

1 10A NCAC 15 .0309 is proposed for amendment as follows:

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3 **10A NCAC 15 .0309 DOMESTIC LICENSING OF COURSE MATERIAL:**

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5 (a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 40 and to effectuate their joint  
6 enforcement, the following words and phrases shall be substituted for the language of 10 CFR 40:

7 (1) With the exception of the definition of Special Nuclear Material, a reference to "NRC" or  
8 "Commission" means the "Agency;"

9 (2) A reference to "NRC or agreement state" means the "Agency or agreement state;"

10 (3) In 10 CFR 40.4, in the definition of "Special Nuclear Material", the sentence "and any other material  
11 which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special  
12 nuclear material", remains preserved as implemented by G.S. 104E-5.(16); and

13 (4) In 40.13(c)(10), 40.22(e), 40.25(b), 40.25(d)(3), 40.54, 40.55(c), (c)(1), (d)(1)(ii), (d)(2) and (d)(3),  
14 where a reference is made to "an Agreement State", it means "an Agreement State or the NRC".

15 ~~(a)~~(b) Persons using source material and byproduct material as defined in this Rule shall comply with the provisions  
16 of 10 CFR 40, which are hereby incorporated by reference including subsequent amendments and editions, except that  
17 references to importation and exportation of radioactive material and references to and requirements of 10 CFR  
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," and  
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 specified  
27 otherwise in this Rule, in lieu of the United States Nuclear Regulatory Commission (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 Nuclear  
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;"

- 1 (16) 10 CFR 40.25, "General license for use of certain industrial products or devices;"
- 2 (17) 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)~~(c) of this Rule shall be met, and reports required by 10 CFR 40.31(g) shall be
- 6 submitted to the NRC in lieu of the agency. In the event an "environmental document," as defined
- 7 by G.S. 113-9.(2), has been prepared in accordance with 15A NCAC 01C .0206, the agency may
- 8 base the issuance of a specific license on information and evaluations made in that environmental
- 9 document;
- 10 (19) 10 CFR 40.32, "General requirements for issuance of specific licenses," except that 10 CFR
- 11 40.32(d), (g), and references to and requirements for uranium enrichment and uranium hexafluoride
- 12 facilities shall not apply. In the event an "environmental document," as defined by G.S. 113A-9.(2),
- 13 has been prepared in accordance with 15A NCAC 01C .0206, the agency may base the issuance of
- 14 a specific license on information and evaluations made in that environmental document;
- 15 (20) 10 CFR 40.34, "Special requirements for issuance of specific licenses;"
- 16 (21) 10 CFR 40.35, "Conditions of specific licenses issued pursuant to 10 CFR 40.34;"
- 17 (22) 10 CFR 40.36, "Financial assurance and recordkeeping for decommissioning," the initials "DCE"
- 18 shall mean "detailed cost estimate;"
- 19 (23) 10 CFR 40.41(a) – (c), (e)(2), (e)(4), (f), "Terms and conditions of licenses;"
- 20 (24) 10 CFR 40.42, "Expiration and termination of licenses and decommissioning of sites and separate
- 21 buildings or outdoor areas;"
- 22 (25) 10 CFR 40.43, "Renewal of licenses;"
- 23 (26) 10 CFR 40.44, "Amendment of licenses at request of licensee;"
- 24 (27) 10 CFR 40.45, "Commission action on application to renew or amend;"
- 25 (28) 10 CFR 40.46, "Inalienability of licenses;"
- 26 (29) 10 CFR 40.51(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of source or byproduct material;"
- 27 (30) 10 CFR 40.54, "Requirements for license to initially transfer source material for use under the 'small
- 28 quantities of source material' general license;"
- 29 (31) 10 CFR 40.55, "Conditions of licenses to initially transfer source material for use under the 'small
- 30 quantities of source material' general license: Quality control, labeling, safety instructions, and
- 31 records and reports;"
- 32 (32) 10 CFR 40.60, "Reporting requirements;"
- 33 (33) 10 CFR 40.61, "Records;"
- 34 (34) 10 CFR 40.62, "Inspections;"
- 35 (35) 10 CFR 40.63, "Tests;"
- 36 (36) 10 CFR 40.65, "Effluent monitoring reporting requirements;"
- 37 (37) 10 CFR 40.71, "Modification and revocation of licenses," and

1 (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)(c)~~ Applications shall be made on forms provided by the agency. One copy of the application and supporting  
6 material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule  
7 ~~.0111.0111(a)~~ of this Chapter in lieu 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 shall  
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 shall be left blank;

- 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](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

10 ~~(e)(d)~~ Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading->  
11 [rm/doc-collections/cfr/part040/](https://www.nrc.gov/reading-rm/doc-collections/cfr/part040/).

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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;*  
18 *Readopted Eff. May 1, ~~2024~~ 2024;*  
19 *Amended Eff. October 1, 2026.*