

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 NWPA);

(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 NWPA); or