

1 10A NCAC 15 .0317 is amended with changes as published in 31:07 NCR, pp. 549-582, as follows:

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3 **10A NCAC 15 .0317      SPECIFIC LICENSES: FILING APPLICATION AND GENERAL**  
4 **REQUIREMENT**

5 (a) Applications for specific licenses shall be filed on an agency form in accordance with G.S. 104E-10(b) in lieu of  
6 NRC Form 313, and shall meet the requirements of 10 CFR 30.32, 30.37, or 30.38 as applicable for the type of  
7 licensing action, except that:

8        (1) 10 CFR 30.32(e), 35.18(a)(2), the portions of 36.11 and 39.11 pertaining to payment of fees,  
9        40.31(e), 61.20(c) and 70.21(e) are not incorporated by reference;

10        (2) the agency may require an applicant to submit an environmental impact statement to the agency in  
11        accordance with Rule .0108 of this Chapter in lieu of the requirements of 10 CFR 30.32(f), 40.31(f),  
12        40.32(e), 61.10, or 70.23(a); and

13        (3) applications for activities listed in 10 CFR 150.7 or excepted activities listed in 10 CFR 150.10 shall  
14        be filed on NRC Form 313 and submitted to the U.S. Nuclear Regulatory Commission at the address  
15        shown in 10 CFR 150.4 in lieu of the agency. The NRC Form 313 may be found online at  
16        <https://www.nrc.gov/reading-rm/doc-collections/forms/nrc313.pdf>.

17 (b) In addition to Paragraph (a) of this Rule, applications for a specific license to:

18        (1) manufacture items containing exempt quantities of radioactive material or to manufacture exempt  
19        quantities of radioactive material that is not incorporated into a manufactured item shall meet the  
20        applicable requirements of 10 CFR Part 32, Subpart A;

21        (2) manufacture or initially transfer generally licensed devices containing byproduct material shall meet  
22        the applicable requirements of 10 CFR Part 32, Subpart B;

23        (3) manufacture radioactive drugs, sources, or devices not containing exempt quantities of radioactive  
24        material for medical use shall meet the applicable requirements of 10 CFR Part 32, Subpart C;

25        (4) conduct broad scope activities shall meet the requirements of 10 CFR 33.12 and 33.16, as applicable  
26        to licensed activities. Broad scope medical licensees meeting the criteria of 10 CFR 33.13(a) shall  
27        be exempt from certain licensing and regulatory requirements as specified in 10 CFR 35.15. 10 CFR  
28        33.11 is not incorporated by reference;

29        (5) perform industrial radiography shall meet the requirements of 10 CFR 34.11;

30        (6) administer radioactive material or radiation from a licensed source to humans for medical use when  
31        a license is required by 10 CFR 35.11 shall meet the requirements of 10 CFR 35.12 and 35.13, as  
32        applicable to licensed activities. Notifications required by 10 CFR 35.14 shall be sent to the agency  
33        at the address shown in Rule .0111 of this Chapter;

34        (7) irradiate material using gamma radiation from sealed sources in facilities listed in 10 CFR 36.1(b)  
35        shall meet the requirements of 10 CFR 36.1;

36        (8) conduct well logging activities shall meet the requirements of 10 CFR 39.11;

37        (9) possess, use, or transfer source material shall meet the requirements of 10 CFR 40.31;

1           (10) dispose of radioactive waste received from another person shall meet the requirements of Section  
2           .1200 of this Chapter;

3           (11) receive, possess, or use special nuclear material shall meet the requirements of 10 CFR 70.22(a),  
4           70.22(d), and 70.22(e), 70.33, or 70.34 as applicable to licensed activities; or

5           (12) manufacture or initially transfer calibration or reference sources containing plutonium to persons  
6           generally licensed under Rule .0312 of this Section shall meet the requirements of 10 CFR 70.39.

7 (c) Applications for sealed source and device registration certification, amendment of sealed source and device  
8 registration certificates, and inactivation of previously issued sealed source and device registration certificates shall  
9 comply with the provisions of 10 CFR Part 32, Subpart D.

10 (d) Completed applications shall be sent to the agency at the address shown in Rule .0111 of this Chapter.

11 (e) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) are  
12 hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulations are  
13 available free of charge at [http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-id.x?SID=2beece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl)  
14 idx?SID=2beece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab\_02.tpl.

15 ~~(a) Applications for specific licenses shall be filed on an agency form. Completed applications shall include the~~  
16 ~~following information and other information necessary for the agency to determine if the applicant meets the~~  
17 ~~requirements for that license:~~

18           (1) ~~name, address and use location of the applicant;~~

19           (2) ~~training and experience of radioactive material users and of the person responsible for radiation~~  
20           ~~protection;~~

21           (3) ~~types, quantities and uses of radioactive materials;~~

22           (4) ~~description of facilities, equipment and safety program;~~

23           (5) ~~procedures for disposal of radioactive material; and~~

24           (6) ~~how facility design and procedures for operation will minimize, to the extent practicable,~~  
25           ~~contamination of the facility and the environment, facilitate eventual decommissioning, and~~  
26           ~~minimize, to the extent practical, the generation of radioactive waste.~~

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

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

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

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

34           (1) ~~identify the source or device by manufacturer and model number as registered with the US Nuclear~~  
35           ~~Regulatory Commission under 10 CFR 32.210, with an Agreement State. A source or device~~  
36           ~~containing radium 226 or accelerator produced radioactive material must identify the manufacturer~~  
37           ~~and model number if registered with a state under provisions comparable to 10 CFR 32.210;~~

1       ~~(2) — contain the information identified in 10 CFR 32.210(e); or~~

2       ~~(3) — for sources or devices containing naturally occurring or accelerator produced radioactive material~~  
3       ~~manufactured prior to November 30, 2007 that are not registered with the U.S. Nuclear Regulatory~~  
4       ~~Commission under 10 CFR 32.210 or with an Agreement State, and for which the applicant is unable~~  
5       ~~to provide all categories of information specified in 10 CFR 32.210(e), the applicant must provide:~~

6       ~~(A) — all available information identified in 10 CFR 32.210(e) concerning the source, and, if~~  
7       ~~applicable, the device; and~~

8       ~~(B) — sufficient additional information to demonstrate that there is reasonable assurance that the~~  
9       ~~radiation safety properties of the source or device are adequate to protect health and~~  
10       ~~minimize danger to life and property. Such information must include a description of the~~  
11       ~~source or device, a description of radiation safety features, the intended use and associated~~  
12       ~~operating experience, and the results of a recent leak test.~~

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

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

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

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

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

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

23 ~~(h) If required by Rule .0353 of this Section, applications for specific licenses filed under this Section must contain a~~  
24 ~~proposed decommissioning funding plan or a certification of financial assurance for decommissioning.~~

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26 *History Note:* Authority G.S. 104E-7; 104E-10(b); ~~104E-12; 104E-18;~~

27 *Eff. February 1, 1980;*

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

29 *Transferred and Recodified from 15A NCAC 11 .0317 Eff. February 1, 2015; 2015;*

30 *Amended Eff. March 1, 2017.*