**Section 332.280 Land Ownership**

a) These requirements relating to ownership of byproduct material, mineral rights and disposal sites apply to all licenses terminated, issued or renewed after January 1, 1990.

b) Unless exempted by NRC, title to land (including any affected interests therein) which is used for the disposal of byproduct material, or is essential to ensure the long-term stability of the disposal area and the title to byproduct material shall be transferred to the United States of America or the State of Illinois, at the State's option, prior to the termination of the license. The applicant or licensee shall attempt to obtain ownership of severable subsurface interests and rights, and shall, in the event that certain rights cannot be obtained, provide notification in local public land records of the fact that the land is being used for the disposal of radioactive material and is subject to an NRC license prohibiting the disruption and disturbance of the radioactive material.

c) The use of the surface or subsurface estates, or both, of the lands transferred to the State or to the United States of America is prohibited unless the NRC determines by order that such use will not endanger the public health, safety, welfare or environment. The person who transferred such lands to the State or to the United States of America shall have the right of first refusal with respect to such use of such lands.

d) Byproduct material and land transferred to the United States of America or the State in accordance with this section shall be transferred without cost to the United States of America or the State other than administrative and legal costs incurred in carrying out such transfer.

e) The provisions of this Section respecting transfer of title and custody to land and byproduct material do not apply in the case of lands held in trust by the United States of America for any Indian tribe or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States of America. Where such lands are used for the disposal of byproduct material, the licensee shall enter into arrangements with the NRC as may be appropriate to assure the long-term care of such lands by the United States of America.

f) Prior to termination of the license, the licensee shall provide evidence that it will comply with ownership requirements of this Section.

(Source: Amended at 21 Ill. Reg. 3897, effective March 13, 1997)