AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15.0301

DEADLINE FOR RECEIPT: April 17, 2024

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 26: Where is "byproduct material" defined?

Line 36: What does "NRC" mean? If it's an acronym, please spell it out before using. Consider making this change throughout all the rules.

On pg. 2, (20), Line 17-19: Under what circumstances "may" the agency "base the issuance of a specific license on information made pursuant to the requirements of the N.C. Department of Environmental Quality in lieu of Subpart A to 10 CFR 51?" What is the agency's authority to make this exception?

On pg. 2, (20), Line 20: You refer to "Form NRC 374". Where can this form be found? The contents of forms must be contained in rule or law. Are the contents of this form in a rule or law elsewhere?

On pg. 3, (b)(1)(D), Line 28: Change "may" to "shall."

On pg. 4, (b)(2)(G), Lines 13-14: Consider changing "may" to "shall" to be consistent with similar language in (b)(1)(D).

1	SECTION .0300 - LICENSING OF RADIOACTIVE MATERIAL
2	
3	10A NCAC 15 .0301 is proposed for readoption with substantive changes as follows:
4	
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.
7	
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,] 30.3(a), (c), and (d), "Activities requiring [license;"] license," except that references
31	to 10 CFR 30.3(b)(1), (b)(2), and (b)(3) shall not apply:
32	(4) 10 CFR 30.4, "Definitions," except that references in the definitions to common defense and security
33	shall not apply. The term "temporary jobsite" shall mean a location where byproduct materials are
34	used and stored other than those location(s) of use authorized on the license;
35	(5) 10 CFR 30.6, "Communications," except that notices and reports required by this Rule shall be made
36	to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC;
37	(6) 10 CFR 30.9, "Completeness and accuracy of information;"

1	<u>(7)</u>	10 CFR 30.10, "Deliberate misconduct;"
2	<u>(8)</u>	10 CFR 30.11, "Specific exemptions;"
3	<u>(9)</u>	10 CFR 30.12, "Persons using byproduct material under certain Department of Energy and Nuclear
4		Regulatory Commission contracts;"
5	(10)	10 CFR 30.13, "Carriers;"
6	<u>(11)</u>	10 CFR 30.14, "Exempt concentration;"
7	(12)	10 CFR 30.15, "Certain items containing byproduct material;"
8	(13)	10 CFR 30.18, "Exempt quantities;"
9	(14)	10 CFR 30.19, "Self-luminous products containing tritium, krypton-85, or promethium-147;"
10	<u>(15)</u>	10 CFR 30.20, "Gas and aerosol detectors containing byproduct material;"
11	(16)	10 CFR 30.21(a), (b), and (d), "Radioactive drug: Capsules containing carbon-14 urea for "in vivo"
12		diagnostic use for humans;"
13	<u>(17)</u>	10 CFR 30.22, "Certain industrial devices;"
14	<u>(18)</u>	10 CFR 30.31, "Types of licenses;"
15	(19)	10 CFR 30.32(a) – (d) and (f) – (j), "Application for specific licenses," except that the requirements
16		of Paragraph (b) of this Rule shall be met.
17	(20)	10 CFR 30.33, "General requirements for issuance of specific licenses," except the agency may base
18		the issuance of a specific license on information and evaluations made pursuant to the requirements
19		of the N.C. Department of Environmental Quality in lieu of Subpart A to 10 CFR 51, and the agency
20		shall issue a "Radioactive Materials License" in lieu of Form NRC 374;
21	(21)	10 CFR 30.34(a) – (c), (e)(2), (e)(4), (f) – (k), "Terms and conditions of licenses;"
22	(22)	10 CFR 30.35, "Financial assurance and recordkeeping for decommissioning," the initials "DCE"
23		shall mean "detailed cost estimate;"
24	(23)	10 CFR 30.36, "Expiration and termination of licenses and decommissioning of sites and separate
25		buildings or outdoor areas;"
26	(24)	10 CFR 30.37, "Application for renewal of licenses;"
27	(25)	10 CFR 30.38, "Application for amendment of licenses and registration certificates." Licensees shall
28		submit an application for amendment to the agency to add temporary jobsites to the license as
29		authorized places of use if the duration of use or storage at the temporary jobsite exceeds 180 days
30		in any calendar year;
31	(26)	10 CFR 30.39, "Commission action on applications to renew or amend;"
32	(27)	10 CFR 30.41(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of byproduct material;"
33	(28)	10 CFR 30.50, "Reporting requirements;"
34	(29)	10 CFR 30.51, "Records;"
35	(30)	10 CFR 30.52, "Inspections;"
36	(31)	10 CFR 30.53, "Tests;"
37	(32)	10 CFR 30.61, "Modification and revocation of licenses and registration certificates;"

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1	(33)	10 CFR 30.62, "Right to cause the withholding or recall of byproduct material;"
2	(34)	10 CFR 30.70, "Schedule A – Exempt concentrations;"
3	(35)	10 CFR 30.71, "Schedule B." This schedule shall also be known as the "exempt quantity table;"
4	(36)	10 CFR 30.72, "Schedule C - Quantities of radioactive materials requiring consideration of the need
5		for an emergency plan for responding to a release;"
6	(37)	Appendix A to Part 30, "Criteria Relating to Use of Financial Tests and Parent Company Guarantees
7		for Providing Reasonable Assurance of Funds for Decommissioning;"
8	(38)	Appendix B to Part 30, "Quantities of Licensed Material Requiring Labeling;"
9	(39)	Appendix C to Part 30, "Criteria Relating to Use of Financial Tests and Self Guarantees for
10		Providing Reasonable Assurance of Funds for Decommissioning;"
11	(40)	Appendix D to Part 30 "Criteria Relating To Use of Financial Tests and Self-Guarantee for
12		Providing Reasonable Assurance of Funds for Decommissioning by Commercial Companies That
13		Have no Outstanding Rated Bonds;" and
14	<u>(41)</u>	Appendix E to Part 30, "Criteria Relating to Use of Financial Tests and Self-Guarantee For
15		Providing Reasonable Assurance of Funds For Decommissioning by Nonprofit Colleges,
16		Universities, and Hospitals."
17	(b) Applications	s shall be made on forms provided by the agency. One copy of the application and supporting material
18	shall be submitte	ed 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 l	ieu 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		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 pr	inted name, title, and sign	nature of the c	ertifying of	ficial. The c	ertifying officia	<u>l shall</u>
2		be an	individual employed by	the business c	or licensee, v	who is auth	orized by the lie	censee
3		to sig	license applications on	behalf of the b	ousiness or 1	icensee.		
4	(2)	Persons apply	ng for an amendment	to an existin	g license s	hall submi	<u>it an Applicatio</u>	on for
5		Amendment o	Radioactive Materials a	ınd Accelerate	or Licenses.	The follov	ving information	ı shall
6		appear on the a	pplication:					
7		(A) the lie	ense number;					
8		(B) amen	lment number of the curr	ent license;				
9		(C) expira	tion date of the license;					
10		(D) licens	ee name as it currently ap	pears on the l	icense;			
11		(E) the na	me, telephone number, a	nd e-mail addı	ress of the R	ladiation Sa	afety Officer;	
12		(F) the na	me, telephone number, ar	nd e-mail addr	ess of the in	dividual to	be contacted abo	out the
13		<u>applic</u>	ation. If this individual	is same as th	ne Radiation	Safety Of	fficer, item 5b	on the
14		applic	ation may be left blank;					
15		(G) applic	ants shall provide a descr	iption of the a	ction reques	ted by marl	king the correspo	onding
16		check	box in item 6a. If the chec	ck box next to	"Other" is 1	marked in it	tem 6a, provide	<u>a brief</u>
17		descr	ption of the action reques	sted in the spa	ce provided	in item 6b;	L	
18		(H) expla	nation of the action reque	sted; and				
19		(I) the pr	inted name, title, and sign	nature of the c	ertifying of	ficial. The c	certifying officia	l shall
20		be an	individual employed by t	he business or	licensee wh	<u>10 is author</u>	ized by the licer	isee to
21		<u>sign l</u>	cense applications on bel	nalf of the bus	iness or lice	nsee.		
22	(3)	Applications	specified in	this	Rule	are	available	at:
23		https://radiatio	n.ncdhhs.gov/rms/rmsfor	ms2.htm(Rev(01).htm.			
24	(c) Copies of the	regulations in	orporated by this Rule as	<u>re available fr</u>	ee of charge	at https://v	www.nrc.gov/re	ading-
25	rm/doc-collection	ns/cfr/part030/.						
26								
27	History Note:	Authority G.S.	104E-7; 104E-9(8); 104E	Ξ-10(b);				
28		Eff. February	, 1980;					
29		Amended Eff.	October 1, 2013; August	1, 1998; Janua	ary 1, 1994;	May 1, 199	92; June 1, 1989	; July
30		1, 1982;						
31		Transferred ar	d Recodified from 15A N	CAC 11 .0301	Eff. Februa	ary 1, 2015 .	. <u>2015;</u>	
32		Readopted Eff.	May 1. 2024.					

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AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15.0302

DEADLINE FOR RECEIPT: April 17, 2024

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 12-13: Add a comma after "items" and after "32."

On pg. 2, Line 2: What does "NRC" mean? If it's an acronym, please spell it out before using.

1	10A NCAC 15 .030	22 is proposed for readoption with substantive changes as follows:
2		
3	10A NCAC 15 .030	22 EXEMPTIONS FOR SOURCE MATERIAL GENERAL DOMESTIC LICENSES
4		FOR BYPRODUCT MATERIAL
5	(a) Any person po	ssessing source material, or devices containing source material, in quantities not exceeding the
6	limits of 10 CFR 40	0.13(a) through (c)(8) shall be exempt from the requirement for a radioactive materials license and
7	shall comply with the	he provisions of 10 CFR 40.13.
8	(b) Notwithstandin	g Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) are
9	hereby incorporated	I by reference, excluding subsequent amendments and editions. Copies of these regulations are
10	available	free of charge at http://www.eefr.gov/cgi bin/text
11	idx?SID=2beeece59	94411a03e50b2468ae31f89b&pitd=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl.
12	(a) Persons possess	ing generally licensed items manufactured or initially transferred pursuant to Subpart B of 10 CFR
13	32 shall comply wit	th the provisions of 10 CFR 31, which are hereby incorporated by reference including subsequent
14	amendments and ed	itions, as follows:
15	<u>(1) R</u>	eports, notifications, and responses to agency requests for information required by this Rule shall
16	<u>b</u>	e made to the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise
17	<u>b</u> ;	y the agency:
18	<u>(2)</u> 10	0 CFR 31.1, "Purpose and scope;"
19	(3) 10	0 CFR 31.2, "Terms and conditions;"
20	(4) 10	O CFR 31.5, "Certain detecting, measuring, gauging, or controlling devices and certain devices for
21	<u>pı</u>	roducing light or an ionized atmosphere," except that the fee required by 10 CFR 170.31 shall not
22	<u>a</u>	oply. Persons using devices described in 31.5(a) shall be registered with the agency. Device
23	<u>re</u>	egistration shall be made in accordance with Paragraph (b) of this Rule and shall contain the
24		formation required by 31.5(c)(13)(iii);
25	(5) 10	O CFR 31.6, "General license to install devices generally licensed in 10 CFR 31.5;"
26		O CFR 31.7, "Luminous safety devices in aircraft;"
27	. ,	0 CFR 31.8, "Americium-241 and radium-226 in the form of calibration or reference sources;"
28	. ,	0 CFR 31.9, "General license to own byproduct material;"
29		0 CFR 31.10, "General license for strontium 90 in ice detection devices;"
30	-	0 CFR 31.11, "General license for use of byproduct material for certain in vitro clinical or
31		boratory testing," except that persons required by 31.11(b) to register devices with the agency
32		nall comply with the provisions of Paragraph (b) of this Rule;
33	· · ·	0 CFR 31.12, "General license for certain items and self-luminous products containing radium-
34		26;" and
35	-	0 CFR 31.21, "Maintenance of records;"
36	•	ring devices shall use General License Application for Registration forms provided by the agency.
37	These forms are av	ailable free of charge at: https://radiation.ncdhhs.gov/rms/rmsgenlicforms.htm. Applications and

1	supporting mate	rial shall be submitted to the agency by e-mail at Licensing.ram@dhhs.nc.gov, or at the address shown
2	in Rule .0111 of	this Chapter in lieu of the NRC. The following information shall appear on the application:
3	(1)	facility name, mailing address, physical address if different from the mailing address, and the name
4		of the county where the facility is located;
5	<u>(2)</u>	type of device;
6	(3)	device manufacturer;
7	<u>(4)</u>	device model numbers and serial numbers;
8	<u>(5)</u>	number of devices being registered, isotopes, and activity;
9	<u>(6)</u>	indicate if the devices have been leak tested by checking the corresponding check box;
10	<u>(7)</u>	if the devices have been leak tested, write down the frequency that leak tests are required;
11	<u>(8)</u>	the name of the person or company performing the leak test;
12	<u>(9)</u>	describe the method of device disposal; and
13	<u>(10)</u>	the signature, printed name, title, date the form is signed and telephone number of the contact person.
14	(c) Copies of the	ne regulations incorporated by this Rule are available free of charge at https://www.nrc.gov/reading-
15	rm/doc-collection	ons/cfr/part031/.
16		
17	History Note:	Authority G.S. 104E-7; 104E-10(b);
18		Eff. February 1, 1980;
19		Amended Eff. June 1, 1989; October 1, 1984; October 1, 1980;
20		Transferred and Recodified from 15A NCAC 11 .0302 Eff. February 1, 2015;
21		Amended Eff. March 1, 2017. <u>2017:</u>
22		Adopted Eff. May 1, 2024.

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AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15.0304

DEADLINE FOR RECEIPT: April 17, 2024

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 13-14: How does the regulated public determine if their items or devices contain "exempt quantities or exempt concentrations of byproduct material?" Consider inserting the appropriate source(s), i.e. 10 CFR 30.70.

Lines 22-23: How does the regulated public determine if their items or devices contain "exempt quantities of byproduct material?" Consider inserting the appropriate source(s), i.e. 10 CFR 30.70.

Line 28: What does "NRC" mean? If it's an acronym, please spell it out before using.

Line 33: Add parenthesis before and after "(a)".

On pg. 3, (g)(1)(D), Line 6: Change "may" to "shall."

On pg. 3, (g)(2)(F), Line 27: Consider changing "may" to "shall" to be consistent with similar language in (g)(1)(D).

1	10A NCAC 15 .0304 is pro	oposed for readopt	ion with substant	ive changes as	follows:	
2						
3	10A NCAC 15 .0304	EXEMPT QUA	NTITIES: OTI	HER THAN	SOURCE MAT	ERIAL SPECIFIC
4		LICENSES: MA	NUFACTURE (OR TRANSFE	ER CERTAIN ITE	EMS CONTAINING
5		BYPRODUCT M	<u>IATERIAL</u>			
6	(a) Any person possessing	; radioactive mater	rial in individual	quantities spec	ified in 10 CFR 30).18(a) or (b) shall be
7	exempt from the requirem	ents for a radioact	tive materials lic	ense and shall	comply with the p	provisions of 10 CFR
8	30.18(c) through (e).					
9	(b) Notwithstanding Rule	•				• ` ′
10	hereby incorporated by re-		•		•	ě
11	available free	of	charge	at	http://www.	ecfr.gov/cgi bin/text
12	idx?SID=2beeece594411a)3e50b2468ae31f8	39b&pitd=20160	101&tpl=/ecfrl	rowse/Title10/10ta	ı b_02.tpl.
13	(a) All persons manufact	uring or initially	transferring item	s or devices of	containing exempt	quantities or exempt
14	concentrations of byprodu	act material, gene	erally licensed an	nd specifically	licensed items o	r devices containing
15	byproduct material, items of	or devices containio	ng byproduct mat	erial for medic	al use in humans, a	nd persons requesting
16	safety evaluations of seale	d sources or devic	es for registration	n with the nation	onal Sealed Source	and Device Registry
17	shall comply with the follo	wing requirements	s of 10 CFR 32:			
18	(1) 10 CFR :	32.1(a), (b), and (c	e)(2), "Purpose an	d scope;"		
19	(2) 10 CFR ?	32.2, "Definitions,	" the term "initial	lly transfer" sh	all mean the "initia	l commercial transfer
20	<u>of items</u>	and devices to an o	end user or a com	mercial or reta	il reseller;"	
21	(3) 10 CFR :	32.3, "Maintenanc	e of records."			
22	(b) All Persons manufactor	uring or initially to	ransferring items	or devices con	ntaining exempt qu	antities of byproduct
23	material shall comply with	the following requ	uirements of Subj	part A – Exem	pt Concentrations a	nd Items:
24	(1) 10 CFR	32.13, "Same: Pro	hibition of introd	uction;"		
25	(2) 10 CFR	32.24, "Same: Tab	le of organ doses	;" and		
26	(3) application	ons to manufactur	e, process, produ	ice, prepare, p	ackage, re-package	e, or initially transfer
27	items or	devices for comme	ercial distribution	containing exe	empt concentrations	s or exempt quantities
28	of bypro	duct material shall	be made to the N	IRC in lieu of	the agency.	
29	(c) All persons manufactu	ring or initially tra	nsferring general	<u>ly licensed dev</u>	vices containing by	product material shall
30	comply with Paragraph (g)	of this Rule and the	he following requ	irements of Su	ıbpart B – Generall	y Licensed Items:
31	(1) 10 CFR	32.51, "Byproduct	material contain	ed in devices f	or use under 10 CF	R 31.5; requirements
32	for licens	se to manufacture,	or initially transf	<u>`er;''</u>		
33	(2) 10 CFR	32.51a, "Same: Co	onditions of licens	ses;"		
34	(3) 10 CFR	32.52, "Same: Mat	terial transfer rep	orts and record	<u>ls;"</u>	
35	(4) 10 CFR	32.53, "Lumino	us safety device	es for use in	aircraft: Requirer	ments for license to
36	manufac	ture, assemble, rep	oair or initially tra	nsfer;"		
37	(5) 10 CFR	32.54, "Same: Lab	eling of devices;	,		

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1	(6)	10 CFR 32.55, "Same: Quality assurance; prohibition of transfer;"
2	<u>(7)</u>	10 CFR 32.56, "Same: Material transfer reports;"
3	<u>(8)</u>	10 CFR 32.57, "Calibration or reference sources containing americium-241 or radium-226:
4		Requirements for license to manufacture or initially transfer;"
5	<u>(9)</u>	10 CFR 32.58, "Same: Labeling of devices;"
6	(10)	10 CFR 32.59, "Same: Leak testing of each source;"
7	(11)	10 CFR 32.61, "Ice detection devices containing strontium-90; requirements for license to
8		manufacture or initially transfer;"
9	(12)	10 CFR 32.62, "Same: Quality assurance; prohibition of transfer;" and
10	<u>(13)</u>	10 CFR 32.71, "Manufacture and distribution of byproduct material in certain in vitro clinical or
11		laboratory testing under general license."
12	(d) All persons	manufacturing or initially transferring items or devices containing byproduct material for medical use
13	in humans shall	comply with Paragraph (g) of this Rule and the following requirements of Subpart C - Specifically
14	Licensed Items:	
15	(1)	10 CFR 32.72, "Manufacture, preparation, or transfer for commercial distribution of radioactive
16		drugs containing byproduct material for medical use under part 35;" and
17	(2)	10 CFR 32.74, "Manufacture and distribution of sources or devices containing byproduct material
18		for medical use."
19	(e) All persons	manufacturing sealed sources containing byproduct material in quantities equal to or greater than the
20	quantities listed	in Appendix E of 10 CFR 20 shall comply with Paragraph (g) of this Rule and the requirements of 10
21	CFR 32.201.	
22	(f) All persons	manufacturing or initially transferring sealed sources or devices containing byproduct material under
23	this Rule for co	ommercial distribution and persons requesting safety evaluations of sealed sources or devices for
24	registration witl	the national Sealed Source and Device Registry shall comply with the following requirements of
25	Subpart D – Sea	aled Source and Device Registration:
26	(1)	10 CFR 32.210, "Registration of product information;"
27	(2)	10 CFR 32.211, "Inactivation of certificates of registration of sealed sources and devices;" and
28	(3)	requests for safety evaluations and registration of product information under this Paragraph and
29		inactivation of certificates of registration of sealed sources and devices issued by the agency shall
30		be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in
31		Rule .0111 of this Chapter in lieu of the NRC.
32	(g) Application	s shall be made on forms provided by the agency. One copy of the application and supporting material
33	shall be submitt	ed to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of
34	this Chapter in l	lieu of the NRC:
35	(1)	Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive
36		materials licenses, shall submit an Application for Radioactive Materials License. The following
37		information shall appear on the application:

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1		(A) legal business name and mailing address;
2		(B) physical address(es) where radioactive material shall be used or possessed. The application
3		shall indicate if radioactive materials shall be used at temporary jobsites;
4		(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
5		(D) the name, telephone number, and e-mail address of the individual to be contacted about the
6		application. If this individual is same as the Radiation Safety Officer, the application may
7		so state;
8		(E) the application shall indicate if the application is for a new license, or for the renewal of an
9		existing license, by marking the corresponding check box;
10		(F) if the application is for the renewal of an existing license, the license number shall be
11		provided on the application;
12		(G) applicants shall indicate the type and category of license as shown on the form by marking
13		the corresponding check box; and
14		(H) the printed name, title, and signature of the certifying official. The certifying official shall
15		be an individual employed by the business or licensee, who is authorized by the licensee
16		to sign license applications on behalf of the business or licensee.
17	<u>(2)</u>	Persons applying for an amendment to an existing license shall submit an Application fo
18		Amendment of Radioactive Materials and Accelerator Licenses. The following information shall
19		appear on the application:
20		(A) the license number;
21		(B) amendment number of the current license;
22		(C) expiration date of the license;
23		(D) licensee name as it currently appears on the license;
24		(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
25		(F) the name, telephone number, and e-mail address of the individual to be contacted about the
26		application. If this individual is same as the Radiation Safety Officer, item 5b on the
27		application may be left blank;
28		(G) applicants shall provide a description of the action requested by marking the corresponding
29		checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brie
30		description of the action requested in the space provided in item 6b;
31		(H) explanation of the action requested; and
32		(I) the printed name, title, and signature of the certifying official. The certifying official shall
33		be an individual employed by the business or licensee who is authorized by the licensee to
34		sign license applications on behalf of the business or licensee.
35	(3)	Applications specified in this Rule are available at
36		https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm

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- 1 (h) The regulations cited in this Rule from 10 CFR Part 32 are hereby incorporated by reference, including subsequent 2 amendments and editions. Copies of these regulations are available free of charge at https://www.nrc.gov/reading-3 rm/doc-collections/cfr/part032/. 4 5 Authority G.S. 104E-7; 104E-10(b); 104E-20; 10 CFR 30.71; History Note: 6 Eff. February 1, 1980; 7 Amended Eff. October 1, 2013; May 1, 1993; 8 Transferred and Recodified from 15A NCAC 11 .0304 Eff. February 1, 2015; 9 Amended Eff. March 1, 2017. 2017.
- 10 Readopted Eff. May 1, 2024.

AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15.0305

DEADLINE FOR RECEIPT: April 17, 2024

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 21: What is meant by "engaging in activities?" Can you provide specific examples? Where is "radioactive material" defined?

Line 35: What does "NRC" mean? If it's an acronym, please spell it out before using.

On pg. 2, Line 6: What is the purpose of the "+" in front of "Radiation?" Please delete it if it's a typo.

On pg. 2, (b)(1)(D), Line 8: Change "may" to "shall."

On pg. 3, (b)(2)(F), Line 30: Consider changing "may" to "shall" to be consistent with similar language in (b)(1)(D).

1	10A NCAC 15 .0305 is proposed for readoption with substantive changes as follows:	
2		
3	10A NCAC 15.0305 EXEMPT ITEM CONTAINING OTHER THAN SOURCE MATERIAL SPEC	CIFIC
4	DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIA	\mathbf{L}
5	(a) Any person possessing items containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(1) through (9) shaded as a second containing radioactive material listed in 10 CFR 30.15(a)(a)(a)(a)(a)(a)(a)(a)(a)(a)(a)(a)(a)(ıall be
6	exempt from the requirements for a radioactive materials license and shall comply with the provisions of 10) CFR
7	30.15.	
8	(b) Any person possessing self luminous products listed in 10 CFR 30.19(a) shall be exempt from the require	ments
9	for a radioactive materials license and shall comply with the provisions of 10 CFR 30.19.	
10	(c) Any person possessing gas and aerosol detectors listed in 10 CFR 30.20(a) shall be exempt from the require	ments
11	for a radioactive materials license and shall comply with the provisions of 10 CFR 30.20.	
12	(d) Any person possessing radioactive drugs containing carbon 14 urea for diagnostic use in humans listed in 10) CFR
13	30.21(a) shall be exempt from the requirements for a radioactive materials license and shall comply with the prov	'isions
14	of 10 CFR 30.21.	
15	(e) Any person possessing industrial devices listed in 10 CFR 30.22(a) shall be exempt from the requiremental	s for a
16	radioactive materials license and shall comply with the provisions of 10 CFR 30.22.	
17	(f) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (201	5) are
18	hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulatio	ns are
19	available free of charge at http://www.ecfr.gov/cgi-bit	n/text
20	idx?SID=2beeece594411a03e50b2468ae31f89b&pitd=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl.	
21	(a) Persons engaging in activities involving the use of more than one type of radioactive material and who) have
22	established administrative controls and provisions relating to organization and management, procedures,	record
23	keeping, material control and accounting, and management review that are necessary to assure safe operation	ons in
24	compliance with the Rules of this Chapter shall comply with the provisions of 10 CFR 33, which are h	<u>iereby</u>
25	incorporated by reference including subsequent amendments and editions, as follows:	
26	(1) 10 CFR 33.1, "Purpose and scope;"	
27	(2) 10 CFR 33.11(a), "Types of specific licenses of broad scope;"	
28	(3) 10 CFR 33.12, "Applications for specific licenses of broad scope," except that the requirement	ents of
29	Paragraph (b) of this Rule shall be met;	
30	(4) 10 CFR 33.13, "Requirements for the issuance of a Type A specific license of broad scope;"	
31	(5) 10 CFR 33.16, "Application for other specific licenses;" and	
32	(6) 10 CFR 33.17(a), (b), "Conditions of specific licenses of broad scope."	
33	(b) Applications shall be made on forms provided by the agency. One copy of the application and supporting m	aterial
34	shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0	111 of
35	this Chapter in lieu of the NRC:	
36	(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radio	active
37	materials licenses, shall submit an Application for Radioactive Materials License. The instru	ctions

1	for completing the application printed on the application form shall be followed. The following
2	information shall appear on the application:
3	(A) legal business name and mailing address;
4	(B) physical address(es) where radioactive material shall be used or possessed. The application
5	shall indicate if radioactive materials shall be used at temporary jobsites;
6	(C) the name, telephone number, and e-mail address of the +Radiation Safety Officer;
7	(D) the name, telephone number, and e-mail address of the individual to be contacted about the
8	application. If this individual is same as the Radiation Safety Officer, the application may
9	so state;
10	(E) the application shall indicate if the application is for a new license, or for the renewal of an
11	existing license, by marking the corresponding check box;
12	(F) if the application is for the renewal of an existing license, the license number shall be
13	provided on the application;
14	(G) applicants shall indicate the type and category of license as shown on the form by marking
15	the corresponding check box; and
16	(H) 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
18	to sign license applications on behalf of the business or licensee.
19 (2)	Persons applying for an amendment to an existing license shall submit an Application for
20	Amendment of Radioactive Materials and Accelerator Licenses. The instructions for completing the
21	application printed on the application form shall be followed. The following information shall
22	appear on the application:
23	(A) the license number;
24	(B) amendment number of the current license;
25	(C) expiration date of the license;
26	(D) licensee name as it currently appears on the license;
27	(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
28	(F) the name, telephone number, and e-mail address of the individual to be contacted about the
29	application. If this individual is same as the Radiation Safety Officer, item 5b on the
30	application may be left blank;
31	
	(G) applicants shall provide a description of the action requested by marking the corresponding
32	(G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief
32 33	
	checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief
33	checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
33 34	checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b; (H) explanation of the action requested; and

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1	(3)	Applications	specified	in	this	Rule	are	available	at:
2		https://radiation.	ncdhhs.gov/rms/	rmsforms	s2.htm(Rev	01).htm.			
3	(c) Copies of the	ne regulations inco	orporated by this	Rule are	available fi	ree of charg	e at https://	www.nrc.gov/re	ading-
4	rm/doc-collection	ons/cfr/part033/.							
5									
6	History Note:	Authority G.S. 1	04E-7; 104E-10	(b); 104E	-20;				
7		Eff. February 1,	1980;						
8		Amended Eff. O	ctober 1, 2013; A	April 1, 19	999; June 1	, 1993; Octo	ber 1, 198.	2; September 1,	1981;
9		Transferred and	Recodified from	15A NC	4C 11 .030.	5 Eff. Febru	ary 1, 2015	;	
10		Amended Eff. M	arch 1, 2017. <u>20</u>	<i>17;</i>					
11		Readopted Eff. N	May 1, 2024.						

AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15.0307

DEADLINE FOR RECEIPT: April 17, 2024

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On pg. 2, (c), Lines 22-23: What is the process for a clinical procedures manual to be "approved in writing by an authorized user?" Who is considered an "authorized user?"

On pg. 4, (11), Lines 23-24: How does someone become an "Authorized Medical Physicist?"

On pg. 7, (D), Line 5: Change "may" to "shall."

On pg. 7, (F), Line 26: Consider changing "may" to "shall" to be consistent with similar language in (D).

1	10A NCAC 15 .0307 is proposed for readoption with substantive changes as follows:	
2		
3	10A NCAC 15 .0307 GENERAL LICENSES: SOURCE MATERIAL MEDICAL USE OF BYPRODU	J CT
4	MATERIAL IN HUMANS	
5	(a) Any person possessing source material in quantities equal to or less than the quantities shown in 10 CFR 40.2	22(a)
6	shall be issued a general license in accordance with Rule .0306(a) of this Section, and shall comply with the provis	ions
7	of 10 CFR 40.22(b) through (e).	
8	(b) Any person possessing depleted uranium for the purpose authorized in 10 CFR 40.25(a) shall be issued a gen	neral
9	license in accordance with Rule .0306(a) of this Section, and shall comply with the provisions of 10 CFR 40.2	! 5(b)
10	through (e).	
11	(c) Reports required by 10 CFR 40.22(b)(4) or 40.25(c) shall be sent to the agency at the address shown in Rule .()111
12	of this Chapter.	
13	(d) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015)) are
14	hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulations	
15	available free of charge at http://www.ecfr.gov/cgi-bin/	text
16	$idx? SID = 2beeece 594411a03e 50b 2468ae 31f89b \&pitd = 20160101 \&tpl = /ecfrbrowse/Title 10/10tab_02.tpl.$	
17	(a) All persons using radioactive materials for medical use in humans shall comply with the general information	<u>ation</u>
18	requirements of Subpart A to 10 CFR 35, as follows:	
19	(1) 10 CFR 35.1, "Purpose and scope;"	
20	(2) 10 CFR 35.2, "Definitions;"	
21	(3) 10 CFR 35.5, "Maintenance of records;"	
22	(4) 10 CFR 35.6, "Provisions for the protection of human research subjects;"	
23	(5) 10 CFR 35.7, "FDA, other Federal, and State requirements;"	
24	(6) 10 CFR 35.10, "Implementation;"	
25	(7) 10 CFR 35.11, "License required," except that 35.11(c)(1) shall not apply;	
26	(8) 10 CFR 35.12, "Application for license, amendment, or renewal," except that the requirement	<u>ıts in</u>
27	Paragraph (m) of this Rule shall be met;	
28	(9) 10 CFR 35.13, "License amendments," except that 35.13(a)(1) shall not apply;	
29	(10) 10 CFR 35.14, "Notifications," except that notifications required by this rule shall be submitted	ed to
30	the agency at the address shown in Rule .0111 of this Chapter unless directed otherwise by	<u>the</u>
31	agency;	
32	(11) 10 CFR 35.15, "Exemptions regarding Type A specific licenses of broad scope;"	
33	(12) 10 CFR 35.18, "License issuance," except 35.18(a)(2) shall not apply; and	
34	(13) 10 CFR 35.19, "Specific exemptions."	
35	(b) All persons using radioactive materials for medical use in humans shall comply with the general administra	<u>ative</u>
36	requirements of Subpart B to 10 CFR 35, as follows:	
37	(1) 10 CFR 35.24, "Authority and responsibilities for the radiation safety program;"	

I	<u>(2)</u>	10 CFR 35.26, "Radiation protection program changes;"
2	(3)	10 CFR 35.27, "Supervision." Persons using instrumentation for the collection of data to be used by
3		a physician shall hold active nuclear medicine technology (N) certification issued by the American
4		Registry of Radiographic Technologists (ARRT) or hold active certification issued by the Nuclear
5		Medicine Technologist Certification Board (NMTCB) within three (3) years of the effective date of
6		this readopted Rule, or shall be in training and under the supervision of an individual holding active
7		ARRT(N) or NMTCB certification or an authorized user;
8	<u>(4)</u>	10 CFR 35.40, "Written Directives;"
9	<u>(5)</u>	10 CFR 35.41, "Procedures for administrations requiring a written directive;"
10	<u>(6)</u>	10 CFR 35.49, "Suppliers for sealed source and devices for medical use;"
11	<u>(7)</u>	10 CFR 35.50, "Training for Radiation Safety Officer and Associate Radiation Safety Officer;"
12	(8)	10 CFR 35.51, "Training for an authorized medical physicist;"
13	<u>(9)</u>	10 CFR 35.55, "Training for an authorized nuclear pharmacist;"
14	(10)	10 CFR 35.57, "Training for experienced Radiation Safety Officer, teletherapy or medical physicist,
15		authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear
16		pharmacist;"
17	<u>(11)</u>	10 CFR 35.59, "Recentness of training;" and
18	(12)	licensees administering radioactive materials to patients shall have a physician, a nurse practitioner,
19		or a physicians' assistant available to provide emergency life-saving assistance in the event of a
20		medical emergency. These individuals are not required to be users of radioactive materials.
21	(c) All persons	s administering radioactive materials to humans not requiring a written directive shall develop,
22	document, main	tain, and require the use of, a clinical procedures manual. This manual shall be approved in writing
23	by an authorize	d user, and shall include, for each nuclear medicine procedure not requiring a written directive
24	performed at the	e facility:
25	<u>(1)</u>	the range of radiopharmaceutical dosages;
26	(2)	the method used to determine the dosage;
27	<u>(3)</u>	the route of administration;
28	<u>(4)</u>	provision of job-specific training and assistance to medical personnel in the administration of
29		radioactive material for purposes including, but not limited to, the evaluation of cardiac ischemia in
30		the emergent setting and localization of seizure foci as an adjunct to epilepsy monitoring; and
31	<u>(5)</u>	any other information the licensee determines to be useful for patient care, and to prevent the
32		occurrence of medical events.
33	(d) All persons	s using radioactive materials for medical use in humans shall comply with the general technical
34	requirements of	Subpart C to 10 CFR 35, as follows:
35	(1)	10 CFR 35.60, "Possession, use, and calibration of instruments used to measure the activity of
36		byproduct material;"
37	(2)	10 CFR 35.61, "Calibration of survey instruments;"

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1	<u>(3)</u>	10 CFR 35.63, "Determination of dosages of unsealed byproduct material for medical use," except
2		that the determination of dosages of unsealed photon emitting byproduct material shall be made
3		only by direct measurement of radioactivity. If direct measurement of the dosage is not feasible
4		because of the nature of the radiopharmaceutical, the manufacturer's recommendations for
5		determining the dosage shall be used;
6	<u>(4)</u>	10 CFR 35.65, "Authorization for calibration, transmission, and reference sources;"
7	(5)	10 CFR 35.67, "Requirements for possession of sealed sources and brachytherapy sources," except
8		that sealed sources and brachytherapy sources placed in storage may be decayed-in-storage as
9		permitted by Subparagraph (d)(10) of this Paragraph. Brachytherapy sources placed into decay-in-
10		storage shall be exempt from leak testing and the semi-annual inventory requirements of this
11		Subparagraph:
12	<u>(6)</u>	10 CFR 35.69, "Labeling of vials and syringes," except that syringe shields and dose carriers used
13		to shield or transport syringes labeled in accordance with this Rule shall not be required to be labeled
14		when under the continuous direct control of the individual measuring the dose in accordance with
15		Subparagraph (d)(3) of this Rule and administering the dose to the patient;
16	<u>(7)</u>	10 CFR 35.70, "Surveys of ambient radiation exposure rate;"
17	<u>(8)</u>	10 CFR 35.75, "Release of individuals containing unsealed byproduct material or implants
18		containing byproduct material;"
19	<u>(9)</u>	10 CFR 35.80, "Provision of mobile medical service;" and
20	(10)	10 CFR 35.92, "Decay-in-storage," except that licensees may hold byproduct material with a half-
21		life of less than or equal to 275 days for decay-in-storage.
22	(e) Persons usin	ng unsealed radioactive material for medical use not requiring a written directive shall comply with
23	the requirements	s of Subpart D to 10 CFR 35, as follows:
24	(1)	10 CFR 35.100, "Use of unsealed byproduct material for uptake, dilution, and excretion studies for
25		which a written directive is not required;"
26	(2)	10 CFR 35.190, "Training for uptake, dilution, and excretion studies;"
27	(3)	10 CFR 35.200, "Use of unsealed byproduct material for imaging and localization studies for which
28		a written directive is not required;"
29	<u>(4)</u>	10 CFR 35.204, "Permissible molybdenum-99, strontium-82, and strontium-85 concentrations;" and
30	<u>(5)</u>	10 CFR 35.290, "Training for imaging and localization studies."
31	(f) Persons usir	ng unsealed radioactive material for medical use requiring a written directive shall comply with the
32	requirements of	Subpart E to 10 CFR 35, as follows:
33	(1)	10 CFR 35.300, "Use of unsealed byproduct material for which a written directive is required;"
34	(2)	10 CFR 35.310, "Safety instruction;"
35	(3)	10 CFR 35.315, "Safety precautions;" except that patient's or human research subject's personal
36		items that cannot be effectively decontaminated to a level indistinguishable from the natural

1		background may be released to them upon discharge, provided that the patient or human research
2		subject is instructed not to share such items with others;
3	(4)	10 CFR 35.390, "Training for use of unsealed byproduct material for which a written directive is
4		required;"
5	(5)	10 CFR 35.392, "Training for the oral administration of sodium iodide I-131 requiring a written
6		directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries);"
7	<u>(6)</u>	10 CFR 35.394, "Training for the oral administration of sodium iodide I-131 requiring a written
8		directive in quantities greater than 1.22 gigabecquerels (33 millicuries);" and
9	<u>(7)</u>	10 CFR 35.396, "Training for the parenteral administration of unsealed byproduct material requiring
10		a written directive."
11	(g) Persons usin	g sealed source radioactive material for medical use in manual brachytherapy shall comply with the
12	requirements of	Subpart F to 10 CFR 35, as follows:
13	(1)	10 CFR 35.400, "Use of sources for manual brachytherapy;"
14	(2)	10 CFR 35.404, "Surveys after source implant and removal;"
15	(3)	10 CFR 35.406, "Brachytherapy sources accountability;"
16	<u>(4)</u>	10 CFR 35.410, "Safety instructions;"
17	(5)	10 CFR 35.415, "Safety precautions;"
18	<u>(6)</u>	10 CFR 35.432, "Calibration measurements of brachytherapy sources;"
19	(7)	10 CFR 35.433, "Strontium-90 sources for ophthalmic treatments;"
20	(8)	10 CFR 35.457, "Therapy-related computer systems;"
21	(9)	10 CFR 35.490, "Training for use of manual brachytherapy sources;"
22	(10)	10 CFR 35.491, "Training for ophthalmic use of strontium-90;" and
23	(11)	activities listed in Subparagraphs (g)(6) and (g)(7) of this Rule shall be approved by an Authorized
24		Medical Physicist.
25	(h) Persons usin	ng sealed source radioactive material for medical diagnosis shall comply with the requirements of
26	Subpart G to 10	CFR 35, as follows:
27	(1)	10 CFR 35.500, "Use of sealed sources and medical devices for diagnosis;" and
28	(2)	10 CFR 35.590, "Training for use of sealed sources and medical devices for diagnosis."
29	(i) Persons using	g sealed source radioactive material for medical use in remote afterloader units, teletherapy units, and
30	gamma stereotac	tic radiosurgery units shall comply with the requirements of Subpart H to 10 CFR 35, as follows:
31	(1)	10 CFR 35.600, "Use of a sealed source in a remote afterloading unit, teletherapy unit, or gamma
32		stereotactic radiosurgery unit;"
33	(2)	10 CFR 35.604, "Surveys of patients and human research subjects treated with a remote afterloader
34		unit;"
35	(3)	10 CFR 35. 605, "Installation, maintenance, and repair;"
36	<u>(4)</u>	10 CFR 35.610, "Safety procedures and instructions for remote afterloader units, teletherapy units,
37		and gamma stereotactic radiosurgery units;"

1	(5)	10 CFR 35.615, "Safety precautions for remote afterloader units, teletherapy units, and gamma
2		stereotactic radiosurgery units;"
3	<u>(6)</u>	10 CFR 35.630, "Dosimetry equipment;"
4	<u>(7)</u>	10 CFR 35.632, "Full calibration measurements on teletherapy units;"
5	<u>(8)</u>	10 CFR 35.633, "Full calibration measurements on remote afterloader units;"
6	<u>(9)</u>	10 CFR 35.635, "Full calibration measurements on stereotactic radiosurgery units;"
7	(10)	10 CFR 35.642, "Periodic spot-checks for teletherapy units;"
8	<u>(11)</u>	10 CFR 35.643, "Periodic spot-checks for remote afterloader units;"
9	(12)	10 CFR 35.645, "Periodic spot-checks for on stereotactic radiosurgery units;"
10	<u>(13)</u>	10 CFR 35.647, "Additional technical requirements for mobile remote afterloader units;"
11	(14)	10 CFR 35.652, "Radiation surveys;"
12	(15)	10 CFR 35.655, "Full-inspection servicing for teletherapy and gamma stereotactic radiosurgery
13		units;"
14	<u>(16)</u>	10 CFR 35.657, "Therapy-related computer systems;" and
15	<u>(17)</u>	10 CFR 35.690, "Training for use of remote afterloader units, teletherapy units, and gamma
16		stereotactic radiosurgery units."
17	(j) Persons usin	g radioactive material for medical use, or radiation from radioactive material for medical use, that are
18	not specifically	addressed in Paragraphs (e) through (i) of this Rule shall comply with requirements of Subpart K to
19	10 CFR 35.	
20	(k) All persons	licensed by the agency for the medical use of radioactive material shall maintain records required by
21	Subpart L to 10	CFR 35, as follows:
22	<u>(1)</u>	10 CFR 35.2024, "Records of authority and responsibilities for radiation protection programs;"
23	(2)	10 CFR 35.2026, "Records of radiation protection program changes;"
24	(3)	10 CFR 35.2040, "Records of written directives;"
25	<u>(4)</u>	10 CFR 35.2041, "Records of procedures for administrations requiring a written directive;"
26	<u>(5)</u>	10 CFR 35.2060, "Records of calibrations of instruments used to measure the activity of unsealed
27		byproduct materials;"
28	<u>(6)</u>	10 CFR 35.2061, "Records of radiation survey instrument calibrations;"
29	<u>(7)</u>	10 CFR 35.2063, "Records of dosages of unsealed byproduct material for medical use;"
30	<u>(8)</u>	10 CFR 35.2067, "Records of leak tests of sealed sources and brachytherapy sources;"
31	<u>(9)</u>	10 CFR 35.2070, "Records of surveys for ambient radiation exposure rate;"
32	(10)	10 CFR 35.2075, "Records of the release of individuals containing unsealed byproduct material or
33		implants containing byproduct material;"
34	<u>(11)</u>	10 CFR 35.2080, "Records of mobile medical services;"
35	(12)	10 CFR 35.2092, "Records of decay-in-storage;"
36	(13)	10 CFR [35.2203,] 35.2204, "Records of molybdemum-99, strontium-82, and strontium-85
37		concentrations:"

I	<u>(14)</u>	10 CFR 35.2310, "Records of safety instruction;"
2	<u>(15)</u>	10 CFR 35.2404, "Records of surveys after source implant and removal;"
3	<u>(16)</u>	10 CFR 35.2406, "Records of brachytherapy source accountability;"
4	<u>(17)</u>	10 CFR 35.2432, "Records of calibration measurements of brachytherapy sources;"
5	(18)	10 CFR 35.2433, "Records of decay of strontium-90 sources for ophthalmic treatments;"
6	<u>(19)</u>	10 CFR 35.2605, "Records of installation, maintenance, adjustment, and repair of remote afterloader
7		units, teletherapy units, and gamma stereotactic radiosurgery units;"
8	(20)	10 CFR 35.2610, "Records of safety procedures;"
9	(21)	10 CFR 35.2630, "Records of dosimetry equipment used with remote afterloader units, teletherapy
10		units, and gamma stereotactic radiosurgery units;"
11	(22)	10 CFR 35.2632, "Records of teletherapy, remote afterloader, and gamma stereotactic radiosurgery
12		full calibrations;"
13	(23)	10 CFR 35.2642, "Records of periodic spot-checks for teletherapy units;"
14	<u>(24)</u>	10 CFR 35.2643, "Records of periodic spot-checks for remote afterloader units;"
15	(25)	10 CFR 35.2645, "Records of periodic spot-checks for gamma stereotactic radiosurgery units;"
16	(26)	10 CFR 35.2647, "Records of additional technical requirements for mobile remote afterloader
17		units;"
18	<u>(27)</u>	10 CFR 35.2652, "Records of surveys of therapeutic treatment units;" and
19	(28)	10 CFR 35.2655, "Records of full-inspection servicing for teletherapy and gamma stereotactic
20		radiosurgery units."
21	(l) All persons l	icensed by the agency for the medical use of radioactive material shall make, or cause to be made, the
22	reports required	by Subpart M to 10 CFR Part 35. Notifications made by telephone shall be made to the agency in lieu
23	of the NRC Ope	erations Center. Written reports and correspondence required by this Rule shall be submitted to the
24	agency at the ad	dress shown in Rule .0111 of this Chapter unless otherwise directed by the agency, in lieu of the NRC
25	Regional Office	<u>:</u>
26	<u>(1)</u>	10 CFR 35.3045, "Report and notification of a medical event;"
27	<u>(2)</u>	10 CFR 35.3047, "Report and notification of a dose to an embryo/fetus or a nursing child;"
28	(3)	10 CFR 35.3067, "Report of a leaking source;" and
29	<u>(4)</u>	10 CFR 35.3204, "Report and notification for an eluate exceeding permissible molybdenum-99,
30		strontium-82, and strontium-85 concentrations."
31	(m) Application	s shall be made on forms provided by the agency. One copy of the application and supporting material
32	shall be submitte	ed to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of
33	this Chapter in l	ieu of the NRC:
34	<u>(1)</u>	Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive
35		materials licenses, shall submit an Application for Radioactive Materials License. The following
36		information shall appear on the application:
37		(A) legal business name and mailing address;

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1		(B) physical address(es) where radioactive material shall be used or possessed. The application
2		shall indicate if radioactive materials shall be used at temporary jobsites;
3		(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
4		(D) the name, telephone number, and e-mail address of the individual to be contacted about the
5		application. If this individual is same as the Radiation Safety Officer, the application may
6		so state;
7		(E) the application shall indicate if the application is for a new license or for the renewal of an
8		existing license by marking the corresponding check box;
9		(F) if the application is for the renewal of an existing license, the license number shall be
10		provided on the application;
11		(G) applicants shall indicate the type and category of license as shown on the form by marking
12		the corresponding check box; and
13		(H) the printed name, title, and signature of the certifying official. The certifying official shall
14		be an individual employed by the business or licensee, who is authorized by the licensee
15		to sign license applications on behalf of the business or licensee.
16	(2)	Persons applying for an amendment to an existing license shall submit an Application for
17		Amendment of Radioactive Materials and Accelerator Licenses. The following information shall
18		appear on the application:
19		(A) the license number;
20		(B) amendment number of the current license;
21		(C) expiration date of the license;
22		(D) licensee name as it currently appears on the license;
23		(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
24		(F) the name, telephone number, and e-mail address of the individual to be contacted about the
25		application. If this individual is same as the Radiation Safety Officer, item 5b on the
26		application may be left blank;
27		(G) applicants shall provide a description of the action requested by marking the corresponding
28		checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief
29		description of the action requested in the space provided in item 6b;
30		(H) explanation of the action requested; and
31		(I) the printed name, title, and signature of the certifying official. The certifying official shall
32		be an individual employed by the business or licensee who is authorized by the licensee to
33		sign license applications on behalf of the business or licensee.
34	(3)	Applications specified in this Rule are available free of charge at:
35		https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.

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1	(n) The regulat	ions cited in this Rule from 10 CFR 35 are hereby incorporated by reference, including subsequent
2	amendments and	d editions. Copies of these regulations are available free of charge at https://www.nrc.gov/reading-
3	rm/doc-collection	ons/cfr/part035/.
4		
5	History Note:	Authority G.S. 104E-7; 104E-10(b);
6		Eff. February 1, 1980;
7		Amended Eff. January 1, 1994; May 1, 1992;
8		Transferred and Recodified from 15A NCAC 11 .0307 Eff. February 1, 2015;
9		Amended Eff. March 1, 2017. <u>2017:</u>
10		Readopted Eff. May 1, 2024.

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AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15.0308

DEADLINE FOR RECEIPT: April 17, 2024

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On pg. 2, Line 6: What does "NRC" mean? If it's an acronym, please spell it out before using.

On pg. 2, (b)(1)(D), Line 18: Change "may" to "shall."

On pg. 3, (b)(2)(F), Line 3: Consider changing "may" to "shall" to be consistent with similar language in (b)(1)(D).

1	10A NCAC 15 .0308 is	proposed for readoption with substantive changes as follows:
2		
3	10A NCAC 15 .0308	GENERAL LICENSES: OTHER THAN SOURCE MATERIAL LICENSES AND
4		RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS
5	Any person possessing	static elimination devices, or ion generating tubes containing 500 microcuries or less of
6	Polonium 210, or ion go	enerating tubes containing 50 millicuries or less of tritium, shall comply with Rule .0305(a) of
7	this Section.	
8	(a) Persons irradiating	objects or materials using sealed sources containing radioactive materials shall comply with
9	the provisions of 10 C	FR 36, which are hereby incorporated by reference including subsequent amendments and
10	editions, except that the	requirements of 10 CFR 170 shall not apply, as follows:
11	(1) 10 CF	R 36.1, "Purpose and scope;"
12	(2) 10 CF	R 36.2, "Definitions," except that references to common defense and security shall not apply;
13	(3) 10 CF	R 36.11, "Application for a specific license," except that the requirements of Paragraph (b) of
14	this R	ule shall be met;
15	(4) 10 CF	R 36.13, "Specific licenses for irradiators;"
16	(5) 10 CF	TR 36.15, "Commencement of construction;"
17	(6) 10 CF	FR 36.17, "Applications for exemptions;"
18	(7) 10 CF	FR 36.19, "Requests for written statements;"
19	(8) 10 CF	FR 36.21, "Performance criteria for sealed sources;"
20	(9) 10 CF	FR 36.23, "Access control;"
21	(10) 10 CF	FR 36.25, "Shielding;"
22	(11) 10 CF	FR 36.27, "Fire protection;"
23	(12) 10 CF	FR 36.29, "Radiation monitors;"
24	(13) 10 CO	GR 36.31, "Control of source movement;"
25	(14) 10 CF	FR 36.33, "Irradiator pools;"
26	(15) 10 CF	FR 36.35, "Source rack protection;"
27	(16) 10 CF	FR 36.37, "Power failures;"
28	(17) 10 CF	FR 36.39, "Design requirements;"
29	(18) 10 CF	FR 36.41, "Construction monitoring and acceptance testing;"
30	(19) 10 CF	<u>FR 36.51, "Training;"</u>
31	(20) 10 CF	R 36.53, "Operating and emergency procedures;"
32	(21) 10 CF	TR 36.55, "Personnel monitoring;"
33	(22) 10 CF	R 36.57, "Radiation surveys;"
34	(23) 10 CF	R 36.59, "Detection of leaking sources;"
35	(24) 10 CF	FR 36.61, "Inspection and maintenance;"
36	(25) 10 CF	FR 36.63, "Pool water quality;"
37	(26) 10 CF	'R 36.65, "Attendance during operations;"

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1	(27)	10 CFR 36.67, "Entering and leaving the radiation room;"
2	(28)	10 CFR 36.69, "Irradiation of explosive or flammable materials;"
3	(29)	10 CFR 36.81, "Records and retention periods;" and
4	(30)	10 CFR 36.83, "Reports," except that reports required by this Rule shall be made to the agency at
5		the address shown in Rule .0111 of this Chapter unless directed otherwise by the agency, in lieu of
6		the NRC.
7	(b) Application	s shall be made on forms provided by the agency. One copy of the application and supporting material
8	shall be submitt	ted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of
9	this Chapter in	lieu of the NRC:
10	<u>(1)</u>	Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive
11		materials licenses, shall submit an Application for Radioactive Materials License. The following
12		information shall appear on the application:
13		(A) legal business name and mailing address;
14		(B) physical address(es) where radioactive material shall be used or possessed. The application
15		shall indicate if radioactive materials shall be used at temporary jobsites;
16		(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
17		(D) the name, telephone number, and e-mail address of the individual to be contacted about the
18		application. If this individual is same as the Radiation Safety Officer, the application may
19		so state;
20		(E) the application shall indicate if the application is for a new license, or for the renewal of an
21		existing license, by marking the corresponding check box;
22		(F) if the application is for the renewal of an existing license, the license number shall be
23		provided on the application:
24		(G) applicants shall indicate the type and category of license as shown on the form by marking
25		the corresponding check box; and
26		(H) the printed name, title, and signature of the certifying official. The certifying official shall
27		be an individual employed by the business or licensee, who is authorized by the licensee
28		to sign license applications on behalf of the business or licensee.
29	(2)	Persons applying for an amendment to an existing license shall submit an Application for
30		Amendment of Radioactive Materials and Accelerator Licenses. The following information shall
31		appear on the application:
32		(A) the license number;
33		(B) amendment number of the current license;
34		(C) expiration date of the license;
35		(D) licensee name as it currently appears on the license;
36		(E) the name, telephone number, and e-mail address of the Radiation Safety Officer:

1		<u>(F)</u>	the name	e, telephone nun	ber, and	e-mail addr	ess of the in	dividual to	be contacted abou	ut the
2			applicati	ion. If this indi	vidual is	same as th	ne Radiation	Safety O	fficer, item 5b o	n the
3				ion may be left l				-		
4		(G)	applican	ts shall provide	a descript	tion of the a	ction reques	ted by marl	king the correspon	nding
5		•	checkbo	x in item 6a. If t	he check	box next to	"Other" is 1	marked in i	tem 6a, provide a	brief
6				ion of the action					_	
7		(H)	_	ion of the action	_	_	-		-	
8		(I)	-		-		ertifying of	ficial. The	certifying official	shall
9		•	be an inc	dividual employ	ed by the	business or	r licensee wl	no is author	rized by the licens	see to
10			sign lice	nse applications	on behal	f of the bus	siness or lice	ensee.	•	
11	(3)	Applic	ations	specified	in	this	Rule	are	available	at:
12	. ,	https://	radiation.n	ncdhhs.gov/rms/	rmsforms	2.htm(Rev	01).htm.			
13	(c) Copies of t	_		=				e at https://	www.nrc.gov/rea	ding-
14	rm/doc-collection	ons/cfr/pa	rt036/.	-				-	_	
15		-								
16	History Note:	Author	ity G.S. 10)4E-7; 104E-10(<i>b);</i>					
17	•	Eff. Fe	bruary 1, 1	1980;						
18		Amend	ed Eff. Jan	nuary 1, 2005; J	anuary 1,	1994;				
19		Transfe	erred and I	Recodified from	15A NCA	1C 11 .0308	8 Eff. Febru	ary 1, 2015	·	
20		Amended Eff. March 1, 2017. <u>2017;</u>								
21		<u>Reado</u> j	oted Eff. M	Tay 1, 2024.						

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AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15.0309

DEADLINE FOR RECEIPT: April 17, 2024

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On pg. 2, (18), Lines 5-7: Under what circumstances "may" the agency "require information and evaluations made pursuant to the requirements of the N.C. Department of Environmental Quality in lieu of Subpart A to 10 CFR 51?" What is the agency's authority to make this exception?

On pg. 2, (19), Lines 9-12: Under what circumstances "may" the agency "base the issuance of a specific license on information and evaluations made pursuant to the requirements of the N.C. Department of Environmental Quality in lieu of Subpart A to 10 CFR 51?" What is the agency's authority to make this exception?

On pg. 3, (b)(1)(D), Line 16: Change "may" to "shall."

On pg. 3, (b)(2)(F), Line 37: Consider changing "may" to "shall" to be consistent with similar language in (b)(1)(D).

1	10A NCAC 15 .0309 is proposed for readoption with substantive changes as follows:
2	
3	10A NCAC 15 .0309 GENERAL LICENSES: MEASURING GAUGING: CONTROLLING DEVICE
4	DOMESTIC LICENSING OF SOURCE MATERIAL
5	(a) Any person possessing devices listed in 10 CFR 31.5(a) meeting the requirements of 10 CFR 31.5(b) shall be a second of the control of the
6	issued a general license in accordance with Rule .0306(a) of this Section, and shall comply with the provisions of
7	CFR 31.5(c) and (d), except that the fees specified in 10 CFR 31.5(c)(13)(ii) shall not apply to persons issued a gener
8	license under this Rule.
9	(b) Reports, requests for prior approval to transfer devices authorized under this Rule, and any other correspondence
10	required by 10 CFR 31.5 shall be sent to the agency at the address listed in Rule .0111 of this Chapter.
11	(c) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) a
12	hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulations a
13	available free of charge at http://www.ecfr.gov/cgi bin/tex
14	idx?SID=2beeece594411a03e50b2468ae31f89b&pitd=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl.
15	(a) Persons using source material and byproduct material as defined in this Rule shall comply with the provisions
16	10 CFR 40, which are hereby incorporated by reference including subsequent amendments and editions, except the
17	references to importation and exportation of radioactive material and references to and requirements of 10 CF
18	70.22(b), (c), (f) – (n), and 10 CFR 110 shall not apply, as follows:
19	(1) 10 CFR 40.1, "Purpose;"
20	(2) 10 CFR 40.2, "Scope;"
21	(3) 10 CFR 40.2a, "Coverage of inactive tailings sites;"
22	(4) 10 CFR 40.3, "Licensing requirements;"
23	(5) 10 CFR 40.4, "Definitions," except that the definition of "foreign obligations," "reconciliation," are
24	references in the definitions to common defense and security shall not apply:
25	(6) 10 CFR 40.5, "Communications," except that notices and reports shall be made to the agency at the
26	address shown in Rule .0111 of this Chapter unless directed otherwise by the agency or specific
27	otherwise in this Rule, in lieu of the NRC;
28	(7) 10 CFR 40.9, "Completeness and accuracy of information;"
29	(8) 10 CFR 40.10, "Deliberate misconduct;"
30	(9) 10 CFR 40.11, "Persons using source material under certain Department of Energy and Nucle
31	Regulatory Commission contracts;"
32	(10) 10 CFR 40.12(a), "Carriers;"
33	(11) 10 CFR 40.13, "Unimportant quantities of source material," except 10 CFR 40.13(c)(5)(iv);
34	(12) 10 CFR 40.14, "Specific Exemptions;"
35	(13) 10 CFR 40.20, "Types of licenses;"
36	(14) 10 CFR 40.21, "General license to receive title to source or byproduct material;"
37	(15) 10 CFR 40.22, "Small quantities of source material;"

32 1 of 4

1	(16)	10 CFR 40.25, "General license for use of certain industrial products or devices;"
2	<u>(17)</u>	10 CFR 40.26, "General license for possession and storage of byproduct material as defined in this
3		part;"
4	(18)	10 CFR 40.31(a), (b), (d), (f) – (i), "Application for specific licenses," except that the requirements
5		of Paragraph (b) of this Rule shall be met, the agency may require information and evaluations made
6		pursuant to the requirements of the N.C. Department of Environmental Quality in lieu of Subpart A
7		to 10 CFR 51, and reports required by 10 CFR 40.31(g) shall be submitted to the NRC in lieu of the
8		agency:
9	(19)	10 CFR 40.32, "General requirements for issuance of specific licenses," except that the agency may
10		base the issuance of a specific license on information and evaluations made pursuant to the
11		requirements of the N.C. Department of Environmental Quality in lieu of Subpart A to 10 CFR 51,
12		and 10 CFR 40.32(d), (g), and references to and requirements for uranium enrichment and uranium
13		hexafluoride facilities shall not apply:
14	(20)	10 CFR 40.34, "Special requirements for issuance of specific licenses;"
15	(21)	10 CFR 40.35, "Conditions of specific licenses issued pursuant to 10 CFR 40.34;"
16	(22)	10 CFR 40.36, "Financial assurance and recordkeeping for decommissioning," the initials "DCE"
17		shall mean "detailed cost estimate;"
18	(23)	10 CFR 40.41(a) – (c), (e)(2), (e)(4), (f), "Terms and conditions of licenses;"
19	(24)	10 CFR 40.42, "Expiration and termination of licenses and decommissioning of sites and separate
20		buildings or outdoor areas;"
21	(25)	10 CFR 40.43, "Renewal of licenses;"
22	(26)	10 CFR 40.44, "Amendment of licenses at request of licensee;"
23	(27)	10 CFR 40.45, "Commission action on application to renew or amend;"
24	(28)	10 CFR 40.46, "Inalienability of licenses;"
25	(29)	10 CFR 40.51(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of source or byproduct material;"
26	(30)	10 CFR 40.54, "Requirements for license to initially transfer source material for use under the 'small
27		quantities of source material' general license;"
28	(31)	10 CFR 40.55, "Conditions of licenses to initially transfer source material for use under the 'small
29		quantities of source material' general license: Quality control, labeling, safety instructions, and
30		records and reports;"
31	(32)	10 CFR 40.60, "Reporting requirements;"
32	(33)	10 CFR 40.61, "Records;"
33	(34)	10 CFR 40.62, "Inspections;"
34	(35)	10 CFR 40.63, "Tests;"
35	(36)	10 CFR 40.65, "Effluent monitoring reporting requirements;"
36	(37)	10 CFR 40.71, "Modification and revocation of licenses," and

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I	(38)	Appendix A to Part 40, "Criteria Relating to the Operation of Uranium Mills and the Disposition of
2		Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores
3		Processed Primarily for Their Source Material Content," except Criterion 11A - F and 12 shall not
4		apply.
5	(b) Applications	s shall be made on forms provided by the agency. One copy of the application and supporting material
6	shall be submitte	ed to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule .0111 of
7	this Chapter in li	ieu of the NRC:
8	(1)	Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive
9		materials licenses, shall submit an Application for Radioactive Materials License. The following
10		information shall appear on the application:
11		(A) legal business name and mailing address;
12		(B) physical address(es) where radioactive material shall be used or possessed. The application
13		shall indicate if radioactive materials shall be used at temporary jobsites;
14		(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
15		(D) the name, telephone number, and e-mail address of the individual to be contacted about the
16		application. If this individual is same as the Radiation Safety Officer, the application may
17		so state;
18		(E) the application shall indicate if the application is for a new license, or for the renewal of an
19		existing license, by marking the corresponding check box;
20		(F) if the application is for the renewal of an existing license, the license number shall be
21		provided on the application;
22		(G) applicants shall indicate the type and category of license as shown on the form by marking
23		the corresponding check box; and
24		(H) the printed name, title, and signature of the certifying official. The certifying official shall
25		be an individual employed by the business or licensee, who is authorized by the licensee
26		to sign license applications on behalf of the business or licensee.
27	(2)	Persons applying for an amendment to an existing license shall submit an Application for
28		Amendment of Radioactive Materials and Accelerator Licenses. The following information shall
29		appear on the application:
30		(A) the license number;
31		(B) amendment number of the current license;
32		(C) expiration date of the license;
33		(D) licensee name as it currently appears on the license;
34		(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
35		(F) the name, telephone number, and e-mail address of the individual to be contacted about the
36		application. If this individual is same as the Radiation Safety Officer, item 5b on the
37		application may be left blank;

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1		(G) applicants shall provide a description of the action requested by marking the corresponding
2		checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief
3		description of the action requested in the space provided in item 6b;
4		(H) explanation of the action requested; and
5		(I) the printed name, title, and signature of the certifying official. The certifying official shall
6		be an individual employed by the business or licensee who is authorized by the licensee to
7		sign license applications on behalf of the business or licensee.
8	(3)	Applications specified in this Rule are available at:
9		https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.
10	(c) Copies of the	e regulations incorporated by this Rule are available free of charge at https://www.nrc.gov/reading-
11	rm/doc-collection	ns/cfr/part040/.
12		
13	History Note:	Authority G.S. 104E-7; 104E-10(b);
14		Eff. February 1, 1980;
15		Amended Eff. October 1, 2013; January 1, 2005; January 1, 1994; June 1, 1989;
16		Transferred and Recodified from 15A NCAC 11 .0309 Eff. February 1, 2015;
17		Amended Eff. March 1, 2017. <u>2017:</u>
18		Readopted Eff. May 1, 2024.

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AGENCY: Radiation Protection Commission

RULE CITATION: 10A NCAC 15.0310

DEADLINE FOR RECEIPT: April 17, 2024

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On pg. 2, (b)(1)(D), Line 28: Change "may" to "shall."

On pg. 3, (b)(2)(F), Line 14: Consider changing "may" to "shall" to be consistent with similar language in (b)(1)(D).

1	10A NCAC 15 .03	10 is proposed for readoption with substantive changes as follows:
2	10A NCAC 15 .03	10 GENERAL LICENSES: MANUFACTURE, TRANSFER, INSTALL GENERALLY
4	10A NCAC 13.03	LICENSED DEVICES DOMESTIC LICENSING OF SPECIAL NUCLEAR
5		MATERIAL
6	(a) Any person no	ossessing a specific license issued by the agency, the U.S. Nuclear Regulatory Commission, or
7		State authorizing the manufacture, installation, or servicing of a device described in Rule .0309 of
8	-	e authorized to install, service, and uninstall these devices in accordance with the provisions of 10
9	CFR 31.6.	e dudiorized to instain, service, and uninstain these devices in decordance with the provisions of 10
10		ng Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) are
11	` '	d by reference, excluding subsequent amendments and editions. Copies of these regulations are
12	• •	free of charge at http://www.ecfr.gov/cgi bin/text-
13		94411a03e50b2468ae31f89b&pitd=20160101&tpl=/eefrbrowse/Title10/10tab=02.tpl.
14		special nuclear material as defined in this Rule shall comply with the provisions of 10 CFR 70,
15		ncorporated by reference including subsequent amendments and editions, as follows:
16	-	0 CFR 70.1(a) and (b), "Purpose;"
17		0 CFR 70.2, "Scope;"
18	* *	0 CFR 70.3, "License requirements;"
19		0 CFR 70.4, "Definitions," except that references in the definitions to common defense and security
20		hall not apply;
21		0 CFR 70.5, "Communications," except that notices and reports shall be made to the agency at the
22	* *	ddress shown in Rule .0111 of this Chapter in lieu of the NRC unless otherwise specified by the
23	<u>a</u>	gency;
24	(6) 1	0 CFR 70.9, "Completeness and accuracy of information;"
25	(7) 1	0 CFR 70.10, "Deliberate misconduct;"
26	(8) 1	0 CFR 70.11, "Persons using special nuclear material under certain DOE and NRC contracts;"
27	(9) 1	0 CFR 70.12, "Carriers;"
28	<u>(10)</u> 1	0 CFR 70.17, "Specific exemption;"
29	<u>(11) 1</u>	0 CFR 70.18, "Types of licenses;"
30	<u>(12)</u> 1	0 CFR 70.19, "General license for calibration and reference sources;"
31	(13) 1	0 CFR 70.20, "General license to own special nuclear material;"
32	<u>(14)</u> 1	0 CFR 70.21(a)(2), (a)(3), (b), "Filing," except that the requirements of Paragraph (b) of this Rule
33	<u>s</u>	hall be met:
34	<u>(15)</u> 1	0 CFR 70.22(a), (d), and (e), "Contents of application;"
35	<u>(16)</u> 1	0 CFR 70.23(a)(1) – (5), "Requirements for the approval of applications;"
36	<u>(17)</u> 1	0 CFR 70.25(a)(2), (b) – (h), "Financial assurance and recordkeeping for decommissioning," the
37	<u>i</u> 1	nitials "DCE" shall mean "detailed cost estimate;"

1	(18)	10 CFR 70.31(a) and (b), "Issuance of license;"
2	<u>(19)</u>	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) Application	s shall be made on forms provided by the agency. One copy of the application and supporting material
18	shall be submitt	ed 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	ieu of the NRC:
20	<u>(1)</u>	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		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

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I		(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 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	<u>(3)</u>	Applications specified in this Rule are available at:
23		https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm.
24	(c) Copies of the	e regulations incorporated by this Rule are available free of charge at https://www.nrc.gov/reading-
25	rm/doc-collection	ons/cfr/part070/.
26		
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. <u>2017:</u>
32		Readopted Eff. May 1, 2024.