

FINDINGS RESULTING FROM THE APPLICATION OF THE QUALIFYING AND DISQUALIFYING CONDITIONS OF THE TECHNICAL GUIDELINES AT MAJOR SITING DECISIONS—Continued

Section 960	Guideline	Condition	Siting decision	
			Potentially acceptable	Nomination and recommendation
4–2–5(d)	.....do	Disqualifying	1	1
4–2–6(a)	Dissolution	Qualifying		3
4–2–6(d)	.....do	Disqualifying	1	1
4–2–7(a)	Tectonics	Qualifying		3
4–2–7(d)	.....do	Disqualifying	1	1
4–2–8–1(a)	Natural Resources	Qualifying		3
4–2–8–1(d)(1)	.....do	Disqualifying	1	1
4–2–8–1(d)(2)	.....do	.....do		1
4–2–8–2(a)	Site Ownership and Control System	Qualifying		3
5–1(a)(1)	.....do	.....do		3
5–1(a)(2)	.....do	.....do		3
5–1(a)(3)	.....do	.....do		3
5–2–1(a)	Population Density and Distribution.	.....do		3
5–2–1(d)(1)	.....do	Disqualifying	1	1
5–2–1(d)(2)	.....do	.....do	1	1
5–2–1(d)(3)	.....do	.....do		1
5–2–2(a)	Site Ownership and Control Meteorology	Qualifying		3
5–2–3(a)	.....do	.....do		3
5–2–4(a)	Offsite Installations and Operations.	.....do		3
5–2–4(d)	.....do	Disqualifying	1	1
5–2–5(a)	Environmental Quality	Qualifying		3
5–2–5(d)(1)	.....do	Disqualifying		1
5–2–5(d)(2)	.....do	.....do	1	1
5–2–5(d)(3)	.....do	.....do	1	1
5–2–6(a)	Socioeconomic Impacts	Qualifying		3
5–2–6(d)	.....do	Disqualifying		1
5–2–7(a)	Transportation	Qualifying		3
5–2–8(a)	Surface Characteristics	.....do		3
5–2–9(a)	Rock Characteristics	.....do		3
5–2–9(d)	.....do	Disqualifying		1
5–2–10(a)	Hydrology	Qualifying		3
5–2–10(d)	.....do	Disqualifying		1
5–2–11(a)	Tectonics	Qualifying		3
5–2–11(d)	.....do	Disqualifying	1	1

[49 FR 47752, Dec. 6, 1984, as amended at 66 FR 57335, Nov. 14, 2001]

APPENDIX IV TO PART 960—TYPES OF INFORMATION FOR THE NOMINATION OF SITES AS SUITABLE FOR CHARACTERIZATION

The types of information specified below are those that the DOE expects will be included in the evidence used for evaluations and applications of the guidelines of subparts C and D at the time of nomination of a site as suitable for characterization. The types of information listed under each guideline are considered to be the most significant for the evaluation of that guideline. However, the types of information listed under any particular guideline will be used, as necessary, for the evaluation of any other guideline. As stated in §960.3–1–4–2, the DOE will use technically conservative assumptions or extrapolations of regional data, where necessary, to supplement this information. The information specified below will be supplemented

with conceptual models, as appropriate, and analyses of uncertainties in the data.

Before site-characterization studies and related nongeologic data gathering activities, the evidence is not expected to provide precise information, but, rather, to provide a reasonable basis for assessing the merits or shortcomings of the site against the guidelines of subparts C and D. Consequently, the types of information described below should be interpreted so as to accommodate differences among sites and differences in the information acquired before detailed studies.

The specific information required for the guideline applications set forth in appendix III of this part is expected to differ from site to site because of site-specific factors, both with regard to favorable and potentially adverse conditions and with regard to the sources and reliability of the information. The types of information specified in this appendix will be used except where the findings

set forth in appendix III of this part can be arrived at by reasonable alternative means or the information is not required for the particular site.

*Section 960.4-2-1 Geohydrology.*

Description of the geohydrologic setting of the site, in context with its geologic setting, in order to estimate the pre-waste-emplacement ground-water flow conditions. The types of information to support this description should include—

- Location and estimated hydraulic properties of aquifers, confining units, and aquitards.
- Potential areas and modes of recharge and discharge for aquifers.
- Regional potentiometric surfaces of aquifers.
- Likely flow paths from the repository to locations in the expected accessible environment, as based on regional data.
- Preliminary estimates of ground-water travel times along the likely flow paths from the repository to locations in the expected accessible environment.
- Current use of principal aquifers and State or local management plans for such use.

*Section 960.4-2-2 Geochemistry.*

Description of the geochemical and hydrochemical conditions of the host rock, of the surrounding geohydrologic units, and along likely ground-water paths to locations in the expected accessible environment, in order to estimate the potential for the migration of radionuclides. The types of information to support this description should include—

- Petrology of the rocks.
- Mineralogy of the rocks and general characteristics of fracture fillings.
- Geochemical and mechanical stability of the minerals under expected repository conditions.
- General characteristics of the ground-water chemistry (e.g., reducing/oxidizing conditions and the principal ions that may affect the waste package or radionuclide behavior).
- Geochemical properties of minerals as related to radionuclide transport.

*Section 960.4-2-3 Rock characteristics.*

Description of the geologic and geomechanical characteristics of the site, in context with the geologic setting, in order to estimate the capability of the host rock and surrounding rock units to accommodate the thermal, mechanical, chemical, and radiation stresses expected to be induced by repository construction, operation, and closure and by expected interactions among the waste, host rock, ground-water, and engineered components of the repository system.

The types of information to support this description should include—

- Approximate geology and stratigraphy of the site, including the depth, thickness, and lateral extent of the host rock and surrounding rock units.
- Approximate structural framework of the rock units and any major discontinuities identified from core samples.
- Approximate thermal, mechanical, and thermomechanical properties of the rocks, with consideration of the effects of time, stress, temperature, dimensional scale, and any major identified structural discontinuities.
- Estimates of the magnitude and direction of in situ stress and of temperature in the host rock and surrounding rock units.

*Section 960.4-2-4 Climatic changes.*

Description of the climatic conditions of the site region, in context with global and regional patterns of climatic changes during the Quaternary Period, in order to project likely future changes in climate such that potential impacts on the repository can be estimated. The types of information to support this description should include—

- Expected climatic conditions and cycles, based on extrapolation of climates during the Quaternary Period.
- Geomorphology of the site region and evidence of changes due to climatic changes.
- Estimated effects of expected climatic cycles on the surface-water and the ground-water systems.

*Section 960.4-2-5 Erosion.*

Description of the structure, stratigraphy, and geomorphology of the site, in context with the geologic setting, in order to estimate the depth of waste emplacement and the likelihood for erosional processes to uncover the waste in less than one million years. The types of information to support this description should include—

- Depth, thickness, and lateral extent of the host rock and the overlying rock units.
- Lithology of the stratigraphic units above the host rock.
- Nature and rates of geomorphic processes during the Quaternary Period.

*Section 960.4-2-6 Dissolution.*

Description of the stratigraphy, structure, hydrology, and geochemistry of the site, in context with the geologic setting, to delineate the approximate limits of subsurface rock dissolution, if any. This description should include such information as the following:

- The stratigraphy of the site, including rock units largely comprised of water-soluble minerals.

**Pt. 960, App. IV**

- The approximate extent and configuration of features indicative of dissolution within the geologic setting.

*Section 960.4-2-7 Tectonics.*

Description of the tectonic setting of the site, in context with its geologic setting, in order to project the tectonic stability of the site over the next 10,000 years and to identify tectonic features and processes that could be reasonably expected to have a potentially adverse effect on the performance of the repository. The types of information to support this description should include—

- The tectonic history and framework of the geologic setting and the site.
- Quaternary faults in the geologic setting, including their length, displacement, and any information regarding the age of latest movement.
- Active tectonic processes, such as uplift, diapirism, tilting, subsidence, faulting, and volcanism.
- Estimate of the geothermal gradient.
- Estimate of the regional in situ stress field.
- The historical seismicity of the geologic setting.

*Section 960.4-2-8 Human interference.*

*Section 960.4-2-8-1 Natural resources.*

Description of the mineral and energy resources of the site, in order to project whether past or future exploration and recovery could have a potentially adverse effect on the performance of the repository. The types of information to support this description should include—

- Known occurrences of energy and mineral resources, including ground water.
- Estimates of the present and projected value of these resources compared with resources contained in other areas of similar size in the geologic setting.
- Past and present drilling and mining operations in the vicinity of the site.

*Section 960.4-2-8-2 Site ownership and control.*

Description of the ownership of land for the geologic-repository operations area and the controlled area, in order to evaluate whether the DOE can obtain ownership of, and control access to, the site. The types of information to support this description should include—

- Present land ownership.

*Section 960.5-2-1 Population density and distribution.*

Description of the population density and distribution of the site region, in order to identify highly populated areas and the nearest 1 mile by 1 mile area having a population greater than 1,000 persons. The types of in-

**10 CFR Ch. III (1-1-12 Edition)**

formation to support this description should include—

- The most-recent U.S. census, including population composition, distribution, and density.

*Section 960.5-2-2 Site ownership and control.*

Description of current ownership of land, including surface and subsurface mineral and water rights, in order to evaluate whether the DOE can obtain control of land within the projected restricted area. The types of information to support this description should include—

- Present land ownership.

*Section 960.5-2-3 Meteorology.*

The meteorological setting, as determined from the closest recording station, in order to project meteorological conditions during repository operation and closure and their potential effects on the transport of airborne emissions. The types of information to support this description should include—

- Wind and atmospheric-dispersion characteristics.
- Precipitation characteristics.
- Extreme weather phenomena.

*Section 960.5-2-4 Offsite installations and operations.*

Description of offsite installations and operations in the vicinity of the site in order to estimate their projected effects on repository construction, operation, or closure. The types of information to support this description should include—

- Location and nature of nearby industrial, transportation, and military installations and operations, including atomic energy defense activities.

*Section 960.5-2-5 Environmental quality.*

Description of environmental conditions in order to estimate potential impacts on public health and welfare and on environmental quality. The types of information to support this description should include—

- Applicable Federal, State, and local procedural and substantive environmental requirements.
- Existing air quality and trends.
- Existing surface-water and ground-water quality and quantity.
- Existing land resources and uses.
- Existing terrestrial and aquatic vegetation and wildlife.
- Location of any identified critical habitats for threatened or endangered species.
- Existing aesthetic characteristics.
- Location of components of the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Wilderness Preservation System, or National Forest Land.

- Location of significant State or regional protected resource areas, such as State parks, wildlife areas, or historical areas.
- Location of significant Native American resources such as major Indian religious sites, or other sites of unique cultural interest.

*Section 960.5-2-6 Socioeconomic impacts.*

Description of the socioeconomic conditions of the site, including population density and distribution, economics, community services and facilities, social conditions, and fiscal and government structure, in order to estimate the impacts that might result from site characterization and from the development of a repository at that site. The types of information to support this description should include—

- Population composition, density, and distribution.
- Economic base and economic activity, including major sectors of local economy.
- Employment distribution and trends by economic sector.
- Resource usage.
- Community services and infrastructure, including trends in use and current capacity utilization.
- Housing supply and demand.
- Life style and indicators of the quality of life.
- Existing social problems.
- Sources of, and trends in, local government expenditures and revenues.

*Section 960.5-2-7 Transportation.*

Description of the transportation facilities in the vicinity of the site in order to evaluate existing or required access routes or improvements. The types of information to support this description should include—

- Estimates of the overall cost and risk of transporting waste to the site.
- Description of the road and rail network between the site and the nearest Interstate highways and major rail lines; also, description of the waterway system, if any.
- Analyses of the adequacy of the existing regional transportation network to handle waste shipments; the movement of supplies for repository construction, operation, and closure; removal of nonradioactive waste from the site; and the transportation of the labor force.
- Improvements anticipated to be required in the transportation network and their feasibility, cost, and environmental impacts.
- Compatibility of the required transportation network improvements with the local and regional transportation and land-use plans.
- Analysis of weather impacts on transportation.

- Analysis of emergency response requirements and capabilities related to transportation.

*Section 960.5-2-8 Surface characteristics.*

Description of the surface characteristics of the site, in order to evaluate whether repository construction, operation, and closure are feasible on the basis of site characteristics that influence those activities. The types of information to support this description should include—

- Topography of the site.
- Existing and planned surface bodies of water.
- Definition of areas of landslides and other potentially unstable slopes, poorly drained material, or materials of low bearing strength or of high liquefaction potential.

*Section 960.5-2-9 Rock characteristics.*

Description of the geologic and geomechanical characteristics of the site, in context with the geologic setting, in order to project the capability of the host rock and the surrounding rock units to provide the space required for the underground facility and safe underground openings during repository construction, operation, and closure. The types of information to support this description should include—

- Depth, thickness, and lateral extent of the host rock.
- Stratigraphic and structural features within the host rock and adjacent rock units.
- Thermal, mechanical, and thermomechanical properties and constructibility characteristics of the rocks, with consideration of the effects of time, stress, temperature, dimensional scale, and any major identified structural discontinuities.
- Fluid inclusions and gas content in the host rock.
- Estimates of the magnitude and direction of in situ stress and of temperature in the host rock.

*Section 960.5-2-10 Hydrology.*

Description of the hydrology of the site, in context with its geologic setting, in order to project compatibility with repository construction, operation, and closure. The types of information to support this description should include—

- Surface-water systems, including recharge and runoff characteristics, and potential for flooding of the repository.
- Nature and location of aquifers, confining units, and aquitards.
- Potentiometric surfaces of aquifers.
- Hydraulic properties of geohydrologic units.

*Section 960.5-2-11 Tectonics.*

Description of the tectonic setting of the site, in context with the regional setting, in order to estimate any expected effects of tectonic activity on repository construction, operation, or closure. The types of information to support this description should include—

- Quaternary faults.
- Active tectonic processes.
- Preliminary estimates of expected ground motion caused by the maximum potential earthquake within the geologic setting.

**PART 961—STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE**

**Subpart A—General**

Sec.

- 961.1 Purpose.  
 961.2 Applicability.  
 961.3 Definitions.  
 961.4 Deviations.  
 961.5 Federal agencies.

**Subpart B—Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste**

961.11 Text of the contract.

AUTHORITY: Sec. 644, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254) and sec. 302, Pub. L. 97-425, 96 Stat. 2257 (42 U.S.C. 10222).

SOURCE: 48 FR 16599, Apr. 18, 1983, unless otherwise noted.

**Subpart A—General**

**§ 961.1 Purpose.**

This part establishes the contractual terms and conditions under which the Department of Energy (DOE) will make available nuclear waste disposal services to the owners and generators of spent nuclear fuel (SNF) and high-level radioactive waste (HLW) as provided in section 302 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). Under the contract set forth in § 961.11 of this part, DOE will take title to, transport, and dispose of spent nuclear fuel and/or high-level radioactive waste delivered to DOE by those owners or generators of such fuel or waste who execute the contract. In addition, the contract will specify the fees owners and generators of SNF and/or HLW will pay for these

services. All receipts, proceeds, and revenues realized by DOE under the contract will be deposited in the Nuclear Waste Fund, an account established by the Act in the U.S. Treasury. This fund will pay for DOE's radioactive waste disposal activities, the full costs of which will be borne by the owners and generators under contract with DOE for disposal services.

**§ 961.2 Applicability.**

This part applies to the Secretary of Energy or his designee and any person who owns or generates spent nuclear fuel or high-level radioactive waste, of domestic origin, generated in a civilian nuclear power reactor. If executed in a timely manner, the contract contained in this part will commit DOE to accept title to, transport, and dispose of such spent fuel and waste. In exchange for these services, the owners or generators of such fuel or waste shall pay fees specified in the contract which are intended to recover fully the costs of the disposal services to be furnished by DOE. The contract must be signed by June 30, 1983, or by the date on which such owner or generator commences generation of, or takes title to, such spent fuel or waste, whichever occurs later.

**§ 961.3 Definitions.**

For purposes of this part—

*Act* means the Nuclear Waste Policy Act of 1982, Public Law 97-425, 96 Stat. 2201 *et seq.*, 42 U.S.C. 10101 *et seq.*

*Contract* means the agreement set forth in § 961.11 of this part and any duly executed amendment or modification thereto.

*Generator* means any person who is licensed by the Nuclear Regulatory Commission to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134).

*Owner* means any person who has title to spent nuclear fuel or high-level radioactive waste.

*Purchaser* means any person, other than a Federal agency, who is licensed by the Nuclear Regulatory Commission to use a utilization or production facility under the authority of sections 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) or who has title to