

1 **SECTION .0300 - LICENSING OF RADIOACTIVE MATERIAL**

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3 10A NCAC 15 .0301 is proposed for readoption with substantive changes as follows:

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5 Codifier's Note: 10 NCAC 03G .2400 was transferred to 15A NCAC 11 .0300 effective January 4, 1990.
6 Recodification pursuant to G.S. 143B-279.3.

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8 **10A NCAC 15 .0301 ~~PURPOSE AND SCOPE~~ GENERAL RULES APPLICABLE TO THE SPECIFIC**
9 **LICENSING OF BYPRODUCT MATERIAL**

10 ~~(a) This Section provides for the licensing of radioactive material. No person shall receive, possess, use, transfer,~~
11 ~~own, transport, manufacture and produce, or acquire radioactive material except as authorized in a specific or general~~
12 ~~license issued pursuant to, or as otherwise provided in, this Section.~~

13 ~~(b) In addition to the requirements of this Section:~~

14 ~~(1) All licensees are subject to the requirements of Sections .1000, .1100 and .1600 of this Chapter,~~
15 ~~except as otherwise provided in the rules of this Section;~~

16 ~~(2) Licensees engaged in industrial radiographic operations are subject to the requirements of Section~~
17 ~~.0500 of this Chapter;~~

18 ~~(3) Licensees using sealed sources in the healing arts are subject to the requirements of Section .0700~~
19 ~~of this Chapter;~~

20 ~~(4) Licensees engaged in the operation of radioactive waste disposal facilities are subject to the~~
21 ~~requirements of Section .1200 of this Chapter; and~~

22 ~~(5) Licensees engaged in well logging operations are subject to the requirements of Section .1300 of~~
23 ~~this Chapter.~~

24 ~~(c) The rules in this Section do not apply to persons licensed pursuant to the rules in Section .1200 of this Chapter~~
25 ~~except as specifically provided otherwise in Section .1200.~~

26 (a) All persons using byproduct material shall comply with the provisions of 10 CFR 30, which are hereby
27 incorporated by reference including subsequent amendments and editions, as follows:

28 (1) 10 CFR 30.1, "Scope;"

29 (2) 10 CFR 30.2, "Resolution of conflict;"

30 (3) 10 CFR 30.3, "Activities requiring license;"

31 (4) 10 CFR 30.4, "Definitions," except that references in the definitions to common defense and security
32 shall not apply. The term "temporary jobsite" shall mean a location where byproduct materials are
33 used and stored other than those location(s) of use authorized on the license;

34 (5) 10 CFR 30.6, "Communications," except that notices and reports required by this Rule shall be made
35 to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC;

36 (6) 10 CFR 30.9, "Completeness and accuracy of information;"

37 (7) 10 CFR 30.10, "Deliberate misconduct;"

- 1 (8) 10 CFR 30.11, “Specific exemptions;”
- 2 (9) 10 CFR 30.12, “Persons using byproduct material under certain Department of Energy and Nuclear
3 Regulatory Commission contracts;”
- 4 (10) 10 CFR 30.13, “Carriers;”
- 5 (11) 10 CFR 30.14, “Exempt concentration;”
- 6 (12) 10 CFR 30.15, “Certain items containing byproduct material;”
- 7 (13) 10 CFR 30.18, “Exempt quantities;”
- 8 (14) 10 CFR 30.19, “Self-luminous products containing tritium, krypton-85, or promethium-147;”
- 9 (15) 10 CFR 30.20, “Gas and aerosol detectors containing byproduct material;”
- 10 (16) 10 CFR 30.21(a), (b), and (d), “Radioactive drug: Capsules containing carbon-14 urea for “in vivo”
11 diagnostic use for humans;”
- 12 (17) 10 CFR 30.22, “Certain industrial devices;”
- 13 (18) 10 CFR 30.31, “Types of licenses;”
- 14 (19) 10 CFR 30.32(a) – (d) and (f) – (j), “Application for specific licenses,” except that the requirements
15 of Paragraph (b) of this Rule shall be met;
- 16 (20) 10 CFR 30.33, “General requirements for issuance of specific licenses,” except the agency may base
17 the issuance of a specific license on information and evaluations made pursuant to the requirements
18 of the N.C. Department of Environmental Quality in lieu of Subpart A to 10 CFR 51, and the agency
19 shall issue a “Radioactive Materials License” in lieu of Form NRC 374;
- 20 (21) 10 CFR 30.34(a) – (c), (e)(2), (e)(4), (f) – (k), “Terms and conditions of licenses;”
- 21 (22) 10 CFR 30.35, “Financial assurance and recordkeeping for decommissioning,” the initials “DCE”
22 shall mean “detailed cost estimate;”
- 23 (23) 10 CFR 30.36, “Expiration and termination of licenses and decommissioning of sites and separate
24 buildings or outdoor areas;”
- 25 (24) 10 CFR 30.37, “Application for renewal of licenses;”
- 26 (25) 10 CFR 30.38, “Application for amendment of licenses and registration certificates.” Licensees shall
27 submit an application for amendment to the agency to add temporary jobsites to the license as
28 authorized places of use if the duration of use or storage at the temporary jobsite exceeds 180 days
29 in any calendar year;
- 30 (26) 10 CFR 30.39, “Commission action on applications to renew or amend;”
- 31 (27) 10 CFR 30.41(a), (b)(1) – (b)(5), (b)(7), (c), (d), “Transfer of byproduct material;”
- 32 (28) 10 CFR 30.50, “Reporting requirements;”
- 33 (29) 10 CFR 30.51, “Records;”
- 34 (30) 10 CFR 30.52, “Inspections;”
- 35 (31) 10 CFR 30.53, “Tests;”
- 36 (32) 10 CFR 30.61, “Modification and revocation of licenses and registration certificates;”
- 37 (33) 10 CFR 30.62, “Right to cause the withholding or recall of byproduct material;”

- 1 (34) 10 CFR 30.70, “Schedule A – Exempt concentrations;”
2 (35) 10 CFR 30.71, “Schedule B.” This schedule shall also be known as the “exempt quantity table;”
3 (36) 10 CFR 30.72, “Schedule C – Quantities of radioactive materials requiring consideration of the need
4 for an emergency plan for responding to a release;”
5 (37) Appendix A to Part 30, “Criteria Relating to Use of Financial Tests and Parent Company Guarantees
6 for Providing Reasonable Assurance of Funds for Decommissioning;”
7 (38) Appendix B to Part 30, “Quantities of Licensed Material Requiring Labeling;”
8 (39) Appendix C to Part 30, “Criteria Relating to Use of Financial Tests and Self Guarantees for
9 Providing Reasonable Assurance of Funds for Decommissioning;”
10 (40) Appendix D to Part 30 “Criteria Relating To Use of Financial Tests and Self-Guarantee for
11 Providing Reasonable Assurance of Funds for Decommissioning by Commercial Companies That
12 Have no Outstanding Rated Bonds;” and
13 (41) Appendix E to Part 30, “Criteria Relating to Use of Financial Tests and Self-Guarantee For
14 Providing Reasonable Assurance of Funds For Decommissioning by Nonprofit Colleges,
15 Universities, and Hospitals.”

16 (b) Applications shall be made on forms provided by the agency. One copy of the application and supporting material
17 shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of
18 this Chapter in lieu of the NRC:

- 19 (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive
20 materials licenses, shall submit an Application for Radioactive Materials License. The following
21 information shall appear on the application:
22 (A) legal business name and mailing address;
23 (B) physical address(es) where radioactive material shall be used or possessed. The application
24 shall indicate if radioactive materials shall be used at temporary jobsites;
25 (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
26 (D) the name, telephone number, and e-mail address of the individual to be contacted about the
27 application. If this individual is same as the Radiation Safety Officer, the application may
28 so state;
29 (E) the application shall indicate if the application is for a new license, or for the renewal of an
30 existing license, by marking the corresponding check box;
31 (F) if the application is for the renewal of an existing license, the license number shall be
32 provided on the application;
33 (G) applicants shall indicate the type and category of license as shown on the form by marking
34 the corresponding check box; and
35 (H) the printed name, title, and signature of the certifying official. The certifying official shall
36 be an individual employed by the business or licensee, who is authorized by the licensee
37 to sign license applications on behalf of the business or licensee.

1 (2) Persons applying for an amendment to an existing license shall submit an Application for
 2 Amendment of Radioactive Materials and Accelerator Licenses. The following information shall
 3 appear on the application:

4 (A) the license number;

5 (B) amendment number of the current license;

6 (C) expiration date of the license;

7 (D) licensee name as it currently appears on the license;

8 (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

9 (F) the name, telephone number, and e-mail address of the individual to be contacted about the
 10 application. If this individual is same as the Radiation Safety Officer, item 5b on the
 11 application may be left blank;

12 (G) applicants shall provide a description of the action requested by marking the corresponding
 13 checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief
 14 description of the action requested in the space provided in item 6b;

15 (H) explanation of the action requested; and

16 (I) the printed name, title, and signature of the certifying official. The certifying official shall
 17 be an individual employed by the business or licensee who is authorized by the licensee to
 18 sign license applications on behalf of the business or licensee.

19 (3) Applications specified in this Rule are available at:
 20 [https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

21 (c) Copies of the regulations incorporated by this Rule are available free of charge at [https://www.nrc.gov/reading-](https://www.nrc.gov/reading-rm/doc-collections/cfr/part030/)
 22 [rm/doc-collections/cfr/part030/](https://www.nrc.gov/reading-rm/doc-collections/cfr/part030/).

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 24 *History Note: Authority G.S. 104E-7; 104E-9(8); 104E-10(b);*

25 *Eff. February 1, 1980;*

26 *Amended Eff. October 1, 2013; August 1, 1998; January 1, 1994; May 1, 1992; June 1, 1989; July*
 27 *1, 1982;*

28 *Transferred and Recodified from 15A NCAC 11 .0301 Eff. February 1, ~~2015~~, 2015;*

29 *Readopted Eff. May 1, 2024.*