



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**ROY COOPER** • Governor  
**KODY H. KINSLEY** • Secretary  
**MARK PAYNE** • Director, Division of Health Service Regulation

**MEMORANDUM**

**DATE:** October 17, 2022  
**TO:** Interested Parties  
**FROM:** Nadine Pfeiffer, Rule Review Manager *NP*  
**RE:** Proposed Readoption/Amendment of Radiation Protection Rules  
10A NCAC 15

GS 150B-21.2 requires a rule-making body to notify certain individuals of its intent to adopt a rule. It also requires notification of the date, time and location of the public hearing on the rule and any fiscal analysis that has been prepared in connection with the proposed rule. As a result of the periodic review of the rules in Chapter 10A NCAC 15, 257 rules determined as “Necessary With Substantive Public Interest” are required to be readopted. At this time, 64 rules are proposed for readoption and of those, 62 rules are proposed for repeal through readoption for radiation protection. In addition, one rule is proposed for amendment.

The North Carolina Radiation Protection Commission has submitted form OAH 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the following rule-making actions:

10A NCAC 15 Radiation Protection Rules proposed for readoption:  
10A NCAC 15 .0323 and .1203

10A NCAC 15 Radiation Protection Rules proposed for repeal through readoption:  
10A NCAC 15 .0113, .0349, .1201 - .1202, .1204 - .1231, .1233 - .1242, .1501 - .1517, and .1650 - .1652

10A NCAC 15 Radiation Protection Rule proposed for amendment:  
10A NCAC 15 .1701

Approval of the fiscal analysis for these rules was obtained from the Office of State Budget and Management on August 10, 2022 in accordance with G.S. 150B-21.4.

The proposed rule text is attached to this memo. The rules were published in today’s October 17, 2022 edition of the N.C. Register which can be found at the Office of Administrative Hearings web site at <https://www.oah.nc.gov/documents/nc-register>.

A public hearing is scheduled for November 30, 2022 at 10:00 a.m. by teleconference. If you would like to participate in the public hearing, please use the following conference telephone number: 1-877-848-

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION**

**OFFICE OF THE DIRECTOR**

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603  
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7030, and access code: 5133201. Ms. Nadine Pfeiffer, DHSR Rule-Review Manager, is accepting public comments on these rules and fiscal analysis from October 17, 2022 through December 16, 2022, close of business. Comments will also be accepted at the public hearing via teleconference. The proposed effective date of these rules is May 1, 2023.

A copy of the proposed rules, fiscal analysis, and instructions for submitting comment can be found at the Division of Health Service Regulation web site at <https://info.ncdhhs.gov/dhsr/ruleactions.html>.

Should you have questions related to this memorandum or the proposed rule and fiscal note, please feel free to contact the Radiation Protection Section at (919) 814-2250.

#### Enclosures

cc: Mark Payne, Director, Health Service Regulation  
Emery Milliken, Deputy Director, DHSR  
Raj Premakumar, Deputy General Counsel, DHHS  
James Albright, Radiation Protection Section  
David Crowley, Chief, Radiation Protection Section  
Dr. Carmine Plott, PhD, CHP, Chair, N.C. Radiation Protection Commission

1 10A NCAC 15 .0113 is proposed for readoption as a repeal as follows:

2

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 proposed for readoption with substantive changes 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 proposed for readoption as a repeal 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 proposed for readoption as a repeal 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 proposed for readoption with substantive changes as follows:

2  
3 **10A NCAC 15 .1203 LICENSE REQUIRED**

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

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

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

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

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

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

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

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

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

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

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

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

35 (3) Generators, waste brokers, and waste processors of low-level radioactive waste shall develop  
36 procedures and implement practices to prevent, minimize, and reduce the generation of low-level

1 radioactive waste, including segregating radioactive waste by half-life and holding low-level  
2 radioactive waste for decay in storage.

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

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

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

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

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

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

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

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

32 (A) legal business name and mailing address;

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

35 (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 proposed for readoption as a repeal as follows:

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

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 proposed for readoption as a repeal 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 proposed for readoption as a repeal as follows:

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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 proposed for readoption as a repeal as follows:

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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 proposed for amendment as follows:

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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 37.41, 37.45, 37.57, 37.77(a) through (d), 37.81,  
 23 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).~~

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32 *History Note:     Authority G.S. 104E-7;*

33 *Eff. June 1, 2016. 2016;*

34 *Amended Eff. May 1, 2023.*