

**§ 192.33**

**40 CFR Ch. I (7-1-06 Edition)**

not exceeding 20 pCi/m<sup>2</sup>-s as required by 40 CFR 192.32(b)(1)(ii). This monitoring shall be conducted using the procedures described in 40 CFR part 61, Appendix B, Method 115, or any other measurement method proposed by a licensee that the Nuclear Regulatory Commission or Agreement State approves as being at least as effective as EPA Method 115 in demonstrating the effectiveness of the permanent radon barrier in achieving compliance with the 20 pCi/m<sup>2</sup>-s flux standard.

(ii) When phased emplacement of the permanent radon barrier is included in the applicable tailings closure plan (radon), then radon flux monitoring required under §192.32(a)(4)(i) shall be conducted, however the licensee shall be allowed to conduct such monitoring for each portion of the pile or impoundment on which the radon barrier has been emplaced by conducting flux monitoring on the closed portion.

(5) Uranium byproduct materials shall be managed so as to conform to the provisions of:

(i) Part 190 of this chapter, "Environmental Radiation Protection Standards for Nuclear Power Operations" and

(ii) Part 440 of this chapter, "Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, Subpart C, Uranium, Radium, and Vanadium Ores Subcategory."

(6) The regulatory agency, in conformity with Federal Radiation Protection Guidance (FR, May 18, 1960, pgs. 4402-4403), shall make every effort to maintain radiation doses from radon emissions from surface impoundments of uranium byproduct materials as far below the Federal Radiation Protection Guides as is practicable at each licensed site.

(b) *Standards for application after the closure period.* At the end of the closure period:

(1) Disposal areas shall each comply with the closure performance standard in §264.111 of this chapter with respect to nonradiological hazards and shall be designed<sup>1</sup> to provide reasonable assur-

<sup>1</sup>The standard applies to design with a monitoring requirement as specified in §192.32(a)(4).

ance of control of radiological hazards to

(i) Be effective for one thousand years, to the extent reasonably achievable, and, in any case, for at least 200 years, and,

(ii) Limit releases of radon-222 from uranium byproduct materials to the atmosphere so as to not exceed an average<sup>2</sup> release rate of 20 picocuries per square meter per second (pCi/m<sup>2</sup>s).

(2) The requirements of §192.32(b)(1) shall not apply to any portion of a licensed and/or disposal site which contains a concentration of radium-226 in land, averaged over areas of 100 square meters, which, as a result of uranium byproduct material, does not exceed the background level by more than:

(i) 5 picocuries per gram (pCi/g), averaged over the first 15 centimeters (cm) below the surface, and

(ii) 15 pCi/g, averaged over 15 cm thick layers more than 15 cm below the surface.

[48 FR 45946, Oct. 7, 1983, as amended at 58 FR 60355-60356, Nov. 15, 1993]

**§ 192.33 Corrective action programs.**

If the ground water standards established under provisions of §192.32(a)(2) are exceeded at any licensed site, a corrective action program as specified in §264.100 of this chapter shall be put into operation as soon as is practicable, and in no event later than eighteen (18) months after a finding of exceedance.

**§ 192.34 Effective date.**

Subpart D shall be effective December 6, 1983.

TABLE A TO SUBPART D OF PART 192

	pCi/liter
Combined radium-226 and radium-228 .....	5

<sup>2</sup>This average shall apply to the entire surface of each disposal area over periods of at least one year, but short compared to 100 years. Radon will come from both uranium byproduct materials and from covering materials. Radon emissions from covering materials should be estimated as part of developing a closure plan for each site. The standard, however, applies only to emissions from uranium byproduct materials to the atmosphere.