

1 10A NCAC 15 .1701 is proposed for amendment as follows:

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3 **SECTION .1700 – PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF**  
4 **RADIOACTIVE MATERIAL**

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6 **10A NCAC 15 .1701 ADDITIONAL REQUIREMENTS FOR LICENSEES POSSESSING CATEGORY**  
7 **1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL**

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9 (a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 37 and to effectuate their joint  
10 enforcement, the following words and phrases shall be substituted for the language of 10 CFR 37:

11 (1) With the exception of 10 CFR 37.5 a reference to “NRC” or “Commission” means the "Agency;”

12 (2) A reference to “NRC-licensed” means licensed by the Agency.

13 ~~(a)~~(b) Licensees possessing an aggregate category 1 or category 2 quantity of radioactive material, as defined in 10  
14 CFR 37.5, shall comply with the requirements for the physical protection program listed in 10 CFR Part 37, which is  
15 hereby incorporated by reference, including any subsequent amendments and editions, except the following  
16 regulations are not incorporated:

17 (1) 10 CFR 37.1;

18 (2) 10 CFR 37.3;

19 (3) 10 CFR 37.7;

20 (4) 10 CFR 37.9;

21 (5) 10 CFR 37.11(a) and (b);

22 (6) 10 CFR 37.13;

23 (7) 10 CFR 37.105;

24 (8) 10 CFR 37.107; and

25 (9) 10 CFR 37.109.

26 ~~(b)~~(c) Licensee required reports of events or notifications in 10 CFR 37.23(b)(2), 37.41, 37.45, 37.57, 37.77(a)  
27 through (d), and 37.81 shall use the Agency contact information in Rule .0111 of this Chapter.

28 ~~(c)~~(d) The Code of Federal Regulations incorporated by this Rule are available free of charge at  
29 <https://www.ecfr.gov/current/title-10/chapter-I/part-37>.

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

32 *Eff. June 1, 2016;*

33 *Amended Eff. October 1, 2026; May 1, 2023.*