

SUBCHAPTER J: FEDERAL FACILITY WASTE DISPOSAL FACILITY
§§336.901, 336.903, 336.905, 336.907, 336.909
Effective January 8, 2004

§336.901. Applicability.

This subchapter provides additional licensing requirements to the requirements of Subchapter H of this chapter (relating to Licensing Requirements for Near-Surface Land Disposal of Low-Level Radioactive Waste); and other rules of this title for the disposal of federal facility waste at a separate land disposal facility on the same site. Applications for the licensing of the disposal of federal facility waste shall demonstrate compliance with the provisions of this subchapter in addition to other application requirements of this title. The commission may license federal facility waste disposal only at a separate and distinct land disposal facility on the same site that is operated exclusively for the disposal of federal facility waste and that is adjacent to the compact waste disposal facility.

Adopted December 17, 2003

Effective January 8, 2004

§336.903. Receipt of Waste.

(a) The compact waste disposal facility license holder may not accept federal facility waste for disposal unless the compact waste disposal facility license holder is licensed for the disposal of federal facility waste under the requirements of this subchapter and other licensing requirements of this title.

(b) The licensee may not accept federal facility waste at a federal facility waste disposal facility until the licensee begins accepting compact waste at the compact waste disposal facility. "Begins accepting" means accepting compact waste at a licensed and constructed compact waste disposal facility that the executive director has approved for acceptance and disposal of low-level radioactive waste.

Adopted December 17, 2003

Effective January 8, 2004

§336.905. Volume Limitation.

(a) For the first five years after a license is issued under this subchapter, the license shall limit the overall capacity of the federal facility waste disposal facility to not more than 3,000,000 cubic yards. Of that amount, the total volume of low-level radioactive waste accepted at the federal facility waste disposal facility that must be disposed of in accordance with §336.730 of this title (relating to Near-Surface Land Disposal Facility Operation and Disposal Site Closure) shall be limited to not more than 300,000 cubic yards.

(b) Upon application for license amendment under §305.62 of this title (relating to Amendment) and after five years from the date of licensing of the disposal of federal facility waste under this subchapter, the capacity of the federal facility waste disposal facility may be increased by 3,000,000 cubic yards for a total capacity of 6,000,000 cubic yards upon a determination by the

commission that increasing the capacity of the federal facility waste disposal facility would not pose a significant risk to human health, public safety, or the environment. Of the increased amount, the volume of waste that must be disposed of in accordance with §336.730 of this title may be increased by not more than 300,000 cubic yards for a total volume of 600,000 cubic yards.

Adopted December 17, 2003

Effective January 8, 2004

§336.907. Prohibition of Commingling of Waste.

The commingling of compact waste and federal facility waste is prohibited. If licensed to dispose of federal facility waste, the licensee shall maintain separate waste transport, acceptance, storage, processing, and disposal of compact waste and federal facility waste.

Adopted December 17, 2003

Effective January 8, 2004

§336.909. Additional Responsibilities.

If licensed to dispose of federal facility waste, the licensee shall:

(1) arrange for and pay the costs of management, control, stabilization, and disposal of federal facility waste and the decommissioning of the licensed federal facility waste disposal activity;

(2) before accepting federal facility waste, submit to the commission a written agreement, acceptable to the executive director and signed by the United States secretary of energy, stating that the federal government will assume all right, title, and interest in land and buildings acquired under §336.710 of this title (relating to Institutional Information) for the disposal of federal facility waste, together with requisite rights of access to the land and buildings;

(3) before termination of the license, formally convey to the federal government the right, title, and interest in federal facility waste located at the federal facility waste disposal facility;

(4) transfer federal facility waste, land, and buildings to the federal government without cost to the state or federal government, other than the administrative and legal costs incurred in making the transfer; and

(5) indemnify the state, and its officers and agents, for any liability imposed on the state under state or federal law for damages, removal, or remedial action with respect to the land, the facility, or the waste accepted, stored, or disposed of, because the transfer does not relieve a license holder of liability for any act or omission before or following the transfer. This indemnification does not relieve the license holder of providing financial assurance for decommissioning, institutional control, and after decommissioning, corrective action.

Adopted December 17, 2003

Effective January 8, 2004