

1 10A NCAC 15 .0316 is proposed for amendment as follows:

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3 **10A NCAC 15 .0316 GENERAL LICENSES: TRANSPORTATION**

4 (a) Any person transporting or storing byproduct material for transportation shall be exempt as authorized by 10 CFR
5 30.13.

6 (b) Any person transporting or storing source material for transportation shall be exempt as authorized by 10 CFR
7 40.12. Any person not exempt under 10 CFR 40.12 shall be issued a general license in accordance with Rule .0306(a)
8 of this Section.

9 (c) Any person transporting or storing special nuclear material for transportation shall be exempt as authorized by 10
10 CFR 70.12. Any person not exempt shall be issued a general license in accordance with Rule .0306(a) of this Section.

11 (d) Any person preparing radioactive material for shipment or transporting radioactive material shall be subject to the
12 provisions of 10 CFR Part 71 as applicable to the shipment and mode of transportation. Notwithstanding Rule
13 .0117(a)(2)(J) of this Chapter, 10 CFR 71.85(a) through (c), and 71.91(b) are excluded from incorporation by
14 reference.

15 (e) Notifications required by 10 CFR 71.97 and 10 CFR 73.37(b)(2) shall be made to the Governor's designee as
16 follows:

17 (1) designee: N.C. Highway Patrol Headquarters, Operations Officer;

18 (2) mailing address: P.O. Box 27687, Raleigh, North Carolina 27611-7687;

19 (3) telephone: (919) 733-4030 from 8 a.m. to 5 p.m. Monday through Friday except State holidays, and
20 (919) 733-3861 at all other times.

21 (f) Transportation of special nuclear material by aircraft shall be prohibited in accordance with 10 CFR 150.21.

22 (g) Notifications of incidents, accidents, or the loss of control of radioactive material while in transit or while being
23 stored for transportation shall be made to the agency in accordance with Rule .0357 of this Section. Notification of
24 the theft, or loss of radioactive material while in transit, or while being stored for transportation shall be made to the
25 agency in accordance with Rule .1645 of this Chapter.

26 (h) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) are
27 hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulations are
28 available free of charge at [http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?SID=2beece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl)
29 [idx?SID=2beece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=2beece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl).

30 ~~(a) Except for persons exempt from these Rules, a general license is hereby issued to any common, contract or other~~
31 ~~carrier to transport and store radioactive material in the regular course of their carriage for another or storage incident~~
32 ~~thereto; provided the transportation and storage is in accordance with the applicable requirements of the regulations~~
33 ~~appropriate to the mode of transport of the U.S. Department of Transportation in 49 CFR Part 170-189 and the U.S.~~
34 ~~Postal Service in the Postal Service Manual, (Domestic Mail Manual), Section 124.3; insofar as, such regulations~~
35 ~~relate to the packaging of radioactive material, marking and labeling of the package, loading and storage of packages,~~
36 ~~placarding of the transportation vehicle, monitoring requirements and accident reporting. Any common, contract or~~
37 ~~other carrier transporting nuclear waste or spent nuclear fuel under this general license shall comply with the~~

1 provisions in Paragraph (c) of this Rule. Persons who transport and store radioactive material pursuant to the general
2 license in this Paragraph are exempt from the requirements of Sections .1000 and .1600 of this Chapter.

3 (b) Except for persons exempt from these Rules, a general license is hereby issued to any private carrier to transport
4 radioactive material; provided, the transportation is in accordance with the applicable requirements of the regulations,
5 appropriate to the mode of transport of the U.S. Department of Transportation in 49 CFR Part 170-189 and the U.S.
6 Postal Service in the Postal Service Manual, (Domestic Mail Manual), Section 124.3; insofar as, such regulations
7 relate to the packaging, loading and storage of packages, placarding of the transportation vehicle, monitoring
8 requirements and accident reporting. The following exemptions and requirements shall apply to transportation of
9 radioactive material under this general license:

10 (1) — Persons who transport radioactive material pursuant to the license in Paragraph (b) of this Rule are
11 exempt from the requirements in Sections .1000 and .1600 of this Chapter to the extent that they
12 transport radioactive material. Any notification of incidents referred to in those requirements shall
13 be filed with, or made to, the agency.

14 (2) — Physicians, as defined in Rule .0104 of this Chapter, are exempt from the requirements in Paragraph
15 (b) of this Rule to the extent that they transport in their private vehicle radioactive material for use
16 in the practice of medicine.

17 (3) — Any person who transports nuclear waste within or through this state under this general license shall
18 comply with the provisions in Paragraph (c) of this Rule.

19 (c) No carrier shall transport within or through this state any nuclear waste or spent nuclear fuel unless the shipper
20 has notified the "governor's designee" in accordance with the requirements of 10 CFR Part 71.97 for nuclear waste
21 and 10 CFR 73.37(f) for spent nuclear fuel. The governor's designee and contact information is as follows:

22 (1) — designee: N.C. Highway Patrol Headquarters, Operations Officer;

23 (2) — mailing address: P.O. Box 27687, Raleigh, North Carolina 27611-7687;

24 (3) — telephone 919/733-4030 from 8 a.m. to 5 p.m. workdays and 919/733-3861 all other times.

25 (d) As used in Paragraphs (a) through (c) of this Rule:

26 (1) — "Shipment" means any single vehicle carrying one or more containers of nuclear waste.

27 (2) — "Nuclear Waste" means:

28 (A) — any quantity of radioactive material required by 10 CFR Part 71 to be in Type B packaging
29 or subject to advance notification requirements of 10 CFR §§ 71.97 while transported
30 within or through this state to a disposal site, or to a collection point for transport to a
31 disposal site; or

32 (B) — any quantity of irradiated fuel required by 10 CFR Part 71 to be in Type B packaging while
33 transported within or through this state irrespective of destination if the quantity of
34 irradiated fuel is less than that subject to advance notification requirements of 10 CFR Part
35 73.

36 (3) — "Spent Nuclear Fuel" means a quantity of irradiated reactor fuel in excess of 100 grams in net weight
37 of irradiated fuel exclusive of cladding or other structural or packaging material which has a total

1 ~~external radiation dose rate in excess of 100 rems per hour at a distance of three feet from any~~
2 ~~accessible surface without intervening shielding.~~

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4 *History Note: Authority G.S. 20-167.1; 104E-7; 104E-10(b); 104E-15(a); 150B-21.6;*
5 *Eff. February 1, 1980;*
6 *Amended Eff. January 1, 1994; May 1, 1992; October 1, 1982;*
7 *Transferred and Recodified from 15A NCAC 11 .0316 Eff. February 1, ~~2015~~ 2015;*
8 *Amended Eff. March 1, 2017.*