



**North Carolina Department of Health and Human Services  
Division of Health Service Regulation**

Pat McCrory  
Governor

Richard O. Brajer  
Secretary DHHS

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Division Director

November 17, 2015

Pamela J. Henderson, Deputy Director Division Material Safety, State, Tribal, and Rulemaking Programs  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
T8-E18  
Washington, D.C. 20555-0001

Dear Ms. Henderson:

Enclosed is a copy of the revisions to the proposed North Carolina Regulations for Protection Against Radiation (10A NCAC Chapter 15). The proposed revisions will be made available for public comment on April 1, 2016 with a request for comments by May 31, 2016. We request NRC's comments by January 31, 2016. The proposed regulations are identified by underline/line-out text and correspond to the following equivalent amendments to NRC's regulations (enclosed):

| <u>Rats ID</u> | <u>Title</u>   | <u>State Section</u>   |
|----------------|--|--|
| • 2011-1       | Decommissioning Planning, Parts 20, 30, 40, and 70   | 10A NCAC 15 .0338, .0353, .0354, .0355, .1613, and .1653   |
| • 2011-2       | 76 FR 56951 Licenses, Certifications, and Approvals for Materials Licensees  | 10A NCAC 15 .0117 (no rule change) and .0337. NC has no Uranium milling licensees                      |
| • 2012-1       | Change of Compatibility of 10 CFR 31.5 and 31.6 in the Withdrawal of Proposed Rule and Closure of Rulemaking: OAS and Florida Dept. of Health, Bureau of Radiation Control | 10A NCAC 15 .0309 and .0310  |
| • 2012-2       | Advance Notification of Native American Indian tribes off Transportation of Certain Types of Nuclear Waste   | 10A NCAC 15 .0117 (no rule change) and .0316   |
| • 2012-3       | Technical Corrections – Parts 30, 34, 40, and 71.  | 10A NCAC 15 .0338, and .1627 (no rule change to .1627). NC has no Uranium milling licensees            |
| • 2012-4       | Requirements for Distribution of Byproduct Material, Parts 30, 31, 32, 40 and 70   | 10A NCAC 15 .0305, .0317, .0327, .0328, .0329, .0330, .0332, .0337, and .0344.                         |
| • 2013-1       | Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, 51, 71 and 73  | 10A NCAC 15 .0316, .0317, and .1645. Note: Part 37 is being adopted in a separate rule making package. |

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- 2013-2 Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions 10 CFR Parts 30, 40, 70, 170, and 171 10A NCAC 15 .0117 (no rule change), .0307, .0335 and .0337
- 2015-1 Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments 10 CFR Part 70 10A NCAC 15 .0357
- 2015-2 Safeguards Information – Modified Handling Categorization, Change for Materials Facilities 10 CFR Parts 30, 37, 73, and 150 10A NCAC 15 .0117 (no rule change). Note: Part 37 is being adopted in a separate rule making package.
- 2015-3 Revisions to Transportation Safety Requirements and Harmonization with IAEA Transportation Requirements; Including Corrections 10 CFR Part 71 10A NCAC 15 .0316
- 2015-4 Miscellaneous Corrections 10 CFR Parts 37 and 40 10A NCAC 11 .0117 (no rule change). Note: Part 37 is being adopted in a separate rule making package.
- Letter dated May 13, 2014 transmitting NRC comments on NC rules adopted in October, 2013 10A NCAC 11 .0304, .0305, .0317, .0328, .0331, .0331, .0338, .0359, .0362, and .1004
- Letter dated August 18, 2014 transmitting NRC comments on proposed NC rules 10A NCAC 11 .0305, .0309, .0317, .0328, .0337, .0337, .0353, .0521, and .1653

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200. Comments provided to the State in the letters dated May 13, 2014 and August 18, 2014 are provided as a single table. The State's response to NRC comments listed on the table are presented in the order that the comments appear on both letters.

If you have any questions, please feel free to contact me at 919-814-2252, or James Albright of my staff at 919-814-2251. Mr. Albright can be e-mailed at james.albright@dhhs.nc.gov.

Sincerely,



W. Lee Cox, III, Section Chief

WLC/jda

Enclosures: as stated