



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001**

November 8, 2024

Louis Brayboy, Section Chief
Department of Health
and Human Services
Division of Health Service Regulation
1645 Mail Service Center
Raleigh, NC 27699-1600

**SUBJECT: NORTH CAROLINA PROPOSED RULES 10A NCAC CHAPTER 15,
RULE .0101, .0103, .0104, .0306, .0311, AND .0313**

Dear Louis Brayboy:

We have reviewed the proposed revisions to the regulations 10A NCAC Chapter 15, Rule .0101, .0103, .0104, .0306, .0311, and .0313, received by our office on September 11, 2024. In addition to reviewing these regulations, we also reviewed other North Carolina regulations which incorporate NRC regulations by reference. These were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) 10 CFR Parts 19, 20, 30 - 40, 61, 70, 71, and 150 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on November 5, 2024.

As a result of our review, we have 13 compatibility comments and 18 editorial comments that have been identified in Enclosure 1. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments, and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes and provide a copy to Division of Materials Safety, Security, State, and Tribal Programs, NMSS.

The SRS Data Sheet in Enclosure 2 summarizes our knowledge of the status of other North Carolina regulations, as indicated. Please let us know if you note any inaccuracies or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on: <https://www.nrc.gov/agreement-states>.

If you have any questions regarding the review, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact my staff at AgreementStateRegs.Resource@nrc.gov.

Sincerely,



Signed by Giantelli, Adelaide
on 11/08/24

Adelaide S. Giantelli, Chief
State Agreement and Liaison Programs Branch
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility and Editorial Comments
2. North Carolina SRS Data Sheet

COMPATIBILITY COMMENTS ON NORTH CAROLINA REGULATIONS

ENCLOSURE 2 STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	10A NCAC 15 .0103 Chapter 104E.5	Various	N/A	Various	<p>Definitions</p> <p>North Carolina proposes to adopt certain definitions in 10A NCAC 15 .0103. North Carolina also incorporates by reference multiple parts of 10 CFR, which in some cases creates duplicate or conflicting definitions with those North Carolina proposes to adopt in 10A NCAC 15.0103 and/or has defined in statute. For such duplicative or conflicting definitions, and consistent with the Compatibility Category of each definition, North Carolina needs to either (1) exclude them from incorporation by reference and adopt its own definition or (2) incorporate them by reference to NRC regulation, with reconciliation language as appropriate, without adopting its own definition. The list below identifies several such definitions:</p> <p>“Act” – North Carolina needs to update 10A NCAC 15 .1001, 10A NCAC 15 .1601, 10A NCAC 15 .0301, 10A NCAC 15 .1701, 10A NCAC 15 .0309, 10A NCAC 15 .0310, and 10A NCAC 15 .0313 to exclude the definition of “Act” from North Carolina’s incorporation of 10 CFR Parts 19, 20, 30, 37, 40, 70, and 150 respectively. Please also see Editorial Comment 1, Item 13.</p> <p>“Agreement State” – North Carolina needs to update 10A NCAC 15 .0301, 10A NCAC 15 .0307, 10A NCAC 15 .1701, 10A NCAC 15 .0310, and 10A NCAC 15 .0313, to exclude the definition of “Agreement State” from NC’s incorporation of 10 CFR Parts 30, 35, 37, 70, and 150, respectively. For clarity and consistency, North Carolina should consider adding a definition in 10 NCAC 15.0103 referencing its statutory definition of Agreement State, e.g., “Agreement state’ has the meaning as defined in</p>

ENCLOSURE 2 STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>G.S. 104E-5(2)."</p> <p>"Byproduct material" – North Carolina needs to update 10A NCAC 15 .1601, 10A NCAC 15 .0301, 10A NCAC 15 .1701 , 10A NCAC 15 .0309, and 10A NCAC 15 .0313, to exclude the definition of "Byproduct material" from 10 CFR Parts 20, 30, 37, 40, and 150. For clarity and consistency, North Carolina should consider adding a definition in 10 NCAC 15.0103 referencing its statutory definition of byproduct material, e.g., "Byproduct material' has the meaning as defined in G.S. 104E-5(4)."</p> <p>"Commission" - North Carolina needs to update 10A NCAC 15 .1001, 10A NCAC 15 .1601, 10A NCAC 15 .0301, 10A NCAC 15 .1701, 10A NCAC 15 .0309, 10A NCAC 15 .1203, 10A NCAC 15 .0310, and 10A NCAC 15 .0313 to exclude the definition of "Commission" from NC's incorporation of 10 CFR Parts 19, 20, 30, 37, 40, 61, 70, and 150 respectively. Please also see Editorial Comment 1, Item 1.</p> <p>"Department" – North Carolina needs to update 10A NCAC 15 .1601, 10A NCAC 15 .0301, 10A NCAC 15 .0309, 10A NCAC 15 .0310 and 10A NCAC 15 .0313 to exclude the definition of "Department" from NC's incorporation of 10 CFR Parts 20, 30, 40, 70, and 150 respectively. Please also see Editorial Comment 1, Item 6.</p> <p>"Dose or radiation dose" and "Radiation" – North Carolina needs to update 10A NCAC 15 .1601 to exclude the definitions of "Dose or radiation dose" and "Radiation (ionizing radiation)" from NC's incorporation of 10 CFR Part 20. For clarity and consistency, North Carolina should consider adding a definition in 10 NCAC 15.0103 referencing its statutory definition of</p>

ENCLOSURE 2 STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>ionizing radiation, e.g., "Ionizing radiation" has the meaning as defined in G.S. 104E-5(9)."</p> <p>"Person" – North Carolina needs to update 10A NCAC 15 .1601, 10A NCAC 15 .0301, 10A NCAC 15 .1701, 10A NCAC 15 .0309, 10A NCAC 15 .1203, 10A NCAC 15 .0310, and 10A NCAC 15 .0313 to exclude the definition of "Person" from NC's incorporation of 10 CFR Parts 20, 30, 37, 40, 61, 70, and 150 respectively.</p> <p>"Research and development" – North Carolina needs to update 10A NCAC 15 .0301 and 10A NCAC 15 .0310 to exclude the definition of "Research and development" from NC's incorporation of 10 CFR Parts 30 and 70, respectively.</p> <p>"Physicians" - North Carolina needs to update 10A NCAC 15 .0301, 10A NCAC 15 .0307, and 10A NCAC 15 .0309 to exclude the definition of "Physicians" from NC's incorporation of 10 CFR Parts 30, 35, and 40, respectively.</p> <p>"Source material" - North Carolina needs to update 10A NCAC 15 .1601, 10A NCAC 15 .0301, 10A NCAC 15 .0309, 10A NCAC 15 .0310, and 10A NCAC 15 .0313 to exclude the definition of "Source material" from NC's incorporation of 10 CFR Parts 20, 30, 40, 70, and 150, respectively. For clarity and consistency, North Carolina should consider adding a definition in 10 NCAC 15.0103 referencing its statutory definition of source material, e.g., "Source material" has the meaning as defined in G.S. 104E-5(15)." Please also see Editorial Comment 1, Item 3.</p> <p>"Special nuclear material" – North Carolina needs to update 10A NCAC 15 .1601, 10A NCAC 15 .0301, 10A NCAC 15 .0309, and 10A NCAC 15</p>

ENCLOSURE 2 STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>.0313 to exclude the definition of "Special nuclear material" from NC's incorporation of 10 CFR Parts 20, 30, 40, and 150. For clarity and consistency, North Carolina should consider adding a definition in 10 NCAC 15.0103 referencing its statutory definition of special nuclear material, e.g., "Special nuclear material' has the meaning as defined in G.S. 104E-5(16)"</p> <p>"State" - North Carolina needs to update 10A NCAC 15 .1701, 10A NCAC 15 .1203, 10A NCAC 15 .0311, and 10A NCAC 15 .0313 to exclude the definition "State" from NC;s incorporation of 10 CFR Parts 37, 61,71, and 150.</p>
2	10A NCAC 15 .0301	10 CFR 30.11(b) and 30.34(k)	N/A	NRC	<p>In 10A NCAC 15 .0301, North Carolina incorporates by reference 10 CFR 30.11(b) and 30.34(k). These regulations are Compatibility Category NRC and cannot be incorporated by reference or otherwise adopted by North Carolina. North Carolina needs to update 10A NCAC 15 .0301 to exclude 10 CFR 30.11(b) and 30.34(k) from incorporation by reference.</p>
3	10A NCAC 15 .0302	10 CFR 31.5	N/A	C	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>In 10A NCAC 15 .0302, North Carolina incorporates by reference 10 CFR Part 31 with exceptions. North Carolina incorporates by reference 10 CFR 31.5 which is compatibility category C, and in relevant part, issues a general license for certain activities and devices to Federal government agencies (10 CFR 31.5(a)). Federal government agencies are under NRC jurisdiction. Therefore, North Carolina needs to update 10A NCAC 15 .0302(a)(4) to</p>

ENCLOSURE 2 STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					include the following italicized language, "...except that the fee required by 10 CFR 170.31 <i>and the term "federal" shall not apply...</i> "
4	10A NCAC 15 .0308(a) (6)	10 CFR 36.17	N/A	D	<p>Applications for exemptions</p> <p>In 10A NCAC 15 .0308(a)(6), North Carolina incorporates by reference 10 CFR 36.17. In 10 CFR 36.17(a), there is a reference to the "common defense and security." Because the NRC retains regulatory authority over matters related to common defense and security, North Carolina needs to update 10A NCAC 15 .0308(a)(6) to state, "...except that the reference to common defense and security shall not apply..."</p>
5	10A NCAC 15 .1701(a)	10 CFR Part 37.27 and 37.77	N/A	B	<p>In 10A NCAC 15 .1701(a), North Carolina incorporates by reference 10 CFR Part 37 with exceptions. In 10A NCAC 15 .1701(b), certain reports of events or notifications are required to be submitted to North Carolina instead of the NRC. 10A NCAC 15 .1701(b) contains errors as some of these should continue to be submitted to the NRC North Carolina needs to update 10A NCAC 15 .1701(b) to:</p> <ul style="list-style-type: none"> A. State that "In 10 CFR 37.77(a)-(d), references to notifications to the NRC, including reference to the contact information in 37.77(a)(1) remain." B. State that the language in 37.77(d) is preserved.
6	10A NCAC 15 .1701	10 CFR 37.73(d) and (e)	N/A	D	<p>Applicability of physical protection of category 1 and category 2 quantities of radioactive material during transit</p> <p>In 10A NCAC 15 .1701, North Carolina incorporates by reference 10 CFR Part 37 with exceptions. In 37.73(d) and (e), there are references to importing and exporting Category 1 and 2 radioactive material. Because</p>

ENCLOSURE 2 STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					the NRC retains regulatory authority over these imports and exports, North Carolina needs to update 10A NCAC 15 .1701(a) to exclude 37.73(d) and (e).
7	10A NCAC 15 .0309(a) (15)	10 CFR 40.22	N/A	B	<p>Small quantities of source material</p> <p>In 10A NCAC 15 .0309(a)(15), North Carolina incorporates by reference 10 CFR 40.22. In relevant part, 10 CFR 40.22 issues a general license to federal government agencies for certain purposes related to small quantities of source material. Federal government agencies are not under North Carolina jurisdiction. Thus, North Carolina needs to update 10A NCAC 15 .0309(a)(15) to make the term “federal” in 40.22 inapplicable as incorporated.</p>
8	10A NCAC 15 .0309(a) (18)	10 CFR 40.31(g)	N/A	NRC	<p>Application for specific licenses</p> <p>In 10A NCAC 15 .0309(a)(18), North Carolina incorporates by reference 10 CFR 40.31(g) with substitutions. 10 CFR 40.31(g) is Compatibility Category NRC and cannot be incorporated by reference or otherwise adopted. North Carolina needs to update 10A NCAC 15 .0309(a)(18) to exclude 10 CFR 40.31(g) from incorporation.</p>
9	10A NCAC 15 .1203(a) (3)	10 CFR Part 61.32	N/A	NRC	<p>Facility information and verification</p> <p>In 10A NCAC 15 .1203(a)(3), North Carolina incorporates 10 CFR Part 61.32 by reference. This regulation is Compatibility Category NRC and cannot be incorporated or otherwise adopted by North Carolina. Therefore, North Carolina needs to update 10A NCAC 15 .0103(a)(3) to exclude 10 CFR 61.32 from incorporation.</p>
10	10A NCAC 15 .0310(a)	10 CFR 70.50	N/A	C	<p>Reporting requirements</p> <p>In 10A NCAC 15 .0310(a)(28), North Carolina incorporates 10 CFR 70.50</p>

ENCLOSURE 2 STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
	(28)			by reference. In 10 CFR 70.50(d), there is a provision that applies to Part 50 licensees. Because the NRC retains regulatory authority over Part 50 licensees, North Carolina needs to update 10A NCAC 15 .0310(a)(28) to exclude 10 CFR 70.50(d).
11	10A NCAC 15 .0311(a) (13)	10 CFR 71.17(c)(3)	N/A	<p>General license: NRC-approved package</p> <p>In the proposed 10A NCAC 15 .0311(a)(13), North Carolina incorporates by reference 10 CFR 71.17. 10 CFR 71.17(c)(3) contains description of the submission required before first use of a package, consistent with the scope of the general license. 10 CFR 71.17(c)(3) is a Compatibility Category B, cross jurisdictional program element. As such, North Carolina needs to update 10A NCAC 15 .0311(a)(13) that the submission required before the first use of an NRC-approved package shall be sent in accordance with 10 CFR 71.17(c)(3), to the NRC, ATTN: Document Control Desk, Director, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards, using the appropriate methods listed in 10 CFR 71.1(a), the licensee's name and license number and the package identification number specified in the package approval.</p>
12	10A NCAC 15 .0311(a) (27)	10 CFR 71.97	N/A	<p>Advance notification of shipment of irradiated reactor fuel and nuclear waste.</p> <p>In the proposed 10A NCAC 15 .0311(a)(27), North Carolina incorporates by reference 10 CFR 71.97 and provides an address for the Governor in lieu of the NRC. Because 10 CFR 71.97 is a Compatibility Category B, cross jurisdictional program element, the NRC still needs to receive the advanced notification. North Carolina needs to delete the reconciliation language and instead</p>

ENCLOSURE 2 STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					say, "In 10 CFR 71.97(c)(3)(ii) and (iii) and in 71.97(f) the language remains".
13	10A NCAC 15 .0313(a) (3)	10 CFR 150.3	N/A	NRC	<p>Definitions</p> <p>In the proposed 10A NCAC 15 .0313(a)(3), North Carolina incorporates by reference the definitions in 10 CFR 150.3 with an exclusion for "foreign obligations". However, the proposed regulation does not exclude the definition for "Reconciliation," which is designated as Compatibility Category NRC. Therefore, North Carolina needs to update 10A NCAC 15 .0313(a)(3) to additionally exclude "Reconciliation" from incorporation.</p>

EDITORIAL COMMENTS ON NORTH CAROLINA REGULATIONS

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS	
1	10A NCAC 15 .0103(d)	Various	N/A	Various	<p>North Carolina 10A NCAC 15 .0103(d) provides reconciliation language for the various parts of 10 CFR that it has incorporated by reference. The NRC has recently identified instances where such reconciliation language can be further refined to enhance clarity, avoid confusion, and ensure reference to NRC or NRC regulations are not inadvertently read out of the regulatory text, as incorporated. The following list walks through 10A NCAC 15 .0103(d)(1)-(7) in order and also suggests the addition of subparagraphs 10 NCAC 15 .0103(d)(8)-(22), Suggested text to be added is shown in underline and suggested text to be deleted is shown in strikethrough.</p> <p>To ensure that North Carolina's regulations do not inadvertently exclude a reference to the NRC,</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>Commission, or synonymous variations thereof, North Carolina should make the following revision to the proposed 10A NCAC 15 .0103(d)(1):</p> <ol style="list-style-type: none"> 1. With the exception of the <u>definition of “Sealed Source and Device Registry” in 32.2 and 35.2; a reference to NRC's Medical Uses Licensee Toolkit web page; a reference to a master material license or licensee in 10 CFR 35; definition of “Fingerprint orders” found in 37.5; 37.25(b)(2); 37.27(a) and (c); 37.29(a)(1) and (a)(7); 37.31(d); the reference to the NRC’s license verification system in 37.71(a)-(c); 39.63(l); 40.4; 40.35(f); 61.55(a)(2)(iv); 70.19(a)(2), (a)(3), and 70.19(c)(3); the definitions of “certificate holder” and “certificate of compliance (CoC)” in 71.4; 71.17(e); 71.88(a)(4); and 71.93(c); 10 CFR 30.4 and in the definition of Special Nuclear Material, a reference to “NRC” , or “Commission” , or synonymous variations thereof, means the “Agency”.</u> <p>North Carolina has incorporated by reference 10 CFR 19, 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 61, 70, and proposed to incorporate 71 and 150. The NRC has determined that the areas described cannot substitute out the NRC with the Agency. In this substitution, North Carolina is removing reference to the NRC where the NRC should continue to be included. The NRC continues to have authority in the regulations which reference both the NRC and an Agreement State. Accordingly, North Carolina</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>should revise the proposed 10A NCAC 15 .0103(d)(2) as shown below.</p> <p>2. A reference to “NRC or agreement state”, <u>or synonymous variations thereof</u>, means the “NRC, Agency, or agreement state”.</p> <p>North Carolina 10A NCAC 15 .0103(d)(3) references the definition of “Special nuclear material” which is already defined in G.S. 104E-5.(16). North Carolina needs to exclude this definition from 10 CFR 20, 30, 37, 39, 40, 70, and 150 to avoid repetition and potential conflict and also delete this reconciliation language from 10A NCAC 15 .0103(d)(3) as shown below.</p> <p>3. In 10 CFR 40.4 and 70.4, in the definition of “Special Nuclear Material”, the sentence “and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material”, remains preserved as implemented by G.S. 104E-5.(16).</p> <p>In the proposed 10A NCAC 15 .0103(d)(4), North Carolina is missing regulations underlined below, which this reconciliation also applies to. Additionally, with the exception of 32.72(b)(5)(ii), the proposed reconciliation language in (8) below addresses the deleted regulations and other regulations which North Carolina did not include but also apply. The reconciliation language required for 32.72(b)(5)(ii) is already</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>provided by 10A NCAC 15 .0103(d)(1), above, and can be deleted.</p> <p>4. In 10 CFR 30.18(d), 30.32(g), 31.5(b)(1)(ii), 31.5(c)(3)(ii), <u>31.5(c)(5), 31.5(c)(13)(iv), 31.5(c)(8)(i)</u>, 31.6, 31.7(a), <u>31.8(b), 31.8(c)(3)</u>, 31.10(a), <u>31.10(b)(1), 31.11(c)(4), 31.11(d)(1), 31.12(c)(4), 32.13, 32.51(a), 32.51(e), 32.51a(b); 32.51a(b)(1) and (4); 32.51a(e); 32.52(b); 32.52(b)(7); 32.55(d), 32.56, 32.59, 32.72(b)(5)(ii), 32.62(e); 32.74(a)(3), 34.89(b)(12), 39.41(f); 39.51, 39.75(e), 40.13(c)(10), 40.22(e), 40.25(b), 40.25(d)(3), 40.35(d)(2) and (e)(2), 40.54, 40.55(e), (e)(1), (d)(1)(ii), (d)(2) and (d)(3)</u>, where a reference is made to “an Agreement State” or “non-Agreement State”, it means “an Agreement State or the NRC”.</p> <p>10A NCAC 15 .0103(d)(5) provides reconciliation language for when the words “non-agreement State” only mean North Carolina. North Carolina should update 10A NCAC 15 .0103(d)(5) to also include 70.19(a)(1).</p> <p>5. In 10 CFR 31.6. 31.8(a)(1), <u>and 70.19(a)(1)</u>, where the words “any non-agreement state” or “offshore waters” are used, substitute the words “State of North Carolina”.</p> <p>North Carolina defines “Department” in G.S. 104E-5(6) as the Department of Health and Human Services. In NRC regulations, “Department” typically</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>refers to the Department of Energy. Accordingly, additional reconciliation language is recommended in 10A NCAC 15 .0103 to exclude "Department" from incorporation by reference and updated 10A NCAC 15 .0103(d)(6).</p> <p>6. In 10 CFR 70.19(a)(1) and 70.19(c)(3), the term "Commission or the Atomic Energy Commission" remains and does not mean the Agency or have the same definition shown in G.S. 104E-5(5). In 10 CFR 30.12, 30.41(b)(1), the definition of "Department of Energy" and in 10 CFR 40.4 and 70.4, 40.11, 40.14(c), 40.51(b)(1), 70.11, and in 10 CFR 70.42(b)(1) the word "Department" means the "U.S. Department of Energy".</p> <p>The NRC staff does not have any edits for 10A NCAC 15 .0103(d)(7).</p> <p>7. "Written directive," except as defined in Rule .0307 of this Chapter,</p> <p>The NRC staff recommends adding the below proposed language as 10A NCAC 15 .0103(d)(8) to reconcile various references.</p> <p>8. <u>A reference to "or equivalent Agreement State regulations" means "NRC regulations in Chapter 10 of the Code of Federal Regulations, or equivalent Agreement State regulations."</u> A reference to <u>"or equivalent Agreement State requirements" means "NRC requirements, or equivalent Agreement State</u></p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p><u>requirements</u>". A reference to <u>"comparable provisions of an Agreement State"</u> means <u>"comparable provisions of the NRC or of an Agreement State"</u>. A reference to <u>"an Agreement State"</u> means <u>"an Agreement State or the NRC"</u>. A reference to <u>"equivalent regulations of an Agreement State"</u> means <u>"NRC regulations in Chapter 10 of the Code of Federal Regulations, or equivalent regulations of an Agreement State"</u>.</p> <p>The NRC staff recommends adding the below proposed language as 10A NCAC 15 .0103(d)(9). Please add reconciliatory language to provide reference to its radiation advisory committee as opposed to the ACMUI.</p> <p>9. <u>Any reference to the Advisory Committee on the Medical Uses of Isotopes (ACMUI) shall be deemed to be a reference to the [Agency's Radiation Advisory Committee]</u>.</p> <p>The NRC staff recommends adding the below proposed language as 10A NCAC 15 .0103(d)(10).</p> <p>10. <u>In 10 CFR 30.41(b)(2), 40.51(b)(2), and 70.42(b)(2), "agency in any Agreement State" means "agency in any Agreement State or agency under NRC jurisdiction"</u>.</p> <p>The NRC staff recommends adding the below proposed language as 10A NCAC 15 .0103(d)(11) because these</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>substitutions are required to clarify that the NRC, agencies under NRC jurisdiction, and Agreement States can transfer licenses.</p> <p>11. <u>In 10 CFR 30.41(b)(4), 40.51(b)(4), and 70.42(b)(4), where a reference is made to “any person in an Agreement State, subject to the jurisdiction of that State, who has been exempted from the licensing requirements and regulations of that State” it means, “any person in an Agreement State or in NRC jurisdiction, subject to the jurisdiction of that State or the NRC, who has been exempted from the licensing requirements and regulations of that State or the NRC”.</u></p> <p>In the proposed 10A NCAC 15 .0311, North Carolina incorporates by reference 10 CFR 71. Certificates of Compliance can only be issued and modified by the NRC. Therefore, North Carolina should include reconciliatory language to specify that the terms associated with certification of appliance apply only to the NRC. Reconciliation language is provided below, recommended for inclusion as adding 10A NCAC 15 .0103(d)(12).</p> <p>12. <u>For purposes of 10 CFR Part 71, the terms “certificate of compliance”, “compliance holder”, “certificate holder”, or “applicant for certificate of compliance” apply to the NRC as they are the sole authority for issuing a package certificate of compliance.</u></p> <p>In 10A NCAC 15 .0103, it defines</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>the "Act" as the North Carolina Radiation Protection Act. However, certain regulations should continue to refer to the Atomic Energy Act of 1954, as amended. Reconciliation language is provided below, recommended for inclusion as 10A NCAC 15 .0103(d)(13).</p> <p>13. <u>Notwithstanding 10A NCAC 15 .0104, in the incorporated parts of 10 CFR, reference to "the Act" refers to the Atomic Energy Act of 1954, as amended, with the following exceptions: " 10 CFR 19.15, 19.16, 30.12 30.13, 30.14, 30.15, 30.18, 30.19, 30.20, 30.21, 30.22, 30.34, 30.41(b)(3), 30.61(b), 36.15, 40.31(d), 40.32(a), 40.41(a), (b), and (e)(4), 40.51(b)(3), 40.71, 61.24; 70.21(b), 70.31(a), 70.32(a)(3), 70.32(b)(5), 70.36, 70.42(b)(3), and 70.81, and 150.20(b).</u></p> <p>North Carolina cannot incorporate by reference areas under NRC's exclusive regulatory authority. Currently, in 10A NCAC 15 .1601, which incorporates by reference 10 CFR Part 20 with exceptions, including references to 10 CFR 50, 52, 60, 63, 72, 73, and 76. This reconciliatory language is acceptable for 10 CFR Part 20 but should be expanded and apply to all the regulations incorporated by reference. Reconciliation language is provided below, recommended for inclusion as 10A NCAC 15 .0103(d)(14).</p> <p>14. <u>References to parts of Chapter 10 of the Federal Code of Regulations that remain under NRC's</u></p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p><u>regulatory authority (e.g., 10 CFR Parts 50, 52, 54, 60, 63, 72, 76, and 110); and the phrase “common defense and security”) are not incorporated.</u></p> <p>The NRC’s rules of practice and procedure are set forth in 10 CFR Part 2. North Carolina incorporates various regulations that reference 10 CFR Part 2, here subpart B, which should instead refer to applicable state rules of practice and procedure. Reconciliation language is provided below, recommended for inclusion as 10A NCAC 15 .0103(d)(15) as shown below.</p> <p>15. <u>In 10 CFR 19.11(a)(4), 30.10(b), 40.10(b), 61.9b, 70.10(b), and 71.8(c) the reference to 10 CFR Part 2, subpart B is replaced with [equivalent state regulations and provisions].</u></p> <p>The following language is recommended to be included as 10A NCAC 15 .0103(d)(16) to reconcile further references to Part 2 and also Part 9, which implements several federal statutes relating to records (e.g., the Freedom of Information Act).</p> <p>16. <u>In 10 CFR 40.31(c), the reference to 10 CFR Parts 2 and 9, relating to public records, is replaced with [equivalent state regulations and provisions]. Similarly, in 10 CFR 61.73(d) and 70.21(d), the reference to part 2 is replaced with [equivalent state regulations and provisions].</u></p> <p>North Carolina incorporates</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>various regulations that reference 10 CFR Part 51. NRC environmental regulations are set forth in 10 CFR Part 51. Reconciliation language is provided below, recommended for inclusion 10A NCAC 15 .0103(d)(17).</p> <p>17. <u>In 10 CFR 30.32(f), 30.33, 40.31(f), and 40.32(e) the reference to 10 CFR Part 51 is replaced with [equivalent state regulations and provisions].</u></p> <p>See immediately preceding comment. Reconciliation language is provided below, recommended for inclusion as 10A NCAC 15 .0103(d)(18).</p> <p>18. <u>In 10 CFR 61.10, 61.23(l), and 61.28(b), the reference to 'subpart A of part 51 of this chapter' is replaced with [equivalent state regulations and provisions].</u></p> <p>10 CFR Part 21 cannot be incorporated by reference by North Carolina or otherwise adopted. North Carolina should review these regulations and provide reconciliation language.</p> <p>19. <u>In 10 CFR 31.2, 31.5(b)(10), 31.7(b), 31.8(c), 31.11(f), 31.12(b), 40.13, 40.22(d), and 70.19(c) the reference to "21 of this chapter" is replaced by "10 CFR Part 21".</u></p> <p>20. <u>In 10 CFR 34.45(a)(9) and in 10 CFR 39.63(l), the phrase "as required by part 21 of this chapter" and in 34.101(a), the phrase "such as § 21.21", are excluded.</u></p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>10 CFR Part 73 cannot be incorporated by reference by North Carolina as this Part addresses an area of exclusive NRC authority. North Carolina needs to provide reconciliation language. Reconciliation language is provided below, recommended for inclusion as 10A NCAC 15 .0103(d)(21).</p> <p>21. <u>Any reference to “part 73 of this chapter” is a reference to 10 CFR Part 73.</u></p> <p>North Carolina incorporates various regulations that reference 10 CFR Parts 170 and 171 which set forth the NRC’s fee regulations. North Carolina should add reconciliation language such that references to Parts 170 or 171 are substituted with references North Carolina’s fee regulations. Reconciliation language is provided below, recommended for inclusion as 10A NCAC 15 .0103(d)(22).</p> <p>22. <u>Any reference to 10 CFR Parts 170 or 171 is a reference to [North Carolina fee sections].</u></p> <p><u>North Carolina incorporates various sections including 10 CFR Parts 31, 32, and 70 which provide labeling requirement language. This language should remain and North Carolina should not be substituted for the NRC.</u> Reconciliation language is provided below, recommended for inclusion as 10A NCAC 15 .0103(d)(23).</p> <p>23. “Required statements for labeling referenced in 10 CFR are preserved.”</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
2	10A NCAC 15 .1001	10 CFR Part 19	N/A	D	In 10A NCAC 15 .1001, North Carolina incorporates by reference 10 CFR Part 19, with exceptions. North Carolina incorporates by reference several compatibility category D regulations without providing appropriate reconciliation language. These sections are: 10 CFR 19.1, 19.2, 19.5, 19.18, and 19.20. North Carolina should either consider adding reconciliation language for these sections or to exclude them entirely and optionally draft their own comparable language.
3	10A NCAC 15 .1601	10 CFR Part 20	N/A	D	In 10A NCAC 15 .1601, North Carolina incorporates by reference 10 CFR Part 20 by reference, with exceptions. North Carolina incorporates by reference several compatibility category D regulations without providing appropriate reconciliation language. These sections are: 10 CFR 20.1001, 20.1002, and 20.2106(d). North Carolina should either consider adding reconciliation language for these sections or to exclude them entirely and optionally draft their own comparable language.
4	10A NCAC 15 .1601(a)(3) 10A NCAC 15 .0301(a)(4) 10A NCAC 15 .1701(a) 10A NCAC 15 .0309(a)(5) 10A NCAC 15 .1203(a)(5)	10 CFR 20.1003 10 CFR 30.4 10 CFR 37.5 10 CFR 40.4 10 CFR 61.2 10 CFR 70.4 10 CFR 150.3	N/A	D	Definition: Government agency In various sections, North Carolina incorporates by reference the definition of "Government agency" which is compatibility category D and requires reconciliation language. North Carolina should either consider adding reconciliation language for this definition to remove federal authority or to exclude it entirely from these sections. If NC decides to exclude it, it could, optionally, draft its own comparable language. If North Carolina drafts its own version of the definition of "Government agency", North Carolina will need to update 10A NCAC 15 .0103(d) to state that "A reference to the definition of Government agency

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
	10A NCAC 15 .0310(a)(4) 10A NCAC 15 .0313(a)(3)				in 10 CFR is a reference to the definition of Government agency in [location of North Carolina definition of Government agency]”.
5	10A NCAC 15 .1601(a)(59)	10 CFR 20.2203(d)	N/A	D	<p>Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits</p> <p>In 10A NCAC 15 .1601(a)(59), North Carolina incorporates by reference 10 CFR 20.2203 with the exception of 20.2203(c). In 10 CFR 20.2203(d), which is compatibility category D, there is reference to nuclear power plant licensees which are only under NRC jurisdiction. Therefore, North Carolina should update 10A NCAC 15 .1601(a)(59) to also exclude 20.2203(d) or provide reconciliation language removing the reference to nuclear power plant licensees.</p>
6	10A NCAC 15 .0301	10 CFR Part 30	N/A	D	<p>In 10A NCAC 15 .0301, North Carolina incorporates by reference 10 CFR Part 30 with exceptions. North Carolina incorporates by reference several compatibility category D regulations without providing appropriate reconciliation language. North Carolina can consider adding reconciliation language for these sections or to exclude them entirely and optionally draft their own comparable language:</p> <ul style="list-style-type: none"> • 10 CFR 30.1 - requires additional reconciliation language to reference North Carolina’s enabling legislation. • 10 CFR 30.6 - although there is some reconciliation language, 30.6(b) contains discussion on the NRC Regions that would require additional substitutions and would need exceptions for the

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>NRC activities listed in 10 CFR 30.6(b)(1).</p> <ul style="list-style-type: none"> 10 CFR 30.11(c) – this section refers to the Department of Energy which is under NRC jurisdiction in its capacity as a licensee.
7	10A NCAC 15 .0301(a)(4)	10 CFR 30.4	N/A	D	<p>Definitions</p> <p>In 10A NCAC 15 .0301(a)(4), North Carolina incorporates by reference 10 CFR 30.4, “Definitions”, with exceptions. North Carolina incorporates by reference the definitions of “Production facility” and “Utilization facility” which are compatibility category D and require reconciliation language. North Carolina should consider excluding these definitions.</p>
8	10A NCAC 15 .0306	10 CFR 34.1	N/A	D	<p>Purpose and scope</p> <p>The proposed 10A NCAC 15 .0306 incorporates by reference 10 CFR Part 34 by reference with exceptions. North Carolina includes 10 CFR 34.1 which references multiple parts of 10 CFR including 10 CFR Part 170 and 171 which North Carolina does not IBR. North Carolina should either:</p> <ol style="list-style-type: none"> Add reconciliatory language that provides appropriate 10 CFR 170 and 171 substitutions found in North Carolina’s regulations (e.g., as recommended in Editorial Comment 1, Item 22). Exclude 10 CFR 34.1 and optionally draft a purpose statement.
9	10A NCAC 15 .0309	10 CFR 40.1, 40.2, 40.2a, and 40.5	N/A	D	<p>In 10A NCAC 15 .0309(a)(1), (2), (3), and (6), North Carolina incorporates by reference 10 CFR 40.1, 40.2, 40.2a, and 40.5. These sections are compatibility category D and require complex reconciliation language. North Carolina would need to either</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					add reconciliation language or exclude these sections and optionally provide its own equivalent sections.
10	10A NCAC 15 .1203	10 CFR Part 61	N/A	Various	<p>1. North Carolina's agreement with the NRC does not currently include the authority to authorize land disposal of low-level waste. Accordingly, it is recommended that North Carolina include in 10A NCAC 15 .1203 an applicability paragraph contingent on the expansion of the scope of North Carolina's agreement, e.g., "The Rules in this subsection, 10A NCAC 15 .1203, shall not apply unless and until North Carolina amends its agreement with the NRC to assume under State law regulatory authority over land disposal of low-level waste."</p> <p>2. In 10A NCAC 15 .1203, North Carolina incorporates 10 CFR Part 61 by reference with exceptions. Throughout 10 CFR Part 61, there is reference to 10 CFR Part 60 or 63 which North Carolina cannot incorporate by reference or otherwise adopt because these Parts address areas of exclusive NRC regulatory authority. Therefore, North Carolina should update 10A NCAC 15 .1203 to state that, "In 10 CFR 61, any reference to "part 60 or 63 of this chapter" is replaced with "10 CFR 60 or 63".</p>
11	10A NCAC 15 .1203(a)(5)	10 CFR 61.2	N/A	D	<p>Definitions</p> <p>In 10A NCAC 15 .1203(a)(5), North Carolina incorporates by reference 10 CFR 61.2, including the definition of "Director". This definition is compatibility category D and requires</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					reconciliation language. North Carolina should either add reconciliation language or exclude this definition from 10A NCAC 15 .1203(a)(5) and optionally provide its own definition.
12	10A NCAC 15 .1203	10 CFR 61.9	N/A	D	<p>Employee protection</p> <p>In 10A NCAC 15 .1203, North Carolina incorporates 10 CFR Part 61.9 by reference. This regulation is a compatibility category D and requires complex reconciliation language . Therefore, North Carolina should consider updating 10A NCAC 15 .0103(a)(3) to exclude 10 CFR 61.9 or provide reconciliation language.</p>
13	10A NCAC 15 .1203	10 CFR 61.80	N/A	C	<p>Maintenance of records, reports, and transfers</p> <p>In 10A NCAC 15 .1203, North Carolina incorporates by reference 10 CFR 61.80, with exceptions. 10 CFR 61.80 references sections 74.13 and 74.15 which North Carolina cannot incorporate by reference because they set forth regulations in an area of exclusive NRC authority. Therefore, North Carolina needs to add reconciliation language that, "In 10 CFR 61.80, "74.13, and 74.15 of this chapter" is replaced by "10 CFR 74.13 and 74.15".</p>
14	10A NCAC 15 .0310	10 CFR 70.1(a) and (b), 70.2, 70.23(a)(1), and 70.51(c)	N/A	D	<p>In 10A NCAC 15 .0310, North Carolina incorporates by reference 10 CFR 70.1(a) and (b), 70.2, 70.23(a)(1), and 70.51(c). These regulations are compatibility category D and require complex reconciliation language. North Carolina should update 10A NCAC 15 .0310 to either exclude these sections or provide the appropriate reconciliation language.</p>
15	10A NCAC 15 .0313(a)(1) and (2)	10 CFR 150.1 and 150.2	N/A	D	<p>In the proposed 10A NCAC 15 .0313(a)(1) and (2), North Carolina incorporates by reference provisions of 10 CFR Part 150, including 10 CFR 150.1 and 150.2, which are</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					compatibility category D. These regulations contain several references that would require complex reconciliatory language. North Carolina should either update 10A NCAC 15 .0313(a)(1) and (2) to include reconciliatory language or exclude 10 CFR 150.1 and 150.2 from incorporation by reference and optionally provide their own purpose and scope language.
16	10A NCAC 15 .0313(a)(3)	10 CFR 150.3	N/A	D	<p>Definitions</p> <p>In the proposed 10A NCAC 15 .0313(a)(3), North Carolina incorporates by reference 10 CFR 150.3 definitions, with exclusions. North Carolina incorporates by reference the definitions of “Government Agency”, “Production facility” and “Utilization facility” which require complex reconciliation language and are compatibility category D. Therefore, North Carolina needs to update 10A NCAC 15 .0313(a)(3) to either provide the appropriate reconciliation language or exclude “Government Agency”, “Production facility” and “Utilization facility” from incorporation by reference and optionally provide their own definition.</p>
17	10A NCAC 15 .0313(a)(6)	10 CFR 150.20	N/A	C	<p>Recognition of Agreement State licenses</p> <p>In the proposed 10A NCAC 15 .0313(a)(6), North Carolina incorporates by reference 10 CFR Part 150.20. North Carolina needs to update 10A NCAC 15 .0313(a)(6) to include the following reconciliatory language for 10 CFR 150.20 (underlined), and an explanation follows:</p> <p><u>In 10 CFR 150.20, where the words: (A) “non-agreement states”, “areas of exclusive federal jurisdiction within agreement states”, or “offshore waters” are used in (a)(1)(i), (ii), (iii);</u></p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p><u>(b), (b)(3), and (b)(4), it means “The State of Indiana”,</u></p> <p><u>(B) “agreement state license” are used, it means “agreement state license of Nuclear regulatory Commission license”,</u></p> <p><u>(C) “license issued by an agreement state” are used, it means “license issued by an agreement state or the Nuclear Regulatory Commission”,</u></p> <p><u>(D) “license from an agreement state” are used, it means “license from an agreement state of the Nuclear Regulatory Commission”.</u></p> <p><u>In 10 CFR 150.20, “74.11, 74.15, and 74.19 of this chapter” is replaced by “10 CFR 74.11, 74.15, and 74.19”.</u></p> <p><u>Applications for reciprocity should be made on forms provided by the Agency.</u></p> <p>The inclusion of the above recommended paragraphs (A)-(D) is necessary to ensure North Carolina’s regulations accurately reflect the state’s jurisdiction and to ensure references to the NRC are not inadvertently read out of the regulatory text.</p> <p>Additionally, 10 CFR Part 74 cannot be incorporated by reference by Agreement States. Therefore, there cannot be a reference to a “74...of this chapter”. Therefore, North Carolina needs to add reconciliatory language to clarify that it is 10 CFR Part 74.</p> <p>Also, 10 CFR 150.20 describes NRC forms for which North Carolina will need to provide a substitution for their own forms.</p>
18	10A NCAC 15 .0313(a)(7) and (8)	10 CFR 150.31 and 150.32	N/A	D	<p>In the proposed 10A NCAC 15 .0313(a)(7) and (8), North Carolina incorporates by reference 10 CFR 150.31 and 150.32, respectively. These regulations apply to Agreement</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					States with authority to regulate uranium mill activities (11e.(2) byproduct material). North Carolina does not have this authority. Therefore, North Carolina needs to exclude 10 CFR 150.31 and 150.32 from incorporation by reference by removing 10A NCAC 15 .0313(a)(7) and (8).

STATE REGULATION STATUS

State: North Carolina

Tracking Ticket Number: 24-38

Date: November 8, 2024

[amendment(s) reviewed identified by a * at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5)	01/10/1994	Final	No Comments 8/18/00	North Carolina has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Not Required	Not Required	North Carolina has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183	01/01/1994	Final	No Comments 10/25/1995	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980	10/15/1994	Final	No Comments 08/18/2000	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superseded by 2002-2)	01/27/1995	Final	No Comments 08/18/2000	North Carolina has not yet adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final	No Comments 08/18/2000	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final	No Comments 08/18/2000	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Final	No Comments 08/18/2000	
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Final	No Comments 08/18/2000	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	North Carolina does not have authority to regulate this material under its Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final	No Comments 08/18/2000	
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final	No Comments 08/18/2000	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 08/18/2000	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	Final	No Comments 08/18/2000	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superseded by 1997-5)	06/30/1998	Final	No Comments 08/18/2000	North Carolina has adopted Final Regulations equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	Final	No Comments 08/18/2000	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final	No Comments 08/18/2000	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superseded by 2002-2 and 2005-2)	10/20/1998	Final	No Comments 08/18/2000	North Carolina has not yet adopted Final Regulations equivalent to RATS IDs: 2002-2 and 2005-2.
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superseded by 2004-1)	04/01/1999	Final	No Comments 08/18/2000	North Carolina has not yet adopted Final Regulations equivalent to RATS ID: 2004-1.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999	Final	No Comments 08/18/2000	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final	No Comments 08/18/2000	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final	No Comments 08/18/2000	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000	Final	No Comments 08/18/2000	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Final	No Comments 08/18/2000	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000	Final	No Comments 08/18/2000	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final	No Comments 08/18/2000	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML061990608	No Comments 08/15/2006 ML062280005	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superseded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML062840118	No Comments 10/23/2006 ML062970032	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML061990608	No Comments 08/15/2006 ML062280005	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML042320535	No Comments 09/02/2004 ML042460091	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	North Carolina does not have authority to regulate this material under its Agreement.
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML061990608	No Comments 08/15/2006 ML062280005	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML061990608 Proposed ML22097A255	No Comments 08/15/2006 ML062280005 No Comments 05/12/2022 ML22097A252	NC submitted regulations that incorporate 10 CFR Part 39 by reference.
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004	Final ML061990608 Proposed ML22097A255	No Comments 08/15/2006 ML062280005 No Comments 05/12/2022 ML22097A252	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	Final ML14071A189	Comments 05/13/2014 ML14071A146	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML061790305	No Comments 08/04/2006 ML062160419	
2002-2	Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249	10/24/2005	Final ML14071A189	Comments 05/13/2014 ML14071A146	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006	Final ML061790305	No Comments 08/04/2006 ML062160419	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML14071A189	No Comments 05/13/2014 ML14071A146	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	License Condition ML081680728	No Comments 06/30/2008 ML081820320	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML081680728	No Comments 06/30/2008 ML081820320	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML052720130	No Comments 10/04/2005 ML052780077	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Final ML14071A189	No Comments 05/13/2014 ML14071A146	
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Not Applicable ⁱ	Not Applicable	North Carolina responded on 02/16/2007 to FSME-06-110 stating that they currently had no licensees applicable to this rule. ML070460135
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	License Condition ML081680728	No Comments 06/30/2008 ML081820320	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML14071A189	Comments 05/13/2014 ML14071A146	
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010	Final ML14071A189	Comments 05/13/2014 ML14071A146	
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010	Final ML14071A189	Comments 05/13/2014 ML14071A146	
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML080660061	No Comments 03/20/2008 ML080800385	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	02/15/2011	Final ML14071A189	Comments 05/13/2014 ML14071A146	
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML14071A189	No Comments 05/13/2014 ML14071A146	
2011-1	Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512	12/17/2015	Proposed ML14164A277 Final ML17187A158	Comments 08/19/2014 ML14162A412 Comments 09/06/2017 ML17187A129	
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	Proposed ML14164A277 Final ML17187A158 Proposed ML22097A255	Comments 08/19/2014 ML14162A412 Comments 09/06/2017 ML17187A129 No Comments 05/12/2022 ML22097A252	NC submitted regulations incorporating 10 CFR Part 39 by reference only

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Final ML14071A189 Revised Final ML15335A403 Revised Final ML17187A158	Comments 08/19/2014 ML14162A412 No Comments 01/13/2016 ML15335A397 No Comments 09/06/2017 ML17187A129	
2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Proposed ML14164A277 Final ML17187A158	No Comments 08/19/2014 ML14162A412 No Comments 09/06/2017 ML17187A129	
2012-3	Technical Corrections Parts 30, 34, 40 and 71 77 FR 39899	08/06/2015	Proposed ML14164A277 Final ML17187A158	Comments 08/19/2014 ML14162A412 No Comments 09/06/2017 ML17187A129	
2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015	Proposed ML14164A277 Final ML17187A158	Comments 08/19/2014 ML14162A412 Comments 09/06/2017 ML17187A129	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2013-1	Physical Protection of Byproduct Material Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922	03/19/2016	Proposed LC ML15202A281 Final ML17187A158 Proposed ML22097A255 Proposed ML22298A006	Comment 09/08/2015 ML15202A215 Comments 09/06/2017 ML17187A129 No Comments 05/12/2022 ML22097A252 No Comments 12/01/2022 ML22298A005	License Condition addresses Part 37 requirements only. NC submitted regulations incorporating 10 CFR Part 39 by reference. NC submitted regulations incorporating 10 CFR Parts 34 and 37 by reference.
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40, and 70 78 FR 32310	08/27/2016	Proposed ML15335A403 Final ML17187A158	Comments 01/13/2016 ML15335A397 Comments 09/06/2017 ML17187A129	
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018	Proposed ML15335A403 Final ML17187A158	Comments 01/13/2016 ML15335A397 Comments 09/06/2017 ML17187A129	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865	01/28/2018	Proposed ML15335A403 Final ML17187A158 Proposed ML22298A006	Comments 01/13/2016 ML15335A397 Comments 09/06/2017 ML17187A129 No Comments 12/01/2022 ML22298A005	NC submitted regulations incorporating 10 CFR Part 37 by reference only.
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018 extended to 08/15/2020 See STC 17-060	Proposed ML15335A403 Final ML17187A158	Comments 01/13/2016 ML15335A397 Comments 09/06/2017 ML17187A129	
2015-4	Miscellaneous Corrections Parts 37 and 40 80 FR 45841	09/02/2018	Proposed ML15335A403 Final ML17187A158	Comments 01/13/2016 ML15335A397 No Comments 09/06/2017 ML17187A129	
2015-5	Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150 80 FR 74974	12/31/2018	Final ML17187A158	No Comments 09/06/2017 ML17187A129	
2018-1	Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments Parts 30, 32 and 35	01/14/2022			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2018-2	Miscellaneous Corrections - Organizational Changes Parts 37, 40, 70 and 71	12/21/2021	Proposed ML22298A006	No Comments 12/01/2022 ML22298A005	NC submitted regulations incorporating 10 CFR Part 37 by reference only.
2018-3	Miscellaneous Corrections Parts 1, 2, 34, 37, 50, 71, 73, and 140	07/30/2022	Proposed ML22298A006	Comments 12/01/2022 ML22298A005	NC submitted regulations incorporating 10 CFR Parts 34 and 37 by reference only.
2019-1	Miscellaneous Corrections Parts 2, 21, 37, 50, 52, 73, and 110	12/18/2022	Proposed ML22298A006	Comments 12/01/2022 ML22298A005	NC submitted regulations incorporating 10 CFR Part 37 by reference only.
2019-2	Organizational Changes and Conforming Amendments Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150	12/30/2022	Proposed ML22298A006	No Comments 12/01/2022 ML22298A005	NC submitted regulations incorporating 10 CFR Part 37 by reference only.
2020-1	Individual Monitoring Devices 10 CFR Parts 34, 36, and 39	06/16/2023	Proposed ML22097A255	No Comments 05/12/2022 ML22097A252	NC submitted regulations incorporating 10 CFR Part 39 by reference only.
			Proposed ML22298A006	No Comments 12/01/2022 ML22298A005	NC submitted regulations incorporating 10 CFR Part 34 by reference only.
2020-2	Social Security Number Fraud Prevention 10 CFR Parts 9 and 35	08/17/2023			
2020-3	Miscellaneous Corrections 10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140	11/16/2023	Proposed ML22298A006	No Comments 12/01/2022 ML22298A005	NC submitted regulations incorporating 10 CFR Parts 34 and 61 by reference only.
			Proposed ML23102A012	No Comments 05/16/2023 ML23102A011	NC submitted regulations incorporating 10 CFR Parts 19 and 20 by reference only.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2021-1	Miscellaneous Corrections 10 CFR Parts 2, 11, 20, 25, 32, 35, 37, 50, 52,55, 70, 72, 73, 95, and 110	09/08/2024	Proposed ML22298A006	No Comments 12/01/2022 ML22298A005	NC submitted regulations incorporating 10 CFR Part 37 by reference only.
			Proposed ML23102A012	No Comments 05/16/2023 ML23102A011	NC submitted regulations incorporating 10 CFR Part 20 by reference only.
2021-2	Miscellaneous Corrections 10 CFR Parts 9, 37, 40, 50, 51, 52, 55, 71, 73, and 110	12/30/2024	Proposed ML22298A006	No Comments 12/01/2022 ML22298A005	NC submitted regulations incorporating 10 CFR Part 37 by reference only.
2022-1	Miscellaneous Corrections 10 CFR 1, 2, 20, 30, 40, 50, 55, 70, 73, and 170	none			Provisions are not required for compatibility.
2022-2	Miscellaneous Corrections 10 CFR Parts 20, 35, 50, 51, 52, 72, 73, 110, and 150	none			Provisions are not required for compatibility.
2023-1	Miscellaneous Corrections 10 CFR PARTS 1, 2, 26, 32, 40, 50, 51, 52, 72, and 73	09/25/2026			
NA	10 CFR Parts 34, 37, and 61	NA	Proposed ML22298A006	Comments 12/01/2022 ML22298A005	NC submitted regulations incorporating 10 CFR Parts 34, 37, and 61 by reference.
NA	10 CFR Parts 19 and 20	NA	Proposed ML23102A012	Comments 05/16/2023 ML23102A011	NC submitted regulations incorporating 10 CFR Parts 19 and 20 by reference.
NA	10 CFR Parts 30, 31, 32, 33, 35, 36, 40, and 70	NA	Proposed ML23290A068	Comments 12/20/2023 ML23324A317	NC submitted revisions to previously proposed regulations that adopt parts 30, 31, 32, 33,35,36,40 and 70 by reference.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
NA	Proposed license condition for Decay-in-Storage regulation (Decay-in-Storage Regulation Exemption Request)		Proposed LC ML24164A252	Comments 08/06/2024 ML24164A228	
*NA	Miscellaneous Corrections 10 CFR Parts 1, 2, 19, 20, 21, 26,30, 32, 34, 35, 39, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, 140 and 150		Proposed LC ML24268A025	Comment 11/08/2024 ML24267A212	

ⁱ IMPEP Team: verify that North Carolina does not have any licensees subject to these regulations during each review.

NORTH CAROLINA PROPOSED RULES 10A NCAC CHAPTER 15, RULE .0101, .0103, .0104, .0306, .0311, AND .0313 DATE November 8, 2024

DISTRIBUTION: DIR RF 24-38 SP05

DSilberfeld, OCIO/DIME

SSeeley, R-I/DNMS/MLAB

HAkhavannik, NMSS/MSST/SLPB

DWilliams, NMSS/MSST/SLPB

SSahle, NMSS/REFS/RRPB

AGiantelli, NMSS/MSST/SMPB

ADAMS Accession No.: Ltr ML24289A056

OFFICE	NMSS/MSST/SLPB	NMSS/MSST/SLPB	NMSS/REFS /RRPB	OGC/LHE/RP
NAME	HAkhavannik <i>HA</i>	DWilliams <i>DW</i>	SSahle <i>SS</i>	ELicon <i>EL</i>
DATE	Nov 6, 2024	Nov 6, 2024	Nov 6, 2024	Nov 6, 2024
OFFICE	NMSS/MSST/SMPB			
NAME	AGiantelli <i>AG</i>			
DATE	Nov 8, 2024			

OFFICIAL RECORD COPY