

# Chapter 173-326 WAC

## COMMERCIAL LOW-LEVEL RADIOACTIVE WASTE DISPOSAL—SITE USE PERMITS

### WAC

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**WAC 173-326-010 Purpose.** The purpose of this chapter is to institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility (RCW 43.200.080(4)). These rules are in addition to applicable requirements of the United States Nuclear Regulatory Commission (NRC), the United States Department of Transportation (DOT), the requirements of the department of health, Title 246 WAC, other requirements of Title 173 WAC, and conditions of the license issued to the disposal site operator(s).

[Statutory Authority: Chapter 43.200 RCW. WSR 92-24-101 (Order 91-52), § 173-326-010, filed 12/2/92, effective 3/1/93. Statutory Authority: RCW 43.200.080. WSR 88-18-098 (Order 88-27), § 173-326-010, filed 9/7/88; WSR 87-14-078 (Order 87-11), § 173-326-010, filed 7/1/87.]

**WAC 173-326-020 Definitions.** (1) For the purposes of chapter 173-326 WAC, "low-level radioactive waste" means any radioactive waste which is acceptable for disposal at the Hanford commercial radioactive waste disposal facility.

(2) "Broker" means a person who performs one or more of the following functions for a low-level radioactive waste generator, provided it shall not mean a carrier whose sole function is to transport such low-level radioactive waste:

(a) Arranges for transportation of the low-level radioactive waste;

(b) Collects and/or consolidates shipments of such low-level radioactive waste;

(c) Processes such low-level radioactive waste in some manner.

(3) "Department" means the department of ecology.

(4) "Generator" means the last person who puts radioactive material to practical use, and who then declares it to be no longer of use or value.

(5) "Shipment" means the total low-level radioactive waste material transported in one vehicle.

(6) "Packager" means broker for the purposes of chapter 173-326 WAC.

(7) "Nuclear utility" means any operating or inactive nuclear utility.

[Statutory Authority: Chapter 43.200 RCW. WSR 92-24-101 (Order 91-52), § 173-326-020, filed 12/2/92, effective 3/1/93. Statutory Authority: RCW 43.200.080. WSR 87-14-078 (Order 87-11), § 173-326-020, filed 7/1/87.]

(12/2/92)

### WAC 173-326-030 Requirements for generators and brokers using the Hanford low-level radioactive waste disposal facility.

(1) Each generator and broker of low-level radioactive waste shall obtain a new site use permit for disposal of waste at the Hanford commercial radioactive waste disposal facility by March 1, 1993. Permits shall be renewed annually to maintain the permit in active status. Failure to obtain a new permit by March 1, 1993, or to renew a permit in subsequent years, will result in the generator or broker being placed in inactive status. Reinstatement to active status will require the generator or broker to submit additional payment as specified in WAC 173-326-050 (1)(e).

(2) Generator and broker permit application requirements.

(a) Each generator and broker shall pay the site use permit fees as required in chapter 173-326 WAC.

(b) An application for a site use permit shall be filed on the department form provided.

(c) Each application must be signed by an individual authorized to sign on behalf of the organization.

(d) To ensure timely renewal, generators and brokers need to submit their applications for site use permit renewal a minimum of four weeks prior to the expiration date of their permit. Renewal notices will be sent to generators approximately three months prior to the permit expiration date.

(3) Number of permits required by each generator.

(a) Generators who own multiple facilities within the same state may apply for one permit, provided the same contact person within the generator's company will be responsible for responding to the department of ecology for matters pertaining to the waste shipments. Otherwise separate permits will be required.

(b) Facilities which are owned by the same generator and located in different states will require separate permits.

(c) Facilities who both generate and broker wastes must obtain separate generator and broker permits.

(4) Additional generator and broker requirements.

(a) Permittees must provide additional information as requested by the department of ecology for the safe management of low-level radioactive waste in the state of Washington.

(b) A broker must ensure that a generator has a current, unencumbered site use permit prior to shipment of that generator's waste to the Hanford commercial radioactive waste disposal facility located in the state of Washington, and that the waste will arrive at the disposal facility prior to the expiration date of the generator's permit.

(c) A broker shall ensure all low-level radioactive waste contained within a shipment accepted for disposal at the Hanford commercial radioactive waste disposal facility in the state of Washington is traceable to the original generators and states, regardless of whether the waste is shipped directly

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from the point of generation to the disposal facility, or shipped through a licensed service facility such as a facility for recycling, processing, compacting, incinerating, collecting, or brokering waste.

[Statutory Authority: Chapter 43.200 RCW. WSR 92-24-101 (Order 91-52), § 173-326-030, filed 12/2/92, effective 3/1/93. Statutory Authority: RCW 43.200.080. WSR 88-21-072 (Order 88-41), § 173-326-030, filed 10/18/88; WSR 87-14-078 (Order 87-11), § 173-326-030, filed 7/1/87.]

**WAC 173-326-040 Payment procedures.** (1) Generator payment procedures.

Each application shall be accompanied by full payment of the generator fee as required in WAC 173-326-050 (1)(c). Generators who fail to apply for a permit by March 1, 1993, or fail to maintain a permit in active status, must also include payment of the reinstatement fee as required in WAC 173-326-050 (1)(e).

(2) Broker fee payment procedures.

Each application shall be accompanied by full payment of the broker fee as required in WAC 173-326-050(2). Brokers who fail to apply for a permit by March 1, 1993, or fail to maintain a permit in active status, must also include payment of the reinstatement fee as required in WAC 173-326-050 (1)(e).

[Statutory Authority: Chapter 43.200 RCW. WSR 92-24-101 (Order 91-52), § 173-326-040, filed 12/2/92, effective 3/1/93. Statutory Authority: RCW 43.200.080. WSR 88-18-098 (Order 88-27), § 173-326-040, filed 9/7/88; WSR 87-14-078 (Order 87-11), § 173-326-040, filed 7/1/87.]

**WAC 173-326-050 Permit fees.** (1) Generator site use permit fee.

(a) For the purpose of assessing generators permit fees (other than nuclear utilities, new generators, and applicants requiring reinstatement), the total annual volume (cubic feet) deposited by each generator during the previous calendar year will be used. Nuclear utilities fees will be based on the ratio found in (b) of this subsection.

(b) The annual site use permit fee for generators shall be determined by the following ratio:

Classification	Ratio
< 50 cubic feet	1x
≥ 50 < 500 cubic feet	2x
≥ 500 < 1000 cubic feet	5x
≥ 1000 < 2500 cubic feet	10x
≥ 2500 cubic feet	35x
Nuclear Utilities	100x

The value of x, which represents the annual base fee, will be published in the *Washington State Register* pursuant to (c) of this subsection.

(c) Fees will be adjusted annually, as required, utilizing the 1x:2x:5x:10x:35x:100x ratio. Fee rates will be published in the *Washington State Register* and distributed to generators by the first day of each calendar year.

(d) A new generator's permit fees will be based on the generator's estimate of the volume (cubic feet) of waste requiring disposal during the first year. If a generator's waste deposits exceed the generator's volume projection, the permit will be suspended until additional fees are paid. Overpayment

will be credited toward the site use permit fee for the subsequent year.

(e) A generator or broker who has not obtained a new permit by March 1, 1993, or fails to maintain annual renewal of the permit shall include an additional payment of one thousand dollars. The permit fee for these generators will be based on the volume of waste disposed during the most recent calendar year in which waste was disposed.

(2) Broker site use permit fee. The annual cost of a permit for a broker shall be one thousand dollars.

[Statutory Authority: Chapter 43.200 RCW. WSR 92-24-101 (Order 91-52), § 173-326-050, filed 12/2/92, effective 3/1/93.]

**WAC 173-326-060 Requirements for site operator.**

The site operator shall provide the department of ecology with information on each waste shipment accepted for disposal at the site as requested by the department.

[Statutory Authority: Chapter 43.200 RCW. WSR 92-24-101 (Order 91-52), § 173-326-060, filed 12/2/92, effective 3/1/93.]