

1 10A NCAC 15 .0343 is proposed for amendment as follows:

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3 **10A NCAC 15 .0343 TRANSFER OF MATERIAL**

4 (a) Any person licensed under the Rules of this Section transferring byproduct material shall comply with the
5 provisions of 10 CFR 30.41.

6 (b) Any person licensed under the Rules of this Section transferring source material shall comply with the provisions
7 of 10 CFR 40.51.

8 (c) Any person licensed under the Rules of this Section transferring special nuclear material shall comply with the
9 provisions of 10 CFR 70.42.

10 (d) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) are
11 hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulations are
12 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)
13 [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).

14 ~~(a) No licensee shall transfer radioactive material except as authorized pursuant to this Section.~~

15 ~~(b) Except as otherwise provided in his license and subject to the provisions of Paragraphs (c), (d) and (e) of this Rule~~
16 ~~any licensee may transfer radioactive material to:~~

17 ~~(1) — the agency;~~

18 ~~(2) — the U.S. Department of Energy;~~

19 ~~(3) — any person exempt from the rules in this Section to the extent permitted under the exemption;~~

20 ~~(4) — any person authorized to receive the radioactive material under terms of a general license or its~~
21 ~~equivalent, or a specific license or equivalent licensing document, issued by the agency, the U.S.~~
22 ~~Nuclear Regulatory Commission, or an agreement state, or any person otherwise authorized to~~
23 ~~receive the radioactive material by the federal government or any agency thereof, the agency, or an~~
24 ~~agreement state; or~~

25 ~~(5) — as otherwise authorized by the agency in writing.~~

26 ~~(e) A licensee may transfer material to the agency only after receiving prior approval from the agency.~~

27 ~~(d) Before transferring radioactive material to a specific licensee of the agency, the U.S. Nuclear Regulatory~~
28 ~~Commission, or an agreement state, or to a general licensee who is required to register with the agency, the U.S.~~
29 ~~Nuclear Regulatory Commission, or an agreement state prior to receipt of the radioactive material, the licensee~~
30 ~~transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity~~
31 ~~of radioactive material to be transferred.~~

32 ~~(e) The following methods for the verification required by Paragraph (d) of this Rule are acceptable:~~

33 ~~(1) — The transferor may have in his possession, and read, a current copy of the transferee's specific~~
34 ~~license or registration certificate;~~

35 ~~(2) — The transferor may have in his possession a written certificate by the transferee that he is authorized~~
36 ~~by license or registration certificate to receive the type, form, and quantity of radioactive material~~

1 ~~to be transferred, specifying the license or registration certificate number, issuing agency, and~~
2 ~~expiration date;~~

3 ~~(3) For emergency shipments the transferor may accept oral certification by the transferee that he is~~
4 ~~authorized by license or registration certificate to receive the type, form, and quantity of radioactive~~
5 ~~material to be transferred, specifying the license or registration certificate number, issuing agency,~~
6 ~~and expiration date; provided the oral certification is confirmed in writing within 10 days after the~~
7 ~~date of the oral certification;~~

8 ~~(4) The transferor may obtain other sources of information compiled by a reporting service from official~~
9 ~~records of the agency, the U.S. Nuclear Regulatory Commission, or the licensing agency of an~~
10 ~~agreement state as to the identity of licensees and the scope and expiration dates of licenses and~~
11 ~~registration; or~~

12 ~~(5) When none of the methods of verification described in this Rule are readily available or when a~~
13 ~~transferor desires to verify that information received by one of the methods is correct or updated,~~
14 ~~the transferor may obtain and record confirmation from the agency, the U.S. Nuclear Regulatory~~
15 ~~Commission, or the licensing agency of an agreement state that the transferee is licensed to receive~~
16 ~~the radioactive material.~~

17 ~~(f) Preparation for shipment and transport of radioactive material shall be in accordance with the provisions of Rule~~
18 ~~.0346 of this Section.~~

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20 *History Note: Filed as a Temporary Amendment Eff. August 20, 1994 for a period of 180 days or until the*
21 *permanent rule becomes effective, whichever is sooner;*

22 *Authority G.S. 104E-7; 104E-10(b);*

23 *Eff. February 1, 1980;*

24 *Amended Eff. ~~May 1, 1995;~~ May 1, 1993; June 1, 1989;*

25 *Filed as a Temporary Amendment Eff. August 20, 1994 for a period of 180 days or until the*
26 *permanent rule becomes effective, whichever is sooner;*

27 *Amended Eff. May 1, 1995;*

28 *Transferred and Recodified from 15A NCAC 11 .0343 Eff. February 1, 2015; 2015;*

29 *Amended Eff. March 1, 2017.*