Environmental Protection Agency

§ 192.31 Definitions and cross-references.

References in this subpart to other parts of the Code of Federal Regulations are to those parts as codified on January 1, 1983.

(a) Unless otherwise indicated in this subpart, all terms shall have the same meaning as in Title II of the Uranium Mill Tailings Radiation Control Act of 1978, subparts A and B of this part, or parts 190, 260, 261, and 264 of this chapter. For the purposes of this subpart, the terms “waste,” “hazardous waste,” and related terms, as used in parts 260, 261, and 264 of this chapter shall apply to byproduct material.

(b) Uranium byproduct material means the tailings or wastes produced by the extraction or concentration of uranium from any ore processed primarily for its source material content. Ore bodies depleted by uranium solution extraction operations and which remain underground do not constitute “byproduct material” for the purpose of this subpart.

(c) Control means any action to stabilize, inhibit future misuse of, or reduce emissions or effluents from uranium byproduct materials.

(d) Licensed site means the area contained within the boundary of a location under the control of persons generating or storing uranium byproduct materials under a license issued pursuant to section 84 of the Act. For purposes of this subpart, “licensed site” is equivalent to “regulated unit” in subpart F of part 264 of this chapter.

(e) Disposal site means a site selected pursuant to section 83 of the Act.

(f) Disposal area means the region within the perimeter of an impoundment or pile containing uranium by product materials to which the post-closure requirements of § 192.32(b)(1) of this subpart apply.

(g) Regulatory agency means the U.S. Nuclear Regulatory Commission.

(h) Closure period means the period of time beginning with the cessation, with respect to a waste impoundment, of uranium ore processing operations and ending with completion of requirements specified under a closure plan.

(i) Closure plan means the plan required under §264.112 of this chapter.

(j) Existing portion means that land surface area of an existing surface impoundment on which significant quantities of uranium byproduct materials have been placed prior to promulgation of this standard.

(k) As expeditiously as practicable considering technological feasibility means as quickly as possible considering: the physical characteristics of the tailings and the site; the limits of available technology; the need for consistency with mandatory requirements of other regulatory programs; and factors beyond the control of the licensee. The phrase permits consideration of the cost of compliance only to the extent specifically provided for by use of the term “available technology.”

(l) Permanent Radon Barrier means the final radon barrier constructed to achieve compliance with, including attainment of, the limit on releases of radon-222 in §192.32(b)(1)(ii).

(m) Available technology means technologies and methods for emplacing a permanent radon barrier on uranium mill tailings piles or impoundments. This term shall not be construed to include extraordinary measures or techniques that would impose costs that are grossly excessive as measured by practice within the industry or one that is reasonably analogous, (such as, by way of illustration only, unreasonable overtime, staffing or transportation requirements, etc., considering normal practice in the industry; laser fusion, of soils, etc.), provided there is reasonable progress toward emplacement of a permanent radon barrier. To determine grossly excessive costs, the relevant baseline against which cost increases shall be compared is the cost estimate for tailings impoundment closure contained in the licensee’s tailings closure plan, but costs beyond such estimates shall not automatically be considered grossly excessive.

(n) Tailings Closure Plan (Radon) means the Nuclear Regulatory Commission or Agreement State approved plan detailing activities to accomplish timely emplacement of a permanent
radon barrier. A tailings closure plan shall include a schedule for key radon closure milestone activities such as wind blown tailings retrieval and placement on the pile, interim stabilization (including dewatering or the removal of freestanding liquids and recontouring), and emplacement of a permanent radon barrier constructed to achieve compliance with the 20 pCi/m²-s flux standard as expeditiously as practicable considering technological feasibility (including factors beyond the control of the licensee).

(q) **Factors beyond the control of the licensee** means factors proximately caus- ing delay in meeting the schedule in the applicable license for timely em- placing of the permanent radon bar- rier notwithstanding the good faith ef- forts of the licensee to achieve compli- ance. These factors may include, but are not limited to, physical conditions at the site; inclement weather or cli- matic conditions; an act of God; an act of war; a judicial or administrative order or decision, or change to the statutory, regulatory, or other legal requirements applicable to the licen- see’s facility that would preclude or delay the performance of activities re- quired for compliance; labor disturb- ances; any modifications, cessation or delay ordered by state, Federal or local agencies; delays beyond the time rea- sonably required in obtaining neces- sary governmental permits, licenses, approvals or consent for activities de- scribed in the tailings closure plan (radon) proposed by the licensee that result from agency failure to take final action after the licensee has made a good faith, timely effort to submit le- gally sufficient applications, responses to requests (including relevant data re- quested by the agencies), or other in- formation, including approval of the tailings closure plan by NRC or the af- fected Agreement State; and an act or omission of any third party over whom the licensee has no control.

(p) **Operational** means that a uranium mill tailings pile or impoundment is being used for the continued placement of uranium byproduct material or is in standby status for such placement. A tailings pile or impoundment is opera- tional from the day that uranium by- product material is first placed in the pile or impoundment until the day final closure begins.

(q) **Milestone** means an enforceable date by which action, or the occurrence of an event, is required for purposes of achieving compliance with the 20 pCi/m²-s flux standard.


§ 192.32 Standards.

(a) Standards for application during processing operations and prior to the end of the closure period. (1) Surface im- poundments (except for an existing portio)n subject to this subpart must be designed, constructed, and installed in such manner as to conform to the requirements of §264.221 of this chap- ter, except that at sites where the annual precipitation falling on the im- poundment and any drainage area con- tributing surface runoff to the impoundment is less than the annual evaporation from the impoundment, the requirements of §264.228(a)(2) (ii)(E) referenced in §264.221 do not apply.

(2) Uranium byproduct materials shall be managed so as to conform to the ground water protection standard in §264.92 of this chapter, except that for the purposes of this subpart:

(i) To the list of hazardous constitu- ents referenced in §264.93 of this chap- ter are added the chemical elements molybdenum and uranium,

(ii) To the concentration limits pro- vided in Table 1 of §264.94 of this chap- ter are added the radioactivity limits in Table A of this subpart,

(iii) Detection monitoring programs required under §264.98 to establish the standards required under §264.92 shall be completed within one (1) year of pro- mulgation,

(iv) The regulatory agency may es- tablish alternate concentration limits (to be satisfied at the point of compli- ance specified under §264.95) under the criteria of §264.94(b), provided that, after considering practicable corrective actions, these limits are as low as rea- sonably achievable, and that, in any case, the standards of §264.94(a) are sat- isfied at all points at a greater distance than 500 meters from the edge of the disposal area and/or outside the site boundary, and