



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

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Drexdal Pratt
Division of Health Service Regulation

MEMORANDUM

TO: Office of State Budget & Management
FROM: Nadine Pfeiffer, DHSR Rule-making Coordinator
DATE: November 2, 2015
RE: Federal Certification for Radiation Protection Rule Amendments

Rule-making Coordinator's Certificate

As Required by GS 150B-19.1(g)
For Proposed Permanent and Temporary Rules Adopted to
Implement a Federal Law or which upon Receipt of Federal Funds is Conditioned

Regulation by the State of North Carolina of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of the "Agreement Between the United States Atomic Energy Commission and the State of North Carolina for Discontinuance of Certain Commission Regulatory and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended" under provisions of Public Law 86-373, as amended, and 10 CFR Part 150. The "United States Atomic Energy Commission" is now called the "United States Nuclear Regulatory Commission (USNRC).

Rule 10A NCAC 15 .1701 is proposed for adoption to be compatible with federal regulations 10 CFR 37 in its entirety except as follows (i.e. the following are omitted from the adoption): 10 CFR 37.1; 10 CFR 37.3; 10 CFR 37.7; 10 CFR 37.9; 10 CFR 37.11(a) and (b); 10 CFR 37.13; 10 CFR 37.71; 10 CFR 37.77(f); 10 CFR 37.105; 10 CFR 13.107; and 10 CFR 37.109 in compliance with North Carolina's agreement with the U.S. Nuclear Regulatory Commission. This rule applies to the required security practices of radioactive materials licensees in North Carolina that use radioactive materials of category 1 or category 2 level activity, as defined in 10 CFR 37.5. These are high activity sources that can cause harm if accessed by unauthorized individuals or lost.

The adoption of the above-named rule is necessary to comply with the Agreement and federal regulations, as the state is inspected regularly by the USNRC to ensure the compatibility of its regulations.



Office of the Director

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