

## Environmental Protection Agency

## § 197.12

*Yucca Mountain repository* means the excavated portion of the facility constructed underground within the Yucca Mountain site.

*Yucca Mountain site* means:

(1) The site recommended by the Secretary of DOE to the President under section 112(b)(1)(B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)(1)(B)) on May 27, 1986; or

(2) The area under the control of DOE for the use of Yucca Mountain activities at the time of licensing, if the site designated under the Nuclear Waste Policy Act is amended by Congress prior to the time of licensing.

### § 197.3 How is subpart A implemented?

The NRC implements this subpart A. The DOE must demonstrate to NRC that normal operations at the Yucca Mountain site will and do occur in compliance with this subpart before NRC may grant or continue a license for DOE to receive and possess radioactive material within the Yucca Mountain site.

### § 197.4 What standard must DOE meet?

The DOE must ensure that no member of the public in the general environment receives more than an annual committed effective dose equivalent of 150 microsieverts (15 millirems) from the combination of:

(a) Management and storage (as defined in 40 CFR 191.2) of radioactive material that:

(1) Is subject to 40 CFR 191.3(a); and

(2) Occurs outside of the Yucca Mountain repository but within the Yucca Mountain site; and

(b) Storage (as defined in §197.2) of radioactive material inside the Yucca Mountain repository.

### § 197.5 When will this part take effect?

The standards in this part take effect on July 13, 2001.

## Subpart B—Public Health and Environmental Standards for Disposal

### § 197.11 What does subpart B cover?

This subpart covers the disposal of radioactive material in the Yucca Mountain repository by DOE.

### § 197.12 What definitions apply in subpart B?

All definitions in subpart A of this part and the following:

*Accessible environment* means any point outside of the controlled area, including:

(1) The atmosphere (including the atmosphere above the surface area of the controlled area);

(2) Land surfaces;

(3) Surface waters;

(4) Oceans; and

(5) The lithosphere.

*Aquifer* means a water-bearing underground geological formation, group of formations, or part of a formation (excluding perched water bodies) that can yield a significant amount of ground water to a well or spring.

*Barrier* means any material, structure, or feature that, for a period to be determined by NRC, prevents or substantially reduces the rate of movement of water or radionuclides from the Yucca Mountain repository to the accessible environment, or prevents the release or substantially reduces the release rate of radionuclides from the waste. For example, a barrier may be a geologic feature, an engineered structure, a canister, a waste form with physical and chemical characteristics that significantly decrease the mobility of radionuclides, or a material placed over and around the waste, provided that the material substantially delays movement of water or radionuclides.

*Controlled area* means:

(1) The surface area, identified by passive institutional controls, that encompasses no more than 300 square kilometers. It must not extend farther:

(a) South than 36° 40' 13.6661" north latitude, in the predominant direction of ground water flow; and

(b) Than five kilometers from the repository footprint in any other direction; and

(2) The subsurface underlying the surface area.

*Disposal* means the emplacement of radioactive material into the Yucca Mountain disposal system with the intent of isolating it for as long as reasonably possible and with no intent of recovery, whether or not the design of the disposal system permits the ready