

LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.

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Compact Export and Import Permit Requirements

*Prepared by the Disused Sources Working Group
of the Low-Level Radioactive Waste Forum*

The Low-Level Radioactive Waste Policy Act of 1980 and subsequent Amendments Act of 1985 (P.L. 99-240) made the states responsible for providing for the disposal of low-level radioactive waste generated within their borders. The legislation acknowledges that the “waste can be most safely and efficiently managed on a regional basis” and encouraged the formation of regional compacts to manage low-level radioactive waste on a regional basis. Title II of P.L. 99-240 provided Congressional consent to the original compacts. Congress provided consent to the additional compacts through separate legislation. All compacts have the authority to limit the import of low-level radioactive waste into the compact region. Most also have authority to limit the export of low-level radioactive waste out of the region.

Forty-two states joined together to form 10 regional compacts. These compacts are shown in Figure 1. The remaining states and territories are unaffiliated with a compact region and do not have the authority to limit import and export of low-level radioactive waste in their state or territory.

The Low-Level Radioactive Waste Policy Amendments Act of 1985 provides the following definition for low-level radioactive waste:

Low-level Radioactive Waste -

(A) IN GENERAL – The term "low-level radioactive waste" means radioactive material that–

- (i) is not high-level radioactive waste, spent nuclear fuel, or byproduct material (as defined in section 11e.(2) of the Atomic Energy Act of 1954 (42 USC 2014(e)(2))); and
- (ii) the Nuclear Regulatory Commission, consistent with existing law and in accordance with paragraph (A), classifies as low-level radioactive waste.

(B) EXCLUSION–The term ‘low-level radioactive waste’ does not include byproduct material (as defined in paragraphs (3) and (4) of section 11e. of the Atomic Energy Act of 1954 (42 USC 20) Non-sited

The enabling legislation for all ten operating low-level radioactive waste compacts was approved by Congress and therefore constitutes federal law. Some of the compacts include jurisdiction over wastes comprised of naturally occurring radioactive material (NORM) and technologically enhanced naturally occurring radioactive material (TENORM).

NORM is present in the environment, certain building products made from mined materials, and in fertilizer. NORM can be either diffuse (large volume, low concentration) or discrete (small volume, large concentration).

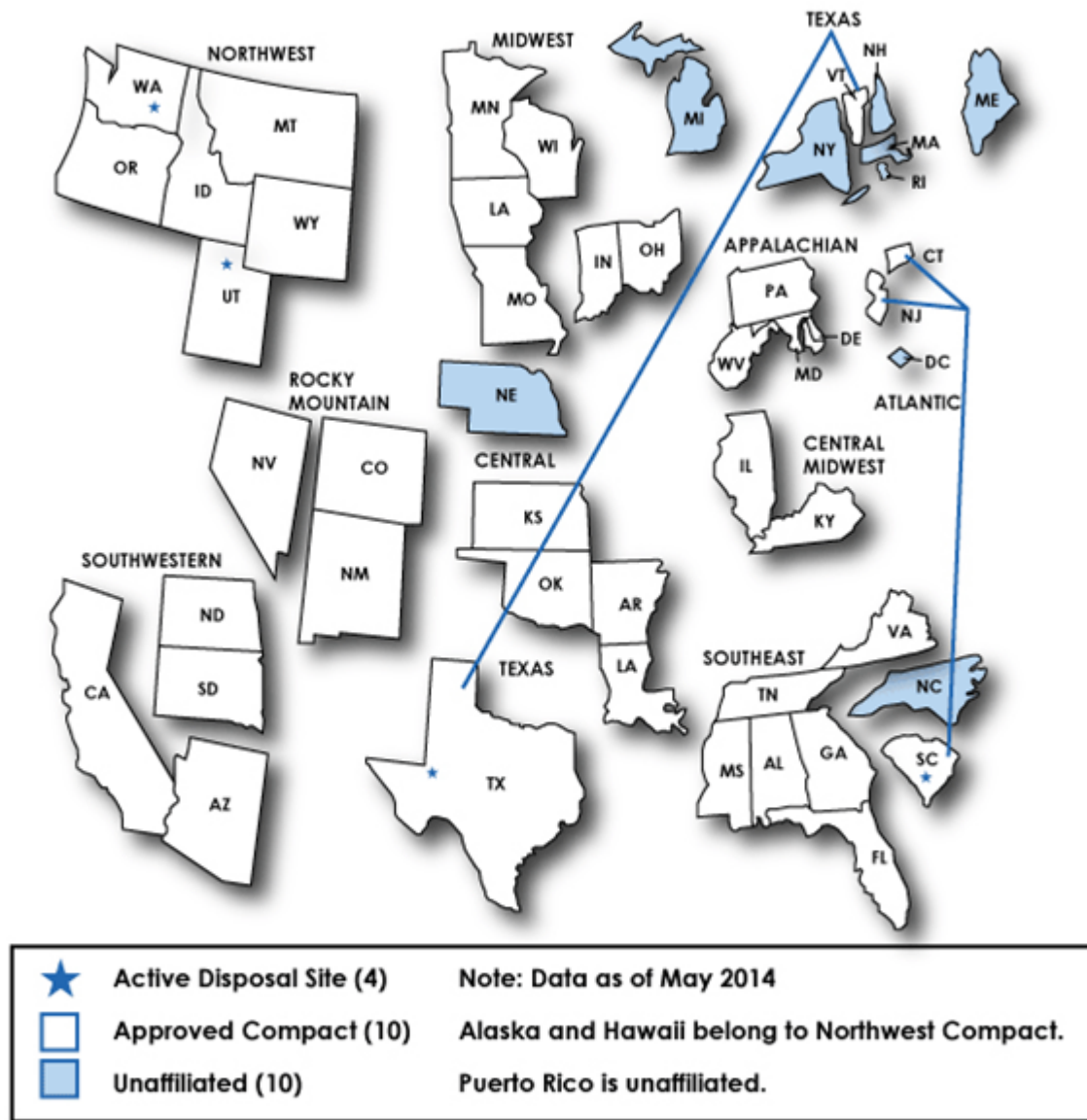
TENORM is NORM that has been altered in its radiological concentration. The U.S. Environmental Protection Agency (EPA), as well as some states, defines TENORM to include NORM that has been processed or moved by human activity causing an increase in exposure to humans relative to the radioactive materials' original location or natural state.

High activity TENORM is primarily generated in connection with exploration and production of oil and gas, and as a byproduct of the treatment water to remove radium. The fertilizer and phosphate industries typically produce low activity TENORM.

Discrete NORM and TENORM wastes include sealed sources (from medical and industrial applications) and high concentration treatment residuals.

For additional information, please visit the website of the Disused Sources Working Group (DSWG) of the Low-Level Radioactive Waste Forum (LLW Forum) at www.disusedsources.org.

Figure 1 – Map showing Low-Level Radioactive Waste Compact Affiliations and Disposal Sites¹ (Source: U.S. NRC)



Some of the compacts have established an authorization system for the export or import of low-level radioactive waste out of or into the compact region. Table 1 provides an identification of the compact regions and whether or not they have established a permit program. The compact regions that do not have an export and/or import permit program still have the authority to limit the export or import of low-level radioactive waste and have specific policies related to low-level radioactive waste export and import.

¹ The Clean Harbors facility in Colorado accepts NORM and TENORM waste up to specified limits.

Table 1 – Identification of Compact Regions with Export/Import Permit Requirements

| Compact | Export Permit | Import Permit | Jurisdiction includes TENORM |
|---|-----------------|-----------------|------------------------------|
| Appalachian States Low-Level Radioactive Waste Compact | No | No | No |
| Atlantic Interstate Low-Level Radioactive Waste Management Compact | No | No | No |
| Central Interstate Low-Level Radioactive Waste Compact | Yes | No | No |
| Central Midwest Interstate Low-Level Radioactive Waste Compact | No | No | Yes |
| Midwest Interstate Low-Level Radioactive Waste Compact | No | No | No |
| Northwest Interstate Compact on Low-Level Radioactive Waste Management ² | No ² | No | No |
| Rocky Mountain Low-Level Radioactive Waste Compact | Yes | Yes | Yes |
| Southeast Compact Commission for Low-Level Radioactive Waste Management | No | No | No |
| Southwestern Low-Level Radioactive Waste Compact ³ | Yes | No ³ | No |
| Texas Low-Level Radioactive Waste Disposal Compact | Yes | Yes | No |

² The Northwest Compact restricts the export of waste through policy.

³ The Southwestern Compact does not have an import permit; rather it has an approval requirement from the Commission.

EXPORT AND IMPORT PERMIT REQUIREMENTS OF THE TEN OPERATING LOW-LEVEL RADIOACTIVE WASTE COMPACTS

The following tables provide additional detail for each of the ten operating low-level radioactive waste compacts. Links to each individual compact’s websites are provided, as well as links to any applicable policy statements and forms. For those compacts that have export and/or import permit requirements, a brief explanation of the program is provided.

Any specific questions about a compact’s permit program should be addressed to the respective compact. The contact information is available on the compact’s website.

Appalachian States Low-Level Radioactive Waste Compact

| | |
|-------------------------|---|
| Member States: | Delaware Maryland Pennsylvania West Virginia |
| Export Permit: | No |
| Import Permit: | No |
| TENORM | No. The Compact does not exercise jurisdiction over TENORM wastes. |
| Compact Website: | http://www.dep.pa.gov/Business/RadiationProtection/Appalachian/Pages/default.aspx |
| Notes: | |

Atlantic Interstate Low-Level Radioactive Waste Management Compact

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|-------------------------|---|
| Member States: | South Carolina Connecticut New Jersey |
| Export Permit: | No |
| Import Permit: | No |
| TENORM | No. The Compact does not exercise jurisdiction over TENORM wastes. |
| Compact Website: | http://www.atlanticcompact.org/ |
| Notes: | |

Central Interstate Low-Level Radioactive Waste Compact

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|-------------------------|--|
| Member States: | Arkansas Kansas Louisiana Oklahoma |
| Export Permit: | Yes. The permit application form is available on the Compact's website. |
| Import Permit: | No. There are no facilities in the compact region that receive low-level radioactive waste from others so the compact has not established an import permit program. |
| TENORM | No. The Compact does not exercise jurisdiction over TENORM wastes. |
| Compact Website: | www.cillrwcc.org |
| Notes: | <p>The Compact has two different permit application forms: Form A is for non-federal facilities; Form B is for federal facilities. Permits are issued for a fiscal year period (July 1 to June 30). The Commission can approve permit applications via an email vote. Generators should allow 7 to 10 days for permit approval.</p> <p>A permit fee is assessed based on the volume category of the generator. The permit fee ranges from \$50 for a "Very Small Generator" to \$4000 for a "Major Generator". Payment of the permit fee must be submitted along with the application.</p> <p>The permit form includes a waste survey which queries the generator on issues related to waste generation, storage, low-level radioactive waste management operational costs and other operational concerns.</p> |

Central Midwest Interstate Low-Level Radioactive Waste Compact

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|-------------------------|---|
| Member States: | Illinois Kentucky |
| Export Permit: | No |
| Import Permit: | No |
| TENORM | Yes. The Compact exercises jurisdiction over TENORM wastes. |
| Compact Website: | http://www.cmcompact.org/ |
| Notes: | |

Midwest Interstate Low-Level Radioactive Waste Compact

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|-------------------------|---|
| Member States: | Iowa Indiana Minnesota Missouri Ohio Wisconsin |
| Export Permit: | No |
| Import Permit: | No |
| TENORM | No. The Compact does not exercise jurisdiction over TENORM wastes. |
| Compact Website: | http://www.midwestcompact.org/ |
| Notes: | |

Northwest Interstate Compact on Low-Level Radioactive Waste Management

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|-------------------------|---|
| Member States: | Alaska Hawaii Idaho Montana Oregon Utah Washington Wyoming |
| Export Permit: | No. The Compact restricts the export of waste through policy. |
| Import Permit: | No |
| TENORM | No. The Compact does not exercise jurisdiction over TENORM wastes. |
| Compact Website: | http://www.ecy.wa.gov/nwic/index.asp |
| Notes: | |

Rocky Mountain Low-Level Radioactive Waste Compact

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|-------------------------|---|
| Member States: | Colorado Nevada New Mexico |
| Export Permit: | Yes. Export permit application requirements can be found at: http://www.rmlwb.us/documents/Rule6-REV_6-18-09.pdf . An export permit is not required to return a sealed source to the manufacturer or supplier of the source. |
| Import Permit: | Yes. Import permit application requirements can be found at: http://www.rmlwb.us/documents/Rule7_12-3-10.pdf . An import permit is not required for devices containing sources or sealed sources that are imported for return to the manufacturer of the device. |
| TENORM | Yes. The Compact exercises jurisdiction over TENORM wastes. |
| Compact Website: | http://www.rmlwb.us/ |
| Notes: | <p>The Compact does not have specific permit application forms. Rather the Compact has identified the information required for the permit application. The application must be on official letterhead and be signed by an authorized official of the entity seeking the permit.</p> <p>The application defines the volume and types of low-level radioactive waste imported/exported and can be for a one-time shipment or the volume of low-level radioactive waste imported/exported for the calendar year. The permit will be issued for the volume of waste requested. If additional waste volumes will be imported/exported, a second application must be submitted.</p> <p>The Compact assesses a permit application fee and a permit fee. Both payments should accompany the application at least 3 weeks prior to the date that import/export will take place. The Executive Director has been authorized to issue most of the permits. Each fee is based on the volume of waste imported/exported, start at \$200 and is capped at \$50,000.</p> |

Southeast Compact Commission for Low-Level Radioactive Waste Management

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|-------------------------|---|
| Member States: | Alabama Florida Georgia Mississippi Tennessee Virginia |
| Export Permit: | No |
| Import Permit: | No |
| TENORM | No. The Compact does not exercise jurisdiction over TENORM wastes. |
| Compact Website: | http://www.secompact.org/ |
| Notes: | |

Southwestern Low-Level Radioactive Waste Compact

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|-------------------------|--|
| Member States: | Arizona California North Dakota South Dakota |
| Export Permit: | Yes. The compact has two forms: one for export to EnergySolutions' (Clive) facility and one for export to the WCS' facility. The forms are year specific and are available on the Compact website. The exportation policy and exportation requirements can be found at: www.swllrwcc.org/display/AboutUs.asp . |
| Import Permit: | Approval but not a permit. The Commission has adopted an Importation Policy that requires any party importing low-level radioactive waste into the region for disposal consult with and get approval from: 1) the compact or unaffiliated state in which the waste originates, 2) the Southwestern Commission, and 3) the radiation control agency and waste management agency of the state the waste would be imported for disposal. The Commission's importation policy can be found at: www.swllrwcc.org/display/AboutUs.asp . |
| TENORM | No. The Compact does not exercise jurisdiction over TENORM wastes. |
| Compact Website: | http://www.swllrwcc.org |
| Notes: | <p>Export permits are for a calendar year period that ends December 31. All permittees must submit a disposal report describing the exported waste by June 30 of the following year. Permit applications must be submitted and approved prior to the exportation of waste from the compact region.</p> <p>The Commission has established an export fee based on the volume of waste to be exported. The fee starts at \$345 and increases based on the volume of waste. Shippers that underestimate the volume of waste to be shipped are required to submit an amended application and pay the export fee associated with the increased volume amount. A shipper who overestimates the volume of waste on the application may request a refund of the fee overpayment if provided the request is made within 6 months of the end of the year when the actual volume is known.</p> |

Texas Low-Level Radioactive Waste Disposal Compact

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|-------------------------|--|
| Member States: | Texas Vermont |
| Export Permit: | Yes. The export permit application form can be found at: http://www.tllrwdcc.org/wp-content/uploads/2015/08/TLLRWDC-Export-Form-IN-PDF.pdf |
| Import Permit: | Yes. The import permit application form can be found at: http://www.tllrwdcc.org/wp-content/uploads/2012/08/Importation-Form.pdf The Compact has developed a brief instructional set to assist applicants on completing the application form. This instruction set can be found at: http://www.tllrwdcc.org/how-to-submit-an-import-application/ . |
| TENORM | No. The Compact does not exercise jurisdiction over TENORM wastes. |
| Compact Website: | http://www.tllrwdcc.org/ |
| Notes: | <p>The Commission must approve all import/export permits at an open public meeting. The Commission has a table on their website that provides the Commission's meeting schedule and the application submittal deadline (approximately 6 weeks in advance). Permits are issued for the Commission's fiscal year (ends August 31).</p> <p>Typically, a waste broker or processor will prepare the permit applications for those generators who do not arrange their own shipments. Large generators, such as nuclear power generators prepare their own applications. The importation of irradiated hardware must be submitted on a separate import application form.</p> <p>There is no fee associated with the export or import permits. The Compact does not collect any fees from shippers. They are funded by the State of Texas via fees associated with waste disposed at the WCS facility.</p> |