

1 10A NCAC 15 .1203 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 15 .1203 LICENSE REQUIRED**

4 ~~(a) No person may receive, possess, and dispose of waste from other persons at a land disposal facility unless~~
5 ~~authorized by a license issued by the agency pursuant to the rules in this Section and the rules in Section .0300 of this~~
6 ~~Chapter.~~

7 ~~(b) Each person shall file an application with the agency pursuant to Rule .0317 of this Chapter and obtain a license~~
8 ~~as provided in this Section before commencement of construction of a land disposal facility. Failure to comply with~~
9 ~~this requirement may be grounds for denial of a license.~~

10 (a) This Rule establishes the procedures, standards, criteria, and terms and conditions upon which the Department
11 issues licenses authorizing land disposal of low-level radioactive waste received from other persons for disposal.

12 (1) No person may receive, possess, and dispose of low-level radioactive waste at a land disposal facility
13 located in North Carolina unless authorized by a license issued by the Department pursuant to this
14 Rule.

15 (2) No low-level radioactive waste shall be received from any source not licensed by the agency except
16 as may be specifically authorized in writing by the agency.

17 (3) The regulations in 10 CFR 61 which are hereby incorporated by reference, including subsequent
18 amendments and editions, except that 10 CFR 61.5, 61.8, 61.16, 61.23(i) and (j), 61.83, and 61.84
19 are not incorporated by reference. Communications, records, reports, and notifications required by
20 10 CFR 61.4 and 61.80 shall be submitted to the agency at the address shown in Rule .0111 of this
21 Chapter in lieu of the NRC.

22 (4) The requirements found in G.S. 104E-6.1, 104E-10.1(a), (a1), and (b), 104E-10.2, 104E-25(a), (c)
23 through (h), and (j) shall be met.

24 (5) In addition to the definitions found in 10 CFR 61.2, the definitions in G.S. 104E-5 shall apply.
25 Where terms are defined by both the regulations and the General Statutes, the definition in the
26 General Statutes shall prevail, except as stated by G.S. 104E-5.

27 (6) The agency may access and inspect any licensed low-level radioactive waste disposal facility on a
28 temporary or emergency basis in its discretion.

29 (b) This Rule establishes the procedures, criteria, and terms and conditions upon which the agency issues licenses
30 authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph (a) of this Rule.

31 (1) No person shall transport or transfer waste to a low-level radioactive waste land disposal facility
32 licensed under Paragraph (a) of this Rule unless licensed by the agency or otherwise specifically
33 authorized in writing by the agency.

34 (2) The definitions of terms in G.S. 104E-5 shall apply.

35 (3) Generators, waste brokers, and waste processors of low-level radioactive waste shall develop
36 procedures and implement practices to prevent, minimize, and reduce the generation of low-level

1 radioactive waste, including segregating radioactive waste by half-life and holding low-level
2 radioactive waste for decay in storage.

3 (4) Upon receipt of an application for a license authorizing access to low-level radioactive waste land
4 disposal facilities licensed under Paragraph (a) of this Rule, the agency shall review the contents of
5 the application and determine if the applicant's facilities, staffing, equipment, and procedures are
6 adequate to protect the health and safety of the public and occupationally exposed workers, and if
7 the requirements in Subparagraph (b)(3) of this Rule are met. If the agency determines that the
8 applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and
9 safety of the public and occupationally exposed workers, and that the applicant's procedures and
10 practices prevent, minimize and reduce the generation of low-level radioactive waste, the agency
11 shall issue a license as described in this Rule.

12 (5) Licenses issued under this Rule are subject to suspension or revocation at the discretion of the
13 agency for any reason, including, but not limited to:

14 (A) Deliberate misconduct by any employee or agent acting on behalf of the licensee that
15 causes, or would have caused if not detected, a licensee to be in violation of any rule; or
16 any term, condition, or limitation of any license issued by the agency.

17 (B) Deliberately submitting information that the person submitting the information knows to
18 be incomplete or inaccurate on any shipping manifest used for the transportation of low-
19 level radioactive waste for disposal at a facility licensed under Paragraph (a) of this Rule.

20 (C) Failure to pay license fees as instructed on an invoice issued by the agency.

21 (6) Licenses issued by the agency may be inspected by authorized representatives of the Department as
22 permitted by G.S. 104E-11(a). For licenses issued to licensees located outside of the jurisdiction of
23 the Department, the Department may delegate this authority to individuals representing the radiation
24 control programs within those jurisdictions.

25 (c) Applications required by this Rule shall be made on forms provided by the agency, and the payment of fees
26 required by 10 CFR 61.20(c) shall not apply. Applications and supporting material shall be submitted to the agency
27 at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

28 (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive
29 materials licenses, shall submit an Application for Radioactive Materials License. The instructions
30 for completing the application printed on the application form shall be followed. The following
31 information shall appear on the application:

32 (A) legal business name and mailing address;

33 (B) physical address(es) where radioactive material shall be used or possessed. The application
34 shall indicate if radioactive materials shall be used at temporary jobsites;

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

- 1 (D) the name, telephone number, and e-mail address of the individual to be contacted about the
2 application. If this individual is same as the Radiation Safety Officer, the application may
3 so state;
- 4 (E) the application shall indicate if the application is for a new license, or for the renewal of an
5 existing license, by marking the corresponding check box;
- 6 (F) if the application is for the renewal of an existing license, the license number shall be
7 provided on the application;
- 8 (G) applicants shall indicate the type and category of license as shown on the form by marking
9 the corresponding check box; and
- 10 (H) the printed name, title, and signature of the certifying official. The certifying official shall
11 be an individual employed by the business or licensee, who is authorized by the licensee
12 to sign license applications on behalf of the business or licensee.
- 13 (2) Persons applying for an amendment to an existing license shall submit an Application for
14 Amendment of Radioactive Materials and Accelerator Licenses. The instructions for completing the
15 application printed on the application form shall be followed. The following information shall
16 appear on the application:
- 17 (A) the license number;
- 18 (B) amendment number of the current license;
- 19 (C) expiration date of the license;
- 20 (D) licensee name as it currently appears on the license;
- 21 (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- 22 (F) the name, telephone number, and e-mail address of the individual to be contacted about the
23 application. If this individual is same as the Radiation Safety Officer, item 5b on the
24 application may be left blank;
- 25 (G) applicants shall provide a description of the action requested by marking the corresponding
26 checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief
27 description of the action requested in the space provided in item 6b;
- 28 (H) explanation of the action requested; and
- 29 (I) the printed name, title, and signature of the certifying official. The certifying official shall
30 be an individual employed by the business or licensee who is authorized by the licensee to
31 sign license applications on behalf of the business or licensee.
- 32 (3) Application forms specified in this Rule shall be made available by the agency on the agency's
33 public website.
- 34 (d) Nothing in this Rule shall relieve any person of responsibility for complying with other applicable North Carolina
35 laws and rules.
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1 *History Note:* Authority G.S. 104E-5; 104E-6.1; 104E-7;104E-10(b); 104E-10.1; 104E-10.2; 104E-10.3; 104E-
2 11; 104E-18; 104E-25; 104E-26; 104E-27;
3 *Eff. December 1, 1987;*
4 *Amended Eff. May 1, 1993;*
5 *Transferred and Recodified from 15A NCAC 11 .1203 Eff. February 1, ~~2015~~ 2015;*
6 *Readopted Eff. May 1, 2023.*