



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**  
Division of Health Service Regulation

ROY COOPER • Governor  
MANDY COHEN, MD, MPH • Secretary  
MARK PAYNE • Director

**REPORT OF PUBLIC HEARING**  
**NOVEMBER 13, 2019**  
**10:00 A.M.**

**Division Staff Present:**

Nadine Pfeiffer, Rule-review Manager  
Diana Barbry, Rule Review Assistant  
James Albright, Radiation Protection Section

**Others Present:**

Robert McCoy, Armco Inspections

**1. Purpose of Hearing**

The purpose of this public hearing was to solicit verbal and/or written comments from the public on the proposed readoptions of the Radiation Protection rules 10A NCAC 15 .1102 and .1106.

**2. Hearing Summary**

The public hearing was opened by Nadine Pfeiffer at 10:00 a.m. There were no members of the public in attendance. The meeting was recessed at 10:01 a.m. for 20 minutes to allow for more members of the public to attend.

During the recess, one member of the public arrived. Mr. Robert McCoy representing Armco Inspections stated he wished to read a summary of his previously submitted written comments to the staff members present. Please see the attached written comments that have been submitted on behalf of Mr. McCoy and read by him at the hearing.

**3. Adjournment**

These written comments will be taken into consideration by the Agency. The hearing was adjourned at 10:28 a.m.

Respectfully Submitted,

Nadine Pfeiffer, Rule-review Manager  
November 13, 2019

Attachments

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION  
OFFICE OF THE DIRECTOR

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



Comments submitted by Mr. Robert McCoy:

- Shocked is the mildest adjective to describe my reaction to finding out that the fee for my nuclear materials license had gone up by over 400% in one year with no prior notice..
- I say no notice because had there been an effective notice, I would have made my thoughts clear at an earlier stage when the initial deliberations.
- At Mr. David Crowley's recommendation, I sent a letter to Mr. Lee Cox and subsequently to Ms. Nadine Pfeiffer that outlined my position on the increase along with some recommendations to rectify the situation in a more equitable fashion.
- If anyone wants a reference copy of the letter, I have three here..
- In order to minimize the time for my comments I have outlined the main points in the letter here and will read them:
  1. I understand that there is a shortfall in the operating capital at the radiation protection section and agree for multiple reasons that this needs to be fixed and that the cost should be fully shouldered by the entities that are supported by the Section.
  2. The across the board increase of over 400% for all licensees no matter the scope, or size of the licensee operation or cost to the Section for the licensee support is not justifiable. If one of your operating goals outside the safety of the citizens of north Carolina is to fairly support enterprise in the state of North Carolina.
  3. The fee for a nuclear materials license should be prorated to consider the amount of time required by the Section to support the specific licensee
  4. The proration formula should consider the number of gauges operated under the license as well as the type of gauge (number and type of emitter – neutron, gamma ray, etc). The proration formula might also easily consider the size of the business made possible by the possession of the license – size of business measured by annual taxable income that is available to the Section from the NCDR.

I appreciate the opportunity to express my thoughts on this matter and look forward to hearing the results of deliberations based on what has been presented here today – thanks very much