

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 839

Short Title: Radioactive Waste Disposal.

(Public)

Sponsors: Representatives Judy Hunt; Crawford, and Cummings.

Referred to: Public Utilities.

april 12, 1993

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE PUBLIC HEALTH BY REQUIRING THAT LOW-LEVEL RADIOACTIVE WASTE WITH LEVELS OF RADIATION BELOW THAT REGULATED BY THE FEDERAL GOVERNMENT BE TREATED, RECYCLED, STORED, OR DISPOSED OF AT A LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY LICENSED PURSUANT TO CHAPTER 104E OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 104E-7 reads as rewritten:

"§ 104E-7. Radiation Protection Commission. – Creation and powers.

(a) There is hereby created the North Carolina Radiation Protection Commission of the Department of Environment, Health, and Natural Resources with the power to promulgate rules and regulations to be followed in the administration of a radiation protection program. All rules and regulations for radiation protection that were adopted by the Commission for Health Services and are not inconsistent with the provisions of this Chapter shall remain in full force and effect unless and until repealed or superseded by action of the Radiation Protection Commission. The Radiation Protection Commission is authorized:

- (1) To advise the Department in the development of comprehensive policies and programs for the evaluation, determination, and reduction of hazards associated with the use of radiation;
- (2) To adopt, promulgate, amend and repeal such rules, regulations and standards relating to the manufacture, production, transportation, use, handling, servicing, installation, storage, sale, lease, or other

1 disposition of radioactive material and radiation machines as may be
2 necessary to carry out the policy, purpose and provisions of this
3 Chapter. To this end, the Commission is authorized to require
4 licensing or registration of all persons who manufacture, produce,
5 transport, use, handle, service, install, store, sell, lease, or otherwise
6 dispose of radioactive material and radiation machines, as the
7 Commission deems necessary to provide an adequate protection and
8 supervisory program: provided, that prior to adoption of any regulation
9 or standard, or amendment or repeal thereof, the Commission shall
10 afford interested parties the opportunity, at a public hearing, as
11 provided in G.S. 104E-13, to submit data or views orally or in writing.
12 The recommendations of nationally recognized bodies in the field of
13 radiation protection shall be taken into consideration in such standards
14 relative to permissible dosage of radiation;

15 (3) To require all sources of ionizing radiation to be shielded, transported,
16 handled, used, stored, or disposed of in such a manner to provide
17 compliance with the provisions of this Chapter and rules, regulations
18 and standards adopted hereunder;

19 (4) To require, on prescribed forms furnished by the Department,
20 registration, periodic reregistration, licensing, or periodic relicensing
21 of persons to use, manufacture, produce, transport, transfer, install,
22 service, receive, acquire, own, or possess radiation machines and other
23 sources of radiation;

24 (5) To exempt certain sources of radiation or kinds of uses or users from
25 the licensing or registration requirements set forth in this Chapter
26 when the Commission determines that the exemption of such sources
27 of radiation or kinds of uses or users will not constitute a significant
28 risk to the health and safety of the public;

29 (6) To promulgate rules and regulations pursuant to this Chapter which
30 may provide for recognition of other state and federal licenses as the
31 Commission shall deem desirable, subject to such registration
32 requirements as it may prescribe; and exercise all incidental powers
33 necessary to carry out the provisions of this Chapter;

34 (7) To provide by rule and regulation for an electronic product safety
35 program to protect the public health and safety, which program may
36 authorize regulation and inspection of sources of nonionizing radiation
37 throughout the State. The product safety program may include the
38 establishment of minimum qualifications for the operators of these
39 products or sources.

40 (8) To adopt, amend, repeal, or promulgate such rules, regulations, and
41 standards relating to the nonradioactive, toxic, and hazardous aspects
42 of radioactive waste disposal, as may be necessary to protect the public
43 health and safety.

1 (9) To adopt regulations establishing financial responsibility requirements
2 for maintenance, operation and long-term care of low-level radioactive
3 waste facilities, including insurance during the operation of the facility
4 and adequate assurance of availability of funds for facility closure and
5 post-closure monitoring and corrective measures.

6 (10) To adopt rules which exempt a generator of low-level radioactive
7 waste who operates a low-level radioactive waste facility solely for the
8 management of wastes he produces, from any requirement, made
9 applicable by this Chapter or rules adopted pursuant to this Chapter to
10 low-level radioactive waste facilities generally where, because of the
11 low volume or activity of the wastes involved, such exemption would
12 not endanger the public health or safety, or the environment.

13 (a1) Notwithstanding any deregulation or exemption from regulation of waste
14 containing radioactive material by the United States Nuclear Regulatory Commission,
15 no facility that is licensed by the Department pursuant to this Chapter or by the United
16 States Nuclear Regulatory Commission and is located in this State, shall transfer waste
17 containing radioactive material off-site except in accordance with rules adopted by the
18 Radiation Protection Commission pursuant to this Chapter.

19 (b) No license for a low-level radioactive waste facility which would accept low-
20 level radioactive waste from the public, or from another person for a fee, shall be issued
21 other than for a facility to be operated pursuant to Chapter 104G of the General
22 Statutes."

23 Sec. 2. This act becomes effective January 1, 1994.