

1 10A NCAC 15 .0335 is amended with changes as published in 31:07 NCR, pp. 549-582, as follows:

2
3 **10A NCAC 15 .0335 SPECIFIC LICENSES: PRODUCTS CONTAINING DEPLETED URANIUM**

4 An application for a specific license authorizing the manufacture and initial transfer of products containing depleted
5 uranium to persons generally licensed under Rule .0307(b) of this Section, shall comply with the provisions of Rule
6 .0317(a), (b)(9), (c), and (d) of this Section as applicable to the licensed activities.

7 ~~(a) An application for a specific license to manufacture industrial products and devices containing depleted uranium~~
8 ~~for use pursuant to Rule .0307(e) of this Section or equivalent regulations of the U.S. Nuclear Regulatory Commission~~
9 ~~or an agreement state will be approved if:~~

10 (1) ~~the applicant satisfies the general requirements specified in Rule .0317 of this Section;~~

11 (2) ~~the applicant submits sufficient information relating to the design, manufacture, prototype testing,~~
12 ~~quality control procedures, labeling or marking, proposed uses, and potential hazards of the~~
13 ~~industrial product or device to provide reasonable assurance that possession, use, or transfer of the~~
14 ~~depleted uranium in the product or device is not likely to cause any individual to receive in any~~
15 ~~period of one calendar quarter a radiation dose in excess of ten percent of the limits specified in~~
16 ~~Rule .1604 of this Chapter; and~~

17 (3) ~~the applicant submits sufficient information regarding the industrial product or device and the~~
18 ~~presence of depleted uranium for a mass volume application in the product or device to provide~~
19 ~~reasonable assurance that unique benefits will accrue to the public because of the usefulness of the~~
20 ~~product or device.~~

21 ~~(b) In the case of an industrial product or device whose unique benefits are questionable, the agency will approve an~~
22 ~~application for a specific license under this Rule only if the product or device is found to combine a high degree of~~
23 ~~utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the~~
24 ~~environment.~~

25 ~~(c) The agency may deny any application for a specific license under this Rule if the end use(s) of the industrial~~
26 ~~product or device cannot be reasonably foreseen.~~

27 ~~(d) Each person licensed pursuant to Paragraph (a) of this Rule shall:~~

28 (1) ~~maintain the level of quality control required by the license in the manufacture of the industrial~~
29 ~~product or device, and in the installation of the depleted uranium into the product or device;~~

30 (2) ~~label or mark each unit to:~~

31 (A) ~~identify the manufacturer of the product or device and the number of the license under~~
32 ~~which the product or device was manufactured, the fact that the product or device contains~~
33 ~~depleted uranium, and the quantity of depleted uranium in each product or device; and~~

34 (B) ~~state that the receipt, possession, use, and transfer of the product or device are subject to a~~
35 ~~general license or the equivalent and the regulations of the U.S. Nuclear Regulatory~~
36 ~~Commission or of an agreement state;~~

1 ~~(3) — assure that the depleted uranium before being installed in each product or device has been impressed~~
 2 ~~with the following legend clearly legible through any plating or other covering: "Depleted~~
 3 ~~Uranium".~~

4 ~~(e) Each person, licensed under this Rule to distribute devices, shall furnish a copy of the general license contained~~
 5 ~~in Section 40.25 of 10 CFR Part 40 to each person to whom he directly or through an intermediate person transfers~~
 6 ~~radioactive material in a device for use pursuant to the general license contained in Rule .0307(e) of this Section, or~~
 7 ~~equivalent regulations of the U.S. Nuclear Regulatory Commission or an agreement state. The copy of Section 40.25~~
 8 ~~of 10 CFR Part 40 shall be accompanied by a note explaining that the use of the device is regulated by agreement~~
 9 ~~states under requirements substantially the same as those in Section 40.25 of 10 CFR Part 40. Alternatively, when~~
 10 ~~transferring the devices to persons in a specific agreement state, a copy of that agreement state equivalent regulations~~
 11 ~~shall be furnished.~~

12 ~~(f) Each person, licensed under this Rule to distribute devices, shall report to the agencies specified in Subparagraphs~~
 13 ~~(f)(1),(2) and (3) of this Rule all transfers of the devices to persons generally licensed under the rules of those agencies.~~
 14 ~~Such reports shall identify each general licensee by name and address, an individual by name or position who may~~
 15 ~~constitute a contact with the general licensee, the type and model number of the device transferred, and the quantity~~
 16 ~~and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess~~
 17 ~~the device at the intended place of use prior to its possession by the user, the reports shall include identification of~~
 18 ~~each intermediate person by name, address, contact and relationship to the intended user. If no transfers have been~~
 19 ~~made to generally licensed persons during the reporting period, the reports shall so indicate. The reports shall cover~~
 20 ~~each calendar quarter and shall be filed within 30 days thereafter. The reports shall be submitted to:~~

21 ~~(1) — the agency for devices transferred to persons generally licensed under Rule .0307(e) of this Section;~~

22 ~~(2) — each agreement state for devices transferred to persons generally licensed under rules equivalent to~~
 23 ~~Rule .0307(e) of this Section; and~~

24 ~~(3) — the U.S. Nuclear Regulatory Commission for devices transferred to persons generally licensed under~~
 25 ~~Section 40.25 of 10 CFR Part 40.~~

26 ~~(g) Each person, licensed under this Rule to distribute devices, shall maintain for agency inspection either copies of~~
 27 ~~all reports required in Paragraph (f) of this Rule or a record containing substantially the same information. Such copies~~
 28 ~~or records of transfer shall be maintained for at least five years after the date of each transfer of a device to a generally~~
 29 ~~licensed person.~~

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

32 ~~Eff. February 1, 1980;~~

33 ~~Amended Eff. January 1, 1994;~~

34 ~~Transferred and Recodified from 15A NCAC 11 .0335 Eff. February 1, 2015; 2015;~~

35 ~~Amended Eff. March 1, 2017.~~