

1 15A NCAC 11 .0317 is proposed for amendment as follows:

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3 **15A NCAC 11 .0317 SPECIFIC LICENSES: FILING APPLICATION AND GENERAL**  
4 **REQUIREMENT**

5 (a) Applications for specific licenses shall be filed on an agency form. Completed applications shall include the  
6 following information and other information necessary for the Agency to determine if the applicant meets the  
7 requirements for a license required by the agency form:

- 8 (1) name, address and use location of the applicant;
- 9 (2) training and experience of radioactive material users and of the person responsible for radiation  
10 protection;
- 11 (3) types, quantities and uses of radioactive materials;
- 12 (4) description of facilities, equipment and safety program;
- 13 (5) procedures for disposal of radioactive material; and
- 14 (6) how facility design and procedures for operation will minimize, to the extent practical,  
15 contamination of the facility and the environment, facilitate eventual decommissioning, and  
16 minimize, to the extent practical, the generation of radioactive waste.

17 (b) The agency may at any time after the filing of the original application, and before the expiration of the license,  
18 require further statements in order to enable the agency to determine whether the application should be granted or  
19 denied or whether a license should be modified or revoked.

20 (c) Each application shall be signed by the applicant or licensee or a person duly authorized to act on his behalf.

21 (d) An application for a license may include a request for a license authorizing one or more activities.

22 (e) An application for a specific license to use byproduct material in the form of a sealed source or in a device that  
23 contains the sealed source must:

- 24 (1) Identify the source or device by manufacturer and model number as registered with the US  
25 Nuclear Regulatory Commission under 10 CFR 32.210 , with an Agreement State, or for a source  
26 or a device containing radium-226 or accelerator-produced radioactive material, with a State under  
27 provisions comparable to 10 CFR 32.210;
- 28 (2) Contain the information identified in 10 CFR 32.210(c); or
- 29 (3) For sources or devices containing naturally occurring or accelerator-produced radioactive material  
30 manufactured prior to November 30, 2007 that are not registered with the US Nuclear Regulatory  
31 Commission under 10 CFR 32.210 or with an Agreement State, and for which the applicant is  
32 unable to provide all categories of information specified in 10 CFR 32.210(c), the applicant must  
33 provide:
  - 34 (A) All available information identified in 10 CFR 32.210(c) concerning the source, and, if  
35 applicable, the device; and
  - 36 (B) Sufficient additional information to demonstrate that there is reasonable assurance that  
37 the radiation safety properties of the source or device are adequate to protect health and

1 minimize danger to life and property. Such information must include a description of the  
2 source or device, a description of radiation safety features, the intended use and  
3 associated operating experience, and the results of a recent leak test.

4 ~~(e)~~ (f) Applications and documents submitted to the agency may be made available for public inspection except as  
5 ~~may be~~ are determined otherwise by the agency pursuant to the provisions of G.S. 104E-9(4).

6 ~~(f)~~ (g) A license application shall be approved if the agency determines that:

7 (1) the applicant is qualified by reason of training and experience to use the material in question for  
8 the purpose requested in accordance with these Rules in such a manner as to minimize danger to  
9 public health and safety or property;

10 (2) the applicant's proposed equipment, facilities, and procedures are adequate to protect public health  
11 from radiation hazards and minimize radiological danger to life or property;

12 (3) the issuance of the license will not be inimical to the health and safety of the public; and

13 (4) the applicant satisfies any applicable special requirements in Rules .0318 to .0336 of this Section.

14 ~~(g)~~ (h) ~~As provided~~ If required by Rule .0353 of this Section, certain applications for specific licenses filed under  
15 this Section must contain a proposed decommissioning funding plan or a certification of financial assurance for  
16 decommissioning. ~~In the case of renewal applications submitted before the effective date of this Rule, this submittal~~  
17 ~~may follow the renewal application but must be submitted on or before the effective date of this Rule.~~

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19 *History Note:* Authority G.S. 104E-7; 104E-10(b); 104E-12; 104E-18;  
20 Eff. February 1, 1980;

21 Amended Eff. October 1, 2013; April 1, 1999; May 1, 1992; November 1, 1989.