

# WEST VIRGINIA CODE: §16-27B-6

## **§16-27B-6. Licensing of radioactive material.**

(a) All radioactive material not under the authority of the United States Nuclear Regulatory Commission, and devices or equipment utilizing such material, shall be licensed by the department under the rules promulgated by the department. Rules promulgated under this article shall provide for recognition of other Agreement State or federal licenses.

(b) It shall be unlawful for any person to use, store, dispose, manufacture, produce, distribute, sell, transport, transfer, install, repair, receive, acquire, own, or possess any source of radiation unless licensed by or registered with the department in accordance with this article and with any rules promulgated by the department pursuant to this article. The disposal of radioactive waste material in a solid waste facility or in a commercial solid waste facility, as defined in §22-15-2 of this code, is prohibited.

(c) The department shall provide by rule or regulation for general or specific licensing of radioactive material or devices or equipment utilizing such material. Such rule or regulation shall provide for the amendment, suspension, or revocation of licenses.

(d) The department is authorized to require registration or licensing of other sources of radiation.

(e) The department is authorized to exempt certain sources of radiation or kinds of uses or users from the licensing or registering requirements set forth in this section when the department makes a finding that the exemption of such sources of radiation or kinds of use or users will not constitute a significant risk to public health and safety or the environment.