

disposal sites; and (2) can reduce the likelihood of inadvertent, intermittent human intrusion to a degree to be determined by the implementing agency. However, the Agency believes that passive institutional controls can never be assumed to eliminate the chance of inadvertent and intermittent human intrusion into these disposal sites.

*Consideration of Inadvertent Human Intrusion into Geologic Repositories.* The most speculative potential disruptions of a mined geologic repository are those associated with inadvertent human intrusion. Some types of intrusion would have virtually no effect on a repository's containment of waste. On the other hand, it is possible to conceive of intrusions (involving widespread societal loss of knowledge regarding radioactive wastes) that could result in major disruptions that no reasonable repository selection or design precautions could alleviate. The Agency believes that the most productive consideration of inadvertent intrusion concerns those realistic possibilities that may be usefully mitigated by repository design, site selection, or use of passive controls (although passive institutional controls should not be assumed to completely rule out the possibility of intrusion). Therefore, inadvertent and intermittent intrusion by exploratory drilling for resources (other than any provided by the disposal system itself) can be the most severe intrusion scenario assumed by the implementing agencies. Furthermore, the implementing agencies can assume that passive institutional controls or the intruders' own exploratory procedures are adequate for the intruders to soon detect, or be warned of, the incompatibility of the area with their activities.

*Frequency and Severity of Inadvertent Human Intrusion into Geologic Repositories.* The implementing agencies should consider the effects of each particular disposal system's site, design, and passive institutional controls in judging the likelihood and consequences of such inadvertent exploratory drilling. However, the Agency assumes that the likelihood of such inadvertent and intermittent drilling need not be taken to be greater than 30 boreholes per square kilometer of repository area per 10,000 years for geologic repositories in proximity to sedimentary rock formations, or more than 3 boreholes per square kilometer per 10,000 years for repositories in other geologic formations. Furthermore, the Agency assumes that the consequences of such inadvertent drilling need not be assumed to be more severe than: (1) Direct release to the land surface of all the ground water in the repository horizon that would promptly flow through the newly created borehole to the surface due to natural lithostatic pressure—or (if pumping would be required to raise water to the surface) release of 200 cubic meters of ground water pumped to the surface if that

much water is readily available to be pumped; and (2) creation of a ground water flow path with a permeability typical of a borehole filled by the soil or gravel that would normally settle into an open hole over time—not the permeability of a carefully sealed borehole.

[50 FR 38084, Sept. 19, 1985. Redesignated and amended at 58 FR 66415, Dec. 20, 1993]

## **PART 192—HEALTH AND ENVIRONMENTAL PROTECTION STANDARDS FOR URANIUM AND THORIUM MILL TAILINGS**

### **Subpart A—Standards for the Control of Residual Radioactive Materials from Inactive Uranium Processing Sites**

- Sec.  
192.00 Applicability.  
192.01 Definitions.  
192.02 Standards.  
192.03 Monitoring.  
192.04 Corrective action.

TABLE 1 TO SUBPART A—MAXIMUM CONCENTRATION OF CONSTITUENTS FOR GROUNDWATER PROTECTION

### **Subpart B—Standards for Cleanup of Land and Buildings Contaminated with Residual Radioactive Materials from Inactive Uranium Processing Sites**

- 192.10 Applicability.  
192.11 Definitions.  
192.12 Standards.

### **Subpart C—Implementation**

- 192.20 Guidance for implementation.  
192.21 Criteria for applying supplemental standards.  
192.22 Supplemental standards.  
192.23 Effective date.

### **Subpart D—Standards for Management of Uranium Byproduct Materials Pursuant to Section 84 of the Atomic Energy Act of 1954, as Amended**

- 192.30 Applicability.  
192.31 Definitions and cross-references.  
192.32 Standards.  
192.33 Corrective action programs.  
192.34 Effective date.

TABLE A TO SUBPART D

### **Subpart E—Standards for Management of Thorium Byproduct Materials Pursuant to Section 84 of the Atomic Energy Act of 1954, as Amended**

- 192.40 Applicability.

## § 192.00

## 40 CFR Ch. I (7–1–06 Edition)

- 192.41 Provisions.  
192.42 Substitute provisions.  
192.43 Effective date.

### APPENDIX I TO PART 192—LISTED CONSTITUENTS

AUTHORITY: Sec. 275 of the Atomic Energy Act of 1954, 42 U.S.C. 2022, as added by the Uranium Mill Tailings Radiation Control Act of 1978, Pub. L. 95–604, as amended.

SOURCE: 48 FR 602, Jan. 5, 1983, unless otherwise noted.

### Subpart A—Standards for the Control of Residual Radioactive Materials from Inactive Uranium Processing Sites

#### § 192.00 Applicability.

This subpart applies to the control of residual radioactive material at designated processing or depository sites under section 108 of the Uranium Mill Tailings Radiation Control Act of 1978 (henceforth designated “the Act”), and to restoration of such sites following any use of subsurface minerals under section 104(h) of the Act.

#### § 192.01 Definitions.

(a) *Residual radioactive material* means:

(1) Waste (which the Secretary determines to be radioactive) in the form of tailings resulting from the processing of ores for the extraction of uranium and other valuable constituents of the ores; and

(2) Other wastes (which the Secretary determines to be radioactive) at a processing site which relate to such processing, including any residual stock of unprocessed ores or low-grade materials.

(b) *Remedial action* means any action performed under section 108 of the Act.

(c) *Control* means any remedial action intended to stabilize, inhibit future misuse of, or reduce emissions or effluents from residual radioactive materials.

(d) *Disposal site* means the region within the smallest perimeter of residual radioactive material (excluding cover materials) following completion of control activities.

(e) *Depository site* means a site (other than a processing site) selected under Section 104(b) or 105(b) of the Act.

(f) *Curie (Ci)* means the amount of radioactive material that produces 37 billion nuclear transformation per second. One picocurie (pCi) =  $10^{-12}$  Ci.

(g) *Act* means the Uranium Mill Tailings Radiation Control Act of 1978, as amended.

(h) *Administrator* means the Administrator of the Environmental Protection Agency.

(i) *Secretary* means the Secretary of Energy.

(j) *Commission* means the Nuclear Regulatory Commission.

(k) *Indian tribe* means any tribe, band, clan, group, pueblo, or community of Indians recognized as eligible for services provided by the Secretary of the Interior to Indians.

(l) *Processing site* means:

(1) Any site, including the mill, designated by the Secretary under Section 102(a)(1) of the Act; and

(2) Any other real property or improvement thereon which is in the vicinity of such site, and is determined by the Secretary, in consultation with the Commission, to be contaminated with residual radioactive materials derived from such site.

(m) *Tailings* means the remaining portion of a metal-bearing ore after some or all of such metal, such as uranium, has been extracted.

(n) *Disposal period* means the period of time beginning March 7, 1983 and ending with the completion of all subpart A requirements specified under a plan for remedial action except those specified in § 192.03 and § 192.04.

(o) *Plan for remedial action* means a written plan (or plans) for disposal and cleanup of residual radioactive materials associated with a processing site that incorporates the results of site characterization studies, environmental assessments or impact statements, and engineering assessments so as to satisfy the requirements of subparts A and B of this part. The plan(s) shall be developed in accordance with the provisions of Section 108(a) of the Act with the concurrence of the Commission and in consultation, as appropriate, with the Indian Tribe and the Secretary of Interior.

(p) *Post-disposal period* means the period of time beginning immediately after the disposal period and ending at