

§ 905.37

are extended beyond the current expiration date of long-term firm power sales contracts. Western must retain important marketing plan provisions such as classes of service, marketing area, and points of delivery, to the extent that these provisions are consistent with the PMI. The PMI, eligibility and allocation criteria for potential new customers, retained or amended provisions of existing marketing criteria, the project-specific resource definition, and the size of a project-specific resource pool shall constitute the future marketing plan for each project.

§ 905.37 Process.

Modified contractual language shall be required to place resource extensions under contract. Resource extensions and allocations to new customers from the initial resource pool will take effect when existing contracts expire. These dates are December 31, 2000, for the Pick-Sloan Missouri Basin Program—Eastern Division and September 30, 2004, for the Loveland Area Projects. For the Pick-Sloan Missouri Basin Program—Eastern Division, Western will offer contracts to existing customers for resource extensions no sooner than the effective date of the final regulations. For the Loveland Area Projects, existing contracts provide for potential adjustments to marketable resources in 1999. No contracts will be offered to existing customers for post-2004 Loveland Area Projects resources until the analysis of potential resource adjustments in 1999 has been completed and any adjustments are implemented. Existing power sales contracts require that this analysis be completed by 1996.

Subpart D—Energy Services

§ 905.40 Technical assistance.

Western shall establish a program that provides technical assistance to customers to conduct integrated resource planning, implement applicable IRPs and small customer plans, and otherwise comply with the requirements of these regulations.

10 CFR Ch. III (1–1–06 Edition)

PART 960—GENERAL GUIDELINES FOR THE PRELIMINARY SCREENING OF POTENTIAL SITES FOR A NUCLEAR WASTE REPOSITORY

Subpart A—General Provisions

Sec.

960.1 Applicability.

960.2 Definitions.

Subpart B—Implementation Guidelines

960.3 Implementation guidelines.

960.3-1 Siting provisions.

960.3-1-1 Diversity of geohydrologic settings.

960.3-1-2 Diversity of rock types.

960.3-1-3 Regionality.

960.3-1-4 Evidence for siting decisions.

960.3-1-4-1 Site identification as potentially acceptable.

960.3-1-4-2 Site nomination for characterization.

960.3-1-4-3 Site recommendation for characterization.

960.3-1-5 Basis for site evaluations.

960.3-2 Siting process.

960.3-2-1 Site screening for potentially acceptable sites.

960.3-2-2 Nomination of sites as suitable for characterization.

960.3-2-2-1 Evaluation of all potentially acceptable sites.

960.3-2-2-2 Selection of sites within geohydrologic settings.

960.3-2-2-3 Comparative evaluation of all sites proposed for nomination.

960.3-2-2-4 The environmental assessment.

960.3-2-2-5 Formal site nomination.

960.3-2-3 Recommendation of sites for characterization.

960.3-3 Consultation.

960.3-4 Environmental impacts.

Subpart C—Postclosure Guidelines

960.4 Postclosure guidelines.

960.4-1 System guideline.

960.4-2 Technical guidelines.

960.4-2-1 Geohydrology.

960.4-2-2 Geochemistry.

960.4-2-3 Rock characteristics.

960.4-2-4 Climatic changes.

960.4-2-5 Erosion.

960.4-2-6 Dissolution.

960.4-2-7 Tectonics.

960.4-2-8 Human interference.

960.4-2-8-1 Natural resources.

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

Subpart D—Preclosure Guidelines

960.5 Preclosure guidelines.

960.5-1 System guidelines.

960.5-2 Technical guidelines.

Department of Energy

§ 960.2

PRECLOSURE RADIOLOGICAL SAFETY

- 960.5-2-1 Population density and distribution.
- 960.5-2-2 Site ownership and control.
- 960.5-2-3 Meteorology.
- 960.5-2-4 Offsite installations and operations.

ENVIRONMENT, SOCIOECONOMICS, AND TRANSPORTATION

- 960.5-2-5 Environmental quality.
- 960.5-2-6 Socioeconomic impacts.
- 960.5-2-7 Transportation.

EASE AND COST OF SITING, CONSTRUCTION, OPERATION, AND CLOSURE

- 960.5-2-8 Surface characteristics.
- 960.5-2-9 Rock characteristics.
- 960.5-2-10 Hydrology.
- 960.5-2-11 Tectonics.

APPENDIX I TO PART 960—NRC AND EPA REQUIREMENTS FOR POSTCLOSURE REPOSITORY PERFORMANCE

APPENDIX II TO PART 960—NRC AND EPA REQUIREMENTS FOR PRECLOSURE REPOSITORY PERFORMANCE

APPENDIX III TO PART 960—APPLICATION OF THE SYSTEM AND TECHNICAL GUIDELINES DURING THE SITING PROCESS

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

AUTHORITY: 42 U.S.C. 2011 *et seq.*, 42 U.S.C. 7101 *et seq.*, 42 U.S.C. 10101 *et seq.*

SOURCE: 49 FR 47752, Dec. 6, 1984, unless otherwise noted.

Subpart A—General Provisions

§ 960.1 Applicability.

These guidelines were developed in accordance with the requirements of Section 112(a) of the Nuclear Waste Policy Act of 1982 for use by the Secretary of Energy in evaluating the suitability of sites. The guidelines will be used for suitability evaluations and determinations made pursuant to Section 112(b). The guidelines set forth in this part are intended to complement the requirements set forth in the Act, 10 CFR part 60, and 40 CFR part 191. The DOE recognizes NRC jurisdiction for the resolution of differences between the guidelines and 10 CFR part 60. The guidelines have received the concurrence of the NRC. The DOE contemplates revising the guidelines from time to time, as permitted by the Act, to take into account revisions made to the above regulations and to otherwise

update the guidelines as necessary. The DOE will submit the revisions to the NRC and obtain its concurrence before issuance.

[49 FR 47752, Dec. 6, 1984, as amended at 66 FR 57334, Nov. 14, 2001]

§ 960.2 Definitions.

As used in this part:

Accessible environment means the atmosphere, the land surface, surface water, oceans, and the portion of the lithosphere that is outside the controlled area.

Act means the Nuclear Waste Policy Act of 1982, as amended.

Active fault means a fault along which there is recurrent movement, which is usually indicated by small, periodic displacements or seismic activity.

Affected area means either the area of socioeconomic impact or the area of environmental impact, each of which will vary in size among potential repository sites.

Affected Indian tribe means any Indian tribe (1) within whose reservation boundaries a repository for radioactive waste is proposed to be located or (2) whose federally defined possessory or usage rights to other lands outside the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of such a facility: *Provided*, That the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

Affected State means any State that (1) has been notified by the DOE in accordance with Section 116(a) of the Act as containing a potentially acceptable site; (2) contains a candidate site for site characterization or repository development; or (3) contains a site selected for repository development.

Application means the act of making a finding of compliance or noncompliance with the qualifying or disqualifying conditions specified in the guidelines of subparts C and D of this part.

Aquifer means a formation, a group of formations, or a part of a formation that contains sufficient saturated permeable material to yield significant