

1 10A NCAC 15 .0311 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 15 .0311 GENERAL LICENSES: LUMINOUS SAFETY DEVICES PACKAGING AND**
4 **TRANSPORTATION OF RADIOACTIVE MATERIAL**

5 ~~(a) A general license shall be issued to own, receive, acquire, possess, and use tritium or promethium 147 contained~~
6 ~~in luminous safety devices for use in aircraft, provided:~~

7 ~~(1) — each device contains not more than ten curies of tritium or 300 millicuries of promethium 147; and~~

8 ~~(2) — each device has been manufactured, assembled or imported in accordance with a specific license~~
9 ~~issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or~~
10 ~~assembled in accordance with the specifications contained in a specific license issued by the agency~~
11 ~~or an agreement state to the manufacturer or assembler of the device pursuant to licensing~~
12 ~~requirements equivalent to those in Section 32.53 of 10 CFR Part 32 of the regulations of the U.S.~~
13 ~~Nuclear Regulatory Commission.~~

14 ~~(b) Persons who own, receive, acquire, possess, or use luminous safety devices pursuant to the general license in~~
15 ~~Paragraph (a) of this Rule are exempt from the requirements of Sections .1000 and .1600 of this Chapter except for~~
16 ~~Rules .1645 and .1646 of this Chapter.~~

17 ~~(c) This general license does not authorize the manufacture, assembly, or repair of luminous safety devices containing~~
18 ~~tritium or promethium 147.~~

19 ~~(d) This general license does not authorize the ownership, receipt, acquisition, possession or use of promethium 147~~
20 ~~contained in instrument dials.~~

21 ~~(e) The general license provided in Paragraphs (a) and (b) of this Rule are subject to the provisions of Rules .0107 to~~
22 ~~.0111, .0303(a), .0338, .0343, .0344 and .0346 of this Chapter.~~

23 (a) All persons packaging, preparing for transport, or transporting radioactive materials shall comply with the
24 provisions of 10 CFR 71, which are hereby incorporated by reference including subsequent amendments and editions,
25 as follows:

26 (1) 10 CFR 71.0, "Purpose and scope;"

27 (2) 10 CFR 71.1, "Communications and records;" except that communications, notices, and reports
28 required by this Rule shall be sent to the addresses shown in Rule .0111 of this Chapter unless
29 directed otherwise by the agency, in lieu of the NRC;

30 (4) 10 CFR 71.3, "Requirement for license;"

31 (5) 10 CFR 71.4, "Definitions;"

32 (6) 10 CFR 71.5, "Transportation of licensed material;"

33 (7) 10 CFR 71.7(a), "Completeness and accuracy of information;"

34 (8) 10 CFR 71.8, "Deliberate misconduct;"

35 (9) 10 CFR 71.12, "Specific exemptions;"

36 (10) 10 CFR 71.13, "Exemption of Physicians;"

37 (11) 10 CFR 71.14(a), "Exemption for low-level materials;"

- 1 (12) 10 CFR 71.15, "Exemption from classification as fissile material;"
2 (13) 10 CFR 71.17, "General license: NRC-approved package;"
3 (14) 10 CFR 71.21, "General license: Use of foreign approved package;"
4 (15) 10 CFR 71.22, "General license: Fissile material;"
5 (16) 10 CFR 71.23, "General license: Plutonium-beryllium special form material;"
6 (17) 10 CFR 71.47, "External radiation standards for all packages;"
7 (18) 10 CFR 71.81, "Applicability of operating controls and procedures;"
8 (19) 10 CFR 71.83, "Assumptions as to unknown properties;"
9 (20) 10 CFR 71.85(d), "Preliminary determinations;"
10 (21) 10 CFR 71.87, "Routine determinations;"
11 (22) 10 CFR 71.88, "Air transport of plutonium;"
12 (23) 10 CFR 71.89, "Opening instructions;"
13 (24) 10 CFR 71.91(a), (c) through (d), "Records;"
14 (25) 10 CFR 71.93, "Inspection and tests;"
15 (26) 10 CFR 71.95, "Reports;"
16 (27) 10 CFR 71.97, "Advance notification of shipment of irradiated reactor fuel and nuclear waste."
17 Advanced notifications required by this Subparagraph shall be made to the Governor's designee in
18 lieu of the NRC as follows:
19 (A) designee: N.C. Highway Patrol Headquarters, Operations Officer;
20 (B) mailing address: P.O. Box 27687, Raleigh, North Carolina 27611-7687;
21 (C) telephone: (919) 733-4030 from 8 a.m. to 5 p.m. Monday through Friday except State holidays,
22 and (919) 733-3861 at all other times.
23 (28) 10 CFR 71.101(a) through (c)(1), (f), (g), "Quality assurance requirements." The quality assurance
24 plan required by 10 CFR 71.101(c)(1) shall be submitted to the agency for review and approval in
25 lieu of the NRC;
26 (29) 10 CFR 71.103, "Quality assurance organization," except that certificates of compliance shall be
27 issued by the NRC in lieu of the agency;
28 (30) 10 CFR 71.105, "Quality assurance program;"
29 (31) 10 CFR 71.106, Changes to quality assurance program;"
30 (32) 10 CFR 71.127, "Handling, storage, and shipping control;"
31 (33) 10 CFR 71.129, "Inspection, test, and operating status;"
32 (34) 10 CFR 71.131, "Nonconforming materials, parts, or components;"
33 (35) 10 CFR 71.133, "Corrective action;"
34 (36) 10 CFR 71.135, "Quality assurance records;"
35 (37) 10 CFR 71.137, "Audits;"
36 (38) Appendix A to 10 CFR 71, "Determination of A₁ and A₂;"
37 (39) Table A-1 of Appendix A to 10 CFR 71, "A₁ and A₂ Values for Radionuclides;"

1 (40) Table A-2 of Appendix A to 10 CFR 71, “Exempt Material Activity Concentrations and Exempt
2 Consignment Activity Limits for Radionuclides,” and

3 (41) Table A-3 of Appendix A to 10 CFR 71, “General Values for A₁ and A₂.”

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

8 (1) licensee name;

9 (2) license number;

10 (3) name of the individual requesting the exemption;

11 (4) contact information for the individual requesting the exemption;

12 (5) a description of the exemption being requested; and

13 (6) an explanation describing why the exemption is necessary.

14 (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/)
15 [collections/cfr/part071/](https://www.nrc.gov/reading-rm/doc-collections/cfr/part071/).

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

18 *Eff. February 1, 1980;*

19 *Amended Eff. January 1, 1994;*

20 *Transferred and Recodified from 15A NCAC 11 .0311 Eff. February 1, ~~2015~~ 2015;*

21 *Readopted Eff. May 1, 2025.*