

1 10A NCAC 15 .0310 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 15 .0310** ~~GENERAL LICENSES: MANUFACTURE, TRANSFER, INSTALL~~ **GENERAL**
4 ~~LICENSED DEVICES~~ **DOMESTIC LICENSING OF SPECIAL NUCLEAR**
5 **MATERIAL**

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

10 ~~(b) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) are~~
11 ~~hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulations are~~
12 ~~available _____ free _____ of _____ charge _____ at _____~~ http://www.ecfr.gov/cgi-bin/text-idx?SID=2becece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl
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14 (a) Persons using special nuclear material as defined in this Rule shall comply with the provisions of 10 CFR 70,
15 which are hereby incorporated by reference including subsequent amendments and editions, as follows:

16 (1) 10 CFR 70.1(a) and (b), “Purpose;”

17 (2) 10 CFR 70.2, “Scope;”

18 (3) 10 CFR 70.3, “License requirements;”

19 (4) 10 CFR 70.4, “Definitions,” except that references in the definitions to common defense and security
20 shall not apply;

21 (5) 10 CFR 70.5, “Communications,” except that notices and reports shall be made to the agency at the
22 address shown in Rule .0111 of this Chapter in lieu of the [NRC] United States Nuclear Regulatory
23 Commission (NRC) unless otherwise specified by the agency;

24 (6) 10 CFR 70.9, “Completeness and accuracy of information;”

25 (7) 10 CFR 70.10, “Deliberate misconduct;”

26 (8) 10 CFR 70.11, “Persons using special nuclear material under certain DOE and NRC contracts;”

27 (9) 10 CFR 70.12, “Carriers;”

28 (10) 10 CFR 70.17, “Specific exemption;”

29 (11) 10 CFR 70.18, “Types of licenses;”

30 (12) 10 CFR 70.19, “General license for calibration and reference sources;”

31 (13) 10 CFR 70.20, “General license to own special nuclear material;”

32 (14) 10 CFR 70.21(a)(2), (a)(3), (b), “Filing,” except that the requirements of Paragraph (b) of this Rule
33 shall be met;

34 (15) 10 CFR 70.22(a), (d), and (e), “Contents of application;”

35 (16) 10 CFR 70.23(a)(1) – (5), “Requirements for the approval of applications;”

36 (17) 10 CFR 70.25(a)(2), (b) – (h), “Financial assurance and recordkeeping for decommissioning,” the
37 initials “DCE” shall mean “detailed cost estimate;”

- 1 (18) 10 CFR 70.31(a) and (b), “Issuance of license;”
 2 (19) 10 CFR 70.32(a)(2), (a)(3), (a)(8), (a)(9), (b)(2), and (b)(5), “Conditions of licenses;”
 3 (20) 10 CFR 70.33, “Applications for renewal of licenses;”
 4 (21) 10 CFR 70.34, “Amendment of licenses;”
 5 (22) 10 CFR 70.35, “Commission action on applications to renew or amend;”
 6 (23) 10 CFR 70.36, “Inalienability of licenses;”
 7 (24) 10 CFR 70.38, “Expiration and termination of licenses and decommissioning of sites and separate
 8 buildings or outdoor structures;”
 9 (25) 10 CFR 70.39, “Specific licenses for the manufacture or initial transfer of calibration sources;”
 10 (26) 10 CFR 70.41, “Authorized use of special nuclear material;”
 11 (27) 10 CFR 70.42(a), (b)(1) – (b)(5), (b)(7), (c), (d), “Transfer of special nuclear material;”
 12 (28) 10 CFR 70.50, “Reporting requirements;”
 13 (29) 10 CFR 70.51, “Records requirements;”
 14 (30) 10 CFR 70.55(a) and (b), “Inspections;”
 15 (31) 10 CFR 70.56, “Tests;” and
 16 (32) 10 CFR 70.81, “Modification and revocation of licenses.”

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

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

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

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

7 (A) the license number;

8 (B) amendment number of the current license;

9 (C) expiration date of the license;

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

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

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

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

18 (H) explanation of the action requested; and

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

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

24 (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/part070/)
 25 [rm/doc-collections/cfr/part070/](https://www.nrc.gov/reading-rm/doc-collections/cfr/part070/).

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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;*

31 *Amended Eff. March 1, ~~2017~~ 2017;*

32 *Readopted Eff. May 1, 2024.*