

1 10A NCAC 15 .0310 is proposed for amendment as follows:

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3 **10A NCAC 15 .0310 DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL:**

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5 (a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 70 and to effectuate their joint  
6 enforcement, the following words and phrases shall be substituted for the language of 10 CFR 70:

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 70.4, 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).

13 (4) In 10 CFR 70.19(a)(1) and 70.19(c)(3), the term "Commission or the Atomic Energy Commission"  
14 remains and does not mean the Agency or have the same definition shown in G.S. 104E-5(5). In 10  
15 CFR 70.42(b)(1), the word "Department" means the "U.S. Department of Energy".

16 ~~(a)~~(b) Persons using special nuclear material as defined in this Rule shall comply with the provisions of 10 CFR 70,  
17 which are hereby incorporated by reference including subsequent amendments and editions, as follows:

18 (1) 10 CFR 70.1(a) and (b), "Purpose;"

19 (2) 10 CFR 70.2, "Scope;"

20 (3) 10 CFR 70.3, "License requirements;"

21 (4) 10 CFR 70.4, "Definitions," except that references in the definitions to common defense and security  
22 shall not apply;

23 (5) 10 CFR 70.5, "Communications," except that notices and reports shall be made to the agency at the  
24 address shown in Rule .0111 of this Chapter in lieu of the United States Nuclear Regulatory  
25 Commission (NRC) unless otherwise specified by the agency;

26 (6) 10 CFR 70.9, "Completeness and accuracy of information;"

27 (7) 10 CFR 70.10, "Deliberate misconduct;"

28 (8) 10 CFR 70.11, "Persons using special nuclear material under certain DOE and NRC contracts;"

29 (9) 10 CFR 70.12, "Carriers;"

30 (10) 10 CFR 70.17, "Specific exemption;"

31 (11) 10 CFR 70.18, "Types of licenses;"

32 (12) 10 CFR 70.19, "General license for calibration and reference sources;"

33 (13) 10 CFR 70.20, "General license to own special nuclear material;"

34 (14) 10 CFR 70.21(a)(2), (a)(3), (b), "Filing," except that the requirements of Paragraph ~~(b)~~(c) of this  
35 Rule shall be met;

36 (15) 10 CFR 70.22(a), (d), and (e), "Contents of application;"

37 (16) 10 CFR 70.23(a)(1) – (5), "Requirements for the approval of applications;"

- 1 (17) 10 CFR 70.25(a)(2), (b) – (h), "Financial assurance and recordkeeping for decommissioning," the  
2 initials "DCE" shall mean "detailed cost estimate;"
- 3 (18) 10 CFR 70.31(a) and (b), "Issuance of license;"
- 4 (19) 10 CFR 70.32(a)(2), (a)(3), (a)(8), (a)(9), (b)(2), and (b)(5), "Conditions of licenses;"
- 5 (20) 10 CFR 70.33, "Applications for renewal of licenses;"
- 6 (21) 10 CFR 70.34, "Amendment of licenses;"
- 7 (22) 10 CFR 70.35, "Commission action on applications to renew or amend;"
- 8 (23) 10 CFR 70.36, "Inalienability of licenses;"
- 9 (24) 10 CFR 70.38, "Expiration and termination of licenses and decommissioning of sites and separate  
10 buildings or outdoor structures;"
- 11 (25) 10 CFR 70.39, "Specific licenses for the manufacture or initial transfer of calibration sources;"
- 12 (26) 10 CFR 70.41, "Authorized use of special nuclear material;"
- 13 (27) 10 CFR 70.42(a), (b)(1) – (b)(5), (b)(7), (c), (d), "Transfer of special nuclear material;"
- 14 (28) 10 CFR 70.50, "Reporting requirements;"
- 15 (29) 10 CFR 70.51, "Records requirements;"
- 16 (30) 10 CFR 70.55(a) and (b), "Inspections;"
- 17 (31) 10 CFR 70.56, "Tests;" and
- 18 (32) 10 CFR 70.81, "Modification and revocation of licenses."

19 ~~(b)(c)~~ Applications shall be made on forms provided by the agency. One copy of the application and supporting  
20 material shall be submitted to the agency by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule  
21 ~~.0111.0111(a)~~ of this Chapter in lieu of the NRC:

- 22 (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive  
23 materials licenses, shall submit an Application for Radioactive Materials License. The following  
24 information shall appear on the application:
- 25 (A) legal business name and mailing address;
- 26 (B) physical address(es) where radioactive material shall be used or possessed. The application  
27 shall indicate if radioactive materials shall be used at temporary jobsites;
- 28 (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- 29 (D) the name, telephone number, and e-mail address of the individual to be contacted about the  
30 application. If this individual is same as the Radiation Safety Officer, the application shall  
31 so state;
- 32 (E) the application shall indicate if the application is for a new license, or for the renewal of an  
33 existing license, by marking the corresponding check box;
- 34 (F) if the application is for the renewal of an existing license, the license number shall be  
35 provided on the application;
- 36 (G) applicants shall indicate the type and category of license as shown on the form by marking  
37 the corresponding check box; and

1 (H) the printed name, title, and signature of the certifying official. The certifying official shall  
2 be an individual employed by the business or licensee, who is authorized by the licensee  
3 to sign license applications on behalf of the business or licensee.

4 (2) Persons applying for an amendment to an existing license shall submit an Application for  
5 Amendment of Radioactive Materials and Accelerator Licenses. The following information shall  
6 appear on the application:

7 (A) the license number;

8 (B) amendment number of the current license;

9 (C) expiration date of the license;

10 (D) licensee name as it currently appears on the license;

11 (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

12 (F) the name, telephone number, and e-mail address of the individual to be contacted about the  
13 application. If this individual is same as the Radiation Safety Officer, item 5b on the  
14 application shall be left blank;

15 (G) applicants shall provide a description of the action requested by marking the corresponding  
16 checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief  
17 description of the action requested in the space provided in item 6b;

18 (H) explanation of the action requested; and

19 (I) the printed name, title, and signature of the certifying official. The certifying official shall  
20 be an individual employed by the business or licensee who is authorized by the licensee to  
21 sign license applications on behalf of the business or licensee.

22 (3) Applications specified in this Rule are available at:  
23 [https://radiation.ncdhhs.gov/rms/rmsforms2.htm\(Rev01\).htm](https://radiation.ncdhhs.gov/rms/rmsforms2.htm(Rev01).htm).

24 ~~(e)~~(d) Copies of the regulations incorporated by this Rule are available free of charge at <https://www.nrc.gov/reading->  
25 [rm/doc-collections/cfr/part070/](https://www.nrc.gov/reading-rm/doc-collections/cfr/part070/).

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

28 *Eff. February 1, 1980;*

29 *Amended Eff. January 1, 2005;*

30 *Transferred and Recodified from 15A NCAC 11 .0310 Eff. February 1, 2015;*

31 *Amended Eff. March 1, 2017;*

32 *Readopted Eff. May 1, ~~2024~~2024;*

33 *Amended Eff. October 1, 2026.*