

1 10A NCAC 15 .0311 is proposed for amendment as follows:

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3 **10A NCAC 15 .0311 PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL**

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5 (a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 71 and to effectuate their joint  
6 enforcement, the following words and phrases shall be substituted for the language of 10 CFR 71:

7 (1) In 10 CFR 71.0(c), 71.3, 71.5 71.17(a), (b), 71.22, 71.23(a), (b), 10 CFR 71.101(c)(1), a reference  
8 to “NRC” or “Commission” means the "Agency;”

9 (2) In 10 CFR 71.8(b), (d), and 71.17(b), the Agency is the “quality assurance program approval  
10 holder,” and

11 (3) A reference to “NRC or agreement state” means the “Agency or agreement state.”

12 (b) All persons packaging, preparing for transport, or transporting radioactive materials shall comply with the  
13 provisions of 10 CFR 71, which are hereby incorporated by reference including subsequent amendments and editions,  
14 as follows;

15 (1) 10 CFR 71.0, "Purpose and scope;"

16 (2) 10 CFR 71.1, "Communications and records;" except that communications, notices, and reports  
17 required by this Rule shall be sent to the addresses shown in Rule .0111 of this Chapter unless  
18 directed otherwise by the agency, in lieu of the NRC;

19 (3) 10 CFR 71.3, "Requirement for license;"

20 (4) 10 CFR 71.4, "Definitions;"

21 (5) 10 CFR 71.5, "Transportation of licensed material;"

22 (6) 10 CFR 71.7(a), "Completeness and accuracy of information;"

23 (7) 10 CFR 71.8, "~~Deliberate misconduct;~~misconduct.” In 10 CFR 71.8(a)(3), the agency is the  
24 “quality assurance program approval holder;”

25 (8) 10 CFR 71.12, "Specific exemptions;"

26 (9) 10 CFR 71.13, "Exemption of Physicians;"

27 (10) 10 CFR 71.14(a), "Exemption for low-level materials;"

28 (11) 10 CFR 71.15, "Exemption from classification as fissile material;"

29 (12) 10 CFR 71.17, "General license: NRC-approved package," except that 10 CFR 71.17(a) applies to  
30 any licensee of the agency, and the quality assurance program approval required by 10 CFR 71.17(b)  
31 shall be issued by the agency in lieu of the NRC. Notifications required by 10 CFR 71.17(c) shall  
32 be made to the agency as required by Subparagraph (2) of this Paragraph and to the NRC in  
33 accordance with 71.17(c)(3);

34 (13) 10 CFR 71.21, "General license: Use of foreign approved ~~package;~~package,” except that 10 CFR  
35 71.21(a) applies to any licensee of the agency, and the quality assurance program approval required  
36 by 10 CFR 71.21(b) shall be issued by the agency or the NRC.

- 1 (14) 10 CFR 71.22, "General license: Fissile ~~material;~~"material" except that 10 CFR 71.22(a) applies to  
2 any licensee of the agency, and the quality assurance program approval required by 10 CFR 71.22(b)  
3 shall be issued by the agency.
- 4 (15) 10 CFR 71.23, "General license: Plutonium-beryllium special form ~~material;~~"material." except that  
5 10 CFR 71.23(a) applies to any licensee of the agency, and the quality assurance program approval  
6 required by 10 CFR 71.23(b) shall be issued by the agency.
- 7 (16) 10 CFR 71.47, "External radiation standards for all packages;"
- 8 (17) 10 CFR 71.81, "Applicability of operating controls and procedures;"
- 9 (18) 10 CFR 71.83, "Assumptions as to unknown properties;"
- 10 (19) 10 CFR 71.85(d), "Preliminary determinations;"
- 11 (20) 10 CFR 71.87, "Routine determinations;"
- 12 (21) 10 CFR 71.88, "Air transport of plutonium;"
- 13 (22) 10 CFR 71.89, "Opening instructions;"
- 14 (23) 10 CFR 71.91(a), (c) through (d), "Records;"
- 15 (24) 10 CFR 71.93, "Inspection and tests;"
- 16 (25) 10 CFR 71.95, "Reports;"
- 17 (26) 10 CFR 71.97, "Advance notification of shipment of irradiated reactor fuel and nuclear waste."  
18 Advanced notifications required by this Subparagraph shall be made to the NRC as required by 10  
19 CFR 71(c)(iii) and to the Governor's designee as follows:
- 20 (A) designee: N.C. Highway Patrol Headquarters, Operations Officer;
- 21 (B) mailing address: P.O. Box 27687, Raleigh, North Carolina 27611-7687;
- 22 (C) telephone: (919) 733-4030 from 8 a.m. to 5 p.m. Monday through Friday except State  
23 holidays, and (919) 733-3861 at all other times.
- 24 (27) 10 CFR 71.101(a) through (c)(1), (f), (g), "Quality assurance requirements." The quality assurance  
25 plan required by 10 CFR 71.101(c)(1) shall be submitted to the agency for review and approval in  
26 lieu of the NRC;
- 27 (28) 10 CFR 71.103, "Quality assurance organization," except that certificates of compliance shall be  
28 issued by the NRC in lieu of the agency;
- 29 (29) 10 CFR 71.105, "Quality assurance program;"
- 30 (30) 10 CFR 71.106, "Changes to quality assurance ~~program;~~"program." Changes to the quality  
31 assurance plan required by 10 CFR 71.101(c)(1) shall be submitted to the agency for review and  
32 approval in lieu of the NRC;
- 33 (31) 10 CFR 71.127, "Handling, storage, and shipping control;"
- 34 (32) 10 CFR 71.129, "Inspection, test, and operating status;"
- 35 (33) 10 CFR 71.131, "Nonconforming materials, parts, or components;"
- 36 (34) 10 CFR 71.133, "Corrective action;"
- 37 (35) 10 CFR 71.135, "Quality assurance records;"

- 1 (36) 10 CFR 71.137, "Audits;"
- 2 (37) Appendix A to 10 CFR 71, "Determination of A<sub>1</sub> and A<sub>2</sub>;"
- 3 (38) Table A-1 of Appendix A to 10 CFR 71, "A<sub>1</sub> and A<sub>2</sub> Values for Radionuclides;"
- 4 (39) Table A-2 of Appendix A to 10 CFR 71, "Exempt Material Activity Concentrations and Exempt
- 5 Consignment Activity Limits for Radionuclides," and
- 6 (40) Table A-3 of Appendix A to 10 CFR 71, "General Values for A<sub>1</sub> and A<sub>2</sub>."

7 (b) Requests for a specific exemption from this Rule as permitted by 10 CFR 71.12 shall be made on the licensee's  
8 business letterhead. Requests for exemptions from the requirements of this Rule shall be made to the agency at the  
9 addresses shown in Rule .0111(a) of this Chapter, in lieu of the NRC, or as otherwise instructed by the agency. To  
10 request an exemption, the following information shall be submitted to the agency:

- 11 (1) licensee name;
- 12 (2) license number;
- 13 (3) name of the individual requesting the exemption;
- 14 (4) contact information for the individual requesting the exemption;
- 15 (5) a description of the exemption being requested; and
- 16 (6) an explanation describing why the exemption is necessary.

17 (c) Copies of these regulations are available free of charge at [https://www.nrc.gov/reading-rm/doc-](https://www.nrc.gov/reading-rm/doc-collections/cfr/part071/)  
18 [collections/cfr/part071/](https://www.nrc.gov/reading-rm/doc-collections/cfr/part071/).

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20 *History Note: Authority G.S. 104E-7; 104E-10(b);*  
21 *Eff. February 1, 1980;*  
22 *Amended Eff. January 1, 1994;*  
23 *Transferred and Recodified from 15A NCAC 11 .0311 Eff. February 1, 2015;*  
24 *Readopted Eff. May 1, ~~2025-2025~~;*  
25 *Amended Eff. October 1, 2026.*