

criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in part 60 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in part 60 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§60.1, 60.2, 60.3, 60.5, 60.6, 60.7, 60.8, 60.15, 60.16, 60.17, 60.18, 60.21, 60.22, 60.23, 60.24, 60.31, 60.32, 60.33, 60.41, 60.42, 60.43, 60.44, 60.45, 60.46, 60.51, 60.52, 60.61, 60.62, 60.63, 60.64, 60.65, 60.101, 60.102, 60.111, 60.112, 60.113, 60.121, 60.122, 60.130, 60.131, 60.132, 60.133, 60.134, 60.135, 60.137, 60.140, 60.141, 60.142, 60.143, 60.150, 60.151, 60.152, 60.162, 60.181, and 60.183.

[57 FR 55076, Nov. 24, 1992]

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

Subpart A—General Provisions

- Sec.
- 61.1 Purpose and scope.
 - 61.2 Definitions.
 - 61.3 License required.
 - 61.4 Communications.
 - 61.5 Interpretations.
 - 61.6 Exemptions.
 - 61.7 Concepts.
 - 61.8 Information collection requirements: OMB approval.
 - 61.9 Employee protection.
 - 61.9a Completeness and accuracy of information.
 - 61.9b Deliberate misconduct.

Subpart B—Licenses

- 61.10 Content of application.
- 61.11 General information.
- 61.12 Specific technical information.
- 61.13 Technical analyses.
- 61.14 Institutional information.
- 61.15 Financial information.
- 61.16 Other information.
- 61.20 Filing and distribution of application.
- 61.21 Elimination of repetition.
- 61.22 Updating of application.
- 61.23 Standards for issuance of a license.
- 61.24 Conditions of licenses.
- 61.25 Changes.
- 61.26 Amendment of license.
- 61.27 Application for renewal or closure.
- 61.28 Contents of application for closure.

- 61.29 Post-closure observation and maintenance.
- 61.30 Transfer of license.
- 61.31 Termination of license.

Subpart C—Performance Objectives

- 61.40 General requirement.
- 61.41 Protection of the general population from releases of radioactivity.
- 61.42 Protection of individuals from inadvertent intrusion.
- 61.43 Protection of individuals during operations.
- 61.44 Stability of the disposal site after closure.

Subpart D—Technical Requirements for Land Disposal Facilities

- 61.50 Disposal site suitability requirements for land disposal.
- 61.51 Disposal site design for land disposal.
- 61.52 Land disposal facility operation and disposal site closure.
- 61.53 Environmental monitoring.
- 61.54 Alternative requirements for design and operations.
- 61.55 Waste classification.
- 61.56 Waste characteristics.
- 61.57 Labeling.
- 61.58 Alternative requirements for waste classification and characteristics.
- 61.59 Institutional requirements.

Subpart E—Financial Assurances

- 61.61 Applicant qualifications and assurances.
- 61.62 Funding for disposal site closure and stabilization.
- 61.63 Financial assurances for institutional controls.

Subpart F—Participation by State Governments and Indian Tribes

- 61.70 Scope.
- 61.71 State and Tribal government consultation.
- 61.72 Filing of proposals for State and Tribal participation.
- 61.73 Commission approval of proposals.

Subpart G—Records, Reports, Tests, and Inspections

- 61.80 Maintenance of records, reports, and transfers.
- 61.81 Tests at land disposal facilities.
- 61.82 Commission inspections of land disposal facilities.
- 61.83 Violations.
- 61.84 Criminal penalties.

AUTHORITY: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093,

§ 61.1

2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246, (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851) and Pub. L. 102-486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

SOURCE: 47 FR 57463, Dec. 27, 1982, unless otherwise noted.

Subpart A—General Provisions

§ 61.1 Purpose and scope.

(a) The regulations in this part establish, for land disposal of radioactive waste, the procedures, criteria, and terms and conditions upon which the Commission issues licenses for the disposal of radioactive wastes containing byproduct, source and special nuclear material received from other persons. Disposal of waste by an individual licensee is set forth in part 20 of this chapter. Applicability of the requirements in this part to Commission licenses for waste disposal facilities in effect on the effective date of this rule will be determined on a case-by-case basis and implemented through terms and conditions of the license or by orders issued by the Commission.

(b) Except as provided in part 150 of this chapter, which addresses assumption of certain regulatory authority by Agreement States, and § 61.6 "Exemptions," the regulations in this part apply to all persons in the United States. The regulations in this part do not apply to—

(1) Disposal of high-level waste as provided for in part 60 or 63 of this chapter;

(2) Disposal of uranium or thorium tailings or wastes (byproduct material as defined in § 40.4 (a-1) as provided for in part 40 of this chapter in quantities greater than 10,000 kilograms and containing more than 5 millicuries of radium-226; or

(3) Disposal of licensed material as provided for in part 20 of this chapter.

(c) This part also gives notice to all persons who knowingly provide to any licensee, applicant, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's or applicant's activities subject to this part, that they may be individually subject

10 CFR Ch. I (1-1-05 Edition)

to NRC enforcement action for violation of § 61.9b.

[47 FR 57463, Dec. 27, 1982, as amended at 56 FR 40690, Aug. 15, 1991; 63 FR 1898, Jan. 13, 1998; 66 FR 55791, Nov. 2, 2001]

§ 61.2 Definitions.

As used in this part:

Active maintenance means any significant remedial activity needed during the period of institutional control to maintain a reasonable assurance that the performance objectives in §§ 61.41 and 61.42 are met. Such active maintenance includes ongoing activities such as the pumping and treatment of water from a disposal unit or one-time measures such as replacement of a disposal unit cover. Active maintenance does not include custodial activities such as repair of fencing, repair or replacement of monitoring equipment, revegetation, minor additions to soil cover, minor repair of disposal unit covers, and general disposal site upkeep such as mowing grass.

Buffer zone is a portion of the disposal site that is controlled by the licensee and that lies under the disposal units and between the disposal units and the boundary of the site.

Chelating agent means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carboic acid, and glucinic acid).

Commencement of construction means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a land disposal facility. The term does not mean disposal site exploration, necessary roads for disposal site exploration, borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the disposal site or the protection of environmental values.

Commission means the Nuclear Regulatory Commission or its duly authorized representatives.

Custodial Agency means an agency of the government designated to act on behalf of the government owner of the disposal site.