, North Carolina 27699-1645. ~~Such payment may be delivered to the agency at its office located at 3825 Barrett Drive, Raleigh, North Carolina 27609-7221.~~ Health Service Regulation, Department of Health and Human Services to the address shown on the facility invoice.

History Note: Authority G.S. 104E-9(a)(8); 104E-19(a);

Eff. July 1, 1982;

Amended Eff. May 1, 1993; May 1, 1992; July 1, 1989;

Temporary Amendment Eff. June 30, 2002;

Temporary Amendment Expired on March 28, 2003;

Findings of need for Emergency Rule disapproved by Codifier on June 8, 2007;

Emergency Amendment Eff. June 19, 2007 pursuant to G.S. 150B-21.1A(b);

Amended Eff. August 1, 2007;

Transferred and Recodified from 15A NCAC 11 .1102 Eff. February 1, ~~2015~~ 2015;

Readopted Eff. July 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Health and Human Services

RULE CITATION: 10A NCAC 15 .1106

DEADLINE FOR RECEIPT: Tuesday, June 9, 2020

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

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

In (g)(2), Page 2, line 12, replace "Paragraph (g) of this Rule" with "this Paragraph"

On line 14, why do you need "by a notary public"? Isn't "notarized" sufficient?

In Paragraph (h), I do not understand the cross-reference to Rule .0344. Are you saying the licenses will be modified if records are falsified?

In the History Note, line 23, I do not think you need to add the citation to G.S. 104E-24. That does not confer rulemaking authority and is best addressed in the text of the Rule (where you reference it).

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: May 26, 2020

10A NCAC 15 .1106 is readopted as published in 34:16 NCR 1447-1448 as follows:

10A NCAC 15 .1106 RADIOACTIVE MATERIALS AND ACCELERATOR FEE AMOUNTS

(a) Annual fees for persons licensed pursuant to the provisions of Section .0300 of this Chapter shall be:

Type of Radioactive Material License	Annual Fee
Specific license of broad scope including:	
-academic or research and development (R&D)	\$ 5,180.00
-manufacture or distribution	\$ 6,100.00
-medical	\$ 6,760.00
Specific license including:	
-educational institutions, R&D laboratories	\$ 2,960.00
-industrial radiography	\$ 5,400.00
-irradiator >10,000Ci	\$ 19,140.00
-irradiator ≤10,000Ci	\$ 2,160.00
-manufacture or distribution	\$ 2,320.00
-medical (human use), diagnostic	\$ 2,940.00
-medical (human use), therapeutic	\$ 4,760.00
-services, consultants, gauges (all types), or not specified above	\$ 1,860.00
-well logging, subsurface tracer studies	\$ 3,200.00
General license including:	
-not subject to annual registration requirements	\$ 200.00
-subject to annual registration requirements	\$ 325.00
-possession of self-luminous devices under Rule .0309 of this Chapter	no fee
-possession of source material from water remediation activities under Rule .0307 of this Chapter	no fee

(b) Annual fees for persons licensed pursuant to the provisions of Section .0900 of this Chapter shall be four thousand seven hundred sixty dollars (\$4,760.00).

(c) Fees for out-of-state persons granted permission to use sources of radiation in this State pursuant to Rule .0345 of this Chapter are the same as that provided for in the applicable category specified in Paragraphs (a) and (b) of this Rule. The fees shall be due when the application for reciprocal recognition of out-of-state license is made.

(d) Each location listed on a license issued by the Agency that is not part of a contiguous property controlled by the licensee shall require an additional fee equal to the amount specified in Paragraphs (a) and (b) of this Rule. Fees for client locations listed on mobile medical licenses shall be one-half of the amount specified in Paragraphs (a) or (b) of this Rule for each client site.

(e) Persons licensed to conduct activities subject to multiple categories of fees under Paragraph (a) of this Rule shall be required to pay only the highest fee category.

(f) Persons possessing Sealed Source and Device Registration (SS&D) certificates shall pay an annual fee of one thousand four hundred eighty dollars (\$1,480.00) per active SS&D certificate issued by the Agency, in addition to any amounts specified in Paragraph (a) of this Rule.

(g) Notwithstanding Paragraph (a) of this Rule, persons licensed to conduct activities under a specific license with annual receipts of less than two hundred fifty thousand dollars (\$250,000) may pay a reduced license fee of one-half of the amount shown in Paragraph (a) of this Rule, provided:

(1) payment of fees is made in accordance with Rule .1102 of this Section;

(2) an affidavit is submitted to the agency every year that reduced fees are paid, no later than the date that payment of license fees are due, stating that annual receipts for all business activities are less than the amount shown in Paragraph (g) of this Rule during the consecutive 12 month period preceding the date license fees are due. This affidavit shall be signed by the individual authorized to sign license amendments and this signature shall be witnessed and notarized by a notary public;

(3) records of annual receipts of all business activities shall be made available to the agency for inspection in accordance with Rule .0107 of this Chapter. These records shall include municipal, county, and State tax records; and

(4) a copy of the affidavit and records of annual receipts shall be maintained for five years after the date the affidavit is notarized.

(h) Falsification of the records required by Paragraph (g) of this Rule shall be subject to the provisions of Rule .0344 of this Chapter and may incur administrative penalty pursuant to G.S. 104E-24.

History Note: Authority G.S. 104E-9(a)(8); 104E-19(a); 104E-24;

Eff. August 1, 2007;

Amended Eff. July 1, 2011;

Transferred and Recodified from 15A NCAC 11 .1106 Eff. February 1, 2015;

Amended Eff. May 1, ~~2019~~ 2019;

Readopted Eff. July 1, 2020.