

REQUEST FOR TECHNICAL CHANGE

AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15 .1701

DEADLINE FOR RECEIPT: Wednesday, May 11, 2016

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 8 thru 9, this appears to be the first rule in this Chapter incorporating 10 CFR 37 and that should be clarified in this Rule. Please add "is hereby incorporated by reference," between "Part 37" and "including any"

Line 30, is the language "parts 1-50" an accurate statement? Should it just be the phrase "incorporated by this Rule"? Please clarify if necessary.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, April 26, 2016

1 10A NCAC 15 .1701 is adopted as published in NCR 30:16, pp. 1729-1730, as follows:

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3 **SECTION .1700 – PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF**
4 **RADIOACTIVE MATERIAL**
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6 **10A NCAC 15 .1701 ADDITIONAL REQUIREMENTS FOR LICENSEES POSSESSING CATEGORY 1**
7 **AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL**

8 (a) Licensees possessing an aggregate category 1 or category 2 quantity of radioactive material, as defined in 10 CFR
9 37.5, shall comply with the requirements for the physical protection program listed in 10 CFR Part 37, including any
10 subsequent amendments and editions, except as follows:

- 11 (1) 10 CFR 37.1;
12 (2) 10 CFR 37.3;
13 (3) 10 CFR 37.7;
14 (4) 10 CFR 37.9;
15 (5) 10 CFR 37.11(a) and (b);
16 (6) 10 CFR 37.13;
17 (7) 10 CFR 37.71;
18 (8) 10 CFR 37.77(f);
19 (9) 10 CFR 37.105;
20 (10) 10 CFR 37.107; and
21 (11) 10 CFR 37.109.

22 (b) In lieu of the address given in 10 CFR 37.27(c), licensees shall submit fingerprint cards or records to Director,
23 Division of Facilities and Security, U.S. NRC, 11545 Rockville Pike, Rockville, Maryland 20852-2738, ATTN:
24 Criminal History Program, Mail Stop T-03B46M.

25 (c) Licensee required reports of events or notifications in 10 CFR 37.41, 37.45, 37.57, 37.77(a) through (d), 37.81,
26 shall use the Agency contact information in Rule .0111 of this Chapter.

27 (d) A licensee transferring a category 1 or category 2 quantity of radioactive material to a licensee of the U.S. Nuclear
28 Regulatory Commission (NRC) or to an Agreement State of the NRC shall meet the license verification provisions
29 listed in Rule .0343 of this Chapter.

30 (e) The Code of Federal Regulations parts 1-50 may be obtained from the U.S. Government Publishing Office, P.O.
31 Box 979050 St. Louis, MO 63197-9000 for sixty-four dollars (\$64.00), and are available free of charge at
32 <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>.

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34 *History Note: Authority G.S. 104E-7;*
35 *Eff. June 1, 2016.*