

§ 61.1

10 CFR Ch. I (1–13 Edition)

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

US/IAEA SAFEGUARDS AGREEMENT

- 61.32 Facility information and verification.

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: Atomic Energy Act secs. 53, 57, 62, 63, 65, 81, 161, 181, 182, 183, 223, 234 (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2231, 2232, 2233, 2273, 2282); Energy Reorganization Act secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846), sec. 211, Pub. L. 95–601, sec. 10, as amended by Pub. L. 102–486, sec. 2902 (42 U.S.C. 5851). Pub. L. 95–601, sec. 10, 14, 92 Stat. 2951, 2953 (42 U.S.C. 2021a, 5851); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, sec. 651(e), Pub. L. 109–58, 119 Stat. 806–810 (42 U.S.C. 2014, 2021, 2021b, 2111).

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

Nuclear Regulatory Commission

§ 61.2

licensee, applicant, contractor, or sub-contractor, 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 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.

Director means the Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission.

Disposal means the isolation of radioactive wastes from the biosphere inhabited by man and containing his food chains by emplacement in a land disposal facility.

Disposal site means that portion of a land disposal facility which is used for disposal of waste. It consists of disposal units and a buffer zone.

Disposal unit means a discrete portion of the disposal site into which waste is placed for disposal. For near-surface disposal the unit is usually a trench.

Engineered barrier means a man-made structure or device that is intended to improve the land disposal facility's ability to meet the performance objectives in subpart C.

Explosive material means any chemical compound, mixture, or device, which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

Government agency means any executive department, commission, independent establishment, or corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States; or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the government.

Hazardous waste means those wastes designated as hazardous by Environmental Protection Agency regulations in 40 CFR part 261.

Hydrogeologic unit means any soil or rock unit or zone which by virtue of its porosity or permeability, or lack thereof, has a distinct influence on the storage or movement of groundwater.

Inadvertent intruder means a person who might occupy the disposal site after closure and engage in normal activities, such as agriculture, dwelling construction, or other pursuits in which the person might be unknowingly exposed to radiation from the waste.