



North Carolina Department of Health and Human Services  
Division of Health Service Regulation

Pat McCrory  
Governor

Richard O. Brajer  
Secretary

Mark Payne  
Assistant Secretary for Audit and  
Health Service Regulation

**MEMORANDUM**

**DATE:** February 15, 2016

**TO:** Interested Parties

**FROM:** Nadine Pfeiffer, Rule-making Coordinator *NP*

**RE:** Proposed Adoption of Radiation Protection Rule  
10A NCAC 15, Section .1700 – Physical Protection of Category 1 and 2 Quantities of  
Radioactive Material

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to amend a permanent rule and adopt new rules. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal note that has been prepared in connection with the proposed rule. The rule is being adopted to be compatible with federal regulations in 10 CFR 37 on category 1 and category 2 radioactive materials sources to ensure safety of the citizens of North Carolina.

The North Carolina Radiation Protection Commission has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating the intent to proceed with the following rule-making actions for the Radiation Protection rule:

10A NCAC 15 .1701 Additional Requirements for Licensees Possessing Category 1 and  
Category 2 Quantities of Radioactive Material (Adopt)

In accordance with G.S. 150B-21.4, the Commission obtained approval of the fiscal note for this rule from the Office of State Budget and Management on December 17, 2015.

The proposed rule text will be published in the February 15, 2016 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <http://www.ncoah.com/rules/register>.

A public hearing is scheduled for April 8, 2016 at 10:00 a.m. in Room 131, Wright Building, 1201 Umstead Drive, Raleigh, NC 27603. The building is located on the Dorothea Dix Hospital campus. The Commission is accepting public comments on this rule and fiscal note from February 15, 2016 – April 15, 2016. Comments will also be accepted in person at the public hearing. The proposed effective date of this rule is June 1, 2016.



**Office of the Director**

<http://www.ncdhhs.gov/dhsr/>

Phone: 919-855-3750 / Fax: 919-733-2757

Location: 809 Ruggles Drive v Dorothea Dix Hospital Campus v Raleigh, N.C. 27603

Mailing Address: 2701 Mail Service Center • Raleigh, North Carolina 27699-2701

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A copy of the proposed rule, fiscal note, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at [www2.ncdhhs.gov/dhsr/ruleactions.html](http://www2.ncdhhs.gov/dhsr/ruleactions.html). If you have questions related to the proposed rule and fiscal note please contact the Radiation Protection Section at (919) 814-2250.

Should you have any questions regarding this memorandum please feel free to contact me at 855-3811.

cc: Dr. Carmine Plott, Chair, N.C. Radiation Protection Commission  
Mark Payne, Assistant Secretary for Audit and Health Service Regulation  
Joel Johnson, Assistant General Counsel, N.C. Department of Health & Human Services  
Lee Cox, Chief, Radiation Protection Section  
Diana Thompson, Radiation Protection Section