Nuclear Regulatory Commission § 62.12

Representative under oath or affirmation.

(b) Upon receipt of a request for a determination, the Secretary of the Commission shall publish a notice acknowledging receipt of the request in the Federal Register. The notice must require that public comment on the request be submitted within 10 days of the publication date of the notice. A copy of the request will be made available for inspection or copying at the NRC Web site, http://www.nrc.gov, and/or at the NRC Public Document Room. The Secretary of the Commission shall also transmit a copy of the request to the U.S. Department of Energy, to the Governors of the States of the Compact region where the waste is generated, to the Governors of the States with operating non-Federal low-level radioactive waste disposal facilities, to the Compact Commissions with operating regional low-level radioactive waste disposal facilities, and to the Governors of the States in the Compact Commissions with operating disposal facilities.

(c) Upon receipt of a request for a determination based on a serious and immediate threat to the common defense and security, the Commission will notify DOD and/or DOE and provide a copy of the request as needed for their consideration.

(d) Fees applicable to a request for a Commission determination under this part will be determined in accordance with the procedures set forth for special projects under category 12 of § 170.31 of this chapter.

(e) In the event that the allocations or limitations established in section 5(b) or 6(h) of the Act are met at all operating non-Federal or regional LLW disposal facilities, the Commission may suspend the processing or acceptance of requests for emergency access determinations until additional LLW disposal capacity is authorized by Congress.

§ 62.12 Contents of a request for emergency access: General information.

A request for a Commission determination under this part must include the following information for each generator to which the request applies:

(a) Name and address of the person making the request;
(b) Name and address of the person(s) or company(ies) generating the low-level radioactive waste for which the determination is sought;
(c) A statement indicating whether the generator is basing the request on the grounds of a serious and immediate threat to the public health and safety or the common defense and security;
(d) Certification that the radioactive waste for which emergency access is requested is low-level radioactive waste within §62.1(c) of this part;
(e) The low-level waste generation facility(ies) producing the waste for which the request is being made;
(f) A description of the activity that generated the waste;
(g) Name of the disposal facility or facilities which had been receiving the waste stream of concern before the generator was denied access;
(h) A description of the low-level radioactive waste for which emergency access is requested, including—
   (1) The characteristics and composition of the waste, including, but not limited to—
      (i) Type of waste (e.g. solidified oil, scintillation fluid, failed equipment);
      (ii) Principal chemical composition;
      (iii) Physical state (solid, liquid, gas);
      (iv) Type of solidification media; and
      (v) Concentrations and percentages of any hazardous or toxic chemicals, chelating agents, or infectious or biological agents associated with the waste;
   (2) The radiological characteristics of the waste such as—
      (i) The classification of the waste in accordance with 61.55;
      (ii) A list of the radionuclides present or potentially present in the waste, their concentration or contamination levels, and total quantity;
      (iii) Distribution of the radionuclides within the waste (surface or volume distribution);
      (iv) Amount of transuranics (nano-curies/gram);
   (3) The minimum volume of the waste requiring emergency access to eliminate the threat to the public health and safety or the common defense and security;
§ 62.13 Contents of a request for emergency access: Alternatives.

(a) A request for emergency access under this part must include information on alternatives to emergency access. The request shall include a discussion of the consideration given to any alternatives, including, but not limited to, the following:

(1) Storage of low-level radioactive waste at the site of generation;

(2) Storage of low-level radioactive waste in a licensed storage facility;

(3) Obtaining access to a disposal facility by voluntary agreement;

(4) Purchasing disposal capacity available for assignment pursuant to the Act;

(5) Requesting disposal at a Federal low-level radioactive waste disposal facility in the case of a Federal or defense related generator of LLW;

(6) Reducing the volume of the waste;

(7) Ceasing activities that generate low-level radioactive waste; and

(8) Other alternatives identified under paragraph (b) of this section.

(b) The request must identify all of the alternatives to emergency access considered, including any that would require State or Compact action, or any others that are not specified in paragraph (a) of this section. The request should also include a description of the process used to identify the alternatives, a description of the factors that were considered in identifying and evaluating them, a chronology of actions taken to identify and implement alternatives during the process, and a discussion of any actions that were considered, but not implemented.

(c) The evaluation of each alternative must consider:

(1) Basis for requesting the determination set out in this part, including—

(i) The circumstances that led to the denial of access to existing low-level radioactive waste disposal facilities;

(ii) A description of the situation that is responsible for creating the serious and immediate threat to the public health and safety or the common defense and security, including the date when the need for emergency access was identified;

(iii) A chronology and description of the actions taken by the person requesting emergency access to prevent the need for making such a request, including consideration of all alternatives set forth in § 62.13 of this part, and any supporting documentation as appropriate;

(4) An explanation of the impacts of the waste on the public health and safety or the common defense and security if emergency access is not granted, and the basis for concluding that these impacts constitute a serious and immediate threat to the public health and safety or the common defense and security. The impacts to the public health and safety or the common defense and security should also be addressed if the generator’s services, including research activities, were to be curtailed, either for a limited period of time or indefinitely;

(5) Other consequences if emergency access is not granted;

(j) Steps taken by the person requesting emergency access to correct the situation requiring emergency access and the person’s plans to eliminate the need for additional or future emergency access requests;

(k) Documentation certifying that access has been denied;