

**GUIDE FOR COMPLETING
RADIOACTIVE WASTE LICENSE-FOR-DELIVERY
APPLICATION**

This license is necessary to allow radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities to be transported to a disposal/processing facility within the State of Tennessee for subsequent processing.

The following paragraphs explain the information requested on **Application for Radioactive Waste License-for-Delivery Form RHS-30**, and other information which should enable you to understand the review process and enable you to obtain your license-for-delivery in a timely fashion without any unnecessary delays.

Item 1

Name and address of the shipper/generator and/or broker.

Item 2

List the full name, title, address, and telephone number of the person responsible for radioactive waste shipments.

Item 3

This item refers to the location/address the shipment of radioactive waste originates. Each location will require an additional fee and certificate of liability insurance specific to the shipment location. Broker(s) should use the address from which their brokerage operations will be conducted. Specific requirements for brokers utilizing the license-for-delivery are specified below.¹

Item 4

List the radioactive material license number(s) for each facility (shipment location).

Item 5

Provide the Total Estimated Annual Pounds of radioactive waste expected to be shipped or brokered using this license-for-delivery from this location for the calendar year application is made.

Item 6

If your company or facility has never possessed a license-for-delivery at the location application has been made, then check " **New ()**." If your company or facility has possessed a license-for-delivery at the location application has been made, then check " **Renewal ()**." **In each case the fee is \$850.00.**

1 Brokers Utilizing the License-for-Delivery

A valid Tennessee Radioactive Waste License-for-Delivery allows the delivery of radioactive material to a licensed Tennessee disposal/processing facility, and, also, allows the holder of this license-for-delivery to broker shipments of radioactive waste to such facilities if the following conditions are met:

1. travels to the generator's site; and,
2. prepares, packages, or ships, or oversees the preparation, packaging, or shipment of the material for delivery to a Tennessee disposal/processing facility; and,
3. through its (the broker) acting as the shipper provides the required financial assurance.

It is the responsibility of the license-for-delivery holder to ship radioactive material to the Tennessee disposal/processing facility with the proper identification indicating that the shipment is made in accordance with this license.

Please note: a separate TN Waste License-for-Delivery (LFD) is required for each brokered waste generation site, UNLESS one of the following conditions are met: (1) the brokerage firm is located in Tennessee and has an active Tennessee specific RAM license authorizing brokerage activities within the state, or (2) the brokerage firm is not located within Tennessee, but is routing all waste shipments through a single licensed facility before entering Tennessee. In the case of (2), a valid NRC or Agreement State license must be provided for the licensed facility, in which case a single LFD would be issued to that facility.

Item 7

Provide a complete description of the radioactive waste expected to be shipped and/or brokered using this license-for-delivery from this location for the calendar year application is made. If additional space is needed, you may provide attachments to the application.

Item 8

Provide the chemical and physical form of the types of radioactive waste to be shipped or brokered using this license-for-delivery from this location for the calendar year application is made. If additional space is needed, you may provide attachments to the application.

Item 9

Provide the Waste Class & Stability as applicable.

Item 10

List the prominent radionuclides expected to be shipped and/or brokered using this license-for-delivery from this location for the calendar year application is being made.

Item 11

Provide the Total Estimated Radioactivity in Curies of radioactive waste expected to be shipped or brokered using this license-for-delivery from this location for the calendar year application is made.

Item 12

Provide the name(s) and address(es) of broker(s) possessing a **Tennessee Radioactive Waste License-for-Delivery** that the applicant may expect to use from this location for the calendar year application is made. If additional space is needed, you may provide attachments to the application.

Item 13

Provide the name(s) and address(es) of carrier(s) that the applicant may expect to use from this location for the calendar year application is made. If additional space is needed, you may provide attachments to the application.

Item 14

A Certificate of Liability Insurance, issued to the shipper/generator and/or broker for the specific location and effective for the entire calendar year application is made, is required. **This Certificate of Liability Insurance should meet the monetary and coverage requirements outline in "State Regulations for Protection Against Radiation" 0400-20-10-.32 (copy attached). If the shipper/generator and/or broker possesses a certificate not issued by American Nuclear Insurers (ANI), then the Certificate of Liability Insurance must contain a statement from the insurance company or insurance broker certifying that this certificate meets and/or exceeds the monetary and coverage requirements of "State Regulations for Protection Against Radiation" 0400-20-10-.32.**

Item 15

This item is self-explanatory.

Each application should be signed (include title of authorized representative) and dated. Failing to perform any of the tasks outlined above will result in delays in the issuance of your license-for-delivery. Any items that are still not clear will be addressed promptly and efficiently if you contact (615) 879-0309.

0400-20-10-.32 LICENSING OF SHIPPERS OF RADIOACTIVE MATERIAL INTO OR WITHIN TENNESSEE.

- (1) This rule applies to any shipper who transports or offers for transport into or within Tennessee on public waterways, roadways, railways or other transportation facilities upon which United States Department of Transportation (USDOT) regulations are applicable, any radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities for packaging, repackaging, processing, refurbishing, storage pending disposal or disposal.
- (2) All persons subject to the provisions of this rule shall comply with all applicable provisions of the USDOT Regulations (49 CFR) of October 1, 1990, as amended, the U.S. Nuclear Regulatory Commission (NRC) Regulations (10 CFR) of November 30, 1988, as amended, and any disposal/processing facility radioactive material license requirements with special emphasis regarding the packaging, transportation, disposal, storage pending disposal or delivery of radioactive material.
- (3) Definitions used in this rule.
 - (a) "Carrier" means any person who transports radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities.
 - (b) "Disposal" means isolation of radioactive waste from the biosphere.
 - (c) "Disposal/Processing Facility" means any facility located within Tennessee that accepts radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities for packaging, repackaging, processing, refurbishing, storage pending disposal or disposal.
 - (d) Reserved.
 - (e) Reserved.
 - (f) "License for delivery" means an authorization issued by the Division to any shipper of radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities to transport such radioactive material or offer such material for transport to a disposal/processing facility.
 - (g) "Shipper" means any person, whether a resident of Tennessee or a non-resident:
 1. Who transfers radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities to a carrier for transport;
 2. Who transports his own radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities;
 3. Who transports radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities he has packaged, repackaged, processed or stored pending disposal for another person; or

(Rule 0400-20-10-.32, continued)

4. Who transfers radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities to another person if such materials are transported into or within the state.
- (h) "Transport" means the movement of radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities into or within the State of Tennessee on waterways, roadways, railways or other transportation facilities upon which USDOT regulations are applicable.
- (4) Licensing for delivery.
- (a) Before any shipper transports or causes to be transported radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities to a disposal/processing facility within the State for subsequent processing, he shall obtain a license for delivery of such materials from the Division. An application for a license for delivery shall be submitted on Division Form RHS-30, together with any necessary fee, to the Division at the address in Rule 0400-20-04-.07. The check for payment of the fee is to be made payable to "Treasurer: State of Tennessee."
 - (b) Except as provided in part 6 of this subparagraph, before a license for delivery shall be issued, the shipper must deposit and maintain with the Division an acceptable form of financial assurance in the amount of \$500,000; or, provide to the Division satisfactory evidence of liability insurance.
 1. For purposes of this paragraph, liability insurance shall mean coverage of \$500,000 per occurrence and \$1,000,000 aggregate, or as otherwise provided by State law.
 2. Any insurance carried pursuant to Section 2210 of Title 42 of the United States Code and U.S. NRC Regulations (10 CFR Part 140) of November 30, 1988, as amended shall be sufficient to meet the requirements of this subparagraph.
 3. Liability insurance shall be specific to the packaging, transportation, disposal, storage and delivery of radioactive waste.
 4. Shippers maintaining liability insurance for the purpose of this paragraph may provide to the Division a certificate of insurance from their insurer indicating the policy number, limits of liability, policy date and specific coverage for packaging, transportation, disposal, storage pending disposal and delivery of radioactive materials.
 5. A cash or corporate surety bond previously posted will be returned to the shipper upon notification to the Division in writing of his intention to cease shipments of radioactive waste into or within the State. Such bond will be returned after the last such shipment is accepted safely at its destination.
 6. The requirements of this subparagraph shall not apply to any contractor or subcontractor to the United States Department of Energy that has contract terms consistent with the Price-Anderson Act, 42 U.S.C. § 2210.
 - (c) Each license for delivery application shall include a certification to the Division that the shipper will comply fully with all applicable State and Federal laws, administrative rules and regulations, licenses, or license conditions of the disposal/processing facility

(Rule 0400-20-10-.32, continued)

regarding the packaging, transportation, storage pending disposal, disposal and delivery of radioactive materials.

- (d) Each license for delivery application shall include a certification that the shipper will hold the State of Tennessee harmless for all claims, actions or proceedings in law or equity arising out of radiological injury or damage to persons or property occurring during the transportation of its radioactive waste into or within the State including all costs of defending the same; provided, however, that nothing contained herein shall be construed as a waiver of the State's sovereign immunity; and, further provided that agencies of the State of Tennessee shall not be subject to the requirements of subparagraph (b) of this paragraph.
- (5) Disposal/processing facility operator.
- (a) Owners and operators of disposal/processing facilities shall permanently record, and report to the Division within 24 hours after discovery, all conditions in violation of the requirement of this rule discovered as a result of inspections required by any license under which the facility is operated. In addition, owners and operators of disposal/processing facilities shall record all violations of these regulations and license conditions and maintain the record for inspection by the Division.
 - (b) Prior to the receipt of radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities at a disposal/processing facility in Tennessee, the owners and operators of such facility shall notify each shipper of any special requirements, if any, in effect regarding the packaging, transportation, storage pending disposal, disposal or delivery of such wastes at that facility.
 - (c) No owner or operator of a disposal/processing facility located within this State shall accept radioactive waste and/or items contaminated or potentially contaminated with licensable quantities of radioactive material or from licensable activities for packaging, repackaging, processing, refurbishing, storage pending disposal or disposal unless the shipper of such waste has a valid license for delivery issued pursuant to this rule.
 - (d) The owner or operator of a disposal/processing facility shall, along with the remittance of the fee collected pursuant to subparagraph (8)(d) of Rule 0400-20-10-.31, submit a listing containing the name and address of each shipper and the volume and poundage from each shipper for the calendar month.
 - (e) Any contractor or subcontractor to the United States Department of Energy is not required to meet the requirements of subparagraph (d) of this paragraph as long as it has a contract provision based on the DOE regulations implementing the Price-Anderson Act, 42 U.S.C. § 2210.
- (6) Penalties.

All shippers shall be subject to fees and Civil Penalties as authorized and specified in T.C.A. § 68-202-212 and other pertinent rules of the Division.

Authority: T.C.A. §§ 4-5-201, et seq.; 68-202-101, et seq.; and 68-202-201, et seq. **Administrative History:** Original rule filed February 22, 2012; effective May 22, 2012. Amendment filed March 17, 2014; effective June 15, 2014.

0400-20-10-.33 RESERVED.

(Note: The following has been moved to the Appendix to this Chapter (Rule 0400-20-10-.38):