Nuclear Regulatory Commission

§ 61.26 Amendment of license.

(a) An application for amendment of a license must be filed in accordance with §61.20 and shall fully describe the changes desired.

(b) In determining whether an amendment to a license will be approved, the Commission will apply the criteria set forth in §61.23.

§ 61.27 Application for renewal or closure.

(a) Any expiration date on a license applies only to the above ground activities and to the authority to dispose of waste. Failure to renew the license shall not relieve the licensee of responsibility for carrying out site closure, postclosure observation and transfer of the license to the site owner. An application for renewal or an application for closure under §61.28 must be filed at least 30 days prior to license expiration.

(b) Applications for renewal of a license must be filed in accordance with §§61.10 through 61.16 and §61.20. Applications for closure must be filed in accordance with §§61.20 and 61.28. Information contained in previous applications, statements or reports filed with the Commission under the license may be incorporated by reference if the references are clear and specific.

(c) In any case in which a licensee has timely filed an application for renewal of a license, the license for continued receipt and disposal of licensed materials does not expire until the Commission has taken final action on the application for renewal.

(d) In determining whether a license will be renewed, the Commission will apply the criteria set forth in §61.23.

§ 61.28 Contents of application for closure.

(a) Prior to final closure of the disposal site, or as otherwise directed by the Commission, the applicant shall submit an application to amend the license for closure. This closure application must include a final revision and specific details of the disposal site closure plan included as part of the license application submitted under §61.12(g) that includes each of the following:

(1) Any additional geologic, hydrologic, or other disposal site data pertinent to the long-term containment of emplaced radioactive wastes obtained during the operational period.

(2) The results of tests, experiments, or any other analyses relating to backfill of excavated areas, closure and sealing, waste migration and interaction with emplacement media, or any other tests, experiments, or analysis pertinent to the long-term containment of emplaced waste within the disposal site.

(3) Any proposed revision of plans for:

(i) Decontamination and/or dismantlement of surface facilities;

(ii) Backfilling of excavated areas; or

(iii) Stabilization of the disposal site for post-closure care.

(b) An environmental report or a supplement to an environmental report prepared in accordance with subpart A of part 51 of this chapter must accompany the application.

(c) Upon review and consideration of an application to amend the license for closure submitted in accordance with
paragraph (a) of this section, the Commis-
mission shall issue an amendment au-
thorizing closure if there is reasonable
assurance that the long-term perform-
ance objectives of subpart C of this
part will be met.

[47 FR 57463, Dec. 27, 1982, as amended at 49
FR 9406, Mar. 12, 1984]

§ 61.29 Post-closure observation and
maintenance.
Following completion of closure au-
thorized in § 61.28, the licensee shall ob-
serve, monitor, and carry out neces-
ary maintenance and repairs at the
disposal site until the license is trans-
ferred by the Commission in accord-
ance with § 61.30. Responsibility for the
disposal site must be maintained by
the licensee for 5 years. A shorter or
longer time period for post-closure ob-
servation and maintenance may be es-

tablished and approved as part of the
site closure plan, based on site-specific
conditions.

§ 61.30 Transfer of license.
(a) Following closure and the period
of post-closure observation and mainte-
nance, the licensee may apply for an
amendment to transfer the license to
the disposal site owner. The license
shall be transferred when the Commis-
sion finds:
(1) That the closure of the disposal
site has been made in conformance
with the licensee’s disposal site closure
plan, as amended and approved as part
of the license;
(2) That reasonable assurance has
been provided by the licensee that the
performance objectives of subpart C of
this part are met;
(3) That any funds for care and
records required by § 61.80 (e) and (f)
have been transferred to the disposal
site owner;
(4) That the post-closure monitoring
program is operational for implemen-
tation by the disposal site owner; and
(5) That the Federal or State govern-
ment agency which will assume respon-
sibility for institutional control of the
disposal site is prepared to assume re-
sponsibility and ensure that the insti-
tutional requirements found necessary
under § 61.23(g) will be met.

[47 FR 57463, Dec. 27, 1982, as amended at 61
FR 24674, May 16, 1996]

§ 61.31 Termination of license.
(a) Following any period of institu-
tional control needed to meet the re-
quirements found necessary under
§ 61.23, the licensee may apply for an
amendment to terminate the license.
(b) This application must be filed,
and will be reviewed, in accordance
with the provision of § 61.20 and of this
section.
(c) A license is terminated only when
the Commission finds:
(1) That the institutional control re-
quirements found necessary under
§ 61.23(g) have been met; and
(2) That any additional requirements
resulting from new information devel-
oped during the institutional control
period have been met, and that perma-
nent monuments or markers warning
against intrusion have been installed.
(3) That the records required by
§ 61.80 (e) and (f) have been sent to the
party responsible for institutional con-
trol of the disposal site and a copy has
been sent to the Commission imme-
diately prior to license termination.

[47 FR 57463, Dec. 27, 1982, as amended at 61
FR 24674, May 16, 1996]

US/IAEA SAFEGUARDS AGREEMENT

§ 61.32 Facility information and
verification.
(a) In response to a written request
by the Commission, each applicant for
a license and each recipient of a license
shall submit facility information, as
described in § 75.10 of this chapter, on
Form N–71 and associated forms and
site information on DOC/NRC Form
AP–A, and associated forms;
(b) As required by the Additional
Protocol, applicants and licensees spec-
ified in paragraph (a) of this section
shall submit location information de-
scribed in § 75.11 of this chapter on
DOC/NRC Form AP–1 and associated
forms; and
(c) Shall permit verification thereof
by the International Atomic Energy
Agency (IAEA) and take other action
as necessary to implement the US/