

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1068
Committee Substitute Favorable 5/8/91

Short Title: Radioactive Waste Disposal.

(Public)

Sponsors:

Referred to:

April 22, 1991

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

8 The General Assembly of North Carolina enacts:

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

10 "§ 104E-7. Radiation Protection Commission – Creation and powers.

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16 this Chapter shall remain in full force and effect unless and until repealed or superseded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

- 19 (1) To advise the Department in the development of comprehensive
20 policies and programs for the evaluation, determination, and reduction
21 of hazards associated with the use of radiation;
- 22 (2) To adopt, promulgate, amend and repeal such rules, regulations and
23 standards relating to the manufacture, production, transportation, use,

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

- 16 (3) To require all sources of ionizing radiation to be shielded, transported,
17 handled, used, stored, or disposed of in such a manner to provide
18 compliance with the provisions of this Chapter and rules, regulations
19 and standards adopted hereunder;
- 20 (4) To require, on prescribed forms furnished by the Department,
21 registration, periodic reregistration, licensing, or periodic relicensing
22 of persons to use, manufacture, produce, transport, transfer, install,
23 service, receive, acquire, own, or possess radiation machines and other
24 sources of radiation;
- 25 (5) To exempt certain sources of radiation or kinds of uses or users from
26 the licensing or registration requirements set forth in this Chapter
27 when the Commission determines that the exemption of such sources
28 of radiation or kinds of uses or users will not constitute a significant
29 risk to the health and safety of the public;
- 30 (6) To promulgate rules and regulations pursuant to this Chapter which
31 may provide for recognition of other state and federal licenses as the
32 Commission shall deem desirable, subject to such registration
33 requirements as it may prescribe; and exercise all incidental powers
34 necessary to carry out the provisions of this Chapter;
- 35 (7) To provide by rule and regulation for an electronic product safety
36 program to protect the public health and safety, which program may
37 authorize regulation and inspection of sources of nonionizing radiation
38 throughout the State.
- 39 (8) To adopt, amend, repeal or promulgate such rules, regulations, and
40 standards relating to the nonradioactive, toxic and hazardous aspects of
41 radioactive waste disposal, as may be necessary to protect the public
42 health and safety.
- 43 (9) To adopt regulations establishing financial responsibility requirements
44 for maintenance, operation and long-term care of low-level radioactive

1 waste facilities, including insurance during the operation of the facility
2 and adequate assurance of availability of funds for facility closure and
3 post-closure monitoring and corrective measures.

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

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

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

21 Sec. 2. This act becomes effective January 1, 1992.