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Low-Level Radioactive Waste Management Facility Siting Regulations

Sec. 22a-163l-1. Minimum distance requirements

(a) **Minimum distances.** Unless the applicant makes the demonstration required by subsection (d) of this section, the minimum distances between the following specified components of the proposed facility and other land uses or features shall not be less than the following:

(1) Distance between the active parts of the proposed facility and a security fence to be located around the site to prevent unauthorized access: 100 feet;

(2) Distance between the security fence and all other land uses for the purpose of providing limited access to the proposed facility and a buffer to monitor and obtain information about the ecology, meteorology, climate, hydrology, geology, geochemistry, and seismology of the proposed facility site: 300 feet;

(3) Distance between the active parts of the proposed facility and any water supply well, water supply surface water feature, or aquifer in use or planned as a water supply source except for the wells and surface water supply features of the proposed facility: 400 feet;

(4) Distance between the active parts of the proposed facility and the seasonal high water table: five feet.

(b) **Prohibited Areas.** The active parts of the proposed facility shall not be located in any of the following areas:

(1) The 100-year floodplain;

(2) Coastal areas subject to storm surge;

(3) Areas with slopes greater than 15 percent subject to instability including, but not limited to, the geologic processes of mass wasting, slumping, landsliding, and gully erosion;

(4) Critical habitat areas for federal and state endangered species;

(5) Areas where significant tectonic processes such as faulting, folding, seismic activity, or vulcanism are likely to occur;

(6) State parks and forests and registered historic sites and landmarks; and

(7) Any area that could adversely affect the ability of the site to meet the performance objectives of 10 CFR Part 61, as amended from time to time.

(c) **Additional information.** The applicant shall identify in its application all existing and presently planned schools, hospitals, nursing homes, and occupied dwellings within two miles of all active parts of the proposed facility. The applicant shall demonstrate that the health and safety of persons utilizing such structures will not be jeopardized by the siting of the proposed facility and that the release of radioactive material to the general environment shall be maintained as low as reasonably achievable below the limits set forth in 10 CFR Part 61, as amended from time to time, and in no case exceed those levels. If the applicant fails to make the required showing or the council determines that the minimum distances set forth in subsection (a) are inadequate to protect the public health and safety, the council may require distances in excess of such minimum distances.

(d) **Maximum safety demonstration.** If the applicant demonstrates to the council's satisfaction that a distance less than the minimum set forth in subsection (a) will ensure the safety of the public from potential dangers associated with the siting of the facility, then the council may reduce the minimum required distance accordingly, provided, however, that in no event shall concentrations of radioactive material which may be released to the general environment in groundwater, surface

water, air, soil, plants, or animals result in an annual dose exceeding the limits established in 10 CFR Part 61, as amended from time to time.

(e) **Considerations.** In determining whether to require or allow distances which differ from the minimum distances set forth in subsection (a), the council shall consider, among other relevant facts and circumstances, the following factors:

(1) Whether a different distance would provide sufficient separation, including an adequate margin of safety to implement:

(A) Measures to protect the public from the potential effects of migration of low-level radioactive waste from the active part of the facility;

(B) Remedial measures which would prevent escape of such low-level radioactive waste or the effects thereof from the facility; and

(C) Measures to protect the public against the adverse effects of low-level radioactive waste spills, fires, emission of radioactivity, and explosions.

(2) Site specific hydrogeological conditions, such as the rate and direction of ground water flow, surface water flow, and soil permeability;

(3) Localized climatic conditions, such as prevailing wind direction and precipitation; and

(4) Population density within a two-mile radius of the facility; and

(5) Appropriate actions necessary to protect the proposed facility from effects of the 500-year flood event and/or flood of record.

(f) **Minimum land ownership or restrictions.** The minimum distances required by the council pursuant to subsections (a) or (d) shall be maintained on property of the owner of the low-level radioactive waste management facility. If the council, pursuant to subsection (c), determines that additional distances are required, it may, as a condition of the certificate, require the applicant to obtain legally enforceable restrictions on adjacent property to preclude the establishment of inconsistent land uses within the minimum distance determined to be necessary by the council. The minimum distances established by this section shall not apply to the facility's entrance and vehicular access route.

(Effective March 7, 1989)