

1 10A NCAC 15 .0338 is proposed for amendment as follows:

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3 **10A NCAC 15 .0338 SPECIFIC TERMS AND CONDITIONS OF LICENSES**

4 (a) All licenses issued by the agency for activities authorized under the Rules of this Section are subject to the terms  
5 and conditions listed in 10 CFR 30.34(a) through (d), and 30.34(e)(2) through (j)(4). In addition to these terms and  
6 conditions, licenses of broad scope are subject to the terms and conditions listed in 10 CFR 33.17.

7 (b) All licenses issued by the agency authorizing the possession and use of source material are subject to the terms  
8 and conditions listed in 10 CFR 40.35, 40.41, 40.46, 40.53, 40.55, and 40.56.

9 (c) All licenses issued by the agency authorizing the receipt, possession, or disposal of radioactive waste received  
10 from another person are subject to the terms and conditions listed in 10 CFR 61.24, 61.25, and the Rules in Section  
11 .1200 of this Chapter.

12 (d) All licenses issued by the agency authorizing the possession and use of special nuclear material are subject to the  
13 terms and conditions of 10 CFR 70.32.

14 (e) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) are  
15 hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulations are  
16 available free of charge at [http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?SID=2beeece594411a03e50b2468ae31f89b&pitd=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl)  
17 idx?SID=2beeece594411a03e50b2468ae31f89b&pitd=20160101&tpl=/ecfrbrowse/Title10/10tab\_02.tpl.

18 ~~(a) Each person licensed by the agency pursuant to this Section shall confine his or her use and possession of the~~  
19 ~~radioactive material licensed to the locations and purposes authorized in the license.~~

20 ~~(b) Each licensee shall notify the agency in writing immediately following the filing of a voluntary or involuntary~~  
21 ~~petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:~~

22 ~~(1) the licensee;~~

23 ~~(2) an entity [as that term is defined in 11 U.S.C. 101(14)] controlling the licensee or listing the licensee~~  
24 ~~or licensee as property of the estate; or~~

25 ~~(3) an affiliate [as that term is defined in 11 U.S.C. 101(2)] of the licensee.~~

26 ~~(c) The notification in Paragraph (b) of this Rule shall indicate:~~

27 ~~(1) the bankruptcy court in which the petition for bankruptcy was filed; and~~

28 ~~(2) the date of the filing of the petition.~~

29 ~~(d) Licensees required to submit emergency plans pursuant to Rule .0352 of this Section shall follow the emergency~~  
30 ~~plan approved by the agency. The licensees may change the approved plan without prior agency approval only if the~~  
31 ~~licensee believes the changes do not decrease the effectiveness of the plan and are submitted to the agency no later~~  
32 ~~than 20 calendar days after the changes are made. The licensee shall furnish the change to affected off site response~~  
33 ~~organizations within six months after the change is made. Proposed changes that the licensee believes are likely to~~  
34 ~~decrease, or may potentially decrease, the effectiveness of the approved emergency plan shall not be implemented~~  
35 ~~without prior application to and approval by the agency.~~

36 ~~(e) Each licensee preparing technetium 99m radiopharmaceuticals from molybdenum 99/technetium 99m generators~~  
37 ~~or rubidium 82 from strontium 82/rubidium 82 generators shall test the generator eluates for molybdenum 99~~

1 ~~breakthrough or strontium 82 and strontium 85 contamination, respectively, in accordance with Rule .0361 of this~~  
2 ~~Section. The licensee shall record the results of each test and retain each record for three years after the record is made.~~  
3 ~~(f) Each portable nuclear gauge licensee shall use at least two independent physical controls that form tangible barriers~~  
4 ~~to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant~~  
5 ~~surveillance of the licensee.~~

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

8 *Eff. February 1, 1980;*

9 *Amended Eff. October 1, 2013; May 1, 1993; May 1, 1992; June 1, 1989;*

10 *Transferred and Recodified from 15A NCAC 11 .0338 Eff. February 1, ~~2015~~ 2015;*

11 *Amended Eff. March 1, 2017.*