

1 10A NCAC 15 .0310 is proposed for amendment as follows:

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3 **10A NCAC 15 .0310 GENERAL LICENSES: MANUFACTURE, TRANSFER, INSTALL GENERALLY**
4 **LICENSED DEVICES**

5 (a) Any person who is authorized to manufacture, install, or service a device described in Rule .0309 of this Section,
6 pursuant to a specific license issued by the agency, the U.S. Nuclear Regulatory Commission, or another Agreement
7 State shall be authorized to install, service, and uninstall these devices in accordance with the provisions of 10 CFR
8 31.6.

9 (b) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) are
10 hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulations are
11 available free of charge at [http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?SID=2beece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl)
12 idx?SID=2beece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl.

13 ~~Any person who is authorized to manufacture, install or service a device described in Rule .0309 of this Section~~
14 ~~pursuant to a specific license issued by the agency, the U.S. Nuclear Regulatory Commission or an agreement state is~~
15 ~~hereby granted a general license to install and service the device described in Rule .0309, provided the following~~
16 ~~requirements are met:~~

- 17 (1) ~~The person shall file a report with the agency within 30 days after the end of each calendar quarter~~
18 ~~in which any device is transferred to or installed in this state. Each report shall identify each general~~
19 ~~licensee, to whom the device is transferred by name and address, the type of device transferred, and~~
20 ~~the quantity and type of radioactive material contained in the device;~~
- 21 (2) ~~The device is manufactured, labeled, installed, and serviced in accordance with applicable~~
22 ~~provisions of the specific license issued to the person by the U.S. Nuclear Regulatory Commission~~
23 ~~or an agreement state;~~
- 24 (3) ~~The person shall assure that any labels satisfy the requirements in Rule .0309 of this Section and~~
25 ~~shall furnish to each general licensee, to whom he transfers a device or on whose premises he installs~~
26 ~~a device, a copy of the general license contained in Rule .0309 of this Section;~~
- 27 (4) ~~The person shall ensure that each device having a separable source housing that provides the primary~~
28 ~~shielding for the source also bears, on the source housing, a durable label containing the device~~
29 ~~model and serial number, the isotope and quantity, the words "Caution: Radioactive Material," the~~
30 ~~radiation symbol described in Rule .1623 of this Chapter, and the name of the manufacturer or initial~~
31 ~~transferor;~~
- 32 (5) ~~The person shall ensure that each device meeting the criteria of Rule .0309 of this Chapter bears a~~
33 ~~permanently embossed, etched, stamped or engraved label affixed to the source housing, if~~
34 ~~separable, or the device if the source housing is not separable. The label shall include the words,~~
35 ~~"Caution: Radioactive Materials," and, if space and accessibility permit, the radiation symbol~~
36 ~~described in Rule .1623 of this Chapter;~~

- 1 ~~(6) If a device is to be transferred for use under the general license granted in Rule .0309(c)(12) of this~~
2 ~~Chapter, each person that is licensed under this Rule shall provide the following information to each~~
3 ~~person to whom the device is being transferred prior to the device being transferred. In the case of~~
4 ~~a transfer through an intermediate person, the information shall also be provided to the intended user~~
5 ~~prior to the initial transfer to the intermediate person. The required information includes:~~
- 6 ~~(a) a copy of the general license document referenced in Rule .0306 of this Chapter or if no~~
7 ~~license document is issued, a copy of the letter issued by the agency indicating a license~~
8 ~~exists in accordance with Rule .0309 of this Chapter. If the prospective general licensee is~~
9 ~~in the jurisdiction of the Nuclear Regulatory Commission or another Agreement State, the~~
10 ~~notification shall include a statement advising the person receiving the device of the agency~~
11 ~~that has jurisdiction over the device;~~
- 12 ~~(b) a copy of Rule .0309 of this Section. If the prospective general licensee is in the jurisdiction~~
13 ~~of the Nuclear Regulatory Commission or another Agreement State, the notification of~~
14 ~~transfer shall include the name or title, address, and telephone number of the contact at the~~
15 ~~proper regulatory agency that has jurisdiction over the person receiving the device;~~
- 16 ~~(c) a list of services, as provided by the manufacturer, that can be performed only by a specific~~
17 ~~licensee;~~
- 18 ~~(d) information on acceptable disposal options, including estimated cost of disposal; and~~
- 19 ~~(e) a statement that loss or improper disposal of the device may result in formal enforcement~~
20 ~~actions.~~
- 21 ~~(7) Each device transferred after January 1, 2005 shall meet the labeling requirements;~~
- 22 ~~(8) Each person specifically licensed to initially transfer generally licensed devices to other persons~~
23 ~~shall comply with the requirements of this Paragraph.~~
- 24 ~~(a) The person shall report, on a quarterly basis, all transfers of devices to persons for use~~
25 ~~under a general license and all receipts of devices from generally licensed persons. For~~
26 ~~devices transferred for use under the general license granted in Rule .0309(c)(12) of this~~
27 ~~Chapter, the reports shall be provided to the agency at the address listed in Rule .0111. For~~
28 ~~devices transferred outside the jurisdiction of the agency, the reports shall be provided to~~
29 ~~the Nuclear Regulatory Commission or to the Agreement State which has jurisdiction over~~
30 ~~the general licensee. The information shall be provided either on the Nuclear Regulatory~~
31 ~~Commission's Form 653 "Transfers of Industrial Devices Report" or in a clear and legible~~
32 ~~report that contains all of the information required by the form. The required information~~
33 ~~includes:~~
- 34 ~~(i) the identity of each general licensee by name and mailing address for the location~~
35 ~~of use. If there is no mailing address at the location of use, an alternate address~~
36 ~~for the general licensee shall be submitted along with the information on the actual~~
37 ~~location of use;~~

- 1 (ii) ~~the name, title and telephone number of the person identified by the general~~
2 licensee as having knowledge of, and authority to ensure compliance with, these
3 rules;
- 4 (iii) ~~the date of transfer;~~
- 5 (iv) ~~the type, model number, and serial number of the device transferred; and~~
- 6 (v) ~~the quantity and type of radioactive material contained in the device.~~
- 7 (b) ~~If one or more intermediate persons will temporarily possess the device at the intended use~~
8 location prior to its use by the end user, the report shall include the same information for
9 both the intended end user and each intermediate person, and designate the intermediate
10 person(s).
- 11 (c) ~~If the licensee makes changes to a device possessed by a general licensee such that the label~~
12 must be changed to update required information, the report shall identify the general
13 licensee, the device, and the changes to the information on the label.
- 14 (d) ~~The report shall cover a calendar quarter and must be filed within 30 days of the end of the~~
15 calendar quarter. The report shall identify the period covered by the report.
- 16 (e) ~~The report shall identify the specific licensee submitting the report and include the license~~
17 number of the specific licensee.
- 18 (f) ~~In providing information on devices received from a general licensee, the report shall~~
19 include the identity of the general licensee by name and address, the type, model number
20 and serial number of the device received, and, in the case of devices not initially transferred
21 by the licensee submitting the report, the name of the manufacturer or initial transferor.
- 22 (g) ~~If no transfers have been made to or from persons generally licensed during the reporting~~
23 period, the report shall so indicate.
- 24 (9) ~~The person providing the reports shall maintain all information concerning the transfers and receipts~~
25 of devices required by this Rule for a period of three years following the date of the recorded event.
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27 History Note: Authority G.S. 104E-7; 104E-10(b);

28 Eff. February 1, 1980;

29 Amended Eff. January 1, 2005;

30 Transferred and Recodified from 15A NCAC 11 .0310 Eff. February 1, 2015; 2015;

31 Amended Eff. March 1, 2017.