



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

September 6, 2017

W. Lee Cox, Section Chief
Radiation Protection Section
Division of Health Service Regulation
North Carolina Department of Health and Human Services
1645 Mail Service Center
Raleigh, NC 27699-1645

Dear Mr. Cox:

We have reviewed the final revisions to the North Carolina regulations 10A NCAC Chapter 15, Regulations for Protection Against Radiation, received by our office on July 6, 2017. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2011-1, 2011-2, 2012-1, 2012-2, 2012-3, 2012-4, 2013-1, 2013-2, 2015-1, 2015-2, 2015-3, 2015-4, and 2015-5 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with James Albright on August 31, 2017.

As a result of our review, we have 29 comments that have been identified in the enclosure. 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 location of any changes made by North Carolina, in response to our comments, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS. The SRS Data Sheet 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 the NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at (267) 884-2305 (Michelle.Beardsley@nrc.gov) or Monica Ford at (610) 337-5214 (Monica.Ford@nrc.gov).

Sincerely,

/RA Paul Michalak for/

Kevin Williams, Deputy Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. North Carolina SRS Data Sheet

SUBJECT: NORTH CAROLINA FINAL REGULATIONS TO RATS IDS 2011-1, 2011-2, 2012-1, 2012-2, 2012-3, 2012-4, 2013-1, 2013-2, 2015-1, 2015-2, 2015-3, 2015-4, AND 2015-5. DATE: September 6, 2017

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COMPATIBILITY COMMENTS ON NORTH CAROLINA FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	10A NCAC 15.0338	70.32 (a)(1), (a)(4), (a)(5), (a)(6), (a)(7), (b)(1), (b)(3), (b)(4),(c), (d), (e), (f), (g), (h), (i), (j), & (k)	N/A	NRC	<p>Conditions of licenses</p> <p>NC adopts 10 CFR 70.32 by reference in 10A NCAC 15.0338. NC needs to exclude those sections of 70.32 which are a Compatibility Category NRC [i.e., 70.32(a)(1), (a)(4), (a)(5), (a)(6), (a)(7), (b)(1), (b)(3), (b)(4),(c), (d), (e), (f), (g), (h), (i), (j), & (k)] from adoption by reference.</p> <p>NC needs to make the above change in order to meet the Compatibility Category NRC designation assigned to 10 CFR 70.32(a)(1), (a)(4), (a)(5), (a)(6), (a)(7), (b)(1), (b)(3), (b)(4),(c), (d), (e), (f), (g), (h), (i), (j), & (k).</p>
2	10A NCAC 15.0338	70.36	2011-1	C	<p>Inalienability of licenses</p> <p>NC omits a regulation containing the essential objectives (or a citation by reference) to 10 CFR 70.36.</p> <p>NC needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 70.36.</p>
3	10A NCAC 15.0117	30.4	2011-2	NRC	<p>Definition: Commencement of Construction</p> <p>NC incorporates this definition by reference. Since paragraph 2 is a Compatibility Category NRC, NC should not incorporate it by reference in 15.0117(a)(2)(B).</p> <p>NC needs to exempt by reference paragraph 2 of the definition,</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Commencement of Construction, in order to meet the Compatibility Category NRC designation assigned to 10 CFR 30.4 Definition: Commencement of construction, Paragraph 2.</p> <p>Comment Stands from NRC letter dated August 19, 2014/ML14210A061. Per NC, no rule changes were made to section 0117.</p>
4	10A NCAC 15.0117	30.4	2011-2	NRC	<p>Definition: Construction</p> <p>NC incorporates this definition by reference. Since paragraph 9(ii) is a Compatibility Category NRC, NC should not incorporate it by reference in 15.0117(a)(2)(B).</p> <p>NC needs to not incorporate by reference paragraph 9(ii) of the definition Construction in order to meet the Compatibility Category NRC designation assigned to 10 CFR 30.4 Definition: Construction, Paragraph 9(ii).</p> <p>Comment Stands from NRC letter dated August 19, 2014/ML14210A061. Per NC, no rule changes were made to section 0117.</p>
5	10A NCAC 15.0117	36.2	2011-2	NRC	<p>Definition: Commencement of Construction</p> <p>NC incorporates this definition by reference. Since paragraph 2 is a Compatibility Category NRC, NC should not incorporate it by reference in 15.0117(a)(2)(F).</p> <p>NC needs to not incorporate by</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>reference paragraph 2 of the definition Commencement of construction in order to meet the Compatibility Category NRC designation assigned to 10 CFR 36.2 Definition: Commencement of construction, Paragraph 2.</p> <p>Comment Stands from NRC letter dated August 19, 2014/ML14210A061. Per NC, no rule changes were made to section 0117.</p>
6	10A NCAC 15.0117	36.2	2011-2	NRC	<p>Definition: Construction</p> <p>NC incorporates this definition by reference. Since paragraph 9(ii) is a Compatibility Category NRC, NC should not incorporate it by reference in 15.0117(a)(2)(F).</p> <p>NC needs to not incorporate by reference paragraph 9(ii) of the definition of Construction in order to meet the Compatibility Category NRC designation assigned to 10 CFR 36.2 Definition, Construction, Paragraph 9(ii).</p> <p>Comment Stands from NRC letter dated August 19, 2014/ML14210A061.</p>
7	10A NCAC 15.0117	40.4	2011-2	NRC	<p>Definition: Commencement of Construction</p> <p>NC incorporates this definition by reference. Since paragraph 2 is a Compatibility Category NRC, NC should not incorporate it by reference in 15.0117(a)(2)(G).</p> <p>NC needs to not incorporate by reference paragraph 2 of the</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>definition Commencement of construction in order to meet the Compatibility Category NRC designation assigned to 10 CFR 40.4 Definition Commencement of construction, Paragraph 2.</p> <p>Comment Stands from NRC letter dated August 19, 2014/ML14210A061.</p>
8	10A NCAC 15.0117	40.4	2011-2	NRC	<p>Definition: Construction</p> <p>NC incorporates this definition by reference. Since paragraph 9(ii) is a Compatibility Category NRC, NC should not incorporate it by reference in 15.0117(a)(2)(G).</p> <p>NC needs to not incorporate by reference paragraph 9(ii) of the definition <i>Construction</i> in order to meet the Compatibility Category NRC designation assigned to 10 CFR 40.4 Definition: Construction, Paragraph 9(ii).</p> <p>Comment Stands from NRC letter dated August 19, 2014/ML14210A061.</p>
9	10A NCAC 15.0117	70.4	2011-2	NRC	<p>Definition: Commencement of Construction</p> <p>NC incorporates this definition by reference. Since paragraph 2 is a Compatibility Category NRC, NC should not incorporate it by reference in 15.0117(a)(2)(I).</p> <p>NC needs to not incorporate by reference paragraph 2 of the definition Commencement of construction in order to meet the Compatibility Category NRC</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>designation assigned to 10 CFR 70.4 Definition: Commencement of construction, Paragraph 2.</p> <p>Comment Stands from NRC letter dated August 19, 2014/ML14210A061.</p>
10	10A NCAC 15.0117	70.4	2011-2	NRC	<p>Definition: Construction</p> <p>NC incorporates this definition by reference. Since paragraph 9(ii) is a Compatibility Category NRC, NC should not incorporate it by reference in 15.0117(a)(2)(l).</p> <p>NC needs to not incorporate by reference paragraph 9(ii) of the definition Construction in order to meet the Compatibility Category NRC designation assigned to 10 CFR 70.4 Definition: Construction, Paragraph 9(ii).</p> <p>Comment Stands from NRC Letter dated August 19, 2014/ML14210A061.</p>
11	10A NCAC 15.0317 (b)(1)	32.14(b)(4) & (5)	2012-4	NRC	<p>Certain items containing byproduct material; requirements for license to apply or initially transfer</p> <p>NC adopts 10 CFR 32.14 by reference in 10 NCAC 15.0317(b)(1).</p> <p>NC needs to remove this regulation from adoption by reference in order to meet the Compatibility Category NRC designation assigned to 10 CFR 32.14.</p>
12	10A NCAC 15.0317 (b)(1)	32.15	2012-4	NRC	<p>Same: Quality assurance, prohibition of transfer, and labeling.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>NC adopts 10 CFR 32.15 by reference in 10 NCAC 15.0317(b)(1).</p> <p>NC needs to remove this regulation from adoption by reference in order to meet the Compatibility Category NRC designation assigned to 10 CFR 32.15.</p>
13	10A NCAC 15.0317 (b)(1)	32.22	2012-4	NRC	<p>Self-luminous products containing tritium, krypton-85 or promethium-147: Requirements for license to manufacture, process, produce, or initially transfer</p> <p>NC adopts 10 CFR 32.22 by reference in 10 NCAC 15.0317(b)(1).</p> <p>NC needs to remove this regulation from adoption by reference in order to meet the Compatibility Category NRC designation assigned to 10 CFR 32.22.</p>
14	10A NCAC 15.0317 (b)(1)	32.26	2012-4	NRC	<p>Gas and aerosol detectors containing byproduct material: Requirements for license to manufacture, process, produce, or initially transfer</p> <p>NC adopts 10 CFR 32.26 by reference in 10 NCAC 15.0317(b)(1).</p> <p>NC needs to remove this regulation from adoption by reference in order to meet the Compatibility Category NRC designation assigned to 10 CFR 32.26.</p>
15	10A NCAC 15.0317 (b)(1)	32.30	2012-4	NRC	<p>Certain industrial devices containing byproduct material: Requirements for license to manufacture, process, produce, or initially transfer</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>NC adopts 10 CFR 32.30 by reference in 10 NCAC 15.0317(b)(1).</p> <p>NC needs to remove this regulation from adoption by reference in order to meet the Compatibility Category NRC designation assigned to 10 CFR 32.30.</p>
16	10A NCAC 15.0317 (b)(1)	32.31	2012-4	NRC	<p>Certain industrial devices containing byproduct material: Safety criteria</p> <p>NC adopts 10 CFR 32.31 by reference in 10 NCAC 15.0317(b)(1).</p> <p>NC needs to remove this regulation from adoption by reference in order to meet the Compatibility Category NRC designation assigned to 10 CFR 32.31.</p>
17	10A NCAC 15.0317 (b)(1)	32.32	2012-4	NRC	<p>Conditions of licenses issued under § 32.30: Quality control, labeling, and reports of transfer</p> <p>NC adopts 10 CFR 32.32 by reference in 10 NCAC 15.0317(b)(1).</p> <p>NC needs to remove this regulation from adoption by reference in order to meet the Compatibility Category NRC designation assigned to 10 CFR 32.32.</p>
18	10A NCAC 15.1701(d)	37.71(a)-(c)	2013-1	B	<p>Additional requirements for transfer of category 1 and category 2 quantities of radioactive material</p> <p>NC excludes 10 CFR 37.71 from adoption by reference in 10A NCAC 15.1701(a). Additionally, NC talks about transfer requirements in 10A NCAC 15.1701(d) and references</p>

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					<p>requirements listed in 10A NCAC 15.0343. Section 15.0343 has not been amended to include either a citation by reference of 10 CFR 37.71(a)-(c) or language equivalent to that stated in this regulation.</p> <p>NC needs to adopt an essentially identical regulation to 10 CFR 37.71(a)-(c) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.71(a)-(c).</p>
19	10A NCAC 15.1701(d)	37.71(d)	2013-1	C	<p>Additional requirements for transfer of category 1 and category 2 quantities of radioactive material</p> <p>NC excludes 10 CFR 37.71 from adoption by reference in 10A NCAC 15.1701(a). Additionally, NC talks about transfer requirements in 10A NCAC 15.1701(d) and references requirements listed in 10A NCAC 15.0343. Section 15.0343 has not been amended to include either a citation by reference of 10 CFR 37.71(d) or language equivalent to that stated in the NRC's regulation.</p> <p>NC needs to adopt an essentially identical regulation to 10 CFR 37.71(d) in order to meet the Compatibility Category C designation assigned to 10 CFR 37.71(d).</p>
20	10A NCAC 15.1701	37.77(f)	2013-1 2015-2	C	<p>Advance notification of shipment of category 1 quantities of radioactive material</p> <p>NC excludes 10 CFR 37.77(f) from adoption by reference in 10A NCAC 15.1701.</p> <p>NC should adopt this regulation by reference in order to meet the</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Compatibility Category C designation assigned to 10 CFR 37.77(f).</p> <p>Comment Stands from NRC letter dated January 13, 2016/ML15335A397.</p>
21	10A NCAC 15.0302 & 15.0117	40.13(c)(5)(iv)	2013-2	NRC	<p>Unimportant quantities of source material</p> <p>NC adopts 10 CFR Part 40.13(c)(5)(iv) by reference in 15.0302(a) and 15.0117.</p> <p>NC needs to exclude 10 CFR 40.13(c)(5)(iv) from its adoption by reference in 10A NCAC 15.0117 and 15.0302 in order to meet the Compatibility Category NRC assigned to 10 CFR 40.13(c)(5)(iv).</p> <p>Comment Stands from NRC letter dated January 13, 2016/ML15335A397.</p>
22	10A NCAC 15.0117	40.52	2013-2	NRC	<p>Certain items containing source material; requirements for license to apply or initially transfer</p> <p>NC adopts 10 CFR Part 40.52 by reference in 15.0117(a)(2)(G).</p> <p>NC needs to add 10 CFR 40.52 to the list of items not adopted by reference in order to meet the Compatibility Category NRC designation assigned to 10 CFR 40.52.</p> <p>Comment Stands from NRC letter dated January 13, 2016/ML15335A397.</p>
23	10A NCAC 15.0117	40.53	2013-2	NRC	<p>Conditions for licenses issued for initial transfer of certain items containing source material:</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Quality control, labeling, and records and reports</p> <p>NC adopts 10 CFR 40.53 by reference in 15.0117(a)(2)(G) and 15.0338.</p> <p>NC needs to add 10 CFR 40.53 to the list of items not adopted by reference in 15.0117 and remove 10 CFR 40.53 from 15.0338 in order to meet the Compatibility Category NRC designation assigned to 10 CFR 40.53.</p> <p>Comment Modified from NRC letter dated January 13, 2016/ML15335A397.</p>
24	10A NCAC 15.0117	10 CFR 70 Appendix A	2015-1	NRC	<p>Appendix A, 10 CFR Part 70</p> <p>NC adopts 10 CFR 70 Appendix A by reference in 15.0117(a)(2)(I).</p> <p>NC needs to add 10 CFR 70 Appendix A to the list of items not adopted by reference in order to meet the Compatibility Category NRC designation assigned to 10 CFR 70 Appendix A.</p> <p>Comment Stands from NRC letter dated January 13, 2016/ML15335A397.</p>
25	10A NCAC 15.0316	71,17 71.21 71.91(c) and (d) 71.101(a)(b) and	2015-3	B B C C	<p>General license: NRC approved package</p> <p>General license: Use of foreign approved package</p> <p>Records</p> <p>Quality assurance requirements</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
		(c)(1) 71.103(a) 71.106 71.135		C C C	<p>Quality assurance organization</p> <p>Changes to quality assurance program</p> <p>Quality assurance records</p> <p>Under their regulations titled, "General licenses: Transportation", NC needs to add a section which indicates that:</p> <ol style="list-style-type: none"> 1) For those regulations that apply to the general licensee and the licensee's quality assurance program (QAP), the references to the Commission need to be changed to NC; 2) The general licensees' QAPs are to be submitted and approved by NC and not the NRC, and provide the NC agency contact information; 3) The terms "Certificate of Compliance (CoC), applicant, and certificate holder apply solely to the NRC. <p>NC needs to make the changes as stated above in order to meet the Compatibility Category B designation assigned to 10 CFR 71.17, and 71.21, and the Compatibility Category C designation assigned to 10 CFR 71.91(c) and (d), 71.101(a)(b) and (c)(1), 71.103(a), 71.106, and 71.135.</p>
26	10A NCAC 15.0316 & 15.0117	71.85(a)-(c)	2015-3	NRC	<p>Preliminary determinations</p> <p>NC adopts by reference 10 CFR 71 Subpart G. Subpart G includes 10 CFR 71.85(a)-(c) which should not be adopted by reference.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>NC needs to not adopt by reference 10 CFR 71.85(a)-(c) in order to meet the Compatibility Category NRC designation assigned to 10 CFR 71.85(a)-(c).</p> <p>Comment Stands from NRC letter dated January 13, 2016/ML15335A397.</p> <p>NC excludes 10 CFR 71.85(a)-(c) from adoption by reference in 10A NCAC 15.0316. However, NC still includes 10 CFR 71.85(a)-(c) as an adoption by reference in 10A NCAC 15.0117. Therefore, this comment stands.</p>
27	10A NCAC 15.0316 & 15.0117	71.91(b)	2015-3	NRC	<p>Records</p> <p>NC adopts by reference 10 CFR 71 Subpart G. Subpart G includes 10 CFR 71.91(b) which should not be adopted by reference.</p> <p>NC needs to not adopt by reference 10 CFR 71.91(b) in order to meet the Compatibility Category NRC designation assigned to 10 CFR 71.91(b).</p> <p>Comment Stands from NRC letter dated January 13, 2016/ML15335A397.</p> <p>NC excludes 10 CFR 71.91(b) from adoption by reference in 10A NCAC 15.0316. However, NC still includes 10 CFR 71.91(b) as an adoption by reference in 10A NCAC 15.0117. Therefore, this comment stands.</p>
28	10A NCAC	71.106	2015-3	C	

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
	15.0316 & 15.0117				<p>Changes to quality assurance program</p> <p>NC lists two regulations that they believe cover the adoption of 10 CFR 71.106. However, NC does not adopt 10 CFR 71.106 by reference in 15.0117(a)(2)(J), and 15.0306 cites by reference only those sections of 10 CFR Part 71 that deal with shipment and transportation of radioactive material. Since 10 CFR 71.106 deals with Quality Assurance, it is not covered in this adoption by reference either.</p> <p>NC needs to adopt the essential objectives of 10 CFR 71.106 in order to meet the Compatibility Category C designation assigned to 10 CFR 71.106.</p> <p>Comment Stands from NRC letter dated January 13, 2016/ML15335A397.</p>
29	10A NCAC 15.0117	Multiple	N/A	Multiple	<p>Adoption by reference</p> <p>NC needs to change 15.0117(a)(2)(G) to read "Part 40, except 40.4 Definitions: Commencement of Construction Paragraph 2, Construction Paragraph 9ii, Foreign Obligations, and Reconciliation, 40.12(b), 40.13(c)(5)(iv), 40.23, 40.27, 40.28, 40.31 (j through m), 40.32(d) and portions of (e) pertaining to uranium enrichment, 40.32(g), 40.33, 40.38, 40.41(d), 40.41(e)(1), 40.41(e)(3), 40.41(g), 40.41(h), 40.51(b)(6), 40.52, 40.53, 40.56, 40.64, 40.66, 40.67, Appendix A.III. Site and Byproduct Material Ownership to 10 CFR Part 40, Appendix A.IV. Long-term Site</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>Surveillance;”</p> <p>NC needs to change 15.0117(a)(2)(I) to read “...70.14, 70.20a, 70.20b, 70.21(a)(1), (c), (f through h), ...”</p> <p>NC needs to remove “71.20” from 15.0117(a)(2)(J).</p> <p>NC needs to include language to 15.0117 that addresses when items need to be directed to the Agency instead of the NRC. For example the section could read “To reconcile differences between this administrative regulation and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of the Federal regulations:</p> <p>(1) A reference to "NRC" or "Commission" means Agency.</p> <p>(2) A reference to "NRC or agreement state" means Agency, U.S. Nuclear Regulatory Commission, or agreement state.</p> <p>(3) Notifications, reports and correspondence referenced in the incorporated part(s) shall be directed to the Agency as per [list NC regulation]</p> <p>NC needs to make the above changes in order to meet the various Compatibility Category designations assigned to the reference sections.</p> <p>Comment Stands from NRC letter dated August 19, 2014/ML14210A061. Per NC, no rule changes were made to 10A NCAC 15.0117 during this rulemaking.</p>

STATE REGULATION STATUS

State: North Carolina

Tracking Ticket Number: 17-51

Date: 09/06/2017

[# 13 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 and 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 (Superceded 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 and 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 and 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 and 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 and 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 and 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 and 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 (Superceded 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 and 20 60 FR 36038	08/14/1998	Final	No Comments 08/18/2000	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40 and 70 60 FR 38235	11/24/1998	Final	No Comments 08/18/2000	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 (Superceded 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 (Superceded 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 and 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 and 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 and 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 and 150 62 FR 28947	06/27/2000	Final	No Comments 08/18/2000	

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1997-6	Radiological Criteria for License Termination Parts 20, 30, 40 and 70 62 FR 39057	08/20/2000	Final	No Comments 08/18/2000	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Microcurie 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 and 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 and 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 (Superceded 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 and 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML061990608	No Comments 08/15/2006 ML062280005	

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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	No Comments 08/15/2006 ML062280005	
2000-2	New Dosimetry Technology Parts 34, 36 and 39 65 FR 63750	01/08/2004	Final ML061990608	No Comments 08/15/2006 ML062280005	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31 and 32 65 FR 79162	02/16/2004	Final ML14071A189	Comments 05/13/2014 ML14071A146	

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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 and 35 67 FR 20249	10/24/2005	Final ML14071A189	Comments 05/13/2014 ML14071A146	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40 and 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	
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	

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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 ¹	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 and 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 and 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	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043	02/15/2011	Final ML14071A189	Comments 05/13/2014 ML14071A146	

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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 and 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	Comments 08/19/2014 ML14162A412 Comments 09/06/2017 ML17187A129	
*2012-1	Change of Compatibility of Parts 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	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*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	
*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 ML15202A281 Final ML17187A158	Comment 09/08/2015 ML15202A215 Comments 09/06/2017 ML17187A129	License Condition addresses Part 37 requirements only

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*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	
*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	Comments 01/13/2016 ML15335A397 Comments 09/06/2017 ML17187A129	
*2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018	Proposed ML15335A403 Final ML17187A158	Comments 01/13/2016 ML15335A397 Comments 09/06/2017 ML17187A129	

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*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	

¹ IMPEP Team: verify that North Carolina does not have any licensees subject to these regulations during each review.