

10A NCAC 15 .0349 EXEMPTIONS: WASTE MANAGEMENT BY GENERATORS

(a) Subject to the limitations in Paragraphs (b) and (c) of this Rule, any licensee is exempt from the provisions of G.S. 104E-6.1, G.S. 104E-10.1, G.S. 104E-20(b), G.S. 104E-25, and G.S. 104E-26 with respect to the following waste management practices:

- (1) storage of waste incidental to transfer to a licensed low-level radioactive waste facility authorized to receive such waste;
- (2) storage of waste to allow for total decay of contained radioactive material prior to disposal as nonradioactive waste;
- (3) storage of waste to allow for partial decay of contained radioactive material prior to disposal, incineration or other treatment; or
- (4) compaction, incineration, treatment, packaging or disposal of waste as provided in the rules in Section .1600 of this Chapter.

(b) Except as provided in Paragraph (c) of this Rule, the exemptions in Paragraph (a) of this Rule shall apply only to a licensee:

- (1) who possesses and uses radioactive material pursuant to specific licenses issued by the agency and only to management by the licensee of waste generated incidental to such possession and use;
- (2) who is determined by the agency to be using sound waste management practices;
- (3) who is determined by the agency to be managing such low volumes or activity of waste that such exemptions will not endanger the public health or safety or the environment; and
- (4) whose combined waste management activities do not cause a radiation dose to the off-site public in excess of the limits stated in Rule .1223 of this Chapter.

(c) The exemptions in Paragraph (a) of this Rule shall also apply to on-site disposal of waste by persons who generate waste pursuant to a license issued by the U.S. Nuclear Regulatory Commission, provided that:

- (1) the U.S. Nuclear Regulatory Commission determines that such on-site disposal is subject to regulation by the agency;
- (2) such persons satisfy the requirements in Subparagraphs (b)(2) and (b)(3) of this Rule;
- (3) such persons do not receive waste, generated by others or generated at other sites for the purpose of disposal;
- (4) such persons shall limit off-site dose to the public, resulting from all activities authorized by the agency and the U.S. Nuclear Regulatory Commission, to the limits stated in Rule .1223 of this Chapter or as prescribed by the U.S. Nuclear Regulatory Commission, 10 CFR Part 50 for U.S. Nuclear Regulatory Commission regulated activities, whichever is more restrictive;
- (5) such persons apply for and receive a specific radioactive material license, issued by the agency pursuant to the rules in this Section, which authorizes such disposal pursuant to Rule .1628 of this Chapter; and
- (6) such persons provide notification to the agency prior to each disposal made pursuant to any radioactive material license described in Subparagraph (c)(5) of this Rule.

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