WEST VIRGINIA CODE: §16-27B-7

§16-27B-7. Surety requirements.

(a) For licensed activities the department may, establish by rule or regulation standards and procedures to ensure that the licensee will provide an adequate surety or other financial arrangement to permit the completion of all requirements established by the department for the decontamination, closure, decommissioning and reclamation of sites, structures, and equipment used in conjunction with such licensed activity, in the event that the licensee should default for any reason in performing such requirements.

(b) All sureties or moneys made a part of any other financial arrangement required under subsection (a) which are forfeited shall be paid to the department for deposit in a special fund called the Radiation Site Closure and Reclamation Fund created pursuant to §16-27B-8 of this code.

(c) For licensed activities when radioactive material which will require surveillance or care is likely to remain at the site after the licensed activities cease, the department may, establish by rule or regulation standards and procedures to ensure that the licensee, before termination of the license, will make available such funding arrangements as may be necessary to provide for long-term site surveillance and care.

(d) All funds collected from licensees under subsection (c) shall be paid to the department for deposit in a special fund called Radiation Site Closure and Reclamation Fund created under §16-27B-8 of this code.

(e) The sureties or other financial arrangements and funds required by subsections (a) and (c) shall be established in amounts sufficient to ensure compliance with those standards, if any, established by the United States Nuclear Regulatory Commission pertaining to closure, decommissioning, reclamation, and long-term site surveillance and care of such facilities and sites.

(f) In order to provide for the proper care and surveillance of sites subject to subsection (c) of this section, the department may acquire by gift or transfer from another government agency or private person any land and appurtenances necessary to fulfill the purposes of this section. Any such gift or transfer is subject to approval and acceptance by the department.

(g) The department may by contract, agreement, lease, or license with any person, including another state or federal agency, provide for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site subject to this section as needed to carry out the purposes of this section.

(h) All federal, state, local, or other governmental agencies, shall be exempt from the requirements of subsection (a) and (c).

WV Legislature