

**CHAPTER 33-10-02**  
**REGISTRATION OF RADIATION MACHINE FACILITIES AND SERVICES**

Section

33-10-02-01	Purpose and Scope
33-10-02-01.1	Definitions
33-10-02-02	Exemptions
33-10-02-03	Application for Registration of Radiation Machine Facilities
33-10-02-04	Application for Registration of Servicing and Services
33-10-02-05	Issuance of Notice of Registration
33-10-02-06	Expiration of Notice of Registration
33-10-02-07	Renewal of Notice of Registration
33-10-02-08	Report of Changes
33-10-02-09	Approval Not Implied
33-10-02-10	Assembler and Transferor Obligation
33-10-02-11	Out-of-State Radiation Machines

**33-10-02-01. Purpose and scope.**

1. This chapter provides for the registration of radiation machine facilities and for the registration of persons providing radiation machine installation, servicing, or services.
2. In addition to the requirements of this chapter, all registrants are subject to the applicable provisions of other chapters of this article.

**History:** Amended effective June 1, 1992.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-02-01.1. Definitions.**

As used in this chapter, "facility" means the location at which one or more devices or sources are installed or located, or both, within one building, vehicle, or under one roof and are under the same administrative control.

**History:** Effective June 1, 1992.

**General Authority:** NDCC 28-32-02, 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-02-02. Exemptions.**

1. Electronic equipment that produces radiation incidental to its operation for other purposes is exempt from the registration and notification requirements of this chapter, providing that the dose equivalent rate averaged over an area of ten square centimeters does not exceed five microsievert [0.5 millirem] per hour at five centimeters from any accessible surface of such equipment. The production, testing, or factory servicing of such equipment shall not be exempt.
2. Radiation machines while in transit or storage incident thereto are exempt from the requirements of this chapter.
3. Domestic television receivers are exempt from the requirements of this chapter.

**History:** Amended effective June 1, 1992; May 1, 1998.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-04

### **33-10-02-03. Application for registration of radiation machine facilities.**

Each person having a radiation machine facility shall:

1. Apply for registration of such facility with the department prior to the operation of a radiation machine facility. Application for registration shall be completed on forms furnished by the department and shall contain all the information required by the form and accompanying instructions.
2. Designate on the application form an individual to be responsible for radiation protection.
3. Each registrant shall prohibit any person from furnishing radiation machine servicing or services as described in subsection 4 of section 33-10-02-04, to the registrant's radiation machine facility until such person provides evidence that the service person has been registered with the department as a provider of services in accordance with section 33-10-02-04.
4. Each application for registration shall be accompanied by the fee prescribed in chapter 33-10-11.

**History:** Amended effective June 1, 1992; March 1, 1994; July 1, 1995.

**General Authority:** NDCC 23-20.1-04, 23-20.1-04.5

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04.5

### **33-10-02-04. Application for registration of servicing and services.**

1. Each person who is engaged in the business of installing or offering to install radiation machines or is engaged in the business of furnishing or offering to furnish radiation machine servicing or services in this state shall apply for registration of such services with the department prior to furnishing or offering to furnish any such services.
2. Application for registration shall be completed on forms furnished by the department and shall contain all information required by the department as indicated on the forms and accompanying instructions.
3. Each person applying for registration under this chapter shall specify:
  - a. That the person has read and understands the requirements of this article.
  - b. The services for which the person is applying for registration.
  - c. The training and experience that qualify the person to discharge the services for which the person is applying for registration.
  - d. The type of measurement instrument to be used, frequency of calibration, and source of calibration.
  - e. The type of personnel dosimeters supplied, frequency of reading, and replacement or exchange schedule.
4. For the purpose of this section, services may include, but shall not be limited to:
  - a. Installation or servicing, or both, of radiation machines and associated radiation machine components.
  - b. Calibration of radiation machines or radiation measurement instruments or devices.
  - c. Radiation protection or health physics consultations or surveys.

- d. Personnel dosimetry services.
5. No individual may perform services which are not specifically stated for that individual on the notice of registration issued by the department.
6. Each application for registration shall be accompanied by the fee prescribed in chapter 33-10-11. The fee will cover the period from June first, through May thirty-first of each year, regardless of the application date.

**History:** Amended effective June 1, 1986; June 1, 1992; March 1, 1994.

**General Authority:** NDCC 23-20.1-04, 23-20.1-04.5

**Law Implemented:** NDCC 23-20.1-04, 23-20.1-04.5

#### **33-10-02-05. Issuance of notice of registration.**

1. Upon a determination that an applicant meets the requirements of the article, the department shall issue a notice of registration.
2. The department may incorporate in the notice of registration at the time of issuance or thereafter by appropriate rule, or order, such additional requirements and conditions with respect to the registrant's receipt, possession, use, and transfer of radiation machines as it deems appropriate or necessary.

**History:** Amended effective June 1, 1986; June 1, 1992.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

#### **33-10-02-06. Expiration of notice of registration.**

Except as provided by subsection 2 of section 33-10-02-07, each notice of registration shall expire at the end of the first day in the month and year stated therein.

**History:** Amended effective June 1, 1992; July 1, 1995.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

#### **33-10-02-07. Renewal of notice of registration.**

1. Application for renewal of registration shall be filed in accordance with subsection 1 of section 33-10-02-03 or subsection 2 of section 33-10-02-04. Each application for registration shall be accompanied by the fee prescribed in chapter 33-10-11.
2. In any case in which a registrant not less than thirty days prior to the expiration of this existing notice of registration has filed an application in proper form for renewal, such existing notice of registration shall not expire until the application status has been finally determined by the department.

**History:** Amended effective March 1, 1994; January 1, 2011.

**General Authority:** NDCC 23-20.1-04, 23-20.1-04.5

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

#### **33-10-02-08. Report of changes.**

The registrant shall notify the department, in writing, before making any change which would render the information contained in the application for registration or the notice of registration no longer accurate.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-02-09. Approval not implied.**

No person, in any advertisement, shall refer to the fact that the person or the person's facility is registered with the department pursuant to the provisions of subsection 1 of section 33-10-02-03 or subsection 2 of section 33-10-02-04 and no person shall state or imply that any activity under such registration has been approved by the department.

**History:** Amended effective January 1, 2011.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-02-10. Assembler and transferor obligation.**

1. Any person who sells, leases, transfers, lends, disposes, assembles, or installs radiation machines in this state shall notify the department within fifteen days of:
  - a. The name and address of persons who have received these machines.
  - b. The manufacturer, model, and serial number of each radiation machine transferred.
  - c. The date of transfer of each radiation machine.
2. No person shall make, sell, lease, transfer, lend, assemble, or install radiation machines or the supplies used in connection with such machines unless such supplies and equipment, when properly placed in operation and used, shall meet the requirements of this article.

**History:** Amended effective June 1, 1992; July 1, 1995.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-02-11. Out-of-state radiation machines.**

1. Whenever any radiation machine is to be brought into the state, for any temporary use, the person proposing to bring such machine into the state shall give written notice to the department at least three days before such machine is to be used in the state. The notice shall include:
  - a. The type of radiation machine.
  - b. The nature, duration, and scope of use.
  - c. The exact locations where the radiation machine is to be used.
  - d. States in which this machine is registered.
  - e. The names and addresses where the machine users can be reached while in the state.
  - f. Payment of the annual reciprocity fee prescribed in chapter 33-10-11.
2. If, for a specific case, the three-day notification period would impose an undue hardship on the person, upon application to the department, permission to proceed sooner may be granted.
3. The person referred to in subsection 1 shall:
  - a. Comply with this article.
  - b. Supply the department with such other information as the department may request.

- c. Not operate within the state on a temporary basis in excess of one hundred eighty calendar days per year.
- d. Reapply for reciprocity privileges annually.

**History:** Amended effective October 1, 1982; June 1, 1986; June 1, 1992.

**General Authority:** NDCC 23-20.1-04, 23-20.1-04.5

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04