

§ 191.16

§ 191.16 Alternative provisions for disposal.

The Administrator may, by rule, substitute for any of the provisions of subpart B alternative provisions chosen after:

(a) The alternative provisions have been proposed for public comment in the FEDERAL REGISTER together with information describing the costs, risks, and benefits of disposal in accordance with the alternative provisions and the reasons why compliance with the existing provisions of Subpart B appears inappropriate;

(b) A public comment period of at least 90 days has been completed, during which an opportunity for public hearings in affected areas of the country has been provided; and

(c) The public comments received have been fully considered in developing the final version of such alternative provisions.

[50 FR 38084, Sept. 19, 1985. Redesignated at 58 FR 66414, Dec. 20, 1993]

§ 191.17 Effective date.

The standards in this subpart shall be effective on November 18, 1985.

[50 FR 38084, Sept. 19, 1985; 50 FR 40003, Oct. 1, 1985. Redesignated at 58 FR 66414, Dec. 20, 1993]

Subpart C—Environmental Standards for Ground-Water Protection

SOURCE: 58 FR 66415, Dec. 20, 1993, unless otherwise noted.

§ 191.21 Applicability.

(a) This subpart applies to:

(1) Radiation doses received by members of the public as a result of activities subject to subpart B of this part; and

(2) Radioactive contamination of underground sources of drinking water in the accessible environment as a result of such activities.

(b) This subpart does not apply to:

(1) Disposal directly into the oceans or ocean sediments;

(2) Wastes disposed of before the effective date of this subpart; and

(3) The characterization, licensing, construction, operation, or closure of

40 CFR Ch. I (7–1–11 Edition)

any site required to be characterized under section 113(a) of Public Law 97–425, 96 Stat. 2201.

§ 191.22 Definitions.

Unless otherwise indicated in this subpart, all terms have the same meaning as in subparts A and B of this part.

Public water system means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Such term includes:

(1) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

(2) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Total dissolved solids means the total dissolved (filterable) solids in water as determined by use of the method specified in 40 CFR part 136.

Underground source of drinking water means an aquifer or its portion which:

(1) Supplies any public water system; or

(2) Contains a sufficient quantity of ground water to supply a public water system; and

(i) Currently supplies drinking water for human consumption; or

(ii) Contains fewer than 10,000 milligrams of total dissolved solids per liter.

§ 191.23 General provisions.

(a) Determination of compliance with this subpart shall be based upon underground sources of drinking water which have been identified on the date the implementing agency determines compliance with subpart C of this part.

(b) [Reserved]

§ 191.24 Disposal standards.

(a) Disposal systems.

(1) *General.* Disposal systems for waste and any associated radioactive material shall be designed to provide a reasonable expectation that 10,000 years of undisturbed performance after disposal shall not cause the levels of radioactivity in any underground

source of drinking water, in the accessible environment, to exceed the limits specified in 40 CFR part 141 as they exist on January 19, 1994.

(2) *Disposal systems above or within a formation which within one-quarter (1/4) mile contains an underground source of drinking water.* [Reserved]

(b) Compliance assessments need not provide complete assurance that the requirements of paragraph (a) of this section will be met. Because of the long time period involved and the nature of the processes and events of interest, there will inevitably be substantial uncertainties in projecting disposal system performance. Proof of the future performance of a disposal system is not to be had in the ordinary sense of the word in situations that deal with much shorter time frames. Instead, what is required is a reasonable expectation, on the basis of the record before the implementing agency, that compliance with paragraph (a) of this section will be achieved.

§ 191.25 Compliance with other Federal regulations.

Compliance with the provisions in this subpart does not negate the necessity to comply with any other applicable Federal regulations or requirements.

§ 191.26 Alternative provisions.

The Administrator may, by rule, substitute for any of the provisions of this subpart alternative provisions chosen after:

(a) The alternative provisions have been proposed for public comment in the FEDERAL REGISTER together with information describing the costs, risks, and benefits of disposal in accordance with the alternative provisions and the reasons why compliance with the existing provisions of this subpart appears inappropriate;

(b) A public comment period of at least 90 days has been completed, during which an opportunity for public hearings in affected areas of the country has been provided; and

(c) The public comments received have been fully considered in developing the final version of such alternative provisions.

§ 191.27 Effective date.

The standards in this subpart shall be effective on January 19, 1994.

APPENDIX A TO PART 191—TABLE FOR SUBPART B

TABLE 1—RELEASE LIMITS FOR CONTAINMENT REQUIREMENTS

[Cumulative releases to the accessible environment for 10,000 years after disposal]

Radionuclide	Release limit per 1,000 MTHM or other unit of waste (see notes) (curies)
Americium-241 or -243	100
Carbon-14	100
Cesium-135 or -137	1,000
Iodine-129	100
Neptunium-237	100
Plutonium-238, -239, -240, or -242	100
Radium-226	100
Strontium-90	1,000
Technetium-99	10,000
Thorium-230 or -232	10
Tin-126	1,000
Uranium-233, -234, -235, -236, or -238	100
Any other alpha-emitting radionuclide with a half-life greater than 20 years	100
Any other radionuclide with a half-life greater than 20 years that does not emit alpha particles	1,000

APPLICATION OF TABLE 1

NOTE 1: *Units of Waste.* The Release Limits in Table 1 apply to the amount of wastes in any one of the following:

(a) An amount of spent nuclear fuel containing 1,000 metric tons of heavy metal (MTHM) exposed to a burnup between 25,000 megawatt-days per metric ton of heavy metal (MWd/MTHM) and 40,000 MWd/MTHM;

(b) The high-level radioactive wastes generated from reprocessing each 1,000 MTHM exposed to a burnup between 25,000 MWd/MTHM and 40,000 MWd/MTHM;

(c) Each 100,000,000 curies of gamma or beta-emitting radionuclides with half-lives greater than 20 years but less than 100 years (for use as discussed in Note 5 or with materials that are identified by the Commission as high-level radioactive waste in accordance with part B of the definition of high-level waste in the NWP);

(d) Each 1,000,000 curies of other radionuclides (i.e., gamma or beta-emitters with half-lives greater than 100 years or any alpha-emitters with half-lives greater than 20 years) (for use as discussed in Note 5 or with materials that are identified by the Commission as high-level radioactive waste in accordance with part B of the definition of high-level waste in the NWP); or