

## TITLE 40 - PROTECTION OF ENVIRONMENT

### **Part 191 - Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes**

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#### **Authority:**

The Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011-2296; Reorganization Plan No. 3 of 1970, 5 U.S.C. app. 1; the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. 10101-10270; and the Waste Isolation Pilot Plant Land Withdrawal Act, Pub. L. 102-579, 106 Stat. 4777.

**Source:**

50 FR 38084, Sept. 19, 1985, unless otherwise noted.

## **Subpart A - Environmental Standards for Management and Storage**

### **§1. Applicability**

This subpart applies to:

(a) Radiation doses received by members of the public as a result of the management (except for transportation) and storage of spent nuclear fuel or high-level or transuranic radioactive wastes at any facility regulated by the Nuclear Regulatory Commission or by Agreement States, to the extent that such management and storage operations are not subject to the provisions of part 190 of title 40; and

(b) Radiation doses received by members of the public as a result of the management and storage of spent nuclear fuel or high-level or transuranic wastes at any disposal facility that is operated by the Department of Energy and that is not regulated by the Commission or by Agreement States.

### **§2. Definitions**

Unless otherwise indicated in this subpart, all terms shall have the same meaning as in Subpart A of Part 190.

(a) Agency means the Environmental Protection Agency.

(b) Administrator means the Administrator of the Environmental Protection Agency.

(c) Commission means the Nuclear Regulatory Commission.

(d) Department means the Department of Energy.

(e) NWPA means the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425).

(f) Agreement State means any State with which the Commission or the Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954, as amended (68 Stat. 919).

(g) Spent nuclear fuel means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(h) High-level radioactive waste, as used in this part, means high-level radioactive waste as defined in the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425).

(i) Transuranic radioactive waste, as used in this part, means waste containing more than 100 nanocuries of alpha-emitting transuranic isotopes, with half-lives greater than twenty years, per gram of waste, except for: (1) High-level radioactive wastes; (2) wastes that the Department has determined, with the concurrence of the Administrator, do not need the degree of isolation required by this part; or (3) wastes that the Commission has approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61.

(j) Radioactive waste, as used in this part, means the high-level and transuranic radioactive waste covered by this part.

(k) Storage means retention of spent nuclear fuel or radioactive wastes with the intent and capability to readily retrieve such fuel or waste for subsequent use, processing, or disposal.

(l) Disposal means permanent isolation of spent nuclear fuel or radioactive waste from the accessible environment with no intent of recovery, whether or not such isolation permits the recovery of such fuel or waste. For example, disposal of waste in a mined geologic repository occurs when all of the shafts to the repository are backfilled and sealed.

(m) Management means any activity, operation, or process (except for transportation) conducted to prepare spent nuclear fuel or radioactive waste for storage or disposal, or the activities associated with placing such fuel or waste in a disposal system.

(n) Site means an area contained within the boundary of a location under the effective control of persons possessing or using spent nuclear fuel or radioactive waste that are involved in any activity, operation, or process covered by this subpart.

(o) General environment means the total terrestrial, atmospheric, and aquatic environments outside sites within which any activity, operation, or process associated with the management and storage of spent nuclear fuel or radioactive waste is conducted.

(p) Member of the public means any individual except during the time when that individual is a worker engaged in any activity, operation, or process that is covered by the Atomic Energy Act of 1954, as amended.

(q) Critical organ means the most exposed human organ or tissue exclusive of the integumentary system (skin) and the cornea.

### **§3. Standards**

(a) Management and storage of spent nuclear fuel or high-level or transuranic radioactive wastes at all facilities regulated by the Commission or by Agreement States shall be conducted in such a manner as to provide reasonable assurance that the combined annual dose equivalent to any member of the public in the general environment resulting from: (1) Discharges of radioactive material and direct radiation from such management and storage and (2) all operations covered by Part 190; shall not exceed 25 millirems to the whole body, 75 millirems to the thyroid, and 25 millirems to any other critical organ.

(b) Management and storage of spent nuclear fuel or high-level or transuranic radioactive wastes at all facilities for the disposal of such fuel or waste that are operated by the Department and that are not regulated by the Commission or Agreement States shall be conducted in such a manner as to provide reasonable assurance that the combined annual dose equivalent to any member of the public in the general environment resulting from discharges of radioactive material and direct radiation from such management and storage shall not exceed 25 millirems to the whole body and 75 millirems to any critical organ.

### **§4. Alternative standards**

(a) The Administrator may issue alternative standards from those standards established in §191.03(b) for waste management and storage activities at facilities that are not regulated by the Commission or Agreement States if, upon review of an application for such alternative standards:

(1) The Administrator determines that such alternative standards will prevent any member of the public from receiving a continuous exposure of more than 100 millirems per year dose equivalent and an infrequent exposure of more than 500 millirems dose equivalent in a year from all sources, excluding natural background and medical procedures; and

(2) The Administrator promptly makes a matter of public record the degree to

which continued operation of the facility is expected to result in levels in excess of the standards specified in §191.03(b).

(b) An application for alternative standards shall be submitted as soon as possible after the Department determines that continued operation of a facility will exceed the levels specified in §191.03(b) and shall include all information necessary for the Administrator to make the determinations called for in §191.04(a).

(c) Requests for alternative standards shall be submitted to the Administrator, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

[50 FR 38084, Sept. 19, 1985, as amended at 65 FR 47325, Aug. 2, 2000]

#### **§5. Effective date**

The standards in this subpart shall be effective on November 18, 1985.

### **Subpart B - Environmental Standards for Disposal**

#### **§11. Applicability**

(a) This subpart applies to:

(1) Radioactive materials released into the accessible environment as a result of the disposal of spent nuclear fuel or high-level or transuranic radioactive wastes;

(2) Radiation doses received by members of the public as a result of such disposal; and

(3) Radioactive contamination of certain sources of ground water in the vicinity of disposal systems for such fuel or wastes.

(b) This subpart does not apply to:

(1) Disposal directly into the oceans or ocean sediments;

(2) Wastes disposed of before November 18, 1985; and

(3) The characterization, licensing, construction, operation, or closure of any site required to be characterized under section 113(a) of Public Law 97-425, 96 Stat. 2201.

[50 FR 38084, Sept. 19, 1985, as amended at 58 FR 66414, Dec. 20, 1993]

## **§12. Definitions**

Unless otherwise indicated in this subpart, all terms shall have the same meaning as in subpart A of this part.

Accessible environment means: (1) The atmosphere; (2) land surfaces; (3) surface waters; (4) oceans; and (5) all of the lithosphere that is beyond the controlled area.

Active institutional control means: (1) Controlling access to a disposal site by any means other than passive institutional controls; (2) performing maintenance operations or remedial actions at a site, (3) controlling or cleaning up releases from a site, or (4) monitoring parameters related to disposal system performance.

Annual committed effective dose means the committed effective dose resulting from one-year intake of radionuclides released plus the annual effective dose caused by direct radiation from facilities or activities subject to subparts B and C of this part.

Aquifer means an underground geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

Barrier means any material or structure that prevents or substantially delays movement of water or radionuclides toward the accessible environment. For example, a barrier may be a geologic 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 waste, provided that the material or structure substantially delays movement of water or radionuclides.

Controlled area means: (1) A surface location, to be identified by passive institutional controls, that encompasses no more than 100 square kilometers and extends horizontally no more than five kilometers in any direction from the outer boundary of the original location of the radioactive wastes in a disposal system; and (2) the subsurface underlying such a surface location.

Disposal system means any combination of engineered and natural barriers that isolate spent nuclear fuel or radioactive waste after disposal.

Dose equivalent means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its spatial distribution in the body; the unit of dose equivalent is the "rem" ("sievert" in SI units).



Effective dose means the sum over specified tissues of the products of the dose equivalent received following an exposure of, or an intake of radionuclides into, specified tissues of the body, multiplied by appropriate weighting factors. This allows the various tissue-specific health risks to be summed into an overall health risk. The method used to calculate effective dose is described in appendix B of this part.

Ground water means water below the land surface in a zone of saturation.

Heavy metal means all uranium, plutonium, or thorium placed into a nuclear reactor.

Implementing agency means:

(1) The Commission for facilities licensed by the Commission;

(2) The Agency for those implementation responsibilities for the Waste Isolation Pilot Plant, under this part, given to the Agency by the Waste Isolation Pilot Plant Land Withdrawal Act (Pub. L. 102-579, 106 Stat. 4777) which, for the purposes of this part, are:

(i) Determinations by the Agency that the Waste Isolation Pilot Plant is in compliance with subpart A of this part;

(ii) Issuance of criteria for the certifications of compliance with subparts B and C of this part of the Waste Isolation Pilot Plant's compliance with subparts B and C of this part;

(iii) Certifications of compliance with subparts B and C of this part of the Waste

Isolation Pilot Plant's compliance with subparts B and C of this part;

(iv) If the initial certification is made, periodic recertification of the Waste Isolation Pilot Plant's continued compliance with subparts B and C of this part;

(v) Review and comment on performance assessment reports of the Waste Isolation Pilot Plant; and

(vi) Concurrence by the Agency with the Department's determination under §191.02(i) that certain wastes do not need the degree of isolation required by subparts B and C of this part; and

(3) The Department of Energy for any other disposal facility and all other implementation responsibilities for the Waste Isolation Pilot Plant, under this part, not given to the Agency.

International System of Units is the version of the metric system which has been established by the International Bureau of Weights and Measures and is administered in the United States by the National Institute of Standards and Technology. The abbreviation for this system is "SI."

Lithosphere means the solid part of the Earth below the surface, including any ground water contained within it.

Passive institutional control means: (1) Permanent markers placed at a disposal site, (2) public records and archives, (3) government ownership and regulations regarding land or resource use, and (4) other methods of preserving knowledge about the location, design, and contents of a disposal system.

Performance assessment means an analysis that: (1) Identifies the processes and

events that might affect the disposal system; (2) examines the effects of these processes and events on the performance of the disposal system; and (3) estimates the cumulative releases of radionuclides, considering the associated uncertainties, caused by all significant processes and events. These estimates shall be incorporated into an overall probability distribution of cumulative release to the extent practicable.

Radioactive material means matter composed of or containing radionuclides, with radiological half-lives greater than 20 years, subject to the Atomic Energy Act of 1954, as amended.

SI unit means a unit of measure in the International System of Units.

Sievert is the SI unit of effective dose and is equal to 100 rem or one joule per kilogram. The abbreviation is "Sv."

Undisturbed performance means the predicted behavior of a disposal system, including consideration of the uncertainties in predicted behavior, if the disposal system is not disrupted by human intrusion or the occurrence of unlikely natural events.

Waste, as used in this subpart, means any spent nuclear fuel or radioactive waste isolated in a disposal system.

Waste form means the materials comprising the radioactive components of waste and any encapsulating or stabilizing matrix.

[50 FR 38084, Sept. 19, 1985, as amended at 58 FR 66414, Dec. 20, 1993]

### **§13. Containment requirements**

(a) Disposal systems for spent nuclear fuel or high-level or transuranic radioactive wastes shall be designed to provide a reasonable expectation, based upon performance assessments, that the cumulative releases of radionuclides to the accessible environment for 10,000 years after disposal from all significant processes and events that may affect the disposal system shall:

(1) Have a likelihood of less than one chance in 10 of exceeding the quantities calculated according to Table 1 (appendix A); and

(2) Have a likelihood of less than one chance in 1,000 of exceeding ten times the quantities calculated according to Table 1 (appendix A).

(b) Performance assessments need not provide complete assurance that the requirements of §191.13(a) will be met. Because of the long time period involved and the nature of the events and processes 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 §191.13 (a) will be achieved.

#### **§14. Assurance requirements**

To provide the confidence needed for long-term compliance with the requirements of §191.13, disposal of spent nuclear fuel or high-level or transuranic wastes shall be conducted in accordance with the following provisions, except that these provisions do not apply to facilities regulated by the Commission (see 10 CFR Part 60 for comparable provisions applicable to facilities regulated by the Commission):

(a) Active institutional controls over disposal sites should be maintained for as long a period of time as is practicable after disposal; however, performance assessments that assess isolation of the wastes from the accessible environment shall not consider any contributions from active institutional controls for more than 100 years after disposal.

(b) Disposal systems shall be monitored after disposal to detect substantial and detrimental deviations from expected performance. This monitoring shall be done with techniques that do not jeopardize the isolation of the wastes and shall be conducted until there are no significant concerns to be addressed by further monitoring.

(c) Disposal sites shall be designated by the most permanent markers, records, and other passive institutional controls practicable to indicate the dangers of the wastes and their location.

(d) Disposal systems shall use different types of barriers to isolate the wastes from the accessible environment. Both engineered and natural barriers shall be included.

(e) Places where there has been mining for resources, or where there is a reasonable expectation of exploration for scarce or easily accessible resources, or where there is a significant concentration of any material that is not widely available from other sources, should be avoided in selecting disposal sites. Resources to be considered shall include minerals, petroleum or natural gas, valuable geologic formations, and ground waters that are either irreplaceable because there is no reasonable alternative source of drinking water available for substantial populations or that are vital to the preservation of unique and sensitive ecosystems. Such places shall not be used for disposal of the wastes covered by this part unless the favorable characteristics of such places compensate for their greater likelihood of being disturbed in the future.

(f) Disposal systems shall be selected so that removal of most of the wastes is not precluded for a reasonable period of time after disposal.

#### **§15. Individual protection requirements**

(a) Disposal systems for waste and any associated radioactive material shall be designed to provide a reasonable expectation that, for 10,000 years after disposal, undisturbed performance of the disposal system shall not cause the annual committed

effective dose, received through all potential pathways from the disposal system, to any member of the public in the accessible environment, to exceed 15 millirems (150 microsieverts).

(b) Annual committed effective doses shall be calculated in accordance with appendix B of this part.

(c) 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.

(d) Compliance with the provisions in this section does not negate the necessity to comply with any other applicable Federal regulations or requirements.

(e) The standards in this section shall be effective on January 19, 1994.

[58 FR 66414, Dec. 20, 1993]

#### **§16. Alternative provisions for disposal**

The Administrator may, by rule, substitute for any of the provisions of subpart B 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 Subpart B 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.

[50 FR 38084, Sept. 19, 1985. Redesignated at 58 FR 66414, Dec. 20, 1993]

#### **§17. Effective date**

The standards in this subpart shall be effective on November 18, 1985.

[50 FR 38084, Sept. 19, 1985; 50 FR 40003, Oct. 1, 1985. Redesignated at 58 FR 66414, Dec. 20, 1993]

### **Subpart C - Environmental Standards for Ground-Water Protection** **Source:**

58 FR 66415, Dec. 20, 1993, unless otherwise noted.

#### **§21. Applicability**

(a) This subpart applies to:

(1) Radiation doses received by members of the public as a result of activities subject to subpart B of this part; and

(2) Radioactive contamination of underground sources of drinking water in the accessible environment as a result of such activities.

(b) This subpart does not apply to:

(1) Disposal directly into the oceans or ocean sediments;

(2) Wastes disposed of before the effective date of this subpart; and

(3) The characterization, licensing, construction, operation, or closure of any site required to be characterized under section 113(a) of Public Law 97-425, 96 Stat. 2201.

## **§22. Definitions**

Unless otherwise indicated in this subpart, all terms have the same meaning as in subparts A and B of this part.

Public water system means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Such term includes:

(1) Any collection, treatment, storage, and distribution facilities under control of the



operator of such system and used primarily in connection with such system; and

(2) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Total dissolved solids means the total dissolved (filterable) solids in water as determined by use of the method specified in 40 CFR part 136.

Underground source of drinking water means an aquifer or its portion which:

(1) Supplies any public water system; or

(2) Contains a sufficient quantity of ground water to supply a public water system; and

(i) Currently supplies drinking water for human consumption; or

(ii) Contains fewer than 10,000 milligrams of total dissolved solids per liter.

### **§23. General provisions**

(a) Determination of compliance with this subpart shall be based upon underground sources of drinking water which have been identified on the date the implementing agency determines compliance with subpart C of this part.

(b) [Reserved]

## **§24. Disposal standards**

### (a) Disposal systems.

(1) General. Disposal systems for waste and any associated radioactive material shall be designed to provide a reasonable expectation that 10,000 years of undisturbed performance after disposal shall not cause the levels of radioactivity in any underground 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.

## **§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.

**§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.

**§27. Effective date**

The standards in this subpart shall be effective on January 19, 1994.

**Appendix A - Table for Subpart B**

Table 1\_Release Limits for Containment Requirements

[Cumulative releases to the accessible environment for 10,000 years  
after disposal]

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Release

Radionuclide	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

(e) An amount of transuranic (TRU) wastes containing one million curies of alpha-emitting transuranic radionuclides with half-lives greater than 20 years.

Note 2:

Release Limits for Specific Disposal Systems. To develop Release Limits for a particular disposal system, the quantities in Table 1 shall be adjusted for the amount of waste included in the disposal system compared to the various units of waste defined in Note 1. For example:

(a) If a particular disposal system contained the high-level wastes from 50,000 MTHM, the Release Limits for that system would be the quantities in Table 1 multiplied by 50 (50,000 MTHM divided by 1,000 MTHM).

(b) If a particular disposal system contained three million curies of alpha-emitting transuranic wastes, the Release Limits for that system would be the quantities in Table 1 multiplied by three (three million curies divided by one million curies).

(c) If a particular disposal system contained both the high-level wastes from 50,000 MTHM and 5 million curies of alpha-emitting transuranic wastes, the Release Limits for that system would be the quantities in Table 1 multiplied by 55:

[A graphic goes here]

Note 3:

Adjustments for Reactor Fuels with Different Burnup. For disposal systems containing reactor fuels (or the high-level wastes from reactor fuels) exposed to an average burnup of less than 25,000 MWd/MTHM or greater than 40,000 MWd/MTHM, the units of waste defined in (a) and (b) of Note 1 shall be adjusted. The unit shall be multiplied by the ratio of 30,000 MWd/MTHM divided by the fuel's actual average burnup, except that a value of 5,000 MWd/MTHM may be used when the average fuel burnup is below 5,000 MWd/MTHM and a value of 100,000 MWd/MTHM shall be used when the average fuel burnup is above 100,000 MWd/MTHM. This adjusted unit of waste shall then be used in determining the Release Limits for the disposal system.

For example, if a particular disposal system contained only high-level wastes with an average burnup of 3,000 MWd/MTHM, the unit of waste for that disposal system would be:

[A graphic goes here]

If that disposal system contained the high-level wastes from 60,000 MTHM (with an average burnup of 3,000 MWd/MTHM), then the Release Limits for that system would

be the quantities in Table 1 multiplied by ten:

[A graphic goes here]

which is the same as:

[A graphic goes here]

Note 4:

**Treatment of Fractionated High-Level Wastes.** In some cases, a high-level waste stream from reprocessing spent nuclear fuel may have been (or will be) separated into two or more high-level waste components destined for different disposal systems. In such cases, the implementing agency may allocate the Release Limit multiplier (based upon the original MTHM and the average fuel burnup of the high-level waste stream) among the various disposal systems as it chooses, provided that the total Release Limit multiplier used for that waste stream at all of its disposal systems may not exceed the Release Limit multiplier that would be used if the entire waste stream were disposed of in one disposal system.

Note 5:

**Treatment of Wastes with Poorly Known Burnups or Original MTHM.** In some cases, the records associated with particular high-level waste streams may not be adequate to accurately determine the original metric tons of heavy metal in the reactor fuel that created the waste, or to determine the average burnup that the fuel was exposed to. If the uncertainties are such that the original amount of heavy metal or the average fuel burnup for particular high-level waste streams cannot be quantified, the units of waste derived from (a) and (b) of Note 1 shall no longer be used. Instead, the units of waste defined in (c) and (d) of Note 1 shall be used for such high-level waste streams. If the uncertainties in such information allow a range of values to be associated with the original amount of heavy metal or the average fuel burnup, then the calculations described in previous Notes will be conducted using the values that result in the smallest Release Limits, except that the Release Limits need not be smaller than those that would be calculated using the units of waste defined in (c) and (d) of Note 1.

Note 6:

**Uses of Release Limits to Determine Compliance with §191.13** Once release limits for a particular disposal system have been determined in accordance with Notes 1 through 5, these release limits shall be used to determine compliance with the requirements of §191.13 as follows. In cases where a mixture of radionuclides is projected to be

released to the accessible environment, the limiting values shall be determined as follows: For each radionuclide in the mixture, determine the ratio between the cumulative release quantity projected over 10,000 years and the limit for that radionuclide as determined from Table 1 and Notes 1 through 5. The sum of such ratios for all the radionuclides in the mixture may not exceed one with regard to §191.13(a)(1) and may not exceed ten with regard to §191.13(a)(2).

For example, if radionuclides A, B, and C are projected to be released in amounts  $Q_a$ ,  $Q_b$ , and  $Q_c$ , and if the applicable Release Limits are  $RL_a$ ,  $RL_b$ , and  $RL_c$ , then the cumulative releases over 10,000 years shall be limited so that the following relationship exists:

[A graphic goes here]

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

## **Appendix B - Calculation of Annual Committed Effective Dose**

### I. Equivalent Dose

The calculation of the committed effective dose (CED) begins with the determination of the equivalent dose,  $HT$ , to a tissue or organ,  $T$ , listed in Table B.2 below by using the equation:

[A graphic goes here]

where  $DT,R$  is the absorbed dose in rads (one gray, an SI unit, equals 100 rads) averaged over the tissue or organ,  $T$ , due to radiation type,  $R$ , and  $w_R$  is the radiation weighting factor which is given in Table B.1 below. The unit of equivalent dose is the rem (sievert, in SI units).



Radiation type and energy range \2\	wR value
Photons, all energies.....	1
Electrons and muons, all energies.....	1
Neutrons, energy < 10 keV.....	5
10 keV to 100 keV.....	10
100 keV to 2 MeV.....	20
2 MeV to 20 MeV.....	10
20 MeV.....	5
Protons, other than recoil protons, 2 MeV.....	5
Alpha particles, fission fragments, heavy nuclei.....	20

\1\ All values relate to the radiation incident on the body or, for internal sources, emitted from the source.

\2\ See paragraph A14 in ICRP Publication 60 for the choice of values for other radiation types and energies not in the table.

## II. Effective Dose

The next step is the calculation of the effective dose, E. The probability of occurrence of a stochastic effect in a tissue or organ is assumed to be proportional to the equivalent dose in the tissue or organ. The constant of proportionality differs for the various tissues of the body, but in assessing health detriment the total risk is required. This is taken into account using the tissue weighting factors, wT in Table B.2, which represent the proportion of the stochastic risk resulting from irradiation of the tissue or organ to the total risk when the whole body is irradiated uniformly and HT is the equivalent dose in the tissue or organ, T, in the equation:

[A graphic goes here]

Table B.2\_Tissue Weighting Factors, wT \1\

Tissue or organ	wT value
Gonads.....	0.25
Breast.....	0.15
Red bone marrow.....	0.12
Lung.....	0.12
Thyroid.....	0.03
Bone surfaces.....	0.03
Remainder.....	\2\ 0.30

\1\ The values are considered to be appropriate for protection for individuals of both sexes and all ages.

\2\ For purposes of calculation, the remainder is comprised of the five tissues or organs not specifically listed in Table B.2 that receive the highest dose equivalents; a weighting factor of 0.06 is applied to each of them, including the various sections of the gastrointestinal tract which are treated as separate organs. This covers all tissues and organs except the hands and forearms, the feet and ankles, the skin and the lens of the eye. The excepted tissues and organs should be excluded from the computation of HE.

### III. Annual Committed Tissue or Organ Equivalent Dose

For internal irradiation from incorporated radionuclides, the total absorbed dose will be spread out in time, being gradually delivered as the radionuclide decays. The time distribution of the absorbed dose rate will vary with the radionuclide, its form, the mode of intake and the tissue within which it is incorporated. To take account of this distribution the quantity committed equivalent dose,  $HT(\tau)$  where  $\tau$  is the integration time in years following an intake over any particular year, is used and is the integral over time of the equivalent dose rate in a particular tissue or organ that will be received by an individual following an intake of radioactive material into the body. The time period,  $\tau$ , is taken as 50 years as an average time of exposure following intake:

[A graphic goes here]

for a single intake of activity at time  $t_0$  where  $HT(t)$  is the relevant equivalent-dose rate in a tissue or organ at time  $t$ . For the purposes of this part, the previously mentioned single intake may be considered to be an annual intake.

#### IV. Annual Committed Effective Dose

If the committed equivalent doses to the individual tissues or organs resulting from an annual intake are multiplied by the appropriate weighting factors,  $w_T$ , and then summed, the result will be the annual committed effective dose,  $E(\tau)$ :

[A graphic goes here]

[58 FR 66415, Dec. 20, 1993]

### **Appendix C - Guidance for Implementation of Subpart B**

[Note: The supplemental information in this appendix is not an integral part of 40 CFR part 191. Therefore, the implementing agencies are not bound to follow this guidance. However, it is included because it describes the Agency's assumptions regarding the implementation of subpart B. This appendix will appear in the Code of Federal Regulations.]

The Agency believes that the implementing agencies must determine compliance with §§191.13, 191.15, and 191.16 of subpart B by evaluating long-term predictions of disposal system performance. Determining compliance with §191.13 will also involve predicting the likelihood of events and processes that may disturb the disposal system. In making these various predictions, it will be appropriate for the implementing agencies to make use of rather complex computational models, analytical theories, and prevalent

expert judgment relevant to the numerical predictions. Substantial uncertainties are likely to be encountered in making these predictions. In fact, sole reliance on these numerical predictions to determine compliance may not be appropriate; the implementing agencies may choose to supplement such predictions with qualitative judgments as well. Because the procedures for determining compliance with subpart B have not been formulated and tested yet, this appendix to the rule indicates the Agency's assumptions regarding certain issues that may arise when implementing §§191.13, 191.15, and 191.16. Most of this guidance applies to any type of disposal system for the wastes covered by this rule. However, several sections apply only to disposal in mined geologic repositories and would be inappropriate for other types of disposal systems.

**Consideration of Total Disposal System.** When predicting disposal system performance, the Agency assumes that reasonable projections of the protection expected from all of the engineered and natural barriers of a disposal system will be considered. Portions of the disposal system should not be disregarded, even if projected performance is uncertain, except for portions of the system that make negligible contributions to the overall isolation provided by the disposal system.

**Scope of Performance Assessments.** Section 191.13 requires the implementing agencies to evaluate compliance through performance assessments as defined in §191.12(q). The Agency assumes that such performance assessments need not consider categories of events or processes that are estimated to have less than one chance in 10,000 of occurring over 10,000 years. Furthermore, the performance assessments need not evaluate in detail the releases from all events and processes estimated to have a greater likelihood of occurrence. Some of these events and processes may be omitted from the performance assessments if there is a reasonable expectation that the remaining probability distribution of cumulative releases would not be significantly changed by such omissions.

**Compliance with §191.13.** The Agency assumes that, whenever practicable, the implementing agency will assemble all of the results of the performance assessments to determine compliance with §191.13 into a “complementary cumulative distribution function” that indicates the probability of exceeding various levels of cumulative release. When the uncertainties in parameters are considered in a performance assessment, the effects of the uncertainties considered can be incorporated into a single such distribution function for each disposal system considered. The Agency assumes that a disposal system can be considered to be in compliance with §191.13 if this single distribution function meets the requirements of §191.13(a).

Compliance with §§191.15 and 191.16. When the uncertainties in undisturbed performance of a disposal system are considered, the implementing agencies need not require that a very large percentage of the range of estimated radiation exposures or radionuclide concentrations fall below limits established in §§191.15 and 191.16, respectively. The Agency assumes that compliance can be determined based upon “best estimate” predictions (e.g., the mean or the median of the appropriate distribution, whichever is higher).

**Institutional Controls.** To comply with §191.14(a), the implementing agency will assume that none of the active institutional controls prevent or reduce radionuclide releases for more than 100 years after disposal. However, the Federal Government is committed to retaining ownership of all disposal sites for spent nuclear fuel and high-level and transuranic radioactive wastes and will establish appropriate markers and records, consistent with §191.14(c). The Agency assumes that, as long as such passive institutional controls endure and are understood, they: (1) Can be effective in deterring systematic or persistent exploitation of these 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]