

Regulation 61-83

Transportation of Radioactive Waste Into or Within South Carolina

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Statutory Authority:

S.C. Code Section 13-7-10 et seq. and 13-7-40

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1. SCOPE

1.1 This regulation applies to any shipper, carrier or other person who transports radioactive waste into or within this State, to any persons involved in the generation of radioactive waste within this State, and to any shipper whose radioactive waste is transported into or within this State or is delivered, stored, or disposed of within this State.

1.2 All persons subject to the provisions of this regulation shall comply with all applicable provisions of the Nuclear Regulatory Commission Title 10 CFR Part 71 as revised January 1, 2006, (with the exception of sections 71.2, 71.6, 71.14(b), 71.19, 71.24, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.52, 71.53, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.99 and 71.100), Regulation 61-83 of the 1976 Code of Laws of South Carolina, and any disposal facility radioactive material license requirements regarding the packaging, transportation, disposal, storage or delivery of radioactive materials.

2. DEFINITIONS

2.1 “Carrier” means any person transporting radioactive wastes into or within the State for storage, disposal or delivery.

2.2 “Department” means the Department of Health and Environmental Control including personnel authorized to act on behalf of the Department.

2.3 “Disposal facility” means any facility located within the State, which accepts radioactive waste for storage or disposal.

2.4 “Generation” means the act or process of producing radioactive wastes.

2.5 “Manifest” means the document used for identifying the quantity, composition, origin, and destination of radioactive waste during its transport to a disposal facility.

2.6 “Operator” means every person who drives or is in actual physical control of a vehicle transporting radioactive waste.

2.7 “Persons” means any individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership or any other entity whatsoever.

2.8 “Permit” means an authorization issued by the Department to any person involved in the generation of radioactive waste, to transport such radioactive wastes or offer such waste for transport.

2.9 “Radioactive waste” means any and all equipment or materials, including irradiated nuclear reactor fuel, which are radioactive or have radioactive contamination and which are required pursuant to any governing laws, regulations, or licenses to be disposed of as radioactive waste.

2.10 “Radiological violation” means radioactive contamination or the emission of radiation in excess of applicable limits.

2.11 “Shipper” means any person, whether a resident of South Carolina or a non-resident:

2.11.1 who transfers radioactive waste to a carrier for transportation into or within the State; or,

2.11.2 who transports his own radioactive waste into or within the State; or,

2.11.3 who transfers radioactive waste to another person if such wastes are transported into or within the State.

2.12 “Transport” means the movement of radioactive wastes into or within South Carolina.

3. PERMITS

3.1 Before any shipper transports or causes to be transported radioactive waste into or within the State of South Carolina, he shall purchase an annual radioactive waste transport permit from the Department. An application for a permit shall be submitted on Department Form RHA-200P “Application for Radioactive Waste Transport Permit” together with the necessary fee to: Chief, Bureau of Radiological Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 20201.

3.2 Before a permit shall be issued, the shipper must deposit and maintain with the Department a cash or corporate surety bond in the amount of Five Hundred Thousand Dollars (\$500,000.00); or, provide to the Department satisfactory evidence of liability insurance.

3.2.1 For purposes of this regulation, liability insurance shall mean coverage of Five Hundred Thousand Dollars (\$500,000.00) per occurrence and One Million Dollars (\$1,000,000.00) aggregate, or as otherwise provided by State law.

3.2.2 Any insurance carried pursuant to Section 2210 of Title 42 of the United States Code and Part 140 of Title 10 of the Code of Federal Regulations shall be sufficient to meet the requirements of this section.

3.2.3 Liability insurance shall be specific to the packaging, transportation, disposal, storage and delivery of radioactive waste.

3.2.4 Shippers maintaining liability insurance for the purpose of this regulation may provide to the Department a certificate of insurance from their insurer indicating the policy number, limits of liability, policy date and specific coverage for packaging, transportation, disposal, storage and delivery of radioactive materials.

3.2.5 A cash or corporate surety bond previously posted will be returned to the shipper upon notification to the Department in writing of his intention to cease shipments of radioactive waste into or within the State. Such bond will be returned after the last such shipment is accepted safely at its destination.

3.3 Each permit application shall include a certification to the Department that the shipper will comply fully with all applicable State or Federal laws, administrative rules and regulations, licenses, or license conditions of the disposal facility regarding the packaging, transportation, storage, disposal and delivery of radioactive wastes.

3.4 Each permit application shall include a certification that the shipper will hold the State of South Carolina harmless for all claims, actions, or proceedings in law or equity arising out of radiological injury or damage to persons or property occurring during the transportation of its radioactive waste into or within the State including all costs of defending the same; provided, however, that nothing contained herein shall be construed as a waiver of the State’s sovereign immunity; and, further provided, that agencies of the State of South Carolina shall not be subject to the requirements of this provision.

3.5 Permit fees will be annually determined and assessed by the Department based on the following classifications:

3.5.1 Class X—more than an annual total of 75 cubic feet or more than 100 curies of radioactive waste for disposal within the State.

3.5.2 Class Y—an annual total of 75 cubic feet or less of radioactive waste consisting of 100 curies or less total activity for disposal within the State.

3.5.3 Class Z—any shipment of radioactive waste which is not consigned for storage or disposal within the State, but which is transported into or within the State.

3.6 Permits will be valid from the date of issuance through December 31 of each calendar year. Permit fees are not refundable. Permits may be renewed by filing a new application with the Department.

4. SHIPPER'S REQUIREMENTS

4.1 Before any shipment of radioactive waste may be transported into or within the State, the shipper shall give written notice to the Department not less than 72 hours nor more than 30 days before the expected date of arrival of the shipment or departure from the shipper's facility within the State as the case may be, except as provided in paragraph 4.1.3.

4.1.1 All prior notifications shall be filed on a Department form designated as RHA-PNC "Radioactive Waste Shipment Prior Notification and Manifest Form."

4.1.2 The shipper shall immediately notify the Department of any cancellations or significant changes in the prior notification or manifest summary which may occur prior to the shipment departing his facility. For example, such changes include changes in date of arrival, carrier, route, waste description, curie content, volume, or waste classification.

4.1.3 For shipments consisting of 75 cubic feet or less containing one curie of radioactive material or less which may be consigned as non-exclusive use shipments according to applicable U.S. Department of Transportation regulations, the requirement for prior notification contained in paragraph 4.1 is waived. Such shipments must otherwise comply with all other applicable requirements regarding the packaging, transportation, storage, disposal and delivery of radioactive wastes.

4.2. The shipper shall provide to the carrier with each separate shipment a copy of the RHA-PNC "Radioactive Waste Shipment Prior Notification and Manifest Form" required by paragraph 4.1. Such copy shall show any changes made pursuant to paragraph 4.1.2 above. Each shipper shall instruct the carrier to comply with the route and schedule contained therein.

4.3 The manifest accompanying each shipment of radioactive waste shall include a copy of the shipper's certification prepared on Department form RHA-CT, Part I, "Radioactive Waste Shipment Certification Form," which shall include certification that the shipment has been inspected and complies with all applicable State and Federal laws and administrative rules and regulations, license or license conditions of the disposal facility regarding the packaging, transportation, storage, disposal and delivery of radioactive wastes.

4.4 Following acceptance of each separate shipment at a disposal facility or at the consignee's facility, it shall be the responsibility of each shipper to provide to the Department for such shipment a copy of Department form RHA-PNC "Radioactive Waste Prior Notification and Manifest Form" with the

Consignee Acknowledgement properly executed and to provide the Department with the “Radioactive Waste Shipment Certification Form,” Department form RHA-CT, which accompanied that shipment.

5. CARRIER REQUIREMENTS

5.1 For each shipment of radioactive waste materials shipped into or within the State, a carrier shall complete Part II: Carrier’s Certification on the form RHA-CT provided by the shipper. The certificate shall be signed by a principal, officer, partner, responsible employee or other authorized agent of the carrier.

5.1.1 The carrier shall certify that the shipment is properly placarded for transport and that all shipping papers required by law and administrative rules and regulations have been properly executed; and,

5.1.2 that the transport vehicle has been inspected and meets the applicable requirements of the Federal government and the State of South Carolina, and that all safety and operational components are in good operative condition; and,

5.1.3 that the carrier has received a copy of the shipper’s “Radioactive Waste Prior Notification and Manifest Form,” specified in paragraph 4.2 and the “Radioactive Waste Shipment Certification Form,” form RHA-CT specified in paragraph 4.3; and,

5.1.4 that the carrier shall comply fully with all applicable laws and administrative rules and regulations, both State and Federal, regarding the transportation of such waste.

5.2 A carrier shall immediately notify the Department of any variance, occurring after departure, from the primary route and estimated date of arrival of shipment as provided by the shipper on Form RHA-PNC.

5.3 The copies of Forms RHA-CT and RHA-PNC shall accompany the shipment to the destination and shall be presented together with the manifest and other shipping papers.

6. DISPOSAL FACILITY OPERATOR

6.1 Owners and operators of disposal facilities shall permanently record, and report to the Department within twenty-four (24) hours after discovery, all conditions in violation of the requirements of this regulation discovered as a result of inspections required by any license under which the facility is operated.

6.2 Prior to the receipt of radioactive wastes at a disposal facility in this State, the owners and operators of such facility shall notify each shipper of any special requirements, if any, in effect regarding the packaging, transportation, storage, disposal or delivery of such wastes at that facility.

6.3 No owner or operator of a disposal facility located within this State shall accept radioactive waste for storage or disposal unless the shipper of such waste has a valid, unsuspended permit issued pursuant to this regulation.

7. PENALTIES

7.1 Any person who commits a radiological violation shall:

7.1.1 be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00); and,

7.1.2 if such person is a shipper, have his permit suspended for a period of not less than thirty (30) days and until such time as he demonstrates to the Department's satisfaction that adequate measures have been taken to prevent reoccurrence of the violation.

7.2. Any person who commits a second radiological violation within twelve (12) months of the first such violation shall:

7.2.1 be fined not less than Five Thousand (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00); and,

7.2.2 if such person is a shipper, have his permit suspended for a period of not more than one year and until such time as he demonstrates to the satisfaction of the Department that adequate measures have been taken to prevent reoccurrence of the violations.

7.3 Any person who commits a non-radiological violation of the provisions of this regulation shall be fined not more than One Thousand Dollars (\$1,000.00) for each violation; *provided*, that should the Department determine that a series of such violations has occurred, the Department shall suspend or revoke that person's permit for a period of not more than twelve (12) months.

7.4. Any person to whom an order, injunction, suspension, or fine issued under this article is directed shall comply therewith immediately, but on application to the Department, within twenty (20) days after the date of the order, shall be afforded a hearing within thirty (30) days of such application.

8. SEVERABILITY CLAUSE

8.1 It is hereby declared that each of the sections and provisions of this regulation are severable, and in the event that any one or more of such sections are declared unconstitutional or invalid, the remaining sections and provisions of this regulation shall remain in effect.

ATTACHMENT I

Form RHA-200P	SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPLICATION	
(10/80)	FOR RADIOACTIVE WASTE TRANSPORT PERMIT	
Instructions:	Complete Items 1 through 8. Submit original and one copy to Chief, Bureau of Radiological Health, S.C. Dept. of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. All copies must be signed and dated. Additional sheets may be used if necessary. Upon approval, the Department will return one copy with your transport permit. All permit fees should be made payable to the S.C. Dept. of Health and Environmental Control, Bureau of Finance, 2600 Bull Street, Columbia, S.C. 29201. Please note on remittance, "For Radioactive Waste Transport Permit."	
Note:	Radioactive Waste Transport Permits may be purchased for more than one facility or location of a company, corporation, etc. However, an application shall be submitted for each facility to include the additional fee and the required certificate of insurance or bond.	
1.	Name and Address of Applicant (Shipper):	2. Person responsible for Radioactive Waste shipment:

			(a) Name:
			(b) Title:
			(c) Address:
			(d) Telephone:
3.	Locations from which waste will be shipped if application is for more than one facility.	4.	NRC or Agreement State Radioactive Material License No. for each location.
	(a)		(a)
	(b)		(b)
5.	Estimated Annual Cubic Footage.	6.	Amount of permit fee remitted.

Information to be Submitted as Attachment

7.	A Certificate of Liability Insurance shall be submitted as evidence of financial ability to protect the State of South Carolina and the public at large from possible radiological injury or damage due to packaging, transportation, disposal, storage, or delivery of radioactive waste. For those applicants not maintaining liability insurance, they must deposit and maintain with the Department a cash or corporate surety bond in the amount of Five Hundred Thousand Dollars (\$500,000.00).
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CERTIFICATE

8.	In compliance with Act No. 429 of 1980, the South Carolina Radioactive Waste Transportation and Disposal Act, I hereby certify on behalf of the above-named applicant (shipper) to the South Carolina Department of Health and Environmental Control that: (A) the above-named applicant (shipper) will comply fully with all applicable laws and administrative rules and regulations, both State and Federal, and any disposal facility radioactive material license requirements regarding the packaging, transportation, storage, disposal, and delivery of such wastes; (B) the above-named applicant (shipper) will hold the State of South Carolina harmless for all claims, actions, proceedings in law or equity arising out of radiological injury or damages to persons or property occurring during the transportation of its radioactive waste into or within the State including all costs defending same; provided, however, that nothing contained herein shall be construed as a waiver of the State's sovereign immunity; (C) the above-named applicant (shipper) has current copies of the Regulations for the Transportation of Radioactive Waste into or within the State of South Carolina, DOT Regulations 49 CFR Parts 171-179, and when applicable, the disposal site radioactive material license and the disposal site waste acceptance criteria; (D) the above-named applicant (shipper) has prepared this application to conform with South Carolina Department of Health and Environmental Control Regulation for Transportation of Radioactive Waste Into or Within South Carolina, and that all information contained herein, including any required supplements attached hereto, is true and correct to the best of my knowledge and belief.
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	Date	
		Typed Name and Title of Agent of Applicant (Shipper)
		Signature
	DHEC 800	
	(10/80) Revision	

General Instructions and Information	
1.	This form is to be used to provide the Department with prior notification of radioactive waste shipments transported into or within the State of South Carolina. This notification is to be made 72 hours before the expected date of arrival in the State. All written notices should be mailed to:
	Bureau of Radiological Health
	Radioactive Waste Management Section
	S.C. Dept. of Health and Environmental Control
	2600 Bull Street
	Columbia, South Carolina 29201
2.	A separate form shall be submitted for each radioactive waste shipment.
3.	Prior notification is required of all radioactive waste shipments as defined in paragraph 2 of Interim Regulations for the Transportation of Radioactive Waste into or within South Carolina except as provided in paragraph 4.1.2 of the Regulation.
4.	The "Manifest Summary" portion of this form will satisfy requirements of providing the Department with a shipping manifest, however, it does not satisfy the requirements of shipping documents which shall accompany the shipments as required by DOT Regulations and the disposal facility's license and criteria.
5.	A copy of this completed form shall be provided to the carrier and all drivers of the radioactive waste shipment.
6.	Upon delivery of the shipment to the consignee, acknowledgement of receipt shall be obtained, and a copy of this form and the shipper/carrier's certification form shall be returned to the Department.

Specific Instructions	
Item Number	
1.	Self Explanatory
2.	Self Explanatory
3.	This item applies to all shipments of radioactive waste transported to and within the State of South Carolina.
4.	Each shipment of radioactive waste shall be identified in some manner by the shipper. This number can be a radioactive shipment record number, bill of lading number, allocation number, etc. The identification number shall only be used once to identify the one shipment for which notification is being made.
5.	Self Explanatory
6.	Indicate in this item the disposal facility, company, organization, etc., to which this shipment has been consigned.
7.	Self Explanatory
8.	For through shipments, indicate in this item estimated date shipment will pass through the state.
9.	Self Explanatory
10. & 11.	Applies only to exclusive use, sole use, and full load shipments.
12.	All routing information must be specific. You should check with carrier to insure routes you prescribe are appropriate. The carrier is responsible to inform the Department of any changes of routes in South Carolina after departure.
13 thru 21.	Self Explanatory
Certification:	To be signed only by an authorized representative or agent of the shipper and carrier.

DHEC 802	
(5/80)	

Attachment II

Form RHA-PHC					
(5/80)		SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL			
Radioactive Waste Shipment Prior Notification and Manifest Form					
See Reverse Side for Instructions					
1.	Name and Address of Shipper:	2.	Person Responsible for Radioactive Waste Shipment:		
			(a) Name		
			(b) Title		
			(c) Telephone No. ()		
3.	Radioactive Waste Transport Permit No.	4.	Shipment Identification No.:		
5.	Location from which waste will be shipped:	6.	Name and Address of Consignee		
7.	Scheduled Date of Departure of Shipment:	8.	Estimated Date of Arrival of Shipment:		
9.	Carrier:	10.	Type of Transport Vehicle:		
		11.	Trailer No. and Owner (if available)		
12.	Routes shipment will follow in State of South Carolina (Be Specific):				
Manifest Summary					
13.	Type Container or Cask:	14.	Container Spec.		
		15.	Total No. of Containers		
16.	Waste Description: Physical and Chemical Form		17.	Prominent Radionuclides:	
18.	Total Curies:	19.	Transport Group:	20.	Total Cubic Feet:
21.	Waste Classification:				

<input type="checkbox"/>	Radioactive LSA	<input type="checkbox"/>	Bulk LSA		Normal Form		Special Form		Fissile
<input type="checkbox"/>	Radioactive LSA	<input type="checkbox"/>	Limited quantities	<input type="checkbox"/>	Type quantity A	<input type="checkbox"/>	Type quantity A	<input type="checkbox"/>	Class I
	greater than		and radioactive	<input type="checkbox"/>	Type quantity B	<input type="checkbox"/>	Type quantity B	<input type="checkbox"/>	Class II
	Type quantities A		devices	<input type="checkbox"/>	Large quantity	<input type="checkbox"/>	Large quantity	<input type="checkbox"/>	Class III

CERTIFICATION

I hereby certify on behalf of the above-named shipper to the South Carolina Department of Health and Environmental Control that the information provided herein is complete and correct to the best of my knowledge; and that the shipper has complied with all the provisions as required by Act No. 429 of 1980, the South Carolina Radioactive Waste Transportation and Disposal Act.

Date	
Typed Name and Title of Agent of Shipper	Signature

CONSIGNEE ACKNOWLEDGEMENT

	This acknowledges to the South Carolina Department of Health and Environmental Control that the above-described radioactive waste shipment was received.	
	Date of Delivery	Signature of Consignee or authorized Agent
		Typed or Printed Name and Title

DHEC 802
(5/80)
(Copies of this form may be reproduced locally as needed)

Attachment III

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Radioactive Waste Shipment Certification Form
General Instructions and Information: This is a two part form to be used by shippers and carriers of radioactive waste. The certifications contained herein satisfy the requirements of Section 13-7-150, of Act No. 429 of 1980, the South Carolina Radioactive Waste Transportation and Disposal Act. This certification along with a copy of the prior notification form shall accompany each shipment of radioactive waste into and within the State of South Carolina. The shipper is to complete his portion of

the form and present it to the carrier as part of the shipping documents. Upon receipt, the carrier shall complete his portion of the form. Upon delivery of the shipment to the consignee, a copy of this certification form, and a copy of the Prior Notification and Manifest form with the consignee acknowledgement, shall be returned to the Department.

Part I: Shipper's Certificate of Compliance

1.	Name of Shipper and Address:		2.	Shipment Identification No.
			3.	Transport Permit No.
	Telephone No. ()			

In compliance with Act No. 429 of 1980, the South Carolina Radioactive Waste Transportation and Disposal Act, I hereby certify on behalf of the above-named shipper to the South Carolina Department of Health and Environmental Control that the above-named shipper has complied with all provisions of Act No. 429 of 1980, and all applicable laws and administrative rules and regulations, both State and Federal, regarding the packaging, transportation, storage, disposal and delivery of such wastes. I further certify that this shipment of radioactive waste has been inspected within 48 hours of the time of departure and that no items of non-compliance with applicable laws, rules or regulations were found.

Date		
Typed Name and Title of Agent of Shipper		Signature

Part II: Carrier's Certification

1.	Name of Carrier and Address:		2.	Shipment Identification No.
			3.	Transport Trailer No.
	Telephone No. ()			
4.	Scheduled Date of Departure of Shipment:		5.	Estimated Date of Arrival of Shipment:

Certification is hereby made to the South Carolina Department of Health and Environmental Control that: (a) the shipper has provided the carrier with a copy of the shipment manifest, the certificate of compliance, and the routing instructions; (b) the shipment of radioactive waste has been properly placarded for transport according to applicable U.S. Department of Transportation Regulations; (c) all shipping papers originated or reproduced by the carrier have been properly executed; (d) the transport vehicle has been inspected according to applicable State and Federal regulations within the prescribed intervals and that all safety and operational components are in good working order and meet the requirements of regulations; (e) all drivers who will operate the vehicle within the State of South Carolina are qualified to transport hazardous materials as specified by applicable U.S. Department of Transportation regulations; (f) the Department shall be immediately notified of any variance, occurring after departure, from the shipper's notification of primary routes in South Carolina and estimated date of arrival; (g) all applicable laws and administrative rules and regulations, both State and Federal, regarding the transportation of radioactive wastes will be complied with.

Date		

Typed or Printed Name and Title			Signature
DHEC 803			
(5/80)	(Copies of this form may be reproduced locally as needed)		