

10A NCAC 15 .1517 TEMPORARY OR EMERGENCY ACCESS

(a) The agency may grant temporary or emergency access to a disposal facility located in North Carolina to a generator in the Southeast Compact region, only if:

- (1) access is necessary in order to eliminate an immediate and serious threat to the public health and safety;
- (2) the determination is made that the threat cannot be mitigated by any other alternative consistent with the public health and safety, including ceasing the activities that generate the waste; and
- (3) the waste form and content of the waste to be disposed, meets all acceptability requirements as stated in the facility operator's license.

(b) The agency may grant temporary or emergency access to a disposal facility located in North Carolina to a generator outside the Southeast Compact region, only after:

- (1) Such access has been granted by the U.S. Nuclear Regulatory Commission in accordance with applicable provisions of federal regulations and of the Low-Level Radioactive Waste Policy Amendments Act of 1985; and
- (2) The agency has reviewed the U.S. Nuclear Regulatory Commission's decision to grant temporary or emergency access.

(c) Temporary or emergency access to a disposal facility located in North Carolina is subject to the applicable site access licensing requirements in this Section and to the fee requirements in Section .1100 of this Chapter.

(d) Notwithstanding the provisions of Rule .1513 of this Section, a site access license, authorizing temporary or emergency access, shall be effective only for the period of time and the specific waste for which temporary or emergency access was granted.

*History Note: Authority G.S. 104E-10.3; 104E-27;
 Eff. January 1, 1995;
 Transferred and Recodified from 15A NCAC 11 .1517 Eff. February 1, 2015.*