

1 10A NCAC 15 .0113 is repealed through readoption as published in 37:08 NCR 633-639 as follows:

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3 **10A NCAC 15 .0113 CLASSIFICATION OF RADIOACTIVE MATERIAL**

4

5 *History Note: Authority G.S. 104E-15;*

6 *Eff. February 1, 1980;*

7 *Amended Eff. June 1, 1989;*

8 *Transferred and Recodified from 10 NCAC 3G .2214 Eff. January 4, 1990;*

9 *Amended Eff. May 1, 1993;*

10 *Transferred and Recodified from 15A NCAC 11 .0113 Eff. February 1, ~~2015~~ 2015;*

11 *Repealed Eff. May 1, 2023.*

1 10A NCAC 15 .0323 is readopted as published in 37:08 NCR 633-639 as follows:

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3 **10A NCAC 15 .0323** **SPECIFIC LICENSES: SEALED SOURCES IN INDUSTRIAL RADIOGRAPHY:**
4 **RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR**
5 **INDUSTRIAL RADIOGRAPHIC OPERATIONS**

6 In addition to the requirements set forth in Rule .0317 of this Section, a specific license for use of sealed sources in
7 industrial radiography shall be issued if:

- 8 (1) ~~The applicant has a program for training radiographers and radiographers' assistants to meet the~~
9 ~~requirements of this Rule and Rule .0510 of this Chapter and submits to the agency a schedule or~~
10 ~~description of such program which specifies the:~~
- 11 (a) ~~initial training;~~
 - 12 (b) ~~periodic training;~~
 - 13 (c) ~~on the job training;~~
 - 14 (d) ~~means to be used by the licensee to determine the radiographer's knowledge and~~
15 ~~understanding of and ability to comply with agency regulations and licensing requirements,~~
16 ~~and the operating and emergency procedures of the applicant; and~~
 - 17 (e) ~~means to be used by the licensee to determine the radiographer's assistant's knowledge and~~
18 ~~understanding of and ability to comply with the operating and emergency procedures of~~
19 ~~the applicant;~~
- 20 (2) ~~The applicant has established and submits to the agency satisfactory written operating and~~
21 ~~emergency procedures described in Rule .0513 of this Chapter;~~
- 22 (3) ~~The applicant has established and submits to the agency a description of its inspection program~~
23 ~~which is adequate to ensure that each radiographer and radiographer assistant follows the rules in~~
24 ~~this Chapter and the applicant's operating and emergency procedures.~~
- 25 (4) ~~The inspection program described in the applicant's procedures shall include:~~
- 26 (a) ~~observation of the performance of each radiographer and radiographer's assistant during an~~
27 ~~actual industrial radiographic operation at the intervals not to exceed six months; provided~~
28 ~~that, if a radiographer or a radiographer's assistant has not participated in a radiographic~~
29 ~~operation for more than six months since the last inspection, that individual's performance~~
30 ~~must be observed and recorded by a practical examination before the individual participates~~
31 ~~in a radiographic operation;~~
 - 32 (b) ~~in those operations where a single individual serves as both radiographer and Radiation~~
33 ~~Safety Officer, and performs all radiography operations, an inspection program is not~~
34 ~~required; and~~
 - 35 (c) ~~the retention of inspection records on the performance of radiographers or radiographers'~~
36 ~~assistants for three years;~~

1 ~~(5) The applicant submits to the agency a description of his overall organizational structure pertaining~~
2 ~~to the industrial radiography program, including specified delegations of authority and responsibility~~
3 ~~for operation of the program;~~

4 ~~(6) The applicant who desires to conduct his own leak tests has established procedures to be followed~~
5 ~~in leak testing sealed sources for possible leakage and contamination sufficient to detect 0.005~~
6 ~~microcuries of removable contamination on the source, and submits to the agency a description of~~
7 ~~the procedures, including:~~

8 ~~(a) instrumentation to be used;~~

9 ~~(b) method of performing tests, e.g., points on equipment to be tested and method of taking~~
10 ~~tests; and~~

11 ~~(c) pertinent experience of the person who will perform the test; and~~

12 ~~(7) The licensee conducts a program for inspection and maintenance of radiographic exposure devices~~
13 ~~and storage containers to assure proper functioning of components important to safety.~~

14 (a) Persons conducting industrial radiographic operations using radioactive materials shall comply with the
15 requirements of 10 CFR 34, which are hereby incorporated by reference including subsequent amendments and
16 editions, except for: 10 CFR 34.5, 34.8, 34.121, and 34.123.

17 (b) Applications required by 10 CFR 34.11 shall be made on forms provided by the agency. Applications and
18 supporting material shall be submitted to the agency at the address shown in Rule .0111 of this Chapter in lieu of the
19 NRC:

20 (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive
21 materials licenses, shall submit an Application for Radioactive Materials License. The instructions
22 for completing the application printed on the application form shall be followed. The following
23 information shall appear on the application:

24 (A) legal business name and mailing address;

25 (B) physical address(es) where radioactive material shall be used or possessed. The application
26 shall indicate if radioactive materials shall be used at temporary jobsites;

27 (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

28 (D) the name, telephone number, and e-mail address of the individual to be contacted about the
29 application. If this individual is same as the Radiation Safety Officer, the application may
30 so state;

31 (E) the application shall indicate if the application is for a new license, or for the renewal of an
32 existing license, by marking the corresponding check box;

33 (F) if the application is for the renewal of an existing license, the license number shall be
34 provided on the application;

35 (G) applicants shall indicate the type and category of license as shown on the form by marking
36 the corresponding check box; and

1 (H) the printed name, title, and signature of the certifying official. The certifying official shall
2 be an individual employed by the business or licensee, who is authorized by the licensee
3 to sign license applications on behalf of the business or licensee.

4 (2) Persons applying for an amendment to an existing license shall submit an Application for
5 Amendment of Radioactive Materials and Accelerator Licenses. The instructions for completing the
6 application printed on the application form shall be followed. The following information shall
7 appear on the application:

8 (A) the license number;

9 (B) amendment number of the current license;

10 (C) expiration date of the license;

11 (D) licensee name as it currently appears on the license;

12 (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

13 (F) the name, telephone number, and e-mail address of the individual to be contacted about the
14 application. If this individual is same as the Radiation Safety Officer, item 5b on the
15 application may be left blank;

16 (G) applicants shall provide a description of the action requested by marking the corresponding
17 checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief
18 description of the action requested in the space provided in item 6b;

19 (H) explanation of the action requested; and

20 (I) the printed name, title, and signature of the certifying official. The certifying official shall
21 be an individual employed by the business or licensee who is authorized by the licensee to
22 sign license applications on behalf of the business or licensee.

23 (3) Applications specified in this Rule are available at:
24 [www.ncradiation.net/rms/rmsforms2.htm\(Rev01\).htm](http://www.ncradiation.net/rms/rmsforms2.htm(Rev01).htm)

25 (c) Reports of leaking sealed sources required by 10 CFR 34.27 shall be made to the agency at the address shown in
26 Rule .0111 of this Chapter in lieu of the NRC.

27 (d) Notifications required by 10 CFR 34.101, including notifications of source disconnects, shall be made to the
28 agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC. In addition to the information required
29 by 10 CFR 34.101(b), notifications of devices with failed or worn through S-tubes shall contain the serial number and
30 storage location of the device, whether the device has been disposed of or returned to the manufacturer, and whether
31 personnel contamination occurred.

32 (e) Requests for exemption from the requirements of 10 CFR 34, incorporated by reference in this Rule, shall be made
33 to the agency as specified in Paragraph (b) of this Rule.

34
35 *History Note: Authority G.S. 104E-7; 104E-10(b);*
36 *Eff. February 1, 1980;*
37 *Amended Eff. April 1, 1999; June 1, 1989;*

1 *Transferred and Recodified from 15A NCAC 11 .0323 Eff. February 1, ~~2015~~ 2015;*
2 *Readopted Eff. May 1, 2023.*

1 10A NCAC 15 .0349 is repealed through readoption as published in 37:08 NCR 633-639 as follows:

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3 **10A NCAC 15 .0349 EXEMPTIONS: WASTE MANAGEMENT BY GENERATORS**

4

5 *History Note: Authority G.S. 104E-7(a)(10);*

6 *Eff. June 1, 1989;*

7 *Amended Eff. January 1, 1994;*

8 *Filed as a Temporary Amendment Eff. November 22, 1995, for a period of 180 days or until*
9 *the permanent rule becomes effective, whichever is sooner;*

10 *Amended Eff. May 1, 1996;*

11 *Transferred and Recodified from 15A NCAC 11 .0349 Eff. February 1, ~~2015~~ 2015;*

12 *Repealed Eff. May 1, 2023.*

1 10A NCAC 15 .1201 – .1202 are repealed through readoption as published in 37:08 NCR 633-639 as follows:

2

3 **10A NCAC 15 .1201 PURPOSE AND SCOPE**

4 **10A NCAC 15 .1202 DEFINITIONS**

5

6 *History Note: Authority G.S. 104E-2; 104E-3; 104E-5; 104E-7; 104E-10; 104E-10.1; 104E-10.2; 104E-25;*
7 *104E-26;*

8 *Eff. December 1, 1987;*

9 *Amended Eff. January 1, 1994; May 1, 1993; May 1, 1992; June 1, 1989;*

10 *Transferred and Recodified from 15A NCAC 11 .1201 - .1202 Eff. February 1, ~~2015~~ 2015;*

11 *Repealed Eff. May 1, 2023.*

1 10A NCAC 15 .1203 is readopted with changes as published in 37:08 NCR 633-639 as follows:

2
3 **10A NCAC 15 .1203 LICENSE ~~REQUIRED~~ REQUIRED: LAND DISPOSAL OF LOW-LEVEL**
4 **RADIOACTIVE WASTE**

5 ~~(a) No person may receive, possess, and dispose of waste from other persons at a land disposal facility unless~~
6 ~~authorized by a license issued by the agency pursuant to the rules in this Section and the rules in Section .0300 of this~~
7 ~~Chapter.~~

8 ~~(b) Each person shall file an application with the agency pursuant to Rule .0317 of this Chapter and obtain a license~~
9 ~~as provided in this Section before commencement of construction of a land disposal facility. Failure to comply with~~
10 ~~this requirement may be grounds for denial of a license.~~

11 (a) This Rule establishes the procedures, standards, criteria, and terms and conditions upon which the Department
12 issues licenses authorizing land disposal of low-level radioactive waste received from other persons for disposal.

13 (1) No person may receive, possess, and dispose of low-level radioactive waste at a land disposal facility
14 located in North Carolina unless authorized by a license issued by the Department pursuant to this
15 Rule.

16 (2) No low-level radioactive waste shall be received from any source not licensed by the agency except
17 as may be specifically authorized in writing by the agency.

18 (3) The regulations in 10 CFR 61 which are hereby incorporated by reference, including subsequent
19 amendments and editions, except that 10 CFR 61.5, 61.8, 61.16, 61.23(i) and (j), 61.83, and 61.84
20 are not incorporated by reference. Communications, records, reports, and notifications required by
21 10 CFR 61.4 and 61.80 shall be submitted to the agency at the address shown in Rule .0111 of this
22 Chapter in lieu of the NRC.

23 (4) The requirements found in G.S. 104E-6.1, 104E-10.1(a), (a1), and (b), 104E-10.2, 104E-25(a), (c)
24 through (h), and (j) shall be met.

25 (5) In addition to the definitions found in 10 CFR 61.2, the definitions in G.S. 104E-5 shall apply.
26 [Where terms are defined by both the regulations and the General Statutes, the definition in the
27 General Statutes shall prevail, except as stated by G.S. 104E-5. apply to the General Statutes cited
28 in this Rule.]

29 (6) The agency may access and inspect any licensed low-level radioactive waste disposal facility on a
30 temporary or emergency basis in its discretion.

31 (b) This Rule establishes the procedures, criteria, and terms and conditions upon which the agency issues licenses
32 authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph (a) of this Rule.

33 (1) No person shall transport or transfer waste to a low-level radioactive waste land disposal facility
34 licensed under Paragraph (a) of this Rule unless licensed by the agency or otherwise specifically
35 authorized in writing by the agency.

36 (2) The definitions of terms in G.S. 104E-5 shall apply.

1 (3) Generators, waste brokers, and waste processors of low-level radioactive waste shall develop
2 procedures and implement practices to prevent, minimize, and reduce the generation of low-level
3 radioactive waste, including segregating radioactive waste by half-life and holding low-level
4 radioactive waste for decay in storage.

5 (4) Upon receipt of an application for a license authorizing access to low-level radioactive waste land
6 disposal facilities licensed under Paragraph (a) of this Rule, the agency shall review the contents of
7 the application and determine if the applicant's facilities, staffing, equipment, and procedures are
8 adequate to protect the health and safety of the public and occupationally exposed workers, and if
9 the requirements in Subparagraph (b)(3) of this Rule are met. If the agency determines that the
10 applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and
11 safety of the public and occupationally exposed workers, and that the applicant's procedures and
12 practices prevent, minimize and reduce the generation of low-level radioactive waste, the agency
13 shall issue a license as described in this Rule.

14 (5) Licenses issued under this Rule are subject to suspension or revocation at the discretion of the
15 agency for any reason, including, but not limited to:

16 (A) Deliberate misconduct by any employee or agent acting on behalf of the licensee that
17 causes, or would have caused if not detected, a licensee to be in violation of any rule; or
18 any term, condition, or limitation of any license issued by the agency.

19 (B) Deliberately submitting information that the person submitting the information knows to
20 be incomplete or inaccurate on any shipping manifest used for the transportation of low-
21 level radioactive waste for disposal at a facility licensed under Paragraph (a) of this Rule.

22 (C) Failure to pay license fees as instructed on an invoice issued by the agency.

23 (6) Licenses issued by the agency may be inspected by authorized representatives of the Department as
24 permitted by G.S. 104E-11(a). For licenses issued to licensees located outside of the jurisdiction of
25 the Department, the Department may delegate this authority to individuals representing the radiation
26 control programs within those jurisdictions.

27 (c) Applications required by this Rule shall be made on forms provided by the agency, and the payment of fees
28 required by 10 CFR 61.20(c) shall not apply. Applications and supporting material shall be submitted to the agency
29 at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

30 (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive
31 materials licenses, shall submit an Application for Radioactive Materials License. The instructions
32 for completing the application printed on the application form shall be followed. The following
33 information shall appear on the application:

34 (A) legal business name and mailing address;

35 (B) physical address(es) where radioactive material shall be used or possessed. The application
36 shall indicate if radioactive materials shall be used at temporary jobsites;

37 (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

1 (D) the name, telephone number, and e-mail address of the individual to be contacted about the
2 application. If this individual is same as the Radiation Safety Officer, the application may
3 so state;

4 (E) the application shall indicate if the application is for a new license, or for the renewal of an
5 existing license, by marking the corresponding check box;

6 (F) if the application is for the renewal of an existing license, the license number shall be
7 provided on the application;

8 (G) applicants shall indicate the type and category of license as shown on the form by marking
9 the corresponding check box; and

10 (H) the printed name, title, and signature of the certifying official. The certifying official shall
11 be an individual employed by the business or licensee, who is authorized by the licensee
12 to sign license applications on behalf of the business or licensee.

13 (2) Persons applying for an amendment to an existing license shall submit an Application for
14 Amendment of Radioactive Materials and Accelerator Licenses. The instructions for completing the
15 application printed on the application form shall be followed. The following information shall
16 appear on the application:

17 (A) the license number;

18 (B) amendment number of the current license;

19 (C) expiration date of the license;

20 (D) licensee name as it currently appears on the license;

21 (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

22 (F) the name, telephone number, and e-mail address of the individual to be contacted about the
23 application. If this individual is same as the Radiation Safety Officer, item 5b on the
24 application may be left blank;

25 (G) applicants shall provide a description of the action requested by marking the corresponding
26 checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief
27 description of the action requested in the space provided in item 6b;

28 (H) explanation of the action requested; and

29 (I) the printed name, title, and signature of the certifying official. The certifying official shall
30 be an individual employed by the business or licensee who is authorized by the licensee to
31 sign license applications on behalf of the business or licensee.

32 (3) Application forms specified in this Rule shall be made available by the agency on the agency's
33 public website.

34 (d) Nothing in this Rule shall relieve any person of responsibility for complying with other applicable North Carolina
35 laws and rules.

36

1 *History Note:* *Authority G.S. 104E-5; 104E-6.1; 104E-7;104E-10(b); 104E-10.1; 104E-10.2; 104E-10.3; 104E-*
2 *11; 104E-18; 104E-25; 104E-26; 104E-27;*
3 *Eff. December 1, 1987;*
4 *Amended Eff. May 1, 1993;*
5 *Transferred and Recodified from 15A NCAC 11 .1203 Eff. February 1, ~~2015~~. 2015;*
6 *Readopted Eff. May 1, 2023.*

1 10A NCAC 15 .1204 – .1231 are repealed through readoption as published in 37:08 NCR 633-639 as follows:

2

3	10A NCAC 15 .1204	CONTENT OF APPLICATION
4	10A NCAC 15 .1205	GENERAL INFORMATION
5	10A NCAC 15 .1206	SPECIFIC TECHNICAL INFORMATION
6	10A NCAC 15 .1207	ENVIRONMENTAL INFORMATION
7	10A NCAC 15 .1208	TECHNICAL AND ENVIRONMENTAL ANALYSES
8	10A NCAC 15 .1209	INSTITUTIONAL INFORMATION
9	10A NCAC 15 .1210	FINANCIAL INFORMATION
10	10A NCAC 15 .1211	FILING AND DISTRIBUTION OF APPLICATION
11	10A NCAC 15 .1212	ELIMINATION OF REPETITION
12	10A NCAC 15 .1213	UPDATING OF APPLICATION
13	10A NCAC 15 .1214	STANDARDS FOR ISSUANCE OF A LICENSE
14	10A NCAC 15 .1215	CONDITIONS OF LICENSE
15	10A NCAC 15 .1216	AMENDMENT OF LICENSE
16	10A NCAC 15 .1217	APPLICATION FOR RENEWAL OR CLOSURE
17	10A NCAC 15 .1218	CONTENTS OF APPLICATION FOR CLOSURE
18	10A NCAC 15 .1219	POSTCLOSURE OBSERVATION AND MAINTENANCE
19	10A NCAC 15 .1220	TRANSFER OF LICENSE
20	10A NCAC 15 .1221	TERMINATION OF LICENSE
21	10A NCAC 15 .1222	PERFORMANCE OBJECTIVES: GENERAL REQUIREMENT
22	10A NCAC 15 .1223	PROTECTION OF POPULATION FROM RELEASES OF RADIOACTIVITY
23	10A NCAC 15 .1224	PROTECTION OF INDIVIDUALS FROM INADVERTENT INTRUSION
24	10A NCAC 15 .1225	PROTECTION OF INDIVIDUALS DURING OPERATIONS
25	10A NCAC 15 .1226	STABILITY OF THE DISPOSAL SITE AFTER CLOSURE
26	10A NCAC 15 .1227	TECHNICAL REQUIREMENTS FOR LAND DISPOSAL FACILITIES
27	10A NCAC 15 .1228	DISPOSAL SITE SUITABILITY REQUIREMENTS
28	10A NCAC 15 .1229	SITE DESIGN FOR LAND DISPOSAL
29	10A NCAC 15 .1230	FACILITY OPERATION AND DISPOSAL SITE CLOSURE
30	10A NCAC 15 .1231	ENVIRONMENTAL MONITORING

31

32 *History Note:* Authority G.S. 104E-5; 104E-6.1; 104E-7; 104E-9(3); 104E-9(a)(3); 104E-10; 104E-10.1; 104E-
 33 10.2; 104E-10(b); 104E-12; 104E-13(a); 104E-15; 104E-16; 104E-18; 104E-25; 104E-26; 104G-
 34 13; 104G-14; 150B-19(6); 10 C.F.R. Chapter 1, Commission Notices, Policy Statements, Agreement
 35 States, 46 F.R. 7540
 36 Eff. December 1, 1987;
 37 Amended Eff. January 1, 1994; June 1, 1993; May 1, 1993; May 1, 1992; June 1, 1989;

1 *Transferred and Recodified from 15A NCAC 11 .1204 - .1231 Eff. February 1, ~~2015~~ 2015;*
2 *Repealed Eff. May 1, 2023.*

1 10A NCAC 15 .1233 – .1242 are repealed through readoption as published in 37:08 NCR 633-639 as follows:

2

3	10A NCAC 15 .1233	WASTE CLASSIFICATION AND CHARACTERISTICS
4	10A NCAC 15 .1234	INSTITUTIONAL REQUIREMENTS
5	10A NCAC 15 .1235	APPLICANT QUALIFICATIONS AND ASSURANCES
6	10A NCAC 15 .1236	FUNDING OF CLOSURE: STABILIZATION: INSTITUTIONAL CONTROLS
7	10A NCAC 15 .1237	RECORDS: REPORTS: TESTS: AND INSPECTIONS
8	10A NCAC 15 .1238	MAINTENANCE OF RECORDS: REPORTS AND TRANSFERS
9	10A NCAC 15 .1239	TESTS AT LAND DISPOSAL FACILITIES
10	10A NCAC 15 .1240	AGENCY INSPECTIONS OF LAND DISPOSAL FACILITIES
11	10A NCAC 15 .1241	INSPECTION
12	10A NCAC 15 .1242	NOTIFICATIONS AND REPORTS

13

14 *History Note: Authority G.S. 104E-6.1; 104E-7; 104E-9(3); 104E-9(a)(3); 104E-10(b); 104E-10.1; 104E-10.2;*
15 *104E-11; 104E-12; 104E-15; 104E-16; 104E-17; 104E-18; 104E-19(b); 104E-25; 104E-26;*
16 *Eff. December 1, 1987;*
17 *Amended Eff. January 1, 1994; May 1, 1993;*
18 *Transferred and Recodified from 15A NCAC 11.1233 - .1242 Eff. February 1, ~~2015~~ 2015;*
19 *Repealed Eff. May 1, 2023.*

1 10A NCAC 15 .1501 – .1517 are repealed through readoption as published in 37:08 NCR 633-639 as follows:

2

3 **10A NCAC 15 .1501 PURPOSE AND SCOPE**

4 **10A NCAC 15 .1502 DEFINITIONS**

5 **10A NCAC 15 .1503 LICENSE REQUIRED**

6 **10A NCAC 15 .1504 APPLICATION FOR SITE ACCESS LICENSE: GENERAL REQUIREMENTS**

7 **10A NCAC 15 .1505 APPLICATION FOR SITE ACCESS LICENSE - WASTE GENERATORS**

8 **10A NCAC 15 .1506 CONTENT OF APPLICATION FOR WASTE COLLECTORS**

9 **10A NCAC 15 .1507 CONTENT OF APPLICATION FOR WASTE PROCESSORS**

10 **10A NCAC 15 .1508 CERTIFICATION OF COMPLIANCE WITH APPLICABLE REQUIREMENTS**

11 **10A NCAC 15 .1509 PRIOR NOTIFICATION FOR WASTE SHIPMENTS**

12 **10A NCAC 15 .1510 RADIOACTIVE SHIPMENT MANIFEST**

13 **10A NCAC 15 .1511 FINANCIAL QUALIFICATIONS AND REQUIREMENTS**

14 **10A NCAC 15 .1512 WASTE MANAGEMENT AND REDUCTION REQUIREMENTS**

15 **10A NCAC 15 .1513 ISSUANCE AND EXPIRATION OF SITE ACCESS LICENSES**

16 **10A NCAC 15 .1514 SITE ACCESS LICENSE RENEWAL**

17 **10A NCAC 15 .1515 SITE ACCESS LICENSE AMENDMENT**

18 **10A NCAC 15 .1516 MODIFICATION, REVOCATION, AND TERMINATION OF LICENSES**

19 **10A NCAC 15 .1517 TEMPORARY OR EMERGENCY ACCESS**

20

21 *History Note: Authority G.S. 104E-5; 104E-7; 104E-10.3; 104E-18; 104E-27; 104E-29; 132-1.2;*

22 *Eff. January 1, 1995;*

23 *Transferred and Recodified from 15A NCAC 11 .1501 - .1517 Eff. February 1, ~~2015~~ 2015;*

24 *Repealed Eff. May 1, 2023.*

1 10A NCAC 15 .1650 – .1652 are repealed through readoption as published in 37:08 NCR 633-639 as follows:

2

3 **10A NCAC 15 .1650 CLASSIFICATION/RADIOACTIVE WASTE FOR NEAR-SURFACE DISPOSAL**

4 **10A NCAC 15 .1651 RADIOACTIVE WASTE CHARACTERISTICS**

5 **10A NCAC 15 .1652 LABELING**

6

7 *History Note: Authority G.S. 104E-7(a)(2);*

8 *Eff. January 1, 1994;*

9 *Transferred and Recodified from 15A NCAC 11 .1650 - .1652 Eff. February 1, ~~2015~~ 2015;*

10 *Repealed Eff. May 1, 2023.*

1 10A NCAC 15 .1701 is amended with changes as published in 37:08 NCR 633-639 as follows:

2
3 **10A NCAC 15 .1701 ADDITIONAL REQUIREMENTS FOR LICENSEES POSSESSING CATEGORY**
4 **1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL**

5 (a) Licensees possessing an aggregate category 1 or category 2 quantity of radioactive material, as defined in 10 CFR
6 37.5, shall comply with the requirements for the physical protection program listed in 10 CFR Part 37, which is hereby
7 incorporated by reference, including any subsequent amendments and editions, except as follows:

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

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

22 ~~(e)(b)~~ Licensee required reports of events or notifications in 10 CFR **37.23(b)(2)**, 37.41, 37.45, 37.57, 37.77(a)
23 through (d), **37.81**, **and 37.81** shall use the Agency contact information in Rule .0111 of this Chapter.

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

27 ~~(e)(c)~~ The Code of Federal Regulations incorporated by this Rule ~~may be obtained from the U.S. Government~~
28 ~~Publishing Office, P.O. Box 979050 St. Louis, MO 63197 9000 for sixty four dollars (\$64.00), and are available free~~
29 ~~of charge at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>. [https://www.ecfr.gov/current/title-10/chapter-I/part-](https://www.ecfr.gov/current/title-10/chapter-I/part-37)~~
30 ~~[37](http://www.ecfr.gov/cgi-bin/ECFR?page=browse).~~

31
32 *History Note: Authority G.S. 104E-7;*
33 *Eff. June 1, 2016- 2016;*
34 *Amended Eff. May 1, 2023.*