

1 10A NCAC 15 .1203 is proposed for amendment as follows:

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3 **10A NCAC 15 .1203 LICENSE REQUIRED: LAND DISPOSAL OF LOW-LEVEL RADIOACTIVE**
4 **WASTE**

5
6 (a) To reconcile differences between this Rule and the incorporated sections of 10 CFR 61 and to effectuate their joint
7 enforcement, except in 10 CFR 61.2, a reference to “NRC” or “Commission” means the "Agency.”

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

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

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

15 (3) The regulations in 10 CFR 61 which are hereby incorporated by reference, including subsequent
16 amendments and editions, except that 10 CFR 61.5, 61.8, 61.16, 61.23(i) and (j), 61.83, and 61.84
17 are not incorporated by reference. Copies of these regulations are available free of charge at
18 <https://www.nrc.gov/reading-rm/doc-collections/cfr/part061/>. Communications, records, reports,
19 and notifications required by 10 CFR 61.4 and 61.80 shall be submitted to the agency at the address
20 shown in Rule .0111 of this Chapter in lieu of the NRC.

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

23 (5) In addition to the definitions found in 10 CFR 61.2, the definitions in G.S. 104E-5 shall apply.

24 (6) The agency may access and inspect any licensed low-level radioactive waste disposal facility on a
25 temporary or emergency basis to determine compliance with the rules in this Chapter or to respond
26 to any emergency which involves possible or actual release of radioactive material.

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

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

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

33 (3) Generators, waste brokers, and waste processors of low-level radioactive waste shall develop
34 procedures and implement practices to prevent, minimize, and reduce the generation of low-level
35 radioactive waste, including segregating radioactive waste by half-life and holding low-level
36 radioactive waste for decay in storage.

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

10 (5) Licenses issued under this Rule are subject to suspension or revocation for failure to comply with
11 the rules of this Chapter or in accordance with 10 CFR 61.9b(a) and (c).

12 (6) Facilities licensed by the agency and licensed activities may be inspected by authorized
13 representatives of the Department as permitted by G.S. 104E-11(a). For licenses issued to licensees
14 located outside of the jurisdiction of the Department, the Department may delegate this authority to
15 individuals representing the radiation control programs within those jurisdictions.

16 ~~(e)~~(d) Applications required by this Rule shall be made on forms provided by the agency, and the payment of fees
17 required by 10 CFR 61.20(c) shall not apply. Applications and supporting material shall be submitted to the agency
18 by e-mail at Licensing.RAM@dhhs.nc.gov, or at the address shown in Rule ~~0111.0111~~(a) of this Chapter in lieu of
19 the NRC:

20 (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive
21 materials licenses, shall submit an Application for Radioactive Materials License. The following
22 information shall appear on the application:

23 (A) legal business name and mailing address;

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

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

27 (D) the name, telephone number, and e-mail address of the individual to be contacted about the
28 application. If this individual is same as the Radiation Safety Officer, the application may
29 so state;

30 (E) the application shall indicate if the application is for a new license, or for the renewal of an
31 existing license, by marking the corresponding check box;

32 (F) if the application is for the renewal of an existing license, the license number shall be
33 provided on the application;

34 (G) applicants shall indicate the type and category of license as shown on the form by marking
35 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 may 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) Application forms specified in this Rule shall be made available by the agency on the agency's
23 public website.

24 ~~(4)(c)~~ Nothing in this Rule shall relieve any person of responsibility for complying with other applicable North
25 Carolina laws and rules.

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27 *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-*
28 *11; 104E-18; 104E-25; 104E-26; 104E-27;*

29 *Eff. December 1, 1987;*

30 *Amended Eff. May 1, 1993;*

31 *Transferred and Recodified from 15A NCAC 11 .1203 Eff. February 1, 2015;*

32 *Readopted Eff. May 1, ~~2023~~ 2023;*

33 *Amended Eff. October 1, 2026.*