WEST VIRGINIA CODE: §16-27B-5

§16-27B-5. Department designated state radiation control agency; powers and duties.

(a) The Department of Health is hereby designated as the state radiation control agency.

(b) The secretary shall designate the director of the state radiation control agency who shall perform the functions vested in the state radiation control agency under the provisions of this article.

(c) In accordance with the laws of the state, the state radiation control agency may employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to carry out the provisions of this article.

(d) The state radiation control agency, for the protection of the occupational and public health and safety, and the environment shall:

(1) Develop programs for evaluation and control of hazards associated with use of sources of radiation.

(2) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials.

(3) Develop programs with due regard for consistency with federal programs for regulation of radiation generating equipment.

(4) Formulate, adopt, promulgate, and repeal rules and regulations, which may provide for licensing and/or registration, relating to control of sources of radiation with due regard for compatibility with the regulatory programs of the federal government.

(5) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and other organizations concerned with the control of sources of radiation.

(6) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from public or private sources.

(7) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to the control of sources of radiation.

(8) Collect and disseminate information relating to the control of sources of radiation, including:

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(A) Establish and maintain a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(B) Establish and maintain a file of registrants possessing sources of radiation requiring registration under the provisions of this article and any administrative or judicial action pertaining thereto; and

(C) Establish and maintain a file of all agency rules related to regulation of sources of radiation, pending or promulgated, and proceedings thereon.

(9) Establish a database of registered and certified radiation producing devices, which shall include but not be limited to the name of the owner or operator and the location of the machine.

(10) Pursuant to its powers enumerated in §16-27B-6 of this code, provide for scheduled and random unannounced inspections of facilities that house radiation producing devices and radioactive sources and provide relevant services to ensure compliance with all applicable laws, rules, licenses, or conditions.

(11) Establish all necessary forms, including periodic radiation inspection reports.

(12) Develop programs for responding adequately to radiation emergencies and coordinate such programs with the emergency management agencies.

(13) Publish and make available a list of qualified physicists and vendors of radiation producing devices, radioactive supplies, and those qualified to perform work related to the same.

(14) Ensure compliance with all requirements under the Appalachian States Low-Level Radioactive Waste Compact pursuant to §29-1H-1 *et seq*. of this code and all federal laws.

(15) Promulgate all rules necessary under this article, in accordance with the provisions of §29A-3-1 *et seq*. of this code, related to (i) general or specific licenses necessary to use, store, dispose, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, by-product, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially, (ii) registration of the possession of a source of radiation and maintaining all related records, (iii) regulation of by-product, source and special nuclear material and (iv) compliance with Appalachian States Low-Level Radioactive Waste Compact pursuant to §29-1H-1 *et seq*. of this code and all federal laws.

(16) Issue such orders or modifications thereof as may be necessary in connection with proceedings under this article.

(e) The department is authorized to require by rule, regulation, or order, the keeping of such records with respect to activities under licenses and registration certificates issued under

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this article as may be necessary to effectuate the purpose of this article. These records shall be made available for inspection by, or copies thereof shall be submitted to, the department on request.

(f) The secretary shall establish fee schedules for licensures, registrations, inspections, and modifications thereto required pursuant to this article. All such fees collected shall be paid to the department for deposit in a special fund called the Radiation Licensure and Inspection Fund created pursuant to §16-27B-9 of this code.

(g) The secretary shall provide compensation, office space, staff, and office equipment as may be necessary to discharge the responsibilities imposed by this article.

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