

SECTION 13 TIER REVIEW PROCESS

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13.0 TIER REVIEW PROCESS

Ensure that information contained in the application clearly addresses the Tier Criteria given in 30 TAC §§336.815, 336.817, 336.819, and 336.821. Include in the application a cross index, labeled "Attachment H" which shows the location in the application where each of the Tier Criteria is fully addressed.

All information, descriptions, documents, and data required by TCEQ staff to conduct effective reviews of this License Application (LA) are contained herein. A cross-referenced index that presents exact citation of LA sections wherein information and data on the various topics of the Evaluation Review is presented in Attachment H of the LA.

The two sections in this chapter summarize information that must be reviewed and provides citations to appropriate LA sections for each topic. The Administrative Review Section addresses whether the LA is administratively complete and that a detailed review can be conducted of the information presented. The information that must be reviewed in the Administrative Review is discussed in the referenced sections.

The Evaluation Review Section assesses the merits of this LA. A cross-referenced index that references the information required for the Evaluation Review is presented in Attachment H of the LA. The information that must be reviewed in the four-tiered Evaluation Review is succinctly summarized in this section and citations provided to sections in the LA where associated detailed discussions are presented.

13.1 Administrative Review

According to the criteria listed in 30 TAC §336.807 for the administrative review, this LA is complete and contains sufficient information that the detailed technical review can be conducted effectively. The criteria for the Administrative Review are listed below in Table 13-1, including citations to LA sections that contain the detailed information.

Table 13-1. Summary of Information Demonstrating Completeness of License Application and Associated License Application Section Citations

Administrative Review Criterion	Description	Primary LA Sections	Supporting LA Sections
1. APPLICANT IDENTIFICATION AND QUALIFICATIONS			
1.1	Applicant Identification	1.13 and 1.16	1.1, 1.2, App 1.13.2, and App 1.17
1.2	Applicant Qualifications	Table H	App 1.23 and App 11.10.2
2. PROPOSED DISPOSAL FACILITIES AND SITE			
2.1	Proposed Land Disposal Facilities	3.0 and Figure F-1	App 3.0-1, App 3.0-2, App 3.3-1, App 3.3-2, App-3.0-3, and App 11.2.1
2.2	Proposed Disposal Site	2.0 and Figure F-2	App 2.6.1, App 2.6.2-2, App 3.0-1, App 3.0-2, App 3.0-3, and App 11.2.1
3. ACTIVITIES AND WASTE CHARACTERISTICS			
3.1	Character of the Proposed Activities	3.1, 5.0, and 6.0	App 5.3.2, App 5.4.1, and App 11.7
3.2	Types and Quantities Of Waste	8.2 and 8.3	App 3.0-3, App 8.0-1, App 8.0-2 and App 11.7
4. SCHEDULES			
4	Schedules	14.0	App 14.1-1, App 14.1-2, App 14.2-1, App 14.3-1 and App 14.4-1
5. FINANCIAL ASSURANCE			
5	Financial Assurance	12	App 1.15, App 1.21.1, and App 5.8.5

Table 13-1. Summary of Information Demonstrating Completeness of License Application and Associated License Application Section Citations

Administrative Review Criterion	Description	Primary LA Sections	Supporting LA Sections
6. FACILITY DESIGN FEATURES, CONSTRUCTION, AND OPERATION			
6.1	Facility Design Features	3.0	App 2.5.1, App 3.0-1, App 3.0-2, App 3.0-3, App 3.2, App 3.3-1, App 3.3-2 and App 4.2.3
6.2	Methods of Facility Construction	4.0	App 3.2, App 4.2-1, App 4.2-2, App 4.2.3, App 4.3.3 and App 14.2-1
6.3	Methods of Facility Operation	5.0	App 5.2-1, App 5.3.1, App 5.3.2, App 5.5, App 5.5.2-1, App 5.4.1, App 5.7.1, App 7.3.2, App 9.0, App 10.4, App 10.5 and App 14.2-1
7. SITE CHARACTERISTICS			
7.1	Ecology	2.9	App 2.9.1, App 11.1.1 and App 1.21.1
7.2	Geology	2.5 and 2.6.1	11.4.1, App 2.5.1, App 2.6.1, App 2.6.2-2 and App 11.1.1
7.3	Soils	2.6	11.9.1, App 2.5.1, App 2.6.1, App 2.6.2-2, App 2.10.1, App 2.10.1-3, App 2.10.2 and App 11.1.1

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Table 13-1. Summary of Information Demonstrating Completeness of License Application and Associated License Application Section Citations

Administrative Review Criterion	Description	Primary LA Sections	Supporting LA Sections
7.4	Hydrology	2.4 and 2.7	11.4.5, App 2.4.1, App 2.4.2, App 2.4.5, App 2.5.1, App 2.6.1, App 2.6.2, App 2.10.2, App 11.1.1 and App 11.2.1
7.5	Natural Radiation Background	2.10.1	11.9.1, App 2.10.1, App 2.10.1-2, App 2.10.1-3 and App 11.1.1
7.6	Climatology	2.3	11.4.2, App 2.3.1 and App 2.6.2-2
7.7	Meteorology	2.3	11.4.2, App 2.3.1 and App 2.4.1
7.8	Demography	2.2	App 2.2.1, App 11.1.1 and App 11.7
7.9	Current Land Uses	2.2.1 and 11.4	App 11.1.1 and App 11.2.1
8. SAFETY PROGRAMS			
8	Safety Programs	5.5	App 5.5 and App 5.5.2-1
9. WARRANTY DEED			
9	Warranty Deed	1.19 and Attachment B	
10. APPLICATION PROCESSING FEE			
10.1	\$500,000 Fee	12.1.2	
10.2	Additional Funds	12.1	
11. RESOLUTION OF SUPPORT			
11	Resolution of Support	1.18 and Attachment A	App 11.1.1

13.2 Evaluation Review

The Commission must conduct an Evaluation Review following the procedure detailed in 30 §TAC 336. Subchapter I. The procedure requires that four tiers of criteria be considered in the evaluation. In this section, a cross-referenced index is provided in Attachment H to identify the primary and secondary LA sections where the detailed discussions and descriptions of the necessary information are found.

**Attachment H: Cross Index of Information from L.A.
Required for Evaluation Review**

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Table H: Cross-Index Information Required for Evaluation Review

Evaluation Review Criterion and Description		Primary LA Sections	Supporting LA Sections
The commission shall consider as Tier 1 criteria:			
(a)(1)	The natural characteristics of the site for a proposed land disposal facility or facilities;	2.0	11.0 and App 11.2.1
(a)(2)	the adequacy of the proposed land disposal facility or facilities and activities to safely isolate, shield, and contain low-level radioactive waste from mankind and mankind's environment; and	3.1, 3.4 and 3.5	App 3.0-1, App 3.0-2 and App 11.2.1
(a)(3)	Adequacy of financial assurance related to the proposed activities.	12.0	12.1, 12.2, 12.3, 12.5 and App 12.5
(b)	<i>Natural characteristics of the site include:</i>		
(b)(1)	<i>The suitability of the site for the proposed activities, including the site's:</i>		
(b)(1)(A)	Geological characteristics;	2.5	11.4.4, App 2.5.1, App 2.6.1, App 2.6.2-2 and App 11.2.1
(b)(1)(B)	Topography, including features relating to erosion;	2.5, Figure F-1 and Figure F-2	11.4, 11.4.4, App 2.5.3, App 2.6.1, App 2.6.2-2 and App 11.2.1
(b)(1)(C)	Surface and underground hydrology;	2.4 and 2.7	11.4.5, App 2.4.1, App 2.4.2, App 2.4.5, App 2.5.1, App 2.6.2, App 2.10.2 and App 11.2.1
(b)(1)(D)	Meteorological factors; and	2.3	11.4.3, App 2.3.1 and App 11.2.1
(b)(1)(E)	Natural hazards;	2.3.1, 2.4.1, 2.5.2, 2.5.3 and 3.7.2	App 2.3.1, App 2.4.1, App 2.5.2, App 2.5.3, App 3.0-1 and App 11.2.1
(b)(2)	Compatibility of disposal activities with any uses of land near the site that could affect the natural performance of the site or that could affect monitoring of the land disposal facility or facilities and site:	2.8 and 8.1.2	App 2.2.1, App 11.1.1 and App 11.2.1

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Evaluation Review Criterion and Description		Primary LA Sections	Supporting LA Sections
(b)(3)	<i>The adequacy of plans for the collection of prelicense monitoring data and background monitoring plans for the site, including analysis of the ambient conditions of the site and established trends of the site's natural parameters, including:</i>		
(b)(3)(A)	Natural background radioactivity levels;	2.10.1	11.9.1, App 2.10.1, App 2.10.1-2, App 2.10.1-3 and App 11.1.1
(b)(3)(B)	Radon gas levels;	2.10	11.9.1, App 2.10.1, App 2.10.1-2 and App 11.1.1
(b)(3)(C)	Air particulate levels;	2.10	11.9.1, App 2.10.1, App 2.10.1-2 and App 11.1.1
(b)(3)(D)	Soil characteristics, including chemical characteristics;	2.10	11.9.1, App 2.5.1, App 2.6.1, App 2.6.2-2, App 2.10.1, App 2.10.1-2, App 2.10.1-3, App 2.10.2, App 2.10.2-2 and App 11.1.1
(b)(3)(E)	Surface water and groundwater characteristics; and	2.10	11.9.1, App 2.4.1, App 2.5.1, App 2.6.1 and App 2.6.2
(b)(3)(F)	Flora and fauna at the site;	2.9	11.9.1, App 2.9.1 and App 11.1.1
(b)(4)	The possible effects of disposal activities on flora and fauna at or near the site	2.9	App 2.9.1 and App 11.1.1
(b)(5)	The ease of access to the site.	2.1.3 and 3.3	App 3.3-2, App 3.0-2, App 11.2.1 and App 11.7

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Evaluation Review Criterion and Description		Primary LA Sections	Supporting LA Sections
(c)	<i>Adequacy of the proposed land disposal facility or facilities and activities includes:</i>		
(c)(1)	The capability of the proposed land disposal facility or facilities and activities to isolate, shield, and contain low-level radioactive waste in conformity with federal standards;	3.1, 3.4, 3.5, 8.1.1 and 8.1.2	App 2.5.1, App 3.0-1, App 3.0-2, App 3.2, App 3.3-1, App 8.0-3, App 8.0-6, App 8.0-7, and App 11.2.1
(c)(2)	Acceptable operational safety; and	5.5.1 and 5.5.2	App 5.5 and App 8.0-4
(c)(3)	Acceptable long-term safety as demonstrated by analysis or study.	3.6, 8.4 and 8.5	7.1.1, 7.1.2, App 8.0-3, App 8.0-4, App 8.0-5, App 8.0-6, and App 11.2.1
(d)	<i>Financial assurance criteria include:</i>		
(d)(1)	<i>Adequacy of the applicant's financial qualifications to:</i>		
(d)(1)(A)	<i>Conduct the licensed activities as proposed, including:</i>		
(d)(1)(A)(i)	Any required decontamination, decommissioning, reclamation, or disposal; and	12.1.4	App 12.5
(d)(1)(A)(ii)	control and maintenance of the site and land disposal facility or facilities after the cessation of active operations; and	7.1 and 12.1.4	
(d)(1)(B)	Address any unanticipated extraordinary events that would pose a risk to public health and safety and the environment and that may occur at the site after decommissioning and closure of the land disposal facility or facilities;	11.7 and 11.6	
(d)(2)	The adequacy of the applicant's financial assurance in an amount and type acceptable to the commission and adequate to cover potential injury to any property or person;	12.1.3 and 12.2	
(d)(3)	The adequacy of the applicant's financial security, as required by commission rules; and	12.3 and 12.5	12.1.2
(d)(4)	The degree of certainty that the applicant will be able to maintain adequate financial security.	12.5	

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Evaluation Review Criterion and Description		Primary LA Sections	Supporting LA Sections
The commission shall consider as Tier 2 criteria:			
(1)	the suitability of land disposal facilities at the site that are associated with proposed activities and the adequacy of their engineering and design; and	3.1.2 and 3.1.4	5.4, App 2.5.1, App 3.0-1, App 3.0-2, App 3.0-3, App 3.2, App 3.3-1, App 3.3-2 and App 11.2.1
(2)	the suitability of the proposed land disposal facility or facilities for the chemical, radiological, and biological characteristics of the low-level radioactive waste as classified under the system established under Texas Health and Safety Code, §401.053.	5.4 and 5.6	8.2.1, 8.2.2, App 2.5.1, App 2.10.2, App 2.10.2-2, App 3.0-1, App 3.0-2, App 3.0-3, App 3.2, App 3.3-1, App 3.3-2 and App 11.2.1
THE COMMISSION SHALL CONSIDER AS TIER 3 CRITERIA THE APPLICANT'S:			
(1)	Technical qualifications to receive, store, process, and dispose of low-level radioactive waste;	10.2	10.3
(2)	Experience in management and disposal of low-level radioactive waste and other radioactive materials;	10.2	App 1.23 and App 11.10.2
(3)	Previous operating practices in this state and elsewhere, including the practices of a parent, subsidiary, or affiliated entity of the applicant, related to radioactive materials;	1.22	1.24, App 1.23 and App 11.10.2
(4)	Record of compliance with environmental statutes, rules, and licenses in this state and in any other jurisdiction, including the records of a parent or subsidiary of the applicant, subject to Texas Health and Safety Code, §401.243;	1.23	App 1.23 and App 11.10.2
(5)	Training programs proposed for its employees whose duties relate to the proposed site and activities;	10.4 and 10.5	10.2, 10.3, App 5.5, App 5.5.2-1, App 10.4 and App 10.5

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Evaluation Review Criterion and Description		Primary LA Sections	Supporting LA Sections
(6)	Monitoring, recordkeeping, and reporting plans;	2.10, 5.5.3, 5.7.1, 5.7.2, 7.2.1, 7.2.2, 9.5.1, 11.9.1, 11.9.2 and 11.9.3	App 2.10.1-2, App 2.10.2-2, App 5.3.2, App 5.5, App 5.7.1, App 5.5.2-1, App 7.3.2 and App 9.0
(7)	Low-level radioactive waste spill detection and clean-up plans for the proposed site and activities;	5.5.1 and 5.5.2	App 5.5 and App 5.5.2-1
(8)	Decommissioning and post-closure plans;	6.0 and 7.0	App 2.10.1-2, App 2.10.2-2, App 6.1.1-1, App 6.1.5-1, App 6.1.5-2, App 7.1.3, App 7.2.2, App 7.2.3, App 7.3.2, App 7.3.3 and App 14.4-1
(9)	Security plans;	5.5.4	App 5.5
(10)	monitoring and protection plans for workers;	5.5.2 and 8.3.1	App 5.5 and App 5.5.2-1
(11)	emergency plans;	5.5.1	6.2.3, 7.3.1, 7.3.2, App 5.5, App 5.5.2-1, App 6.2.3, App 7.3.1 and App 7.3.2
(12)	<i>Plans for background monitoring during the license period, including analysis of the ambient conditions of the site and analysis of established trends of the site's natural parameters, including:</i>		
(12)(A)	Natural background radioactivity levels;	5.7.2 and 11.9.2	App 2.10.1-2, App 5.5 and App 5.5.2-1
(12)(B)	Radon gas levels;	5.7.2	App 2.10.1-2, App 5.5 and App 5.5.2-1
(12)(C)	Air particulate levels;	5.7.2	App 2.10.1-2, App 5.5 and App 5.5.2-1

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Evaluation Review Criterion and Description		Primary LA Sections	Supporting LA Sections
(12)(D)	Soil characteristics, including chemical characteristics;	5.7.2	App 2.10.1-2, App 2.10.2-2, App 5.5 and App 5.5.2-1
(12)(E)	Surface water and groundwater characteristics; and	5.7.2	App 2.6.1, App 2.10.1-2, App 2.10.2-2, App 5.5 and App 5.5.2-1
(12)(F)	Flora and fauna at the site; and	5.7.2	App 2.10.1-2, App 2.10.2-2, App 5.5, App 5.5.2-1 and App 11.1.1
(13)	Ability to adequately manage the proposed land disposal facility or facilities and activities for the term of the license.	1.23	10.0, 12.1, App 2.10.1-2, App 2.10.2-2, App 5.5 and App 5.5.2-1
THE COMMISSION SHALL CONSIDER AS TIER 4 CRITERIA:			
(1)	The compatibility of uses of land near the proposed site that could be affected by the construction and operation of the land disposal facility or facilities; and	2.2.1, 2.8, 8.1.2 and 11.4	App 2.2.1, App 11.1.1 and App 11.2.1
(2)	<i>Possible socioeconomic effects on communities in the host county of:</i>		
(2)(A)	The proposed land disposal facility or facilities;	2.2 and 11.4.7	App 11.1.1
(2)(B)	The operation of the proposed land disposal facility or facilities; and	2.2 and 11.4.7	App 11.1.1
(2)(C)	Related transportation of low-level radioactive waste to the land disposal facility or facilities.	2.2 and 11.4.7	App 11.1.1 and App 11.7