



NOTICE OF PUBLIC HEARINGS
AND PUBLIC MEETING
STATE OF NEBRASKA
DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ)
ENVIRONMENTAL QUALITY COUNCIL

Notice is hereby given pursuant to Neb. Rev. Stats. §81-1505(17), §84-907, and §84-1411, the Nebraska Environmental Quality Council (EQC) will hold a meeting and public hearings on March 30, 2018 beginning at 10:00 A.M. Central Time (CT) at the Cornhusker Hotel, 333 South 13th St., Lincoln, Nebraska. Preceding the hearings will be business items on the agenda. The hearings are scheduled to begin at 10:00 A.M. CT or as soon thereafter as can reasonably be heard. The purpose of the hearings is to take testimony and evidence about the proposed amendment of NDEQ regulations, as outlined in this notice.

The meeting agenda and a draft copy of the proposals scheduled for hearing are available at the NDEQ's Lincoln office, 1200 N St., Suite 400, Lincoln, NE and on the NDEQ website at <http://deq.ne.gov>. The meeting agenda and a draft copy of the proposed regulations scheduled for hearing are also available at the Office of the Secretary of State, Regulations Division, 1201 N St., Suite 120, Lincoln, NE, 68508. The description of the fiscal impact of the proposed regulations on state agencies, political subdivisions, or persons regulated is also available at these locations.

All interested persons may attend and testify orally or by written submission at the public hearing. Any person may provide advance notice of intent to testify by contacting Carla Felix, Hearing Officer, NDEQ, 1200 N St., Suite 400, P.O. Box 98922, Lincoln, NE 68509-8922. Unscheduled testimony will be heard following scheduled testimony. Interested persons may also submit written comments to Carla Felix prior to the hearing, which will be entered into the hearing record if received at the Lincoln office by 5:00 P.M. CT, March 29, 2018.

Please notify the NDEQ at least one week in advance of the EQC meeting if auxiliary aids or reasonable accommodations or alternate formats of materials are needed. Contact phone number is 402-471-2186. TDD users call 800-833-7352 and ask the relay operator to call us at 402-471-2186.

A public hearing will be held on the following:

1. Title 116 – Code of Ethics. Chapters 1-14 are proposed for repeal to avoid duplication and confusion or conflict with other statutory requirements. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.
2. Title 194 – Rules and Regulations for the Disposal of Low-Level Radioactive Waste. Chapters 1-15 are proposed for repeal. These regulations adopted requirements for the licensing of a low-level radioactive waste disposal site pursuant to the Central Interstate

Low-Level Radioactive Waste Compact, and are no longer applicable or necessary once Nebraska's withdrawal from the Compact became effective in 2004. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

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Pete Ricketts, Governor

TITLE 194 – RULES AND REGULATIONS FOR THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE

CERTIFICATION TO SECRETARY OF STATE

Pursuant to Neb. Rev. Stat. §84-907 and §84-907.09, the undersigned hereby certifies that on the 22nd day of February 2018, a CD containing the following documents was sent to the Bess Boesiger, Rules and Regulations Officer with the Secretary of State's Office:

The legal notice and agenda for the Environmental Quality Council meeting and hearings scheduled to be held March 30, 2018, in Lincoln, Nebraska;

A copy of the proposed repeal and fiscal impact statement for Title 194 – Rules and Regulations for the Disposal of Low-Level Radioactive Waste;

A copy of the Proposed Regulation Policy Pre-Review Checklist and GPRO approval; and

A memorandum giving a one-line description for online rules tracking.

Annette Kovar

Annette Kovar, Legal Counsel

RECEIVED

JAN 24 2018

Gov's Policy Research

**PROPOSED REGULATION
GPRO COVERPAGE
(ATTACH TO PRE-REVIEW INFORMATION)**

Agency: Department of Environmental Quality
Title, Chapter of Rules submitted: Title 194, Ch. 1 through 15
Subject: Rules and Regulations for the Disposal of Low-Level Radioactive Waste
Prepared by: Annette Kovar
Telephone: 402-471-3194
Date submitted to Governor: ???? 2018

Projected dates for public hearings March, 2018

Projected deadline for final approval None projected

N/A A copy of the section of laws or federal regulations that triggered these changes is attached.

FOR GOVERNOR OFFICE RECORDS

Advisor Assigned: Cheryl Wolff
Date approved to proceed: 1-29-18
Options for proceeding: _____

- a) No further contact with GPRO is necessary until final rules have been approved by the Attorney General.
- b) Contact Governor through GPRO concerning issues raised in Negotiated Rulemaking procedures.
- c) Submit Rules and Regulations Policy Review Checklist to Governor if rules are changed hereafter and a new public hearing is scheduled.
- d) Keep the Governor informed through GPRO as issues arise in negotiations, drafting sessions, advisory board meetings, and public hearings.
- e) Specific policy comments per Governor's instructions is attached.



20180003118



MEMORANDUM

TO: Environmental Quality Council

FROM: Annette Kovar, Legal Counsel *AK*
Carla Felix, Low Level Waste Program Manager

DATE: February 21, 2018

RE: Title 194 – *Rules and Regulations for the Disposal of Low-Level Radioactive Waste*
Explanatory Statement

SHORT DESCRIPTION:

Title 194 is the regulation promulgated under the Low-Level Radioactive Waste Disposal Act, Neb. Rev. Stat. §81-1578 to §81-15,116, for licensing a proposed low-level radioactive waste disposal facility pursuant to the Central Interstate Low-Level Radioactive Waste Compact (with Arkansas, Kansas, Oklahoma, and Louisiana). Title 194 established the procedures, criteria, and terms and conditions upon which the department could issue a license to a developer selected by the Compact, to construct and operate a low-level radioactive waste disposal facility. Nebraska's withdrawal from the Compact became effective in 2004; and the Compact can no longer pursue siting a low-level radioactive waste disposal facility in Nebraska. The State Act was enacted to implement the Compact requirements for a member state and once Nebraska withdrew from the Compact, these Compact provisions were no longer applicable.

RATIONALE:

This Low-Level Radioactive Waste Disposal Act, Neb. Rev. Stat. §81-1578 to §81-15,116 was adopted to facilitate the development of a low level radioactive disposal site pursuant to the Central Interstate Low Level Radioactive Waste Compact (with Kansas, Arkansas, Oklahoma, and Louisiana), which Nebraska has since left. The Compact can no longer pursue siting a low-level radioactive waste disposal facility in Nebraska. This Act was enacted to implement the Compact requirements for a member state and once

Nebraska withdrew from the Compact, these Compact provisions were no longer applicable. The regulations should be considered for repeal.

ANALYSIS OF IMPACT:

Repealing Title 194 should have no adverse impact to the Department or other stakeholders formerly interested in the siting of a low-level radioactive waste facility in Nebraska. Nebraska has withdrawn from the Low-Level Radioactive Waste Compact and the Compact cannot pursue siting of a low-level radioactive waste disposal facility in Nebraska under the Act.

SECTION-BY-SECTION DESCRIPTION:

CHAPTERS 1-15 - Proposed for deletion.

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Pete Ricketts, Governor

FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Environmental Quality
Prepared by: Annette Kovar, Carla Felix
Date Prepared: February 21, 2018
Phone: (402) 471-3194; (402) 471-2923
Title: 194
Chapter: 1-15
Name: *Rules and Regulations for the Disposal of Low-Level Radioactive Waste*

State Status: Hearing Draft

Type of Fiscal Impact:

	State Agency	Political subdivision	Regulated Public
No Fiscal Impact	X	n/a	n/a
Increase Costs			
Decrease Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

State Agency: There is no fiscal impact related to the repeal. Title 194 was first promulgated in 1987. During the site selection process, subsequent licensing activity, and multiple lawsuits, numerous perceived stakeholders were interested and potentially impacted. Since Nebraska is no longer part of the Compact, the department has no ongoing regulatory responsibilities associated with Title 194.

Political Subdivision: No impact

Regulated Public: No impact

Department of Environmental Quality

P.O. Box 98922
1200 N Street, Suite 400
Lincoln, Nebraska 68509-8922

deq.ne.gov

Jim Macy, Director

OFFICE 402-471-2186 FAX 402-471-2909
ndeq.moreinfo@nebraska.gov

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Pete Ricketts, Governor

TO: John Gale, Nebraska Secretary of State of Nebraska

FROM: Annette Kovar, Legal Counsel

RE: Proposed Amendments to Title 194 – Rules and Regulations for the Disposal of Low-Level Radioactive Waste

DATE: February 21, 2018

Attached are proposed amendments to Title 194 of the Nebraska Administrative Code. Also included in this filing is the notice of hearing and other documentation required by the Administrative Procedure Act.

Please use the following as the One Line Description for Online Rules Tracking:

Repeal of Title 194 – Rules and Regulations for the Disposal of Low-Level Radioactive Waste.

The contact person for the proposed repeal is Annette Kovar. Her email address is: Annette.Kovar@nebraska.gov.

Title 194

Rules and Regulations for the Disposal Low-level Radioactive Waste

Effective Date of Last Revision: November 9, 1994

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~~NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Title 194 Rules And Regulations For The Disposal Of Low Level
Radioactive Waste~~

~~Chapter 1 Definitions~~

~~001 "Act" or "the Act" means the Low-level Radioactive Waste Disposal Act, Neb. Rev. Stat. §81-1578 et seq.~~

~~002 "Active maintenance" means any significant activity needed during the period of institutional control to maintain or to ensure that performance objectives in Chapter 4 are met. Such active maintenance includes ongoing activities such as pumping and treatment of water from a disposal unit or one-time measures such as replacement of a disposal unit cover. Active maintenance does not include custodial care activities such as repair of fencing, repair or replacement of monitoring equipment, revegetation, minor repair of disposal unit covers, and general disposal site upkeep such as mowing grass.~~

~~003 "Applicant" means a person who has filed an application for a license from the department under this Title.~~

~~004 "Buffer zone" means a portion of the disposal site that is controlled by the licensee and that lies under the disposal units and between the disposal units and the boundary of the site.~~

~~005 "Byproduct material" means:~~

~~005.01 Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material; and~~

~~005.02 The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.~~

~~006 "Chelating agent" means those agents relating to, or capable of combining with (a metal) so as to form a ring structure held by coordination bonds, e.g., a chelate ring. Chelating agents include amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carboic acid, and glucinic acid).~~

~~007 "Closure" or "Site closure and stabilization" means those actions that are taken upon completion of operations which prepare the disposal site for custodial care and that assure that the disposal site will remain stable and will not need ongoing active maintenance.~~

~~008 "Commencement of construction" means any clearing of land, excavation, or other substantial action that may affect the environment of a facility. The term does not include disposal site exploration, necessary roads for disposal site exploration, borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the disposal site or the protection of environmental values.~~

~~009 "Compact" means the Central Interstate Low Level Radioactive Waste Compact.~~

~~010 "Council" means the Environmental Quality Council.~~

011 "Custodial care" means the continued observation, monitoring, and care of a facility for a minimum of one hundred years following transfer of the ownership of the facility from the operator to the institutional control agency.

012 "Decommissioning" means removing a nuclear reactor safely from service and reducing residual radioactivity to a level that permits release of the property for unrestricted use following termination of the federal license for the reactor.

013 "Department" means the Nebraska Department of Environmental Quality.

014 "Developer" means any person or commercial entity seeking to site, license, or operate a facility within the State of Nebraska.

015 "Director" means the director of the Nebraska Department of Environmental Quality.

016 "Disposal" means the isolation and final disposition of low-level radioactive wastes from the biosphere by emplacement in a facility that employs technology dictated by a zero-release objective.

017 "Disposal site" means that portion of a facility used for disposal of waste. It consists of disposal units and a buffer zone.

018 "Disposal unit" means a discrete portion of the disposal site into which waste is placed for disposal.

019 "Engineered barrier" means a man-made structure or device that is intended to improve the facility's ability to meet the performance objectives in Chapter 4.

020 "Explosive material" means any chemical compound, mixture, or device which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

021 "Facility" means the land, buildings and equipment selected pursuant to the Compact and used or to be used for the disposal of low-level radioactive waste.

022 "Hazardous waste" means those wastes designated as hazardous in Title 128, Nebraska Administrative Code.

023 "High-level radioactive waste" means:

023.01 Irradiated reactor fuel;

023.02 Liquid wastes resulting from the operation of the first cycle solvent extraction system or equivalent and the concentrated wastes from subsequent extraction cycles or equivalent in a facility for reprocessing irradiated reactor fuel;

023.03 Solids into which such liquid wastes have been converted; and

023.04 Other highly radioactive waste material as defined by the U.S. Nuclear Regulatory Commission.

024 "Hydrogeologic unit" means any soil or rock unit or zone which by virtue of its porosity or permeability, or lack thereof, has a distinct influence on the storage or movement of groundwater.

025 "Inadvertent intruder" means a person who might occupy the disposal site after closure and engage in normal activities, such as agriculture, dwelling construction, or other pursuits in which an individual might be unknowingly exposed to radiation from the waste.

026 "Institutional control" means the institutional control program to physically control access to the disposal site. The institutional control program shall also mean, but not be limited to, custodial care and

other requirements as determined by the "Institutional control agency".

027 "Institutional control agency or custodial agency" means the Nebraska Department of Health.

028 "Intruder barrier" means a sufficient depth of cover over the waste that inhibits contact with waste and helps to ensure that radiation exposures to an inadvertent intruder will meet the performance objectives in Chapter 4 or engineered structures that provide equivalent protection to the inadvertent intruder.

029 "License" means an authorization or license issued by the department to implement the requirements of these regulations.

030 "Low-level radioactive waste" or "waste" means radioactive waste not classified as high-level radioactive waste, spent nuclear fuel, or byproduct material as defined in 005.02 of this Chapter and classified by the federal government as low-level radioactive waste but shall not include waste which remains a federal responsibility as designated in section 3(b) of the Low-Level Radioactive Waste Policy Act as amended, 42 U.S.C. 2021C(b).

031 "Mixed waste" means low-level radioactive waste that also contains hazardous waste that is identified in Title 128.

032 "Monitoring" means observing and making measurements to provide data to evaluate the performance and characteristics of the disposal site.

033 "Near-surface disposal facility" means a facility in which waste is disposed of on the earth's surface or within approximately the upper 30 meters of the earth's surface. Near-surface disposal includes disposal in engineered facilities which may be built totally or partially above-grade provided there is a protective earthen cover at or before the time of facility closure.

034 "Operational life of the facility" means the period of time commencing when low-level radioactive waste is initially received at the facility and ending when the facility permanently ceases to receive such waste for disposal.

035 "Person" means any individual, corporation, partnership, firm, association, joint venture, trust, estate, public or private institution, group, public agency, political subdivision of this state, any other state or political subdivision or agency thereof, any legal successor, representative, agent, or agency of the foregoing, but shall not include federal governmental agencies.

036 "Pyrophoric liquid" means any liquid that ignites spontaneously in dry or moist air at or below 130°F (54.4°C). A pyrophoric solid is any solid material, other than one classed as an explosive, which under normal conditions, is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and, when ignited, burns so vigorously and persistently as to create a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.

037 "Quality Assurance Program" means a multi-disciplinary system of management controls backed by quality verification and overview activities that demonstrate completeness and appropriateness of achieved quality. Quality assurance comprises all the planned and systematic actions necessary to provide adequate confidence that a structure, system, or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises the quality assurance actions related to the physical characteristics of a material, structure, component, or system which provide a means to control the quality of the material, structure, component, or system to predetermined requirements.

038 "Radioactive material" means any material, solid, liquid, or gas, which emits ionizing radiation spontaneously, including accelerator-produced, byproduct, naturally occurring, source, and special nuclear materials.

039 "Recovery" means the acts, actions, and processes necessary to cleanup contaminants; defined as

radioactive material or hazardous substances from low-level radioactive waste that, when released to the environment outside the disposal unit and combined with air, soil, biota, or water, may cause the concentrations of that material or substance to exceed the levels specified in Title 180, or which is reportable as a hazardous substance release in Title 126, Chapter 18 that are no longer isolated by the disposal unit and whose migration beyond site boundaries could result in failure to meet the performance objectives of Chapter 4.

040 "Retrievability" means the capability to, in a deliberate, planned manner, remove or retrieve waste from containment in the disposal unit.

041 "Source material" means:

041.01 Uranium or thorium or any combination thereof in any chemical or physical form; or

041.02 Ores which contain by weight one twentieth of one per cent or more of uranium or thorium or any combination thereof. Source material does not include special nuclear material.

042 "Special nuclear material" means:

042.01 Plutonium, uranium 233, and uranium enriched in the isotope 233 or in the isotope 235 but not including source material; or

042.02 Any material artificially enriched by any of the foregoing, but not including source material.

043 "Spent nuclear fuel" means irradiated nuclear fuel that has undergone at least one year of decay since being used as a source of energy in a power reactor, including the special nuclear material, byproduct material, source material, and other radioactive material associated with fuel assemblies.

044 "Stability" means structural stability.

045 "Surveillance" means monitoring and observation of the disposal site for purposes of detection of need for maintenance, custodial care, evidence of intrusion, and compliance with other license and regulatory requirements of this Title.

046 "Transuranic waste" means radioactive waste containing alpha-emitting transuranic elements at levels determined by the U.S. Nuclear Regulatory Commission to be transuranic waste.

047 "Zero-release objective" means a goal of preventing the release into the environment of any detectable radioactive material resulting from the disposal of low-level radioactive waste at the facility.

Legal Citation: Title 194, Ch. 1, Nebraska Department of Environmental Quality

~~NEBRASKA ADMINISTRATIVE CODE~~
~~NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Title 194—Rules and Regulations for the Disposal Low-level Radioactive Waste~~

~~Chapter 2—Purpose and Scope~~

~~001 This Title establishes procedures, criteria, and terms and conditions upon which the department issues a license to a person for a facility that accepts low-level radioactive waste for disposal. The requirements of this Title are in addition to, and not in substitution for, any other applicable rules or regulations of the State of Nebraska, the U.S. Environmental Protection Agency, the Nuclear Regulatory Commission, or the U.S. Department of Energy.~~

~~002 This Title establishes procedural requirements and performance objectives applicable to any method of disposal. It establishes specific technical requirements for near-surface disposal of low-level radioactive waste.~~

~~Enabling Legislation: — Neb. Rev. Stat. §§81-1579 and 81-1580~~

~~Legal Citation: — Title 194~~

~~Ch. 2, Nebraska Department of Environmental Quality~~

~~NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Title 194 Rules And Regulations For The Disposal Of Low Level
Radioactive Waste~~

~~Chapter 3 Licenses~~

001 License Required.

~~001.01 No person shall receive, possess, or dispose of low level radioactive waste at a facility unless authorized by a license issued by the department pursuant to this Title.~~

~~001.02 A potential applicant shall notify the Governor and the Clerk of the Legislature, in writing, at least 30 days prior to any on-site geological activity, including but not limited to core sampling and the on-site geological activity locations, to determine the suitability of a site for use as a facility.~~

~~001.03 Each person shall file an application with the department on or after October 1, 1989, and shall obtain a license before commencement of construction of a facility. Failure to obtain a license prior to commencement of construction may be grounds for denial of a license.~~

~~001.04 An application and any amendments thereto shall be signed by the applicant or the applicant's authorized representative under oath and shall consist of 1 signed original and at least 2 copies.~~

~~001.05 An application to receive from others, possess, and dispose of low level radioactive wastes shall consist of general information, specific technical information, institutional information, financial information, insurance, environmental analysis, and other information as set forth in this Chapter.~~

002 General Information.

The general information shall include each of the following:

002.01 Identity of the applicant including:

~~002.01A The full name, address, telephone number, and description of the business or occupation of the applicant;~~

~~002.01B If the applicant is a partnership, the name and address of each partner and the principal location where the partnership does business;~~

~~002.01C If the applicant is a corporation or an unincorporated association:~~

~~002.01C1. The state where it is incorporated or organized and the principal location where it does business, and~~

~~002.01C2. The names and addresses of its directors and principal officers;~~

~~002.01D If the applicant is acting as an agent or representative of another person in filing the application, all information required under 002.01 above must also be supplied with respect to the other person; and~~

002.01E The name of a person who becomes the legal or beneficial owner of more than fifty percent of any class of the issued and outstanding equity securities of an applicant after an application is filed and prior to issuance of the license. Such person becomes the applicant and is required to submit its environmental compliance record and financial responsibility to the department.

002.02 Qualifications of the applicant:

002.02A The organizational structure of the applicant, both offsite and onsite, including a description of lines of authority and assignments of responsibilities, whether in the form of administrative directives, contract provisions, or otherwise;

002.02B The technical qualifications, including training and experience, of the applicant and members of the applicant's staff to engage in the proposed activities. Minimum training and experience requirements for personnel filling key positions described in 002.02A above must be provided.

002.02C A description of the applicant's personnel training program; and

002.02D The plan to maintain an adequate complement of trained personnel to carry out waste receipt, handling, and disposal operations in a safe manner.

002.03 A description of:

002.03A The location of the proposed disposal site;

002.03B The general character of the proposed activities;

002.03C The types, quantities and activities of waste to be received, possessed, and disposed of;

002.03D Plans for use of the facility for purposes other than disposal of wastes; and

002.03E The proposed facility and equipment.

002.04 Proposed schedules for construction, receipt of waste, and first emplacement of waste at the proposed facility.

003 Specific technical information.

The specific technical information shall include the following information needed for demonstration that the performance objectives and technical requirements of this Title will be met:

003.01 A description of the natural and demographic features of disposal site characteristics as determined by disposal site selection and characterization activities. The description shall include geologic, geochemical, geotechnical, hydrologic, ecologic, archaeologic, meteorologic, climatologic, biotic features of the disposal site and vicinity, and present and projected population distribution and land use.

003.02 A description of the design features of the facility and the disposal units. The description shall include those design features related to: infiltration of water; integrity of covers for disposal units; structural stability of backfill, wastes, and covers; contact of wastes with standing water; disposal site drainage; disposal site closure and stabilization; elimination to the extent practicable of long-term disposal site maintenance; inadvertent intrusion; occupational exposures; disposal site monitoring; and adequacy of the size of the buffer zone for monitoring and potential mitigative measures, including retrievability and removal of waste.

003.03 A description of the principal design criteria and their relationship to the performance objectives.

003.04 A description of the design basis natural events or phenomena and their relationship to the principal design criteria.

003.05 A description of codes and standards which the applicant has applied to the design and which will apply to construction of the facility.

003.06 A description of the construction and operation of the facility. The description shall include as a minimum the methods of construction of disposal units; waste emplacement; the procedures for and areas of waste segregation; types of intruder barriers; onsite traffic and drainage systems; survey control program; methods and areas of waste storage; and methods to control surface water and groundwater access to the wastes. The description shall also include a description of the methods to be employed in the handling and disposal of wastes containing chelating agents or other non-radiological substances that might affect meeting the performance objectives in Chapter 4.

003.07 A description of the disposal site closure plan, including those design features which are intended to facilitate disposal site closure and to eliminate the need for ongoing active maintenance.

003.08 An identification of the known natural resources at the disposal site whose exploitation could result in inadvertent intrusion into the wastes after removal of active institutional control.

003.09 A description of the kind, amount, classification, activity and specifications of the waste proposed to be received, possessed, and disposed of at the facility.

003.10 A description of the quality assurance program, as approved by the department, for the determination of natural disposal site characteristics and for quality assurance during the design, construction, operation, and closure of the facility and the receipt, handling, and emplacement of waste. Audits and managerial controls must be included.

003.11 A description of the radiation safety program for control and monitoring of radioactive effluents to ensure compliance with the performance objective in Chapter 4, 002 and occupational radiation exposure to ensure compliance with the requirements of Standards for Protection Against Radiation specified in Title 180 and to control contamination of personnel, vehicles, equipment, buildings, and the disposal site. Both routine operations and accidents shall be addressed. The program description shall include procedures, instrumentation, facilities, and equipment.

003.12 A description of the continuous environmental monitoring program to detect any releases of radiation from the disposal facility and having the capability of providing early warning of such release and to provide data to evaluate potential health and environmental impacts and the plan for recovery, cleanup, or other corrective measures necessary as a result of a release.

003.13 A description of the administrative procedures that the applicant will apply to control activities at the facility.

003.14 A description of the fire prevention and emergency response program at the facility.

004 Technical analyses.

The specific technical information shall also include the following analyses needed to demonstrate that the performance objectives of this Title will be met. The analyses shall be consistent with a zero release objective.

004.01 Pathways analyzed in demonstrating protection of the general population and environment from releases of radioactivity shall include air, soil, ground water, surface water, plant uptake, and exhumation by burrowing animals. The analyses shall clearly identify and differentiate between the

roles performed by the natural disposal site characteristics and design features in isolating and segregating the wastes. The analyses shall clearly demonstrate that there is reasonable assurance that the exposures to humans from the release of radioactivity will not exceed the limits set forth in Chapter 4, 002.

004.02 Analyses of the protection of individuals from inadvertent intrusion shall include demonstration that there is reasonable assurance the waste classification and segregation requirements will be met and that adequate barriers to inadvertent intrusion will be provided.

004.03 Analyses of the protection of individuals during operations shall include assessments of expected exposures due to routine operations and likely accidents during handling, storage, and disposal of waste. The analyses shall provide reasonable assurance that exposures will be controlled to meet the requirements of Standards for Protection Against Radiation specified in Title 180.

004.04 Analyses of the long term stability of the disposal site and the need for ongoing active maintenance after closure shall be based upon analyses of active natural processes such as erosion, mass wasting, slope failure, settlement of wastes and backfill, infiltration through covers over disposal units and adjacent soils, and surface drainage of the disposal site. The analyses shall provide reasonable assurance that there will not be a need for ongoing active maintenance of the disposal site following closure.

005 Institutional information.

The institutional information submitted by the applicant shall include:

005.01 A certification by the Federal government or State of Nebraska whichever owns the disposal site that the Federal government or State of Nebraska is prepared to accept transfer of the license when the provisions of 016 of this Chapter are met and the Federal government or the institutional control agency will assume responsibility for institutional care after site closure and post-closure observation and maintenance.

005.02 Where the proposed disposal site is on land not owned by the Federal or State government, the applicant shall submit evidence that arrangements have been made for assumption of ownership in fee by the Federal government or State of Nebraska before the department issues a license.

006 Financial information.

The financial information shall be sufficient to demonstrate that the financial qualifications of the applicant are adequate to carry out the activities for which the license is sought, including the funding arrangements for custodial care, and shall comply with Chapter 6.

007 Environmental analysis.

The environmental analysis information specified in Chapter 10, shall be included in the application.

008 Additional information.

Additional information may be requested by the department depending upon the nature of the wastes to be disposed of and the design and proposed operation of the facility.

009 Requirements for issuance of a license.

A license for the receipt, possession, and disposal of waste shall be issued by the department upon finding that:

009.01 The application is complete;

~~009.02~~ The issuance of the license will not constitute an unreasonable risk to the public health and safety and the environment;

~~009.03~~ The applicant is qualified by reason of training and experience to carry out the disposal operations requested in a manner that protects health and minimizes danger to life, property and the environment;

~~009.04~~ The applicant's proposed disposal site, disposal design, facility operations including equipment, facilities and procedures, disposal site closure and post-closure institutional control shall be consistent with a zero-release objective and shall protect the public health and safety in that they provide reasonable assurance that the general population will be protected from releases of radioactivity as specified in Chapter 4, Section ~~002~~;

~~009.05~~ The applicant's proposed disposal site, disposal site design, facility operations including equipment, facilities and procedures, disposal site closure and post-closure institutional control will protect the public health and safety in that they will provide reasonable assurance that individual inadvertent intruders are protected in accordance with Chapter 4, Section ~~003~~;

~~009.06~~ The applicant's proposed facility operations, including equipment, facilities and procedures, will protect the public health and safety in that they will provide reasonable assurance that the Standards for Protection Against Radiation specified in Title 180 are met;

~~009.07~~ The applicant's proposed disposal site, disposal site design, facility operations, disposal site closure and post-closure institutional control will protect the public health and safety in that they will provide reasonable assurance that long-term stability of the disposed waste and the disposal site will be achieved and will eliminate to the extent practicable the need for on-going active maintenance of the disposal site following site closure;

~~009.08~~ The applicant's demonstration provides reasonable assurance that the applicable technical requirements of Chapter 5 will be met;

~~009.09~~ The applicant's proposal for institutional control provides reasonable assurance that such control will be provided for the length of time necessary to ensure the findings in ~~009.04~~ through ~~009.07~~ of this Chapter and that the institutional control meets the requirements of Chapter 5, ~~009~~.

~~009.10~~ The financial or surety and insurance arrangements of the applicant's proposal meet with the requirements of Chapter 6;

~~009.11~~ The information submitted and obtained in ~~002.01E~~ of this Chapter has been reviewed by the department, and the department finds that such person can adequately comply with the provisions of the application and applicable laws, rules, and regulations;

~~009.12~~ Any additional information submitted, as requested by the department, is adequate.

010 License Conditions:

~~010.01~~ The licensee shall immediately notify the department, in writing, of the identity of a person who becomes legal or beneficial owner of more than fifty percent of any class of its issued and outstanding equity securities. Such person shall submit its environmental compliance record and financial responsibility to the department within thirty days from the date of change in ownership.

~~010.02~~ The license issued under this Title may not be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the department finds, after obtaining full information that the transfer is in accordance with the provisions of this Title and the Act and gives its consent in writing in the form of a license amendment.

~~010.03~~ The licensee shall submit written statements under oath upon request of the department, at any time before termination of the license, to enable the department to determine whether the license should be modified, suspended or revoked.

~~010.04~~ The license will be transferred as specified in 016 below only on the full implementation of the final closure plan as approved by the department, including post-closure observation and maintenance.

~~010.05~~ The licensee shall be subject to the provisions of this Title and the Act including amendments, and all other relevant rules and regulations of the department and orders of the director. The terms and conditions of the license shall be amended, revised, or modified if the laws, rules and regulations are amended or orders are issued pursuant to the Act. Licensees shall be reviewed every five years after issuance.

~~010.06~~ Any license may be revoked, suspended or modified in whole or in part for any material false statement in the application, or because of conditions revealed by any application or statement of fact or any report, record, or inspection or other means which would warrant the department to refuse to grant a license, or for failure to operate the facility in accordance with the terms and conditions of the license, or for any violation of the Act, or any applicable rule, regulation, or order of the director. Revocation or suspension of the license shall not relieve the licensee of responsibility under the Act.

~~010.06A~~ A licensee may request the director, in writing, for a hearing within 30 days after receipt of notice of license revocation, suspension or modification. Such hearing shall be held within 30 days after receipt of the request.

~~010.07~~ The licensee shall confine possession and use of materials to the locations and purposes authorized in the license.

~~010.08~~ The licensee shall not dispose of waste until the department has inspected the facility and has found it to be in conformance with the description, design and construction described in the license application.

~~010.09~~ The licensee shall not store or dispose of waste produced as a result of decommissioning a nuclear reactor until the department finds that such facility is designed to safely store or dispose of such waste and gives its approval.

~~010.10~~ Noncomplying generators.

~~010.10A~~ The licensee shall not accept waste from a generator of low-level radioactive waste if the licensee receives written notice, or oral notice followed by written notice, from the director that such generator has failed to fulfill its financial or regulatory responsibilities pursuant to Section 81-15,113.02 of the Act.

~~010.10B~~ The ban shall be removed after the licensee receives written notice from the director that such generator has fulfilled its obligations.

~~010.11~~ Emergency access.

~~010.11A~~ Unless an emergency exists, the licensee shall not accept waste from outside the Compact region without prior approval by the Nebraska Legislature. Emergency, as used in this section, means disposal facility access which may be granted by the U.S. Nuclear Regulatory Commission, that upon a determination that such access is necessary to eliminate an immediate and serious threat to the public health and safety or the common defense and security which cannot be mitigated consistent with the public health and safety by any alternative, including storage of low-level radioactive waste at the site of generation or in a storage facility obtaining access to a disposal facility by voluntary agreement, purchasing disposal capacity available for

assignment pursuant to section 5(c), Public Law 99-240, January 1986, or ceasing activities that generate low-level radioactive waste.

~~010.11B~~ The licensee shall not accept waste beyond the period noticed in ~~010.11A~~ above, which period cannot exceed six months, unless the Legislature agrees to continue such emergency access.

~~010.12~~ Emergency response.

~~010.12A~~ The licensee or its contractor shall provide training programs to the appropriate local political subdivision of the first responding fire, police, and ambulance services to handle emergency events at the facility and support for affected county emergency management planning, training, and central dispatch facilities as may be required to handle such emergencies. The content of any such training program shall, prior to the commencement of the training program, be approved by the appropriate State agency which is responsible for such emergency training activity.

~~010.12B~~ The licensee shall also provide to the appropriate local political subdivision any equipment which is necessary to provide emergency response due to the location and operation of the facility.

~~010.13~~ The department may incorporate into any license at the time of issuance or thereafter, by appropriate rule or regulation or order of the director, any additional requirements and conditions with respect to the licensee's receipt, possession, and disposal of waste as it deems appropriate or necessary to:

~~010.13A~~ Protect health or to minimize danger to life, property, and the environment;

~~010.13B~~ Require reports and the keeping of records, and to provide for inspections of activities under the license that may be necessary to effectuate the purposes of this Title;

~~010.13C~~ Be consistent with the zero-release objective.

~~010.14~~ The authority to dispose of wastes expires on the date stated in the license which date shall not exceed a period longer than thirty years or until five million cubic feet of low-level radioactive waste has been received, whichever occurs first. Such expiration applies only to the above ground activities and to the authority to dispose of waste.

~~010.15~~ Bankruptcy.

~~010.15A~~ The licensee shall notify the director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 of the U.S. Code by or against:

~~010.15A1.~~ The licensee;

~~010.15A2.~~ An entity, as defined in 11 U.S.C. 101(14), controlling the licensee or listing the license or licensee as property of the estate; or

~~010.15A3.~~ An affiliate, as defined in 11 U.S.C. 101(2), of the licensee.

~~010.15B~~ The notification shall include the bankruptcy court in which the petition for bankruptcy was filed and the date of the filing of the petition.

~~011~~ Changes.

~~011.01 Except as provided for in specific license conditions, the licensee shall not make changes in the facility or procedures described in the license application. The license shall include conditions restricting subsequent changes to the facility and the procedures authorized which are important to public health and safety. These license restrictions shall include three categories of descending importance to public health and safety as follows:~~

~~011.01A Those features and procedures which may not be changed without:~~

~~011.01A1 60 days prior notice to the department;~~

~~011.01A2 30 days notice of opportunity for a public hearing in the county in which the facility is located; and~~

~~001.01A3 Prior department approval;~~

~~011.01B Those features and procedures which may not be changed without:~~

~~011.01B1 60 days prior notice to the department; and~~

~~011.01B2 Prior department approval;~~

~~011.01C Those features and procedures which may not be changed without 60 days prior notice to the department. Features and procedures falling in 011 shall not be changed without prior department approval.~~

~~011.02 Amendments authorizing site closure, license transfer, or license termination shall be included in 011.01A above.~~

~~011.03 The department shall provide a copy of the notice for opportunity for hearing provided in 011.01A above to appropriate State and local officials, and shall notice the activity in the newspaper nearest to the facility and in a daily newspaper with circulation in the municipality nearest to the facility.~~

~~012 Amendment of license.~~

~~012.01 An application for amendment of a license shall be filed in accordance with 001 above and shall fully describe the changes desired.~~

~~012.02 Supplements or revisions to the information specified in 007 in this Chapter shall be submitted if required by the department.~~

~~012.03 In determining whether an amendment to a license will be approved, the department will apply the criteria in 009 above.~~

~~013 Expiration of License and Application for Closure.~~

~~013.01 An expiration date on a license applies only to the authority to dispose of waste. Failure to file an application for closure shall not relieve the licensee of responsibility for site closure, post-closure observation and transfer of the license to the site owner.~~

~~013.02 An application for closure under 014 must be filed at least 90 days prior to license expiration.~~

~~013.03 Applications for closure shall be filed in accordance with 002 above and 014 below. Information contained in previous applications, statements, or reports filed with the department may be incorporated by reference if the references are clear and specific.~~

~~014 Contents of application for closure.~~

~~014.01~~ Prior to license expiration and final closure of the disposal site, or as otherwise directed by the department, the applicant shall submit an application to amend the license for closure. This closure application shall include a final revision and specific details of the disposal site closure plan included as part of the license application submitted in ~~003.07~~ above that includes each of the following:

~~014.01A~~ Any additional geologic, hydrologic, or other data pertinent to the long-term containment of emplaced wastes obtained during the operational period.

~~014.01B~~ The results of tests, experiments, or other analyses relating to backfill of excavated areas, closure and sealing, waste migration and interaction with emplacement media, or any other tests, experiments, or analysis pertinent to the long-term containment of emplaced waste within the disposal site.

~~014.01C~~ Any proposed revision of plans for:

~~014.01C1~~. Decontamination and/or dismantlement of surface facilities;

~~014.01C2~~. Backfilling of excavated areas; or

~~014.01C3~~. Stabilization of the disposal site for post-closure care.

~~014.01D~~ Any new information regarding the environmental impact of closure activities and long-term performance of the disposal site.

~~014.02~~ Upon review and consideration of an application to amend the license for closure submitted in accordance with ~~014.01~~ above, the department shall issue an amendment authorizing closure if there is reasonable assurance that the long-term performance objectives of Chapter 4 will be met.

~~015~~ Post-closure observation and maintenance.

Following completion of closure authorized in ~~014~~ above, the licensee shall observe, monitor, and carry out necessary maintenance and repairs at the disposal site until the license is transferred by the department in accordance with ~~016~~ below. Responsibility for the disposal site must be maintained by the licensee for five years. A shorter or longer time period for post-closure observation and maintenance may be established and approved as part of the site closure plan, based on site-specific conditions.

~~016~~ Transfer of license.

~~016.01~~ Following closure and the period of post-closure observation and maintenance, the licensee may apply for an amendment to transfer the license to the disposal site owner. The license shall be transferred when the department finds:

~~016.01A~~ The closure of the disposal site has been made in conformance with the licensee's disposal site closure plan, as amended and approved as part of the license;

~~016.01B~~ Reasonable assurance has been provided by the licensee that the performance objectives of Chapter 4 are met;

~~016.01C~~ Any funds and necessary records for custodial care will be transferred to the disposal site owner;

~~016.01D~~ The post-closure monitoring program is operational for implementation by the disposal site owner; and

~~016.01E The institutional control agency is prepared to assume responsibility for institutional control of the disposal site and ensure that the institutional requirements found necessary under 009 will be met.~~

017 Termination of license.

~~017.01 Following any period of institutional control needed to meet the requirements of 009 above, the licensee may apply for an amendment to terminate the license.~~

~~017.02 This application will be reviewed in accordance with the provisions of this Title and the Act.~~

~~017.03 A license shall be terminated only when the department finds:~~

~~017.03A The institutional control requirements found necessary in 009 above have been met;~~

~~017.03B Any additional requirements resulting from new information developed during the institutional control period have been met;~~

~~017.03C Permanent monuments or markers warning against intrusion have been installed and~~

~~017.03D That exclusive use of the lands and appurtenances for disposal of low-level radioactive waste is no longer required to protect the public health, safety, welfare or environment.~~

Enabling Legislation: — Neb. Rev. Stat. §§81-1599; 81-1599.01 81-15,100; 81-15,101.01; 81-15,101; 81-15,101.02 81-15,101.03; 81-15,102; 81-15,102.03; 81-15,106(1) 81-15,106(3) and 81-15,113.02

Legal Citation — Title 194, Ch. 3, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

~~Title 194—Rules And Regulations For The Disposal Of Low Level
Radioactive Waste~~

~~Chapter 4—Performance Objectives~~

~~001 General:~~

~~The facility shall be sited, designed, operated, closed, and controlled after closure with an objective of zero release and with reasonable assurance that exposures to individuals are within the limits established in the performance objectives in 002 through 005 of this Chapter.~~

~~002 Protection of the General Population from Releases of Radioactivity.~~

~~Concentrations of radioactive material which may be released to the general environment in ground water, surface water, air, soil, plants, or animals shall not result in an annual dose exceeding an equivalent of 25 millirems to the whole body, 75 millirems to the thyroid, and 25 millirems to any other organ of any member of the public. Reasonable effort should be made to limit releases of radioactivity in effluents to the general environment as low as is reasonably achievable.~~

~~003 Protection of Individuals from Inadvertent Intrusion.~~

~~Design, operation, and closure of the facility shall ensure protection of any individual inadvertently intruding into the disposal site and occupying the site or contacting the waste at any time after active institutional controls over the disposal site are removed.~~

~~004 Protection of Individuals During Operations.~~

~~Operations at the facility shall be conducted in compliance with the Standards for Protection Against Radiation specified in Title 180, except for releases of radioactivity in effluents from the facility which shall be governed by 002 of this Chapter. Every reasonable effort should be made to maintain radiation exposures as low as is reasonably achievable.~~

~~005 Stability of the Disposal Site after Closure.~~

~~The facility shall be sited, designed, used, operated, and closed to achieve long-term stability of the disposal site and to eliminate, to the extent practicable, the need for ongoing active maintenance of the disposal site following closure so that only custodial care is required.~~

~~Enabling Legislation: Neb. Rev. Stat. §§81-1599 and 81-15,100~~

~~Legal Citation: Title 194, Ch. 4, Nebraska Department of Environmental Quality~~

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

~~Title 194 Rules And Regulations For The Disposal Of Low Level
Radioactive Waste~~

~~Chapter 5 Technical Requirements for Facilities~~

~~001 Disposal site suitability requirements.~~

~~001.01 Near-surface disposal:~~

~~001.01A This section specifies the minimum characteristics a disposal site must have to be acceptable for use as a near-surface facility. The primary emphasis is given to isolation of wastes and to disposal site features that ensure that the long-term performance objectives of Chapter 4 are met.~~

~~001.01B The disposal site shall be capable of being characterized, modeled, analyzed and monitored.~~

~~001.01C A disposal site shall be selected so that projected population growth and future developments are not likely to affect the ability of the facility to meet the performance objectives of Chapter 4.~~

~~001.01D Areas shall be avoided having known natural resources which, if exploited, would result in failure to meet the performance objectives of Chapter 4.~~

~~001.01E The disposal site shall be well drained and free of areas of flooding or frequent ponding. Waste disposal shall not take place in a 100-year flood plain or wetland as defined in Executive Order 11988, 'Floodplain Management Guidelines.'~~

~~001.01F Upstream drainage areas shall be minimal to decrease the amount of runoff which could erode or inundate waste disposal units.~~

~~001.01G The disposal site shall provide sufficient depth to the water table that ground water intrusion, perennial or otherwise, into the waste will not occur. In no case will waste disposal be permitted in the zone of fluctuation of the water table.~~

~~001.01H The hydrogeologic unit used for disposal shall not discharge ground water to the surface within the disposal site.~~

~~001.01I Areas shall be avoided where tectonic processes such as faulting, folding, seismic activity, or vulcanism may occur with such frequency and extent to significantly affect the ability of the disposal site to meet the performance objectives of Chapter 4, or may preclude defensible modeling and prediction of long-term impacts.~~

~~001.01J Areas shall be avoided where surface geologic processes such as mass wasting, erosion, slumping, landsliding or weathering occur with such frequency and extent to significantly affect the ability of the disposal site to meet the performance objectives of Chapter 4, or may preclude defensible modeling and prediction of long-term impacts.~~

~~001.01K~~ The disposal site shall not be located where nearby facilities or activities could adversely impact the ability of the site to meet the performance objectives of Chapter 4 or significantly mask the environmental monitoring program.

~~001.02~~ Engineered structures and barriers shall not be viewed as a planned substitute for a suitable site.

~~002~~ Disposal site design.

~~002.01~~ General design requirement.

~~002.01A~~ Disposal design which uses traditional shallow land burial as used prior to 1979 is not acceptable.

~~002.01B~~ Disposal design shall include above-ground disposal or other technology which contains one or more engineered, artificially constructed barriers to isolate the waste from the surrounding environment.

~~002.01C~~ The disposal cells of the facility shall be built above grade levels and designed to meet the zero-release objective.

~~002.01D~~ The facility design shall include a plan for retrievability and removal of all waste.

~~002.02~~ Near-surface disposal.

~~002.02A~~ Site design features shall be directed toward long-term isolation and avoidance of the need for continuing active maintenance after site closure.

~~002.02B~~ The disposal site design and operation shall be compatible with the disposal site closure and stabilization plan and lead to disposal site closure that provides reasonable assurance that the performance objectives of Chapter 4 will be met.

~~002.02C~~ The disposal site shall be designed to complement and improve, where appropriate, the ability of the disposal site's natural characteristics to assure that the performance objectives of Chapter 4 will be met.

~~002.02D~~ Covers shall be designed to minimize, to the extent practicable, water infiltration, to direct percolating or surface water away from the disposed waste, and to resist degradation by surface geologic processes and biotic activity.

~~002.02E~~ Surface features shall direct surface water drainage away from disposal units at velocities and gradients which will not result in erosion that will require ongoing active maintenance in the future.

~~002.02F~~ The disposal site shall be designed to prevent, to the extent practicable, the contact of water with waste during storage, the contact of standing water with waste during disposal, and the contact of percolating or standing water with wastes after disposal.

~~003~~ Facility operation and disposal site closure.

~~003.01~~ Near-surface disposal operation and disposal site closure.

~~003.01A~~ Wastes designated as Class A pursuant to 006 of this Chapter shall be segregated from other wastes by placing in disposal units which are sufficiently separated from disposal units for the other waste classes so that any interaction between Class A wastes and other wastes will not result in the failure to meet the performance objectives in Chapter 4. This segregation is not necessary for Class A wastes if they meet the stability requirements in ~~007.02~~ of this Chapter.

~~003.01B~~ Wastes designated as Class C pursuant to ~~006~~ of this Chapter shall be disposed of so that the top of the waste is a minimum of 5 meters below the top surface of the cover or shall be disposed of with intruder barriers that are designed to protect against an inadvertent intrusion for at least 500 years. Class C waste shall also be stored or disposed of separately from other types of waste in containers which can be easily monitored and retrieved and shall be handled, stored, and disposed of in a manner consistent with the zero-release objective.

~~003.01C~~ Only waste classified as Class A, B, or C shall be accepted for disposal. All wastes shall be disposed of in accordance with the requirements of ~~003.01D~~ ~~003.01K~~ of this Chapter.

~~003.01D~~ Wastes shall be emplaced in a manner that maintains the package integrity during emplacement, minimizes the void spaces between packages, and permits the void spaces to be filled.

~~003.01E~~ Void spaces between waste packages shall be filled with earth or other material to reduce future subsidence within the fill.

~~003.01F~~ Waste shall be placed and covered in a manner that limits the radiation dose rate at the surface of the cover to levels that at a minimum will permit the licensee to comply with all provisions of Title 180, at the time the license is transferred pursuant to Title 194 Chapter 3, ~~016~~.

~~003.01G~~. The boundaries and locations of each disposal unit shall be accurately located and mapped by means of a land survey. Near-surface disposal units shall be marked in such a way that the boundaries of each unit can be easily defined. Three permanent survey marker control points, referenced to United States Geological Survey (USGS) or National Geodetic Survey (NGS) survey control stations, shall be established on the site to facilitate surveys. The USGS or NGS control stations shall provide horizontal and vertical controls as checked against USGS or NGS record files.

~~003.01H~~ A buffer zone of land shall be maintained between any buried waste and the disposal site boundary and beneath disposed waste. The buffer zone shall be of adequate dimensions to carry out environmental monitoring activities specified in ~~004.04~~ of this Chapter and take mitigative measures if needed.

~~003.01I~~ Closure and stabilization measures as set forth in the approved site closure plan shall be carried out as each disposal unit is filled and covered.

~~003.01J~~ Active waste disposal operations shall not have an adverse effect on completed closure and stabilization measures.

~~003.01K~~ Only low-level radioactive waste shall be disposed of at the disposal site except mixed waste which is solidified, neutralized, and stabilized to the maximum degree practicable prior to shipment to the facility. See Title 128 for any hazardous waste permit which may be required for the facility to accept mixed waste.

~~004~~ Environmental monitoring.

~~004.01~~ At the time a license application is submitted, the applicant shall have conducted a preoperational monitoring program to provide basic environmental data on the disposal site characteristics and those of approved selected media of the surrounding area within a 10km radius of the site. The applicant shall obtain information about the environmental background radioactivity, ecology, meteorology, climate, hydrology, geology, geochemistry, and seismology relative to the disposal site. For those characteristics that are subject to seasonal variation, data shall cover at least a twelve-month period.

~~004.02~~ The licensee shall have plans for recovery, cleanup, or other corrective measures if the environmental monitoring program detects migration of waste or components of such waste which would indicate that the performance objectives of Chapter 4 may not be met.

~~004.03~~ During the facility site construction and operation, the licensee shall maintain a monitoring program. Measurements and observations shall be made and recorded to provide data to evaluate the potential health and environmental impacts during both the construction and the operation of the facility and to enable the evaluation of long-term effects and the need for mitigative measures. The monitoring program shall be capable of providing early warning of releases of waste from the disposal site and shall continue until the license is transferred to the institutional control agency.

~~004.04~~ After the disposal site is closed, the licensee responsible for post-operational surveillance of the disposal site shall maintain a monitoring system based on the operating history and the closure and stabilization of the disposal site. The monitoring system must be capable of providing early warning of releases of waste from the disposal site.

~~005~~ Alternative requirements for design and operations.

The disposal site design specified in ~~002.01~~ above shall comply with the performance objectives of Chapter 4.

~~006~~ Radioactive Waste Classification.

~~006.01~~ Near-surface disposal.

~~006.01A~~ Considerations.

Determination of the classification of low-level radioactive waste involves two considerations. First, consideration shall be given to the concentration of long-lived radionuclides (and their shorter-lived precursors) whose potential hazard will persist long after such precautions as institutional control, improved waste form, and deeper disposal have ceased to be effective. These precautions delay the time when long-lived radionuclides could cause exposures. In addition, the magnitude of the potential dose is limited by the concentration and availability of the radionuclide at the time of exposure. Second, consideration must be given to the concentration of shorter-lived radionuclides for which requirements on institutional control, waste form, and disposal methods are effective.

~~006.01B~~ Classes of waste.

~~006.01B1.~~ Class A waste is waste that is usually segregated from other waste classes at the disposal site. The physical form and characteristics of Class A waste shall meet the minimum requirements in ~~007.01~~ of this Chapter. If Class A waste also meets the stability requirements in ~~007.02~~ of this Chapter, it is not necessary to segregate the waste for disposal.

~~006.01B2.~~ Class B waste is waste that shall meet more rigorous requirements on waste form to ensure stability after disposal. The physical form and characteristics of Class B waste shall meet both the minimum and stability requirements in ~~007~~ of this Chapter.

~~006.01B3.~~ Class C waste, as defined by 10 C.F.R. §61.55 in effect on January 26, 1983, which is adopted and incorporated herein, is waste that not only shall meet more rigorous requirements on waste form to ensure stability but also requires additional measures at the facility to protect against inadvertent intrusion. The physical form and characteristics of Class C waste shall meet both the minimum and stability requirements in ~~007~~ of this Chapter. All material adopted by reference is available and on file with the department and with the Secretary of State.

006.01C Classification determined by long-lived radionuclides. If low-level radioactive waste contains only radionuclides listed in Table 1, classification shall be determined as follows:

006.01C1. If the concentration does not exceed 0.1 times the value in Table 1, the waste is Class A.

006.01C2. If the concentration exceeds 0.1 times the value in Table 1 but does not exceed the value of Table 1, the waste is Class C.

006.01C3. If the concentration exceeds the value in Table 1, the waste is not generally acceptable for disposal.

006.01C4. For wastes containing mixtures of radionuclides listed in Table 1, the total concentration shall be determined by the sum-of-fractions rule in 006.01G of this Chapter.

TABLE 1

RADIONUCLIDE	CONCENTRATION (curies/cubic meter)*
C-14	8
C-14 in activated metal	80
Ni-59 in activated metal	220
Nb-94 in activated metal	0.2
Tc-99	3
I-129	0.08
Alpha-emitting transuranic radionuclides with half-life greater than five years	100*
Pu-241	3,500*
Cm-242	20,000*
Ra-226	100*
* Units are nanocuries per gram.	

006.01D Classification determined by short-lived radionuclides.

If radioactive waste does not contain any of the radionuclides listed in Table 1, classifications shall be determined based on the concentrations shown in Table 2. If the waste does not contain any radionuclides listed in either Table 1 or 2, it is Class A.

006.01D1. If the concentration does not exceed the value in Column 1, the waste is Class A.

006.01D2. If the concentration exceeds the value in Column 1 but does not exceed the value in Column 2, the waste is Class B.

006.01D3. If the concentration exceeds the value in Column 2, but does not exceed the value in Column 3, the waste is Class C.

006.01D4. If the concentration exceeds the value in Column 3, the waste is not generally acceptable for near-surface disposal.

006.01D5. For wastes containing mixtures of the radionuclides listed in Table 2, the total concentration shall be determined by the sum of fractions rule described in 006.01G of this Chapter.

TABLE 2

RADIONUCLIDE	CONCENTRATION (curies/cubic meter)		
	Column 1	Column 2	Column 3
Total of all radionuclides with less than 5-year half-life	700	*	*
H-3	40	*	*
Co-60	700	*	*
Ni-63	3.5	70	700
Ni-63 in activated metal	35	700	7000
Sr-90	.04	150	7000
Cs-137	1	44	4600

*There are no limits established for these radionuclides in Class B or C wastes. Practical considerations such as the effects of external radiation and internal heat generation on transportation, handling, and disposal will limit the concentrations for these wastes. These wastes shall be Class B unless the concentrations of other radionuclides in Table 2 determine the waste to be Class C independent of these radionuclides.

006.01E Classification determined by both long- and short-lived radionuclides.

If the waste contains a mixture of radionuclides, some of which are listed in Table 1, and some of which are listed in Table 2, classification shall be determined as follows:

006.01E1. If the concentration of a radionuclide listed in Table 1 does not exceed 0.1 times the value listed in Table 1, the class shall be that determined by the concentration of radionuclides listed in Table 2.

006.01E2. If the concentration of a radionuclide listed in Table 1 exceeds 0.1 times the value listed in Table 1 but does not exceed the value in Table 1, the waste shall be Class C, provided the concentration of radionuclides listed in Table 2 does not exceed the value shown in Column 3 of Table 2.

006.01F Classification of wastes with radionuclides other than those listed in Tables 1 and 2.

If radioactive waste does not contain any radionuclides listed in either Table 1 or 2, it is Class A.

006.01G The sum of the fractions rule for mixtures of radionuclides.

For determining classification for waste that contains a mixture of radionuclides, it is necessary to determine the sum of fractions by dividing each radionuclide's concentration by the appropriate limit and adding the resulting values. The appropriate limits must be taken from the same column of the same table. The sum of the fractions for the column must be less than or equal to 1.0 if the waste class is to be determined by that column. Example: A waste contains Sr-90 in a concentration of 50 Ci/m³ and Cs-137 in a concentration of 22 Ci/m³. Since the concentrations both exceed the values in Table 2, Column 1, they must be compared to Column 2 values. For

Sr-90 fraction $50/150 = 0.33$; for Cs-137 fraction, $22/44 = 0.5$; the sum of the fractions = 0.83. Since the sum is less than 1.0, the waste is Class B.

006.01H Determination of concentrations in wastes.

The concentration of a radionuclide may be determined by indirect methods such as use of scaling factors which relate the inferred concentration of one radionuclide to another that is measured, or radionuclide material accountability, if there is reasonable assurance that the indirect methods can be correlated with actual measurements. The concentration of a radionuclide may be averaged over the volume of the waste, or weight of the waste if the units are expressed as nanocuries per gram.

007 Radioactive Waste Characteristics.

007.01 The following requirements are minimum requirements for all classes of waste and are intended to facilitate handling at the disposal site and provide protection of health and safety of personnel at the disposal site.

007.01A Waste shall not be packaged for disposal in cardboard or fiberboard boxes.

007.01B Liquid waste shall be solidified or packaged in sufficient absorbent material to absorb twice the volume of the liquid.

007.01C Solid waste containing liquid shall contain as little freestanding and noncorrosive liquid as is reasonably achievable, but in no case shall the liquid exceed 1% of the volume.

007.01D Waste shall not be readily capable of detonation or of explosive decomposition or reaction at normal pressures and temperatures, or of explosive reaction with water.

007.01E Waste shall not contain, or be capable of generating, quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste. This does not apply to radioactive gaseous waste packaged as specified in

007.01G of this Chapter.

007.01F Waste shall not be pyrophoric. Pyrophoric materials contained in waste shall be treated, prepared, and packaged to be nonflammable.

007.01G Waste in a gaseous form shall be packaged at a pressure that does not exceed 1.5 atmospheres at 20°C. Total activity shall not exceed 100 curies per container.

007.01H Waste containing hazardous, biological, pathogenic, or infectious material shall be treated to reduce to the maximum extent practicable the potential hazard from the non-radiological materials.

007.01I Wastes shall be packaged in conformance with the conditions of the license. When the license conditions are more restrictive than these regulations, the license conditions govern.

007.02 The following are minimum requirements intended to provide stability of the waste. Stability is intended to ensure that the waste does not structurally degrade and affect overall stability of the site through slumping, collapse, or other failure of the disposal unit and thereby lead to water infiltration. Stability is also a factor in limiting exposure to an inadvertent intruder, since it provides a recognizable and nondispersible waste.

007.02A Waste shall have structural stability. A structurally stable waste form will generally maintain its physical dimensions and its form, under the expected disposal conditions such as weight of overburden and compaction equipment, the presence of moisture, and microbial activity, and internal factors such as radiation effects and chemical changes. Structural stability

can be provided by the waste form itself, processing the waste to a stable form, or placing the waste in a disposal container or structure that provides stability after disposal.

007.02B Notwithstanding the provisions in 007.01B and 007.01C of this Chapter, liquid wastes, or wastes containing liquid shall be converted into a form that contains as little freestanding and noncorrosive liquid as is reasonably achievable, but in no case shall the liquid exceed 1% of the volume of the waste when the waste is in a disposal container designed to ensure stability, or 0.5% of the volume of the waste for waste processed to a stable form.

007.02C Void spaces within the waste and between the waste and its package shall be reduced to the extent practicable.

008 Labeling.

Each package of waste shall be clearly labeled as Class A waste, Class B waste, or Class C waste as specified in 006 of this Chapter.

009 Institutional requirements.

009.01 Land ownership.

Disposal of low-level radioactive waste received from other persons may be permitted only at a licensed facility on land owned in fee by the federal government or the State of Nebraska.

009.02 Institutional control.

The institutional control agency shall carry out an institutional control program, approved by the department, to physically control access to the disposal site following transfer of control of the disposal site from the disposal site operator. The institutional control program shall also include, but not be limited to, custodial care activities such as carrying out an environmental monitoring program at the disposal site, repair or replacement of monitoring equipment, periodic surveillance, repair of fencing, revegetation, minor additions to soil cover, minor repair of disposal unit covers, general disposal site upkeep such as mowing grass, and other requirements as determined by the department; and administration of funds to cover the costs for these activities as provided in Chapter 6. The period of institutional control will be determined by the department, after public hearing, but may not be less than 100 years following transfer of the license to the department.

009.03 A map of the type, location and quantity of low-level radioactive wastes disposed of at the site shall be filed, within 60 days of transfer of the license to the department, with the Register of Deeds of the county where such land is located and with the department.

Enabling Legislation: Neb. Rev. Stat. §§81-15,100; 81-15,101(4); 81-15,101.02; 81-15,101.04; 81-15,101.05 and 81-15,102

Legal Citation: Title 194, Ch. 5, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

~~Title 194 — Rules And Regulations For The Disposal Of Low Level
Radioactive Waste~~

~~Chapter 6 — Financial Assurance and Insurance~~

~~001 Applicant qualifications and assurances for operational period.~~

~~Each applicant shall show that it either possesses the necessary funds or has written assurance of obtaining the necessary funds, or by a combination of the two, to cover the estimated costs of conducting all licensed activities over the planned operating life of the facility, including costs of construction and disposal, and estimated costs for corrective action or cleanup on real or personal property on and off-site if a release occurs. Financial or surety arrangements include those specified in 002.08 below and shall be submitted annually to the department for review to assure that sufficient funds will be available for the activities described in this section.~~

~~002 Funding for disposal site closure and stabilization.~~

~~002.01 The applicant shall provide written assurance that sufficient funds will be available to carry out disposal site closure and stabilization in the event the licensee abandons the facility or defaults for any reason in performing its licensure or regulatory requirements, including funds for:~~

~~002.01A All final operational activities at a facility to dismantle site structures, to decontaminate site surfaces and remaining structures, to stabilize and contain residual radioactive material, and to carry out any other activities to prepare the site for post-operational care;~~

~~002.01B Corrective action or cleanup on real or personal property on and off-site if a release of radioactive material occurs; and~~

~~002.01C Closure and stabilization of the disposal site so that following transfer of the license to the site owner, the need for ongoing active maintenance is eliminated to the extent practicable and only custodial care is required.~~

~~002.02 These assurances shall be based on department approved cost estimates reflecting the department approved plan for the activities described in 002.01 above. The applicant's cost estimates shall include total costs that would be incurred if an independent contractor were hired to perform such activities.~~

~~002.03 In order to avoid unnecessary duplication and expense, the department will accept financial sureties that have been consolidated with earmarked financial or surety arrangements established to meet requirements of Federal or other State agencies, and/or local governing bodies, for the activities described in 002.01 above. The department will accept this arrangement only if they are considered adequate to satisfy these requirements and that the portion of the surety which covers the activities described in 002.01 above is clearly identified and committed for use in accomplishing these activities.~~

~~002.04 The licensee's financial or surety arrangement shall be submitted annually for review by the department to assure that sufficient funds will be available for completion of the activities described in 002.01 above.~~

~~002.05~~ The amount of the licensee's financial or surety arrangement shall change in accordance with changes in the predicted costs of conducting the activities described in ~~002.01~~ above. Factors affecting closure and stabilization cost estimates include inflation, increases in the amount of disturbed land, changes in engineering plans, closure and stabilization that has already been accomplished and any other conditions affecting costs. The financial or surety arrangement shall be sufficient at all times to cover the costs of closure and stabilization of the disposal units.

~~002.06~~ The financial or surety arrangement shall be written for a specified period of time and shall be automatically renewed unless the person who issues the surety or other financial arrangement notifies the department, the beneficiary (the site owner) and the principal (the licensee) not less than 90 days prior to the renewal date of its intention not to renew. In such a situation the licensee must submit a replacement surety or other financial arrangement within 30 days after notification of cancellation. If the licensee fails to provide a replacement surety or other financial arrangement acceptable to the department, the site owner may collect on the original surety or other financial arrangement.

~~002.07~~ Proof of forfeiture shall not be necessary to collect the surety so that, in the event that the licensee could not provide an acceptable replacement surety or other financial arrangement within the required time, the surety or other financial arrangement shall be automatically collected prior to its expiration. The conditions described above would have to be clearly stated on any surety instrument or other financial arrangement which is not open-ended, and must be agreed to by all parties. Liability under the surety/or other financial arrangement remains in effect until the closure and stabilization program has been completed and approved by the department and the license has been transferred to the disposal site owner.

~~002.08~~ Financial or surety arrangements generally acceptable to the department include surety bonds, cash deposits, certificates of deposits, deposits of government securities, escrow accounts, irrevocable letters or lines of credit, trust funds, and combinations of the above or such other types of arrangements as may be approved by the department. Self-insurance, or any arrangement which essentially constitutes pledging the assets of the licensee or any corporate, legal, or financial affiliate of the licensee is not allowed. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State Agency.

~~002.09~~ All sureties required pursuant to ~~001~~ and ~~002~~ above which are forfeited shall be paid to the department for deposit into the Radiation Site Closure and Reclamation Fund.

~~002.09A~~ Any money in the fund may be expended by the department as necessary to complete the requirements on which the licensee has defaulted.

~~002.09B~~ Money in this fund shall not be used for normal operating expenses of the department.

~~003~~ Financial assurances for institutional control period:

~~003.01~~ Prior to the issuance of the license, the applicant shall provide for department review and approval, a copy of a binding arrangement between the applicant and the disposal site owner that ensures that sufficient funds will be available for deposit into the Radiation Custodial Care Fund to cover the costs of custodial care activities, and corrective action or cleanup on real or personal property on and off-site if a release of radioactive material occurs, during the institutional control period. The binding arrangement will be reviewed annually by the department to ensure that changes in inflation, technology and facility operations are reflected in the arrangements.

~~003.02~~ Subsequent changes to the binding arrangement specified in ~~003.01~~ above relevant to institutional control shall be submitted to the department for approval.

~~003.03 Before transfer of the license to the disposal site owner. The licensee shall make available such funding arrangements as may be necessary to provide for the activities described in 003.01 above.~~

~~003.04 All funds collected from the licensee pursuant to 003.03 above shall be paid to the department for deposit into the Radiation Custodial Care Fund.~~

~~003.04A All interest accrued on money deposited in the fund may be expended by the department for the continuing custodial care, maintenance and other care of the facility from which such funds are collected, as necessary for protection of the public health, safety and environment.~~

~~003.04B The department may, by contract, agreement, lease or license with the Department of Health, provide for the decontamination, closure, reclamation, surveillance, or other care of a facility subject to this section as needed to carry out the purposes of this section.~~

~~003.05 Remedial cleanup costs which become necessary during the period of custodial care shall be assessed first to the facility operator, then if the operator's funds are inadequate, against the generators of radioactive waste proportionately by volume, radioactivity, and waste classification and concentration of the low-level radioactive waste disposed of in the facility.~~

004 Insurance.

~~A licensee shall purchase property and third-party liability insurance during the operational life of a facility and during the site closure and stabilization period in amounts set by the Council prior to license issuance, and shall pay the premiums at all times. If insurance is not commercially available, the burden is on the applicant to make such demonstration.~~

~~Enabling Legislation: Neb. Rev. Stat. §§81-15,100; 81-15,102 and 81-15,103~~

~~Legal Citation: Title 194, Ch. 6, Nebraska Department of Environmental Quality~~

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

**Title 194—Rules And Regulations For The Disposal Of Low-Level
Radioactive Waste**

Chapter 7—Records and Reports

~~001~~ The licensee shall maintain any records and make any reports in connection with the licensed activities as may be required by this Title, the conditions of the license, or by orders of the director.

~~002~~ Records required by this Title or by license conditions shall be maintained for the retention period specified in the appropriate Chapter or license condition. If no period is specified, required records shall be maintained and transferred to the officials specified in Chapter 7, ~~004~~ as a condition of license termination unless the department otherwise authorizes their disposition. If any conflict exists between record retention periods for the same type of record, the longest retention period specified takes precedence.

~~003~~ Records may be the original or a reproduced copy or microform if the reproduced copy or microform is capable of producing copy that is clear and legible at the end of the required retention period. The record may also be stored in electronic media with the capability of producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications shall include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

~~004~~ Notwithstanding Chapter 7, ~~001~~–~~003~~, the licensee shall record the location, the quantity, and class of wastes contained in the disposal site and shall transfer copies of these records upon license termination to the chief executive of the nearest municipality, the local monitoring committee, the chief executive of the county in which the facility is located, the county zoning board or land development and planning agency, the local natural resource district, the state governor and other state, local and federal governmental agencies as designated by the department at the time of license termination.

~~005~~ Following receipt and acceptance of a shipment of waste, the licensee shall record the date of receipt and disposal of the waste, the class and activity of the waste, the location in the disposal site, the condition of the waste packages as received, any discrepancies between materials listed on the manifest and those received, and any evidence of leaking or damaged packages or radiation or contamination levels in excess of limits specified in U.S. Department of Transportation and Title 180 regulations. The licensee shall briefly describe any repackaging operations of any of the waste packages included in the shipment, plus any other information required by the department as a license condition.

~~006~~ Records of Releases.

~~006.01~~ The licensee shall maintain a record of each and every release of contaminants; defined as radioactive material or hazardous substances from low-level radioactive waste that, when released to the environment outside the disposal unit and combined with air, soil, biota, or water, may cause the concentrations of that material or substance to exceed the levels specified in Title 180, or which is reportable as a hazardous substance release in Title 126, Chapter 18. The record shall contain:

~~006.01A~~ Date, time and location of the release;

~~006.01B~~ A description of the occurrences of the release, including the circumstances causing the release, weather conditions at the time of release, number of personnel exposed, and other factors necessary to describe why the release occurred.

~~006.01C~~ The identity and quantity of the contamination released;

~~006.01D~~ Detection levels of the contamination;

~~006.01E~~ Action taken to mitigate any damage from the release;

~~006.01F~~ The steps to be taken by the licensee to prevent similar occurrences from happening in the future.

~~006.01G~~ Other information which the department may require.

~~006.02~~ The licensee shall orally inform the department and the local monitoring committee of the discovery of the release within twenty-four hours, followed by a written confirmation within five days.

~~006.03~~ Records required under this section shall be available to the department and the public for inspection during regular business hours.

~~007~~ The licensee shall file a copy of its financial report or a certified financial statement annually with the department in order to update the information base for determining financial qualifications.

~~008~~ Annual reporting requirements:

~~008.01~~ The licensee shall submit an annual report to the department and the local monitoring committee by the end of the first calendar quarter of each year for the preceding year. An annual report shall include:

~~008.01A~~ Specification of the quantity of each of the principal contaminants released to unrestricted areas in liquid and in airborne effluents during the preceding year and/or the quantity of substances either radioactive or hazardous, released;

~~008.01B~~ The results of the environmental monitoring program;

~~008.01C~~ A summary of licensee disposal unit survey and maintenance activities;

~~008.01D~~ A summary, by waste class, of activities and quantities of radionuclides disposed of;

~~008.01E~~ Any instances in which observed site characteristics were significantly different from those described in the application for a license; and

~~008.01F~~ Any other information the department may require.

~~008.02~~ The report shall specifically address the quantities of waste released during the reporting period, monitoring results, or maintenance performed which are significantly different from those predicted.

~~009~~ The licensee shall comply with Title 180, Chapter 1, subsections 3.23 and 3.27 when transferring radioactive material.

Enabling Legislation: Neb. Rev. Stat. §§81-1599 and 81-15,100

Legal Citation: Title 194, Ch. 7, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

**Title 194 — Rules And Regulations For The Disposal Of Low Level
Radioactive Waste**

Chapter 8 — Tests and Inspections; Landowners Adjacent to Facility

~~001~~ The licensee shall perform, or permit the department to perform, any tests the department deems necessary or appropriate, including but not limited to, tests of:

~~001.01~~ Wastes;

~~001.02~~ The facility used for the receipt, storage, treatment, handling, or disposal of wastes;

~~001.03~~ Radiation detection and monitoring instruments;

~~001.04~~ Other equipment and devices used in connection with the receipt, possession, handling, treatment, storage, or disposal of waste; and

~~001.05~~ Geohydrologic, hydrologic, soil, or other environmental conditions or parameters.

~~002~~ The licensee shall afford to the department at all reasonable times an opportunity to inspect waste not yet disposed of, and the premises, equipment, operations, and facility in which wastes are received, possessed, handled, treated, stored, or disposed.

~~003~~ The licensee shall allow the department to inspect records kept by it pursuant to this Title. Authorized representatives of the department may copy and take away copies of, for the department's use, any record required to be kept pursuant to this Title.

~~004~~ Sampling and analysis for landowners adjacent to facility.

~~004.01~~ Domestic water supplies.

~~004.01A~~ Prior to the facility's receiving waste and for the purpose of establishing background values, the department shall offer to landowners directly adjacent to the facility's boundary, and at no cost to the landowners, a sampling and analysis of their wells and surface waters used for irrigation, livestock and human consumption. The parameters for testing shall be determined by the department. Background as used in ~~004~~ of this Chapter shall have the same meaning as that term is defined in Title 118.

~~004.01B~~ After a facility receives waste, the department shall continue to offer such sampling and analysis on an annual basis and at no cost to the landowner.

~~004.02~~ Agricultural products.

~~004.02A~~ Prior to the facility's receiving waste and for the purpose of establishing background values, the department shall offer to landowners directly adjacent to the facility's boundary, and at no cost to the landowners, a testing of agricultural products produced or raised on the landowners adjacent property for presence of radioactivity. Agricultural products include crops and livestock. The department shall develop a sampling plan for such testing.

~~004.02B After a facility receives waste, the department shall continue to offer to test agricultural products at no cost to the landowner.~~

~~Enabling Legislation: Neb. Rev. Stat. §§81-1599; and 81-15,100; 81-15,101.01 and 81-15,102.02~~

~~Legal Citation: Title 194, Ch. 8, Nebraska Department of Environmental Quality~~

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

~~Title 194—Rules And Regulations For The Disposal Of Low Level
Radioactive Waste~~

~~Chapter 9—Fees and Surcharges~~

001 License Processing Fees.

~~001.01~~ A fee shall be assessed from the license applicants to process, issue or amend the licenses. A license shall not be issued to the applicant until the fees, assessed by the department, have been paid. If the applicant fails to pay to the department any applicable fees or surcharges, the department may suspend processing the license application.

~~001.02~~ In determining the fees, the department shall calculate and itemize the direct costs associated with license evaluation, processing, and monitoring, including application review, meetings and correspondence with the license applicant, license research and drafting time, necessary travel, technical and administrative review of the drafted license, clerical preparation of the license and related tasks, advertising costs for public notice, review of public comments, hearing costs, license processing fee billing, and final license issuance. The department shall apply the current indirect rate to its total direct wages and salary expenses. This method is the approved agency wide procedure for recovering indirect costs from its federal programs.

~~001.03~~ The department shall maintain itemized records of staff time and costs incurred in the processing of a license application. License processing fees shall apply without regard to whether a license is issued, denied or requested to be inactivated prior to issuance or thereafter.

001.04 Fees.

~~001.04A~~ An application for a license shall be accompanied by a filing fee of two hundred seventy-five thousand dollars (\$275,000.).

~~001.05~~ All fees and surcharges shall be made payable to the State of Nebraska.

~~001.05A~~ Except as provided in 004, 005 and 006 below, any fees or surcharges collected pursuant to this section shall be deposited into the Low-Level Radioactive Waste Cash Fund.

~~001.05B~~ The Low-Level Radioactive Waste Cash Fund shall be administered by the department.

~~001.05C~~ Where the fees assessed in accordance with 001.02 above are less than the filing fee set forth in 001.04 above, the department shall refund the balance to the applicant.

~~001.05D~~ Where the fees assessed in accordance with 001.02 above exceed the filing fee set forth in 001.04 above, the applicant shall be billed the balance.

002 Annual License Administration Fees.

~~002.01~~ An annual administration fee shall be assessed to the licensees based upon direct and indirect costs.

~~002.02~~ In determining the annual fees, the department shall calculate and itemize the cost of monitoring the licensed facility, inspections of the facility or other site visits, reviewing the compliance of the facility with the associated license conditions, general legal costs incurred by the department, or other tasks related to administering the license program.

~~002.03~~ The department shall maintain itemized records of staff time and costs incurred in the administration of a license.

~~002.04~~ An annual fee of \$200,000. shall be made payable to the State of Nebraska and shall be due July 1.

~~002.04A~~ Where the fees assessed in accordance with ~~002.02~~ above are less than the fee set forth in ~~002.04~~ above, the department shall refund the balance to the licensee.

~~002.04B~~ Where the fees assessed in accordance with ~~002.02~~ above exceed the fee set forth in ~~002.04~~ above, the licensee shall be billed the balance and shall pay the balance within 30 days of receipt.

~~003~~ Surcharges to cover the annual budget of the Central Interstate Low-level Radioactive Waste Compact Commission (reserved).

~~004~~ Local Site Selection Committees' Fees.

The notification required by Chapter 11, ~~001.01~~ shall be accompanied by any fee required by the Act and shall be payable to the "State of Nebraska Local Site Selection Cash Fund". Any unexpended balance shall be remitted to the developer.

~~005~~ Local Monitoring Committee Fees.

By January 15, of each calendar year, the developer shall pay a fee as determined by the director consistent with Nebraska Statutes and any legislative appropriation(s) payable to the "State of Nebraska Local Monitoring Committee Cash Fund".

~~006~~ Surcharges for Community Improvements Cash Fund.

~~006.01~~ When the facility begins operation, the licensee shall levy, collect, and remit to the department a surcharge on the rates charged to users of the facility which is sufficient to raise two million dollars per year for the Community Improvements Cash Fund together with any adjustments as described in ~~006.02~~ below.

~~006.02~~ On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the licensee by an amount equal to the Percentage increase in the Consumer Price Index (CPI) or, if publication of the CPI is discontinued, by a comparable index selected by the director.

~~006.03~~ The Community Improvements Cash Fund shall be under the direction of the department.

~~007~~ Failure to pay fees or surcharges.

If a licensee fails to pay any applicable fees or surcharges, the department may suspend or revoke the license or the director may issue an order.

~~008~~ Any costs incurred by the State of Nebraska that exceed the fees or surcharges collected pursuant to ~~002~~ and ~~003~~ above shall be recovered through a special assessment against those generators of waste which used the facility during the previous two years. The director shall compute the amount due from each generator based on ratio of the fees or surcharges collected by the licensee from a particular

~~generator during the two year period to the total fees or surcharges collected by the licensee from all generators during such two year period.~~

~~008.01 Any special assessment collected pursuant to this section shall be remitted to the State of Nebraska and shall be credited to the Low-Level Radioactive Waste Cash Fund.~~

~~Enabling Legislation: Neb. Rev. Stat. §§81-15,101.01; 81-15,104 and 81-15,113.01~~

~~Legal Citation: Title 194, Ch. 9, Nebraska Department of Environmental Quality~~

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

~~Title 194 Rules And Regulations For The Disposal Of Low Level
Radioactive Waste~~

~~Chapter 10 Public Participation~~

001 Public Hearing:

~~001.01 Once an application is reviewed and a draft environmental impact analysis and draft safety evaluation report are prepared, the director shall hold a public fact-finding hearing in the county in which the proposed facility is to be located for the purpose of soliciting public comment. All testimony at the public hearing shall be recorded.~~

~~001.01A Public notice of the public hearing is outlined in 001.01C below. At the time public notice is given, several copies of the draft environmental impact analysis and draft safety evaluation report shall be available to the public at each public location which contains a complete license application as amended and supplemented.~~

~~001.01B At the time of public notice, the director shall send a fact sheet to the applicant and, on request, to any other person.~~

~~001.01B1. Each fact sheet shall contain:~~

~~001.01B1.a A brief description of the facility;~~

~~001.01B1.b The class and quantity of wastes which are proposed to be disposed of;~~

~~001.01B1.c The statutory or regulatory provisions on which license requirements are based;~~

~~001.01B1.d A description of the procedures for the formulation of final determination, including the beginning and ending dates of the comment period, address where comments should be sent, and any other procedures by which the public may participate; and~~

~~001.01B1.e Name and telephone number of a person to contact for additional information.~~

~~001.01B2. A fact sheet shall also be accompanied by a written analysis on the impact of the facility on the environment. The analysis shall address each subject listed in Public Law 91-190, Title I, section 102(2)(c), 83 Stat. 853, and supporting regulations, which shall also include:~~

~~001.01B2.a An assessment of the radiological and nonradiological impacts to the public health;~~

~~001.01B2.b An assessment of any impact on any waterways and groundwater;~~

001.01B2.c Consideration of alternatives to the activities to be conducted, including alternative sites and engineering methods; and

001.01B2.d Consideration of the long-term impacts, including closure, decommissioning, decontamination, and reclamation of the facility and management of any radioactive materials which will remain on the site after such closure, decommissioning, decontamination, and reclamation.

001.01C Public Notice and Public Comment Period.

001.01C1. A public notice of a the public hearing shall be issued by circulating the notice in the geographical area of the proposed facility through publication in a daily or weekly newspaper with general circulation, and by broadcasting over local radio stations; and mailed to the applicant, any unit of local government having jurisdiction over the area where the facility is proposed to be located, to all municipalities within fifty miles of the proposed facility, and to any other person or group on request or on a department mailing list to receive public notices. Appropriate state and federal agencies including any affected states, shall also be mailed a copy of the notice.

001.01C2. Persons will have 90 days from issuance of public notice to provide the director with any written comments concerning the proposed facility for which the public notice has been issued. This comment period may be extended for an additional 60 days upon petition, and for good cause shown.

001.01C3. Content of Public Notice.

The public notice shall contain:

001.01C3.a Name, address and phone number of the department;

001.01C3.b The name and address of the applicant, and if different, the facility;

001.01C3.c A brief description of each applicant's activities or operations described in the application;

001.01C3.d A brief description of the comment procedures and the time and place of the public hearing that will be held, including a statement of procedures for public participation.

001.01C3.e The address, phone number and name of the person from whom interested persons may obtain further information, and inspect and copy forms and related documents; and

001.01C3.f Date, time, and place of the hearing.

001.01C4. In addition to the general public notice described above, the applicant, appropriate federal and state agencies and other government authorities, including any affected states, shall be mailed a copy of the fact sheet.

001.01D Response to Comments.

001.01D1. After a public hearing is held to solicit comments on the draft analysis and draft report, the director shall prepare a response to comments. This response shall:

001.01D1.a Briefly describe and respond to all significant comments raised during the public comment period or during the hearing.

~~001.01D1.b~~ The response to comments shall be placed at each public location which contains a complete license application as amended and supplemented. Notification of the availability of the response to comments shall be made by circulating a notice in the geographical area of the proposed facility in a daily or weekly newspaper with general circulation and by mail to each person or entity who submitted comments.

002 Proposed License Decision

~~002.01~~ After the public hearing described in 001 above is held, the director shall tentatively decide whether to prepare a draft license or deny the application for a license.

~~002.02~~ If the director tentatively decides to prepare a draft license, he or she shall schedule a public hearing in the county in which the proposed facility is to be located, and shall follow the public notice and participation procedures outlined in 002.04 below.

~~002.03~~ If the director tentatively decides to deny the application for a license, he or she shall issue a notice of intent to deny and shall follow the public notice and participation procedures outlined in 002.04 below.

002.04 Public Notice and Public Comment Period.

~~002.04A~~ A public notice of a draft license or intent to deny shall be issued by circulating the notice as provided in 001.01C1 above.

~~002.04B~~ Persons shall have 90 days from issuance of public notice to provide the director with any written comments concerning the action for which the public notice has been issued. This comment period may be extended for an additional 60 days upon petition, and for good cause shown. A public fact-finding hearing shall be held in the county in which the proposed facility is to be located. All testimony at a public hearing shall be recorded.

002.04C Content of Public Notice.

The public notice of the proposed decision shall contain:

~~002.04C1.~~ Name, address and phone number of the department;

~~002.04C2.~~ The name and address of the applicant, and if different, the facility;

~~002.04C3.~~ A brief description of the applicant's activities or operations described in the application;

~~002.04C4.~~ A statement of the proposed determination to issue or deny a license for the activity described in the application and, if applicable, information that a proposed draft license has been prepared;

~~002.04C5.~~ A brief description of the comment procedures, the date, time and place of the hearing, including a statement of procedures by which the public may participate; and

~~002.04C6.~~ The address, phone number and name of the person from whom interested persons may obtain further information and a description of the public locations containing a copy of the proposed decision and related documents.

002.05 Response to Comments.

~~002.05A~~ After any public comments are received and public hearing is held to solicit comments on the proposed decision as specified above, the director shall issue a response to comments, and shall make a license decision. This response to comments shall:

~~002.05A1. Specify which provisions, if any, of the draft license have been changed in the license decision, and the reasons for the change; and~~

~~002.05A2. Briefly describe and respond to all significant comments raised during the public comment period, or during the hearing.~~

~~002.05A3. The response to comments shall be placed at each public location which contains a complete license application as amended and supplemented. Notification shall be made by circulating a notice in the geographical area of the proposed facility in a daily or weekly newspaper with general circulation and by mail to each person or entity who submitted comments.~~

~~003 License Decision; Contested Case.~~

~~003.01 At the time that a decision on the license is made a public notice of such decision shall be issued by circulating the notice as provided in 001.01C1. above. Any person aggrieved by such decision may, within 30 days of the publication of notice of such decision, file a written petition for a contested case in accordance with the department's rules of practice and procedure.~~

~~003.02 The contested case hearing shall be conducted in accordance with the department's rules of practice and procedure.~~

~~004 Final License Decision; Appeal.~~

~~004.01 Any final decision of the director may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.~~

Enabling Legislation: — Neb. Rev. Stat. §§81-15,106(4) and 81-15,107

Legal Citation: — Title 194, Ch. 10, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

~~Title 194—Rules And Regulations For The Disposal Of Low-Level
Radioactive Waste~~

~~Chapter 11—Local Monitoring Committee~~

001 Purpose and Structure.

~~001.01~~ The developer shall send written notification by certified or registered mail to the Governor and the Legislature of the selection of three proposed sites by January 1, 1989. Within 30 days after such notification, a local monitoring committee shall be established for each proposed site. The local monitoring committees shall cease to exist within 30 days after a site is selected, except the committee for the selected site, and shall finish all business within that period of time including payment of bills and remittance to the department of any unexpended balance. The committees shall represent the interests of the citizens of the site areas and shall maintain communication with the developer and the department to assure protection of the public health and safety and the protection of the air, land, and water resources of the area. The committees shall provide significant input concerning local needs and resources regarding all relevant aspects of the site selection. After a site is selected, the remaining committee shall provide significant input concerning local needs and resources regarding all relevant aspects of the construction, operation, monitoring, closure, and custodial care of the facility.

~~001.02~~ Each local monitoring committee shall be composed of the following members, all of whom shall be residents of Nebraska:

~~001.02A~~ Two members selected from municipalities which have zoning jurisdiction within fifteen miles of the proposed site or, if there are no such municipalities, from the municipality in closest proximity to the proposed site, to be appointed by the chief executive officer of each municipality or by the governing body if there is no chief executive officer;

~~001.02B~~ Two members from the county of the proposed site, to be appointed by the governing body of the county. One member shall be an owner of real property that is within a three-mile radius of the proposed site and one member shall be an at-large member;

~~001.02C~~ Two members appointed by the board of directors of the natural resources district of the proposed site; and

~~001.02D~~ Four members to be appointed by the Governor who reside within fifty miles of the proposed site, one of whom represents conservation, one of whom represents agriculture, and one of whom is an at large member, and one of whom is the chief of a fire department located within fifteen miles of the proposed site.

~~001.03~~ The Department shall, within 5 days after receipt of notification specified in ~~001.01~~ above, contact the municipality, county, natural resources district, and the Governor, as described in ~~001.02~~ above, that a local monitoring committee is to be established. Those notified shall submit the names of their selected representatives to the Department prior to the first meeting of each committee.

002 Procedure.

~~The committee shall convene its first meeting within 15 days after its membership is established. The meeting shall be held in the county seat of the county in which the proposed facility is to be located. The committee shall hold meetings at such times and places as needed to fulfill its purpose. At least one meeting shall be held annually. A majority of the members of the committee shall constitute a quorum for purposes of conducting business. The committee shall elect its own officers which shall include a chairperson, a vice-chairperson and such other officers as the committee shall choose. Committee members shall be entitled to be reimbursed for actual expenses incurred in the line of duty in the same manner as provided in Neb. Rev. Stat. Sections 81-1174 to 81-1177 for state employees. The committee shall prepare and transmit annual reports of its activities to the Department.~~

003 Communication.

~~Within 30 days after the committee is established, it shall schedule a series of information exchange meetings to allow discussion of the facility and provide an opportunity for citizen input. It shall also schedule meetings for the purpose of public discussion upon request of the public or member of the committee. The committee shall provide notice prior to each meeting to the general populace of the area. Each information exchange meeting shall provide an opportunity for the applicant to explain its proposal, and for the public to comment. The committee shall conduct the meeting in a manner intended to facilitate public participation. The committee may request the developer to supply information for the committee or answer issues raised by the public.~~

004 Needs Assessment.

~~The committee shall assess the needs of the community in relation to the resources identified in 005 below and input gathered through public meetings. It may request that the applicant address the needs identified and provide specific analysis of the manner in which its proposal will fulfill these needs. Needs assessed may include but are not limited to the following:~~

~~004.01 Environmental protection;~~

~~004.02 Resource protection;~~

~~004.03 Financial assistance needed to improve and maintain infrastructure needed as a result of siting the facility in the area;~~

~~004.04 Protection of areas where people live, work and congregate; and~~

~~004.05 Protection of local agriculture, business, industry, and property values.~~

005 Local Resources.

~~The committee shall study and identify local resources which may be impacted by the facility. These may include but are not limited to the following:~~

~~005.01 Natural resources, including lakes, streams, mineral deposits, ground water, and fish and wildlife habitat;~~

~~005.02 Agricultural resources, including types of agriculture in the area and potential impact upon them by the facility;~~

~~005.03 Local business and industry and potential impact upon them by the facility;~~

~~005.04 Sites and areas having historical archaeological, cultural or religious significance including Native American sacred sites;~~

~~005.05 Recreation facilities and resources;~~

~~005.06~~ Tourist attractions;

~~005.07~~ Population areas;

~~005.08~~ Facilities which may be relevant to the location of the facility, including schools, hospitals, churches or other facilities; and

~~005.09~~ Transportation routes.

~~006~~ Support Services.

The committees may hire clerical staff and purchase office supplies. Except for a qualified inspector as provided in ~~008.02~~ below, committees may not hire professional or technical staff but may contract for professional or technical services.

~~007~~ Recommendations.

Upon completion of public meetings, needs assessment, and resource identification, the committee may give any recommendations to the department regarding the facility or site. Within 30 days of receipt, the department shall respond to all recommendations, in writing.

~~008~~ Monitoring.

~~008.01~~ Upon application for a license, the committee may monitor site planning, construction and operation of the facility, transportation, closure and custodial care activities. The committee shall have access to all aspects of the construction and operation of the facility including records of classes and quantities of waste received.

~~008.02~~ After a license is issued, the committee may hire or contract with a qualified inspector who shall be a licensed professional engineer, hydrologist, geologist, health physicist or other technical expert. The inspector shall have the right of independent access to the facility during reasonable hours and may review all records and activities at the facility and carry out joint inspections with the department. The inspector shall report any violations to the department for appropriate action.

~~008.03~~ If the committee determines there is an actual or imminent threat of a release of radioactivity from the facility, it may request the department to close the facility. The department shall respond to the committee in writing within seven days of the request.

Enabling Legislation: ~~_____~~ Neb. Rev. Stat. §81-15,101.01

Legal Citation: ~~_____~~ Title 194, Ch. 11, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

~~Title 194—Rules And Regulations For The Disposal Of Low-Level
Radioactive Waste~~

~~Chapter 12—Cash Funds~~

001 ~~Local Site Selection Cash Fund.~~

001.01 ~~Purpose.~~

~~Payment under this fund is for all reasonable and necessary costs of the local monitoring committees which exist until a site is selected.~~

001.02 ~~Application.~~

~~Each committee may apply to the department, on forms provided by the department, for a one-time grant not to exceed the amount appropriated by the Legislature. An application must be received by the department no later than 45 days after the committee is formed.~~

001.03 ~~Award.~~

~~001.03A The Director shall award the grant if he or she finds that the committee's composition satisfies the requirements of Chapter 11, 001.02, and that proposed expenditures of the committee meet the purpose described in this section and as provided in Chapter 11.~~

001.04 ~~Conditions.~~

~~001.04A By March 1 of the year following the grant award, each grantee shall provide the department a written accounting of grant money expended.~~

~~001.04B If the department determines that the grant was not expended in furtherance of the purpose as described in this section or as provided in Chapter 11, or any unexpended balance exists, the grantee shall remit to the department that amount of the grant which was not properly expended or any unexpended balance.~~

~~001.04C The department may audit a grantee's records on expenditures.~~

002 ~~Local Monitoring Committee Cash Fund.~~

002.01 ~~Purpose.~~

~~Payment under this fund is for all reasonable and necessary costs of the local monitoring committee which continues to exist after a site is selected.~~

002.02 ~~Distribution.~~

~~002.02A The committee may request from the department, the annual amount appropriated by the Legislature.~~

~~002.02B~~ The director shall distribute the money from the fund if he or she finds that the proposed expenditures of the committee meet the purpose described in this section and as provided in Chapter 11.

~~002.03~~ Conditions.

~~002.03A~~ No more than 30 days after each calendar quarter, the committee shall file with the department, a report 1) documenting the specific purposes for which money was expended, and 2) including a balance statement current to the end of the last complete calendar quarter.

~~002.03B~~ The department shall audit a committee's records on expenditures.

~~002.03C~~ If the department determines that the funds were not properly expended in furtherance of the purpose described in this section or as provided in Chapter 11, the committee shall remit to the department that amount of the funds which were not properly expended or any unexpended balance.

~~003~~ Community Improvements Cash Fund.

~~003.01~~ Purpose.

~~Payment under this fund is made to the community(ies) which are under active consideration to host the facility. Community for purposes of this fund, shall mean the county where the site is proposed and the municipality(ies) in that county.~~

~~003.02~~ Distribution.

~~003.02A~~ Each community under active consideration to host a facility is eligible to receive from the department an annual amount appropriated by the legislature to be used for public purposes as provided in Section 81-15,113.01 of the Act.

~~003.02B~~ The department shall distribute money from the fund to the community as follows:

~~003.02B1.~~ Prior to final site selection;

~~003.02B2.~~ After final site selection;

~~003.02B3.~~ Once the facility is operational and during the operational life of the facility.

~~003.03~~ Conditions.

~~003.03A~~ By March 1 of the year following the cash fund distribution, the recipients shall provide the department a written accounting of money expended.

~~003.03B~~ The department shall audit a recipient's records on expenditures.

~~003.03C~~ If the department determines that the funds were not expended for a public purpose(s), the recipient shall remit to the department that amount of the funds which were not properly expended.

Enabling Legislation: Neb. Rev. Stat. §§81-15,101-01 and 81-15,113.01

Legal Citation: Title 194, Ch. 12, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

~~Title 194 - Rules And Regulations For The Disposal Of Low Level
Radioactive Waste~~

~~Chapter 13 - Civil Penalties; Civil Penalties; Emergency Order~~

~~001 Civil penalties may be imposed by the department for violations of this Title, the Act, orders of the director, or license terms, conditions, or limitations pursuant to the procedures specified in Neb. Rev. Stat. §§81-15,112.~~

~~002 Except as provided in this Title, proceedings before the department are governed by Title 115, Rules of Practice and Procedure.~~

~~003 If an emergency exists requiring action to be taken to protect public health and safety or there is potential hazard to public health, safety and the environment, the director may, without notice or hearing, issue an order requiring action to be taken by the licensee to meet the emergency. Such order may also require the facility be temporarily or permanently closed. The order shall be effective immediately. The licensee shall comply immediately, but on application to the director within 10 days after receipt of notice, shall be afforded a hearing not later than 10 days after the director receives the request. On the basis of such hearing, the director shall continue, modify or revoke such order within 30 days after such hearing. If the order is continued for temporary closure, such order shall recite that the facility remain closed as long as is necessary for remedial action and throughout the period of facility cleanup and stabilization. If a facility that has been temporarily closed is reopened by the director, the department shall issue a news release explaining its reasons for authorizing the reopening.~~

~~Enabling Legislation: — Neb. Rev. Stat. §§81-15,100-81-15,108 and 81-15,112~~

~~Legal Citation: — Title 194, Ch. 13 Nebraska Department of Environmental Quality~~

NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

~~Title 194—Rules And Regulations For The Disposal Of Low Level
Radioactive Waste~~

~~Chapter 14—Severability~~

~~001 If any Chapter, subsection, or section of these regulations shall be held invalid, it shall conclusively be presumed the Council would have enacted the remainder of these regulations not directly related to such Chapter, subsection or section.~~

~~Enabling Legislation: Neb. Rev. Stat. §81-15,100~~

~~Legal Citation: Title 194, Ch. 14, Nebraska Department of Environmental Quality~~

~~NEBRASKA ADMINISTRATIVE CODE
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Title 194—Rules And Regulations For The Disposal Of Low-Level
Radioactive Waste~~

~~Chapter 15—Effective Date~~

~~001 These regulations shall become effective five (5) days after filing with the Secretary of State.~~

~~Enabling Legislation: — Neb. Rev. Stat. §84-907~~

~~Legal Citation: — Title 194, Ch. 15, Nebraska Department of Environmental Quality~~