

**Fiscal Impact Analysis of
Permanent Rule Readoption and Permanent Rule Amendment
without Substantial Economic Impact**

Agency Proposing Rule Change

DHHS/Division of Health Service Regulation

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Impact Summary

Federal Government: No Impact

State Government: No Impact

Local Government: No Impact

Regulated Community: Minimal Impact

Substantial Impact: No

Titles of Rule Changes

Rule Readoption:

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

10A NCAC 15 .1203 LICENSE REQUIRED

Rule Amendment:

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

*See text in Appendix

Authorizing Statutes

G.S. 104E-5, 104E-6.1, 104E-7, 104E-10(b), 104E-10.1; 104E-10.2; 104E-10.3; 104E-11; 104E-18; 104E-25; 104E-26; 104E-27

Background

The rules in 10A NCAC 15 regulate the use of radioactive materials in the State of North Carolina pursuant to G.S 104E. Rule .0323 from Section .0300 of Chapter 15 regulates industrial radiographic activities using radioactive sealed sources. Rule .1203 from Section .1200 of Chapter 15 regulates the licensing of a low-level radioactive waste (LLRW) disposal facility within the State and provides for site access licenses to such a facility. Rule .1701 from Section .1700 of Chapter 15 delineates the security requirements for licensees possessing certain types and quantities of radioactive material that the U.S. Nuclear Regulatory Commission (USNRC) has determined pose a significant risk to the public if they were to be used by terrorists against the United States.

Rules .0323 and .1203 are both readoptions. Rule .1701 is an amendment to bring that Rule into compatibility with the federal regulations found in 10 CFR 37.

Under authority of G.S 150B-21.3A, Periodic review and expiration of existing rules, DHHS/DHSR and the Radiation Protection Commission submitted a report to the Rules Review Commission and the Joint Legislative Administrative Procedure Oversight Committee. This report was approved and the reoption schedule set at the July 18, 2019, meeting of the Rules Review Commission. All of the rules in Chapter 15 were determined to be 'necessary with substantive public interest' during the periodic review.

As mandated by G.S. 150B-19.(4) the agency may not adopt a rule that repeats the content of a law, a rule, or a federal regulation. Prior to this rule making effort, Rule .0323 repeated federal regulations found in 10 CFR 34, and Rule .0113 found in Section .0100, Rule .0349 found in Section .0300, the Rules in Section .1200, and Rules .1650, .1651, and .1652 repeated federal regulations found in 10 CFR 61, with the caveat that references to the USNRC were revised to refer to the Radiation Protection Section (the agency) along with corresponding changes in address to the agency and not the USNRC. To comply with the prohibition against repeating the content of a federal regulation, the agency and the Radiation Protection Commission is adopting 10 CFR 34 and 10 CFR 61 by reference, including subsequent amendments and editions. In the interest of brevity and making compliance easier for the regulated community, the federal regulations are incorporated by reference in two individual rules instead of across multiple rules. This will result in a single rule for industrial radiography that is found in Section .0300, and a single rule for licensing LLRW disposal facilities that is found in Section .1200. The rules that will no longer be necessary, .0113, .0349, .1201, .1202, .1204 - .1231, .1233 - .1242, .1650, 1651, and .1652, are being repealed during this rulemaking.

Rule .1203 will also serve as the repository for the LLRW site access licensing requirements currently found in Section .1500. These rules are required by G.S. 104E-10.3, with additional authority and requirements found in G.S. 104E-5, 104E-7, 104E-18, 104E-27, and 104E-29, and are not federal regulations. The agency is taking this opportunity to summarize the requirements in Section .1500 and is moving them to Rule .1203 to clarify the requirements for LLRW land disposal during this reoption. With this rulemaking, the Rules in Section .1500 will no longer be necessary, so all the rules in that Section, .1501 - .1517, are being repealed during the reoption of .1203.

Rule .1701 already incorporates the federal regulations found in 10 CFR 37. As previously noted, this rulemaking is an amendment and not a reoption of this rule. This amendment is required to bring Rule .1701 into compatibility with the federal regulations. This rulemaking complies with the prohibition against repeating the content of a federal regulation found in G.S. 150B-19.(4) and incorporates the federal regulations by reference mandated by G.S. 150B-21.6.

Rule Changes and Anticipated Fiscal Impact

10A NCAC 15 .0323 Specific Licenses: Sealed Sources in Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations

The agency and the Radiation Protection Commission are proposing to readopt this rule with substantive changes. The proposed rule removes the training requirements for radiographers and assistant radiographers, the requirement to submit operating, emergency, inspection, leak testing procedures, and the requirement for licensees to submit their organizational structure to the agency. This is followed by insertion of new rule language stating that the regulations in 10 CFR 34, except for 10 CFR 34.5, 34.8, 34.121, and 34.123 shall apply to activities authorized by this rule. The regulations in 10 CFR 34 that are being incorporated by reference apply to the same regulated parties (radiographers) and are nearly identical to the requirements being struck from Rule .0323. As such, there will be no change to the regulated community as a result of this proposed rule change. The regulations in 10 CFR 34 that are noted as excluded in the proposed rule are USNRC and federal government practices that the state does not practice or are related to violations and criminal penalties that are handled under G.S. 104E, rather than by rule.

None of the proposed changes to Rule .0323 will impose additional burdens on the regulated community or require any changes to the operations of federal, state or local government. The only change of note to this Rule pertains to listing out the contents required on the application form (see .0323(b)). All applicants for new licenses, and for the renewal or amendment of existing licenses, have been required to provide this information since at least the early 1990s. The inclusion of this information in the Rule is an administrative change that will provide clarity to the regulated community thereby making compliance with the rule easier. This should translate into less time spent by the regulated community on the license application process as well as less time spent by regulatory staff providing technical assistance and reviewing license applications. The amount of time saved will be negligible and will not represent a significant financial benefit; however, it is noted here for completeness.

10A NCAC 15 .1203 License Required

The agency and the Radiation Protection Commission are proposing to readopt this rule with substantive changes. The restriction against disposing LLRW at a land disposal facility is reworded for clarity and moved within the rule. The written requirement to submit an application to the agency prior to beginning construction is removed from the rule because it repeats the federal regulations found in 10 CFR 61.3. New additions to the rule include the incorporation by reference of 10 CFR 61, except for 10 CFR 61.5, 61.8, 61.16, 61.23(i) and (j), 61.83, and 61.84 that are not incorporated by reference; the addition of references to the General Statutes in 104E containing requirements for licensing a LLRW disposal facility that are in addition to the requirements found in 10 CFR 61; and the licensing requirements for access to a LLRW facility licensed under Section .1200 that are found in Section .1500. The regulations in 10 CFR 61 that are being incorporated by reference apply to the same regulated parties (persons applying to dispose of or receive low-level radioactive waste at a land disposal facility located in North Carolina) and are nearly identical to the requirements being struck from Rule .1203. As such, there will be no change to the regulated community as a result of this proposed rule change. The regulations in 10 CFR 61 that are noted as excluded in the proposed rule are USNRC and federal government practices that the state does not practice or are related to violations and criminal penalties that are handled under G.S. 104E, rather than by rule.

The regulatory requirements remain unchanged in the proposed rule from those existing in the current rules in Sections .1200 and .1500. None of the proposed changes to Rule .1203 will impose additional burdens on the regulated community or require any changes to the operations of federal, state or local government. The only change of note to this Rule pertains to listing out the contents required on the application form (see .1203(c)). All applicants for new licenses, and for the renewal or amendment of existing licenses, have been required to provide this information since at least the early 1990s. The inclusion of this information in the Rule is an administrative change that will provide clarity to the regulated community thereby making compliance with the rule easier. This should translate into less time spent by the regulated community on the license application process as well as less time spent by regulatory staff providing technical assistance and reviewing license applications. The amount of time saved will be negligible and will not represent a significant financial benefit; however, it is noted here for completeness.

It should be noted that there are currently no licensees holding LLRW disposal facility licenses, and no licensees holding LLRW disposal site access licenses in North Carolina. The North Carolina General Assembly indicated its opposition to the establishment of a LLRW disposal facility in North Carolina when it passed Session Law 1999-357, Senate Bill 247, which withdrew North Carolina from the Southeast Interstate LLRW Management Compact (Compact) and dissolved the LLRW Management Authority (LLRWMA). In addition, the agency's authority to issue licenses for these activities is restricted by G.S. 104E-7.(b). G.S. 104E-7.(b) states that the issuance of a radioactive materials license for a LLRW disposal facility requires authorization by the General Assembly. Given that the General Assembly withdrew from the Compact, dissolved the LLRWMA, and repealed the General Statutes authorizing membership in the Compact and establishing and empowering the LLRWMA (G.S. 104F and G.S. 104G, respectively) it is unlikely that any license will be issued for activities formerly regulated by the rules in Sections .1200 or .1500, or the associated rules in Sections .0100, .0300, or .1600 in the foreseeable future.

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

The agency and the Radiation Protection Commission are proposing to amend this rule with substantive changes. 10 CFR 37.71 and 37.77(f), which were formerly excluded from incorporation by reference in .1701(a), are now included in the incorporation by reference (by removing them from the list of federal regulations that are excluded from incorporation by reference). Other changes being made in the rule include the removal of the address where fingerprint cards or records are to be sent, the replacement of the requirement in .1701(d) for the sender to verify the recipient's license prior to transferring radioactive material regulated under 10 CFR 37 to the recipient with the more restrictive 10 CFR 37 requirement, and revision of the address for obtaining copies of 10 CFR 37.

10 CFR 37.71 is being incorporated by reference because it is required to maintain compatibility with the federal regulations, and to meet the expectations of the Agreement States Program. 10 CFR 37.71 regulates the transfer of radioactive material of the types and quantities meeting the requirements for special security measures under 10 CFR 37.

10 CFR 37.77(f) is being incorporated by reference because it is required to maintain compatibility with the federal regulations, and the expectations of the Agreement States Program. 10 CFR 37.77(f) imposes the same requirements for protecting information concerning shipments of Category 1 and Category 2

types and quantities of radioactive material on the public and state and local government officials as 10 CFR 37.43(d) places on licensees to protect security-related information. The agency's authority to enforce these provisions already exist in G.S. 104E-24. and G.S. 104E-29. G.S. 104E-24.(a) authorizes the agency to impose administrative penalties on any person who fails to comply with G.S. 104E or the rules adopted under the authority of G.S. 104E. G.S. 104E-29.(a)(2) requires the Department to protect information that is confidential under federal law. G.S 104E-29.(c) states the penalties for knowingly improperly disclosing confidential information by any officer or employee of the state. The adoption by reference of 10 CFR 37.77(f) does not change the ability of the agency to enforce the rules in 10A NCAC 15 when individual members of the public (whether licensees or not) violate those rules. Nor does its adoption change the requirement for state officials and employees of the state to protect confidential information. As such, there is no anticipated impact from this rule change.

Paragraph .1701(d) is proposed to be deleted because is not compatible with the current federal regulations. Rule .0343, which is referred to in Paragraph .1701(d), has requirements that differ from the provisions of 10 CFR 37.71, which is being incorporated by reference as previously discussed. The principal difference between the requirements of 10 CFR 37.71 and Rule .0343 – and why Rule .0343 does not meet the standard required by USNRC – is that Rule .0343 does not require the sender to contact the recipient's regulator to verify the recipient's authority to possess radioactive material requiring the special security measures in 10 CFR 37 prior to transferring that material to the recipient. Incorporating 10 CFR 37.71 by reference will bring this rule into compatibility with the federal regulations along with the deletion of Paragraph .1701(d).

The incorporation by reference of 10 CFR 37.71 during the amendment of Rule .1701 as proposed is not anticipated to create a fiscal impact on federal, state, local government, or the regulated community. Nation-wide, licensees possessing the types and quantities of radioactive material requiring special security measures have been following 10 CFR 37.71 since the regulation was amended by the USNRC in 2015. This rule change brings the rule into compatibility with federal regulatory requirements and into alignment with current practices and agency expectations for licensee performance. The agency's conclusion that there is no anticipated fiscal impact due to this rule change is assessed as follows:

There is no fee charged by state or federal regulators for confirmation that a licensee is authorized to possess radioactive material under 10 CFR 37. License confirmation may be done by contacting the relevant state or federal regulator by telephone, secure e-mail, or through the USNRC's web-based licensing system (WBL). WBL is a national database that is available to the public and state and local government officials free of charge by registering with the USNRC. The cost to the federal government for maintaining WBL is not considered for this analysis because WBL is used by the federal government for a variety of purposes, such as licensing, inspections, and incident response, not just for confirming a licensee's possession limits. In any event, the cost to the state and federal government to respond to license verification requests are minimal because staff are tasked with other regulatory duties and requests to confirm a licensee's possession limits are uncommon and usually take only a few minutes to perform.

Paragraph .1701(e), renumbered as Paragraph .1701(c) in the proposed rule amendment, is being revised to reflect a more convenient address for obtaining copies of 10 CFR 37. These regulations can be obtained for free online, so the address of the U.S. Government Publishing Office is unnecessary and has been removed from the rule. Also, the previous internet address to get free copies of 10 CFR 37 was to a site that required the user to look up the regulatory reference for 10 CFR 37. The new address takes the user

directly to that set of federal regulations. The opportunity costs savings for this convenience are expected to be negligible.

Please note that there are no requirements to apply for a license in 10 CFR 37. The additional security measures in 10 CFR 37 become effective when possession of the requisite material is obtained or requested during a licensing action. For this reason, there is no addition to the rule describing the information required on an application. Other changes to .1701 include renumbering the rule for readability; these administrative changes are not anticipated to have a fiscal impact.

Summary

The proposed rule changes are largely for the purpose of updating the rules to comply with current federal regulations regarding the licensing and handling of radioactive material. None of the proposed changes will result in additional burdens to the regulated community, nor will they result in changes to operations for local, state, or federal government. The improved clarity of the rules could result in time savings related to the application process for the regulated community and state regulators; however, these time savings are expected to be very minimal.

Appendix

10A NCAC 15 .0323 is proposed for readoption with substantive changes as follows:

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

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

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

- ~~(5) The applicant submits to the agency a description of his overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program;~~
- ~~(6) The applicant who desires to conduct his own leak tests has established procedures to be followed in leak testing sealed sources for possible leakage and contamination sufficient to detect 0.005 microcuries of removable contamination on the source, and submits to the agency a description of the procedures, including:
 - ~~(a) instrumentation to be used;~~
 - ~~(b) method of performing tests, e.g., points on equipment to be tested and method of taking tests; and~~
 - ~~(c) pertinent experience of the person who will perform the test; and~~~~
- ~~(7) The licensee conducts a program for inspection and maintenance of radiographic exposure devices and storage containers to assure proper functioning of components important to safety.~~

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

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

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The instructions for completing the application printed on the application form shall be followed. The following information shall appear on the application:
 - (A) legal business name and mailing address;
 - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
 - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
 - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application may so state;
 - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
 - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
 - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and

- (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The instructions for completing the application printed on the application form shall be followed. The following information shall appear on the application:
- (A) the license number;
- (B) amendment number of the current license;
- (C) expiration date of the license;
- (D) licensee name as it currently appears on the license;
- (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;
- (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
- (H) explanation of the action requested; and
- (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Applications specified in this Rule are available at:
[www.ncradiation.net/rms/rmsforms2.htm\(Rev01\).htm](http://www.ncradiation.net/rms/rmsforms2.htm(Rev01).htm)

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

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

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

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

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

10A NCAC 15 .1203 is proposed for readoption with substantive changes as follows:

10A NCAC 15 .1203 LICENSE REQUIRED

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

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

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

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

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

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

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

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

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

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

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

- (2) The definitions of terms in G.S. 104E-5 shall apply.
 - (3) Generators, waste brokers, and waste processors of low-level radioactive waste shall develop procedures and implement practices to prevent, minimize, and reduce the generation of low-level radioactive waste, including segregating radioactive waste by half-life and holding low-level radioactive waste for decay in storage.
 - (4) Upon receipt of an application for a license authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph (a) of this Rule, the agency shall review the contents of the application and determine if the applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and safety of the public and occupationally exposed workers, and if the requirements in Subparagraph (b)(3) of this Rule are met. If the agency determines that the applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and safety of the public and occupationally exposed workers, and that the applicant's procedures and practices prevent, minimize and reduce the generation of low-level radioactive waste, the agency shall issue a license as described in this Rule.
 - (5) Licenses issued under this Rule are subject to suspension or revocation at the discretion of the agency for any reason, including, but not limited to:

 - (A) Deliberate misconduct by any employee or agent acting on behalf of the licensee that causes, or would have caused if not detected, a licensee to be in violation of any rule; or any term, condition, or limitation of any license issued by the agency.
 - (B) Deliberately submitting information that the person submitting the information knows to be incomplete or inaccurate on any shipping manifest used for the transportation of low-level radioactive waste for disposal at a facility licensed under Paragraph (a) of this Rule.
 - (C) Failure to pay license fees as instructed on an invoice issued by the agency.
 - (6) Licenses issued by the agency may be inspected by authorized representatives of the Department as permitted by G.S. 104E-11(a). For licenses issued to licensees located outside of the jurisdiction of the Department, the Department may delegate this authority to individuals representing the radiation control programs within those jurisdictions.
- (c) Applications required by this Rule shall be made on forms provided by the agency, and the payment of fees required by 10 CFR 61.20(c) shall not apply. Applications and supporting material shall be submitted to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC:
- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The instructions for completing the application printed on the application form shall be followed. The following information shall appear on the application:

 - (A) legal business name and mailing address;
 - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;

- (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
 - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application may so state;
 - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
 - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
 - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
 - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The instructions for completing the application printed on the application form shall be followed. The following information shall appear on the application:
- (A) the license number;
 - (B) amendment number of the current license;
 - (C) expiration date of the license;
 - (D) licensee name as it currently appears on the license;
 - (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
 - (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;
 - (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to “Other” is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
 - (H) explanation of the action requested; and
 - (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (3) Application forms specified in this Rule shall be made available by the agency on the agency’s public website.

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

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-11; 104E-18; 104E-25; 104E-26; 104E-27;
Eff. December 1, 1987;
Amended Eff. May 1, 1993;
Transferred and Recodified from 15A NCAC 11 .1203 Eff. February 1, 2015; 2015;
Readopted Eff. May 1, 2023.

10A NCAC 15 .1701 is proposed for amendment as follows:

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

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

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

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

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

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

~~(e)(c)~~ The Code of Federal Regulations incorporated by this Rule may be obtained from the U.S. Government Publishing Office, P.O. Box 979050 St. Louis, MO 63197-9000 for sixty four dollars (\$64.00), and are available free

of charge at ~~<http://www.ecfr.gov/cgi-bin/ECFR?page=browse>~~. <https://www.ecfr.gov/current/title-10/chapter-I/part-37>.

History Note: Authority G.S. 104E-7;
Eff. June 1, ~~2016~~ 2016;
Amended Eff. May 1, 2023.

10A NCAC 15 .0113 is proposed for readoption as a repeal as follows:

10A NCAC 15 .0113 CLASSIFICATION OF RADIOACTIVE MATERIAL

History Note: Authority G.S. 104E-15;
Eff. February 1, 1980;
Amended Eff. June 1, 1989;
Transferred and Recodified from 10 NCAC 3G .2214 Eff. January 4, 1990;
Amended Eff. May 1, 1993;
Transferred and Recodified from 15A NCAC 11 .0113 Eff. February 1, ~~2015~~ 2015;
Repealed Eff. May 1, 2023.

10A NCAC 15 .0349 is proposed for readoption as a repeal as follows:

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

History Note: Authority G.S. 104E-7(a)(10);
Eff. June 1, 1989;
Amended Eff. January 1, 1994;
Filed as a Temporary Amendment Eff. November 22, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. May 1, 1996;
Transferred and Recodified from 15A NCAC 11 .0349 Eff. February 1, ~~2015~~ 2015;
Repealed eff. May 1, 2023.

10A NCAC 15 .1201 – .1202 are proposed for readoption as a repeal as follows:

10A NCAC 15 .1201 PURPOSE AND SCOPE

10A NCAC 15 .1202 DEFINITIONS

*History Note: Authority G.S. 104E-2; 104E-3; 104E-5; 104E-7; 104E-10; 104E-10.1; 104E-10.2; 104E-25;
104E-26;
Eff. December 1, 1987;
Amended Eff. January 1, 1994; May 1, 1993; May 1, 1992; June 1, 1989;
Transferred and Recodified from 15A NCAC 11 .1201 - .1202 Eff. February 1, ~~2015~~ 2015;
Repealed Eff. May 1, 2023.*

10A NCAC 15 .1204 – .1231 are proposed for reoption as a repeal as follows:

10A NCAC 15 .1204 CONTENT OF APPLICATION
10A NCAC 15 .1205 GENERAL INFORMATION
10A NCAC 15 .1206 SPECIFIC TECHNICAL INFORMATION
10A NCAC 15 .1207 ENVIRONMENTAL INFORMATION
10A NCAC 15 .1208 TECHNICAL AND ENVIRONMENTAL ANALYSES
10A NCAC 15 .1209 INSTITUTIONAL INFORMATION
10A NCAC 15 .1210 FINANCIAL INFORMATION
10A NCAC 15 .1211 FILING AND DISTRIBUTION OF APPLICATION
10A NCAC 15 .1212 ELIMINATION OF REPETITION
10A NCAC 15 .1213 UPDATING OF APPLICATION
10A NCAC 15 .1214 STANDARDS FOR ISSUANCE OF A LICENSE
10A NCAC 15 .1215 CONDITIONS OF LICENSE
10A NCAC 15 .1216 AMENDMENT OF LICENSE
10A NCAC 15 .1217 APPLICATION FOR RENEWAL OR CLOSURE
10A NCAC 15 .1218 CONTENTS OF APPLICATION FOR CLOSURE
10A NCAC 15 .1219 POSTCLOSURE OBSERVATION AND MAINTENANCE
10A NCAC 15 .1220 TRANSFER OF LICENSE
10A NCAC 15 .1221 TERMINATION OF LICENSE
10A NCAC 15 .1222 PERFORMANCE OBJECTIVES: GENERAL REQUIREMENT
10A NCAC 15 .1223 PROTECTION OF POPULATION FROM RELEASES OF RADIOACTIVITY
10A NCAC 15 .1224 PROTECTION OF INDIVIDUALS FROM INADVERTENT INTRUSION
10A NCAC 15 .1225 PROTECTION OF INDIVIDUALS DURING OPERATIONS
10A NCAC 15 .1226 STABILITY OF THE DISPOSAL SITE AFTER CLOSURE
10A NCAC 15 .1227 TECHNICAL REQUIREMENTS FOR LAND DISPOSAL FACILITIES

10A NCAC 15 .1228	DISPOSAL SITE SUITABILITY REQUIREMENTS
10A NCAC 15 .1229	SITE DESIGN FOR LAND DISPOSAL
10A NCAC 15 .1230	FACILITY OPERATION AND DISPOSAL SITE CLOSURE
10A NCAC 15 .1231	ENVIRONMENTAL MONITORING

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-10.2; 104E-10(b); 104E-12; 104E-13(a); 104E-15; 104E-16; 104E-18; 104E-25; 104E-26; 104G-13; 104G-14; 150B-19(6); 10 C.F.R. Chapter 1, Commission Notices, Policy Statements, Agreement States, 46 F.R. 7540
Eff. December 1, 1987;
Amended Eff. January 1, 1994; June 1, 1993; May 1, 1993; May 1, 1992; June 1, 1989;
Transferred and Recodified from 15A NCAC 11 .1204 - .1231 Eff. February 1, ~~2015~~ 2015;
Repealed Eff. May 1, 2023.

10A NCAC 15 .1233 – .1242 are proposed for readoption as a repeal as follows:

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

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; 104E-11; 104E-12; 104E-15; 104E-16; 104E-17; 104E-18; 104E-19(b); 104E-25; 104E-26;
Eff. December 1, 1987;
Amended Eff. January 1, 1994; May 1, 1993;
Transferred and Recodified from 15A NCAC 11.1233 - .1242 Eff. February 1, ~~2015~~ 2015;
Repealed Eff. May 1, 2023.

10A NCAC 15 .1501 – .1517 are proposed for readoption as a repeal as follows:

10A NCAC 15 .1501	PURPOSE AND SCOPE
10A NCAC 15 .1502	DEFINITIONS
10A NCAC 15 .1503	LICENSE REQUIRED
10A NCAC 15 .1504	APPLICATION FOR SITE ACCESS LICENSE: GENERAL REQUIREMENTS
10A NCAC 15 .1505	APPLICATION FOR SITE ACCESS LICENSE - WASTE GENERATORS
10A NCAC 15 .1506	CONTENT OF APPLICATION FOR WASTE COLLECTORS
10A NCAC 15 .1507	CONTENT OF APPLICATION FOR WASTE PROCESSORS
10A NCAC 15 .1508	CERTIFICATION OF COMPLIANCE WITH APPLICABLE REQUIREMENTS
10A NCAC 15 .1509	PRIOR NOTIFICATION FOR WASTE SHIPMENTS
10A NCAC 15 .1510	RADIOACTIVE SHIPMENT MANIFEST
10A NCAC 15 .1511	FINANCIAL QUALIFICATIONS AND REQUIREMENTS
10A NCAC 15 .1512	WASTE MANAGEMENT AND REDUCTION REQUIREMENTS
10A NCAC 15 .1513	ISSUANCE AND EXPIRATION OF SITE ACCESS LICENSES
10A NCAC 15 .1514	SITE ACCESS LICENSE RENEWAL
10A NCAC 15 .1515	SITE ACCESS LICENSE AMENDMENT
10A NCAC 15 .1516	MODIFICATION, REVOCATION, AND TERMINATION OF LICENSES
10A NCAC 15 .1517	TEMPORARY OR EMERGENCY ACCESS

History Note: Authority G.S. 104E-5; 104E-7; 104E-10.3; 104E-18; 104E-27; 104E-29; 132-1.2;
Eff. January 1, 1995;
Transferred and Recodified from 15A NCAC 11 .1501 - .1517 Eff. February 1, ~~2015~~ 2015;
Repealed Eff. May 1, 2023.

10A NCAC 15 .1650 – .1652 are proposed for readoption as a repeal as follows:

10A NCAC 15 .1650	CLASSIFICATION/RADIOACTIVE WASTE FOR NEAR-SURFACE DISPOSAL
10A NCAC 15 .1651	RADIOACTIVE WASTE CHARACTERISTICS
10A NCAC 15 .1652	LABELING

History Note: Authority G.S. 104E-7(a)(2);
Eff. January 1, 1994;
Transferred and Recodified from 15A NCAC 11 .1650 - .1652 Eff. February 1, ~~2015~~ 2015;
Repealed Eff. May 1, 2023.