

CHAPTER 60

ASSESSMENT OF GENERATORS FOR THE COST
OF SITING AND DEVELOPING A LOW-LEVEL
RADIOACTIVE WASTE DISPOSAL FACILITY

Authority

N.J.S.A. 13:1E-177 et seq., specifically 13:1E-181(o)-181.1;
N.J.S.A. 32:31 et seq.

Source and Effective Date

R.1992 d.109, effective March 2, 1992.
See: 23 N.J.R. 3410(b), 24 N.J.R. 840(a).

Executive Order No. 66(1978) Expiration Date

Chapter 60, Assessment of Generators for the Cost of Siting and Developing a Low-Level Radioactive Waste Disposal Facility, expires March 2, 1997.

Chapter Historical Note

Chapter 60, Assessment of Generators for the Cost of Siting and Developing a Low-Level Radioactive Waste Disposal Facility, was originally adopted as new rules by R.1992 d.109, effective March 2, 1992. See: Source and Effective Date.

Public Notice: Adoption of Low-level radioactive waste disposal plan 1996 update. See: 28 N.J.R. 2412(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. FEES AND REPORTING
REQUIREMENTS

- 7:60-1.1 Scope
- 7:60-1.2 Definitions
- 7:60-1.3 Reporting requirements for generators
- 7:60-1.4 Establishment of annual budget
- 7:60-1.5 Process for paying fees
- 7:60-1.6 Fees for generators

SUBCHAPTER 1. FEES AND REPORTING
REQUIREMENTS

7:60-1.1 Scope

This subchapter establishes low-level radioactive waste reporting requirements and a process to annually assess generators for all the costs of siting, developing, licensing and constructing a low-level radioactive waste disposal facility, as well as the costs of implementing the Northeast Interstate Low-Level Radioactive Waste Management Compact, N.J.S.A. 32:31-1 et seq., and the Regional Low-Level Radioactive Waste Disposal Facility Siting Act, N.J.S.A. 13:1E-177 et seq.

7:60-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Activity” means the rate of disintegration (transformation) or decay of radioactive material. It is expressed in curies or becquerels, or their multiples.

“A(Y,G)” means the individual generator’s (G) annual activity (A) of low-level radioactive waste produced in New Jersey and disposed in a low-level radioactive waste disposal facility in a calendar year (Y), as compiled from the manifests and maintained in the U.S. Department of Energy’s National Information Management System.

“A(Y,NJ)” means the sum of all the individual generator’s (G) annual activity (A) of low-level radioactive waste produced in New Jersey (NJ) and disposed in a low-level radioactive waste disposal facility in a calendar year (Y), as compiled from the manifests and maintained in the U.S. Department of Energy’s National Information Management System.

“Assessment Budget” means that portion of the Board’s budget which shall be collected as fees from the generators.

“Becquerel” means the amount of a specific radionuclide or combination of radionuclides which disintegrates at the rate of one atom per second.

“Board” means the New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board established pursuant to N.J.S.A. 13:1E-180.

“Curie” means the amount of a specific radionuclide or combination of radionuclides which disintegrates at the rate of 37 billion atoms per second. One curie equals 37 billion becquerels.

“DA(YR,G)” means the individual generator’s (G) annual activity (DA) of low-level radioactive waste produced in New Jersey and disposed in calendar year (YR) in a disposal facility subject to or developed to comply with the Federal Low-Level Radioactive Waste Policy Amendments Act, as compiled from manifests prepared in accordance with U.S. Nuclear Regulatory Commission regulations, standards and guidance, and reported in the U.S. Department of Energy’s National Information Management System.

“DA(YR,NJ)” means the sum of all the individual generator’s (NJ) annual activity (DA) of low-level radioactive waste produced in New Jersey and disposed in calendar year (YR) in a disposal facility subject to or developed to comply with the Federal Low-Level Radioactive Waste Policy Amendments Act, as compiled from manifests prepared in accordance with U.S. Nuclear Regulatory Commission regulations, standards and guidance, and reported in the U.S. Department of Energy’s National Information Management System.

“DEP” means the Department of Environmental Protection.

“Disposal” means the isolation of low-level radioactive waste from the biosphere for the hazardous life of the waste.

“DV(YR,G)” means the individual generator’s (G) annual volume (DV) of low-level radioactive waste produced in New Jersey and disposed in calendar year (YR) in a disposal facility subject to or developed to comply with the Federal Low-Level Radioactive Waste Policy Amendments Act, as compiled from manifests prepared in accordance with U.S. Nuclear Regulatory Commission regulations, standards and guidance, and reported in the U.S. Department of Energy’s National Information Management System.

“DV(YR,NJ)” means the sum of all the individual generator’s (NJ) annual volume (DV) of low-level radioactive waste produced in New Jersey and disposed in calendar year (YR) in a disposal facility subject to or developed to comply with the Federal Low-Level Radioactive Waste Policy Amendments Act, as compiled from manifests prepared in accordance with U.S. Nuclear Regulatory Commission regulations, standards and guidance, and reported in the U.S. Department of Energy’s National Information Management System.

“Fiscal Year” means July 1 through the following June 30.

“Generator” means any person, association, public utility, hospital, clinic, research laboratory, corporation, society, radiopharmaceutical facility, academic facility, or nuclear medical research facility that produces low-level radioactive waste, or any other entity identified by the Board that produces low-level radioactive waste, or that is licensed by the United States Nuclear Regulatory Commission to use, possess, handle or dispose of radioactive materials.

“Interim storage” means the holding, by or for a generator, whether at the generator’s facility or elsewhere, of low-level radioactive waste after initial collection of the waste from the users of radioactive materials, for treatment, processing and/or storage pending disposal at, or pending, during and after, treatment or processing prior to disposal at, a disposal facility subject to or developed to comply with the Federal Low-Level Radioactive Waste Policy Act Amendments.

“Low-level Radioactive Waste” means radioactive waste that is neither high-level waste, nor spent fuel, nor by-product material as defined in paragraph (2) of subsection (e) of 42 U.S.C. § 2014; and is classified by the Federal government as low-level waste, consistent with existing law; but does not include waste generated as a result of atomic energy defense activities of the Federal government, as defined in the “Low-Level Radioactive Waste Policy Act”, Pub.L. 96-573 (42 U.S.C. § 2021b et seq.) and the “Low-Level Radioactive Waste Policy Amendments Act of 1985”, Pub.L. 99-240 (42 U.S.C. § 2021b et seq.) or Federal research and development activities.

“Low-Level Radioactive Waste Disposal Facility Fund” means the fund established pursuant to N.J.S.A. 13:1E-181.2.

“Manifest” means the document accompanying each shipment of waste intended for disposal or treatment as low-level radioactive waste.

“Radioactive waste” means radioactive material which is discarded or intended to be discarded; or is accumulated, stored or physically, chemically or biologically treated prior to, or in lieu of, being discarded; or is applied to the land or placed on the land or contained in product that is applied to or placed on the land in a manner constituting disposal; or has served their intended purpose; or has an expired shelf life.

“SA(YR,G)” means the individual generator’s (G) annual activity (SA) of low-level radioactive waste produced in New Jersey, placed into interim storage during calendar year (YR) which is processed or in interim storage and counted for reporting purposes no later than March 31 of the following calendar year, as compiled from records maintained in compliance with U.S. Nuclear Regulatory Commission regulations, standards and guidance, and reported under N.J.A.C. 7:60-1.3.

“SA(YR,NJ)” means the sum of all the individual generator’s (NJ) annual activity (SA) of low-level radioactive waste produced in New Jersey, placed into interim storage during calendar year (YR) which is processed or in interim storage and counted for reporting purposes no later than March 31 of the following calendar year, as compiled from records maintained in accordance with U.S. Nuclear Regulatory Commission regulations, standards and guidance, and reported under N.J.A.C. 7:60-1.3.

“Small business” means any business which is resident in this State, independently owned and operated and not dominant in its field, and which employs fewer than 100 full-time employees.

“Storage” means the holding of waste for a temporary period of time, at the end of which the waste is either treated or disposed as low-level radioactive waste.

“Store for decay” or decay in storage means the holding, as authorized by the U.S. Nuclear Regulatory Commission, of waste for a defined period of time, at the end of which the waste is not low-level radioactive waste.

“SV(YR,G)” means the individual generator’s (G) annual volume (SV) of low-level radioactive waste produced in New Jersey, placed into interim storage during calendar year (YR) which is processed or in interim storage and counted for reporting purposes no later than March 31 of the following calendar year, as compiled from records maintained in compliance with U.S. Nuclear Regulatory Commission regulations, standards and guidance, and reported under N.J.A.C. 7:60-1.3.

7:60-1.6 Fees for generators

(a) The annual fee for each generator shall be calculated according to this section.

(b) For the first assessment covering fiscal years 1992 and 1993 assessment budget, each generator's base fee shall be calculated using the following formula:

$$\left[\frac{1}{6} \right] \left[\frac{V(1988,G) + V(1989,G) + V(1990,G)}{V(1988,NJ) + V(1989,NJ) + V(1990,NJ)} + \frac{A(1988,G) + A(1989,G) + A(1990,G)}{A(1988,NJ) + A(1989,NJ) + A(1990,NJ)} \right]$$

multiplied by [93% of the Assessment Budget]

(c) For the second assessment covering fiscal year 1994 assessment budget, each generator's base fee shall be calculated using the following formula:

$$\left[\frac{1}{6} \right] \left[\frac{V(1989,G) + V(1990,G) + V(1991,G)}{V(1989,NJ) + V(1990,NJ) + V(1991,NJ)} + \frac{A(1989,G) + A(1990,G) + A(1991,G)}{A(1989,NJ) + A(1990,NJ) + A(1991,NJ)} \right]$$

multiplied by [93% of the Assessment Budget]

(d) For the third assessment covering fiscal year 1995 assessment budget, each generator's base fee shall be calculated using the following formula:

$$\left[\frac{1}{6} \right] \left[\frac{V(1990,G) + V(1991,G) + V(1992,G)}{V(1990,NJ) + V(1991,NJ) + V(1992,NJ)} + \frac{A(1990,G) + A(1991,G) + A(1992,G)}{A(1990,NJ) + A(1991,NJ) + A(1992,NJ)} \right]$$

multiplied by [93% of the Assessment Budget]

(e) For fiscal year 1996, each generator's base fee shall be calculated using the following formula:

$$\left[\frac{1}{6} \right] \left[\frac{DV(1991,G)}{DV(1991,NJ)} + \frac{DV(1992,G)}{DV(1992,NJ)} + \frac{DV(1993,G)}{DV(1993,NJ)} + \frac{DA(1991,G)}{DA(1991,NJ)} + \frac{DA(1992,G)}{DA(1992,NJ)} + \frac{DA(1993,G)}{DA(1993,NJ)} \right]$$

multiplied by [93% of the Assessment Budget]

(f) For fiscal year 1997, each generator's base fee shall be calculated using the following formula:

$$\left[\frac{1}{6} \right] \left[\frac{DV(1992,G)}{DV(1992,NJ)} + \frac{DV(1993,G)}{DV(1993,NJ)} + \frac{DV(1994,G) + SV(1994,G)}{DV(1994,NJ) + SV(1994,NJ)} + \frac{DA(1992,G)}{DA(1992,NJ)} + \frac{DA(1993,G)}{DA(1993,NJ)} + \frac{DA(1994,G) + SA(1994,G)}{DA(1994,NJ) + SA(1994,NJ)} \right]$$

multiplied by [93% of the Assessment Budget]

(g) For fiscal year 1998, each generator's base fee shall be calculated using the following formula:

$$\left[\frac{1}{6} \right] \left[\frac{DV(1993,G)}{DV(1993,NJ)} + \frac{DV(1994,G) + SV(1994,G)}{DV(1994,NJ) + SV(1994,NJ)} + \frac{DV(1995,G) + SV(1995,G)}{DV(1995,NJ) + SV(1995,NJ)} + \frac{SA(1993,G)}{SA(1993,NJ)} + \frac{DA(1994,G) + SA(1994,G)}{DA(1994,NJ) + SA(1994,NJ)} + \frac{DA(1995,G) + SA(1995,G)}{DA(1995,NJ) + SA(1995,NJ)} \right]$$

multiplied by [93% of the Assessment Budget]

(h) For fiscal year 1999, each generator's base fee shall be calculated using the following formula:

$$\left[\frac{1}{6} \right] \left[\frac{DV(1994,G) + SV(1994,G)}{DV(1994,NJ) + SV(1994,NJ)} + \frac{DV(1995,G) + SV(1995,G)}{DV(1995,NJ) + SV(1995,NJ)} + \frac{DV(1996,G) + SV(1996,G)}{DV(1996,NJ) + SV(1996,NJ)} + \frac{DA(1994,G) + SA(1994,G)}{DA(1994,NJ) + SA(1994,NJ)} + \frac{DA(1995,G) + SA(1995,G)}{DA(1995,NJ) + SA(1995,NJ)} + \frac{DA(1996,G) + SA(1996,G)}{DA(1996,NJ) + SA(1996,NJ)} \right]$$

multiplied by [93% of the Assessment Budget]

(i) For fiscal year 2000, each generator's base fee shall be calculated using the following formula:

$$\left[\frac{1}{6} \right] \left[\frac{DV(1995,G) + SV(1995,G)}{DV(1995,NJ) + SV(1995,NJ)} + \frac{DV(1996,G) + SV(1996,G)}{DV(1996,NJ) + SV(1996,NJ)} + \frac{DV(1997,G) + SV(1997,G)}{DV(1997,NJ) + SV(1997,NJ)} + \frac{DA(1995,G) + SA(1995,G)}{DA(1995,NJ) + SA(1995,NJ)} + \frac{DA(1996,G) + SA(1996,G)}{DA(1996,NJ) + SA(1996,NJ)} + \frac{DA(1997,G) + SA(1997,G)}{DA(1997,NJ) + SA(1997,NJ)} \right]$$

multiplied by [93% of the Assessment Budget]

(j) For fiscal year 2001, each generator's base fee shall be calculated using the following formula:

$$\left[\frac{1}{6} \right] \left[\frac{DV(1996,G) + SV(1996,G)}{DV(1996,NJ) + SV(1996,NJ)} + \frac{DV(1997,G) + SV(1997,G)}{DV(1997,NJ) + SV(1997,NJ)} + \frac{DV(1998,G) + SV(1998,G)}{DV(1998,NJ) + SV(1998,NJ)} + \frac{DA(1996,G) + SA(1996,G)}{DA(1996,NJ) + SA(1996,NJ)} + \frac{DA(1997,G) + SA(1997,G)}{DA(1997,NJ) + SA(1997,NJ)} + \frac{DA(1998,G) + SA(1998,G)}{DA(1998,NJ) + SA(1998,NJ)} \right]$$

multiplied by [93% of the Assessment Budget]

(k) For each assessment, each nuclear power plant unit will be assessed an additional fee, in addition to its base fee, calculated using the following formula:

Hope Creek Nuclear Generating Station:
2.544% of the Assessment Budget
Oyster Creek Nuclear Generating Station:
2.549% of the Assessment Budget
Salem I Nuclear Generating Station:
0.943% of the Assessment Budget
Salem II Nuclear Generating Station:
0.964% of the Assessment Budget

Amended by R.1995 d.130, effective March 6, 1995.
See: 26 N.J.R. 4946(a), 27 N.J.R. 905(a).