

FEDERAL AGENCIES AND URANIUM

I. Environmental Impact Statement (EPA) (and states with EPA delegated authority)

The EPA has authority over Clean Air and Clean Water and establishes standards for uranium mining and milling operation. The EPA maintains a set of outdated regulations and inadequately enforces those regulations. EPA is highly politicized, sometimes incompetent, and industry has the upper hand in influence.

1. EPA 40 C.F.R. Part 61 Subpart W Rulemaking: Radon emission standards for operating uranium mills. <https://www.epa.gov/radiation/subpart-w-rulemaking-activity>

A. The EPA issued draft amendments to Subpart W in 2014. The proposed rule establishes design and work practice standards for radon emissions from conventional mill tailings, in situ leach (ISL), and heap leach uranium recovery operations.

B. Issues: The proposed Subpart W rule 1) violates the Clean Air Act; 2) eliminates numerical emission standard for conventional tailings; 3) allows for any number and size of solution holding ponds; 4) requires depth of 1-meter of fluids for holding ponds; 4) assumes that radon emissions from radium-laden solutions are zero; 5) does not establish a numerical standard and monitoring and reporting requirements during closure, when radon emissions increase significantly due to tailings dewatering; and 7) reflects EPA incompetency.

C. Action: The EPA is expected to issue the final Subpart W rule at any time. Very likely the final rule will be challenged in court by environmental and tribal groups and by industry.

2. EPA 40 C.F.R. Part 192. Health and Environmental Standards for Uranium and Thorium Mill Tailings. <https://www.epa.gov/radiation/40-cfr-part-192-2015-proposed-rulemaking-andbackground-documents>

A. The EPA proposed new rules establishing standards for groundwater protection at ISL operations, which the Nuclear Regulatory Commission must implement. Final rule expected 2017. Rule opposed by uranium industry.

B. Action: Comments submitted. Possible legal challenges to final rule.

3. EPA 40 C.F.R. Section 440.30. Standards for discharge of uranium mine water after treatment under National Pollution Elimination Discharge Systems (NPDES) permits.

A. Issues: Permits required for discharge of uranium mine water to meet standards. Radium-barium sediments dry up during periods of standby and disperse into the environment.

B. Action: Comment on NPDES Permits. Bring issues to EPA re dispersal of sediments.

4. Other

A. EPA 40 C.F.R. Part 61 Subpart B, Standards for Radon Emissions from Underground Uranium Mines that produce over 100,000 tons of ore. Monitoring and reporting requirements.

B. EPA Aquifer Exemptions for ISLs.

C. Lack of TENORM Regulations for Uranium Mine Waste and Bevill Amendment.

D. EPA Second Five-Year Plan to Address Impacts of Uranium Contamination in the Navajo Nation. <https://www.epa.gov/navajo-nation-uranium-cleanup/current-and-previous-fiveyear-plans>

II. Bureau of Land Management and US Forest Service

1. BLM regulation of permitted uranium mines and NEPA reviews.

A. Most of the currently permitted uranium mines are on BLM or UFS land in Arizona, Colorado, New Mexico, and Utah. BLM permitted conventional mines are all on standby.

B. Issues

- BLM failure to enforce temporary cessation of operation regulations.
- Lack of radiation cleanup action levels during operation, standby, and reclamation.
- Lack of regulations specific to uranium mining.
- Need for new BLM and USFS hard rock mining and mine-standby regulations.
- Inadequate BLM and USFS NEPA Reviews.

C. Actions

- Participation in NEPA reviews and mine approvals: La Sal Mines Complex (UT); Daneros Mine (UT); Roca Honda Mine (NM); Canyon Mine (AZ), and new or modified mine operations.
- Proposal of new BLM and USFS mining regulations.

III. Nuclear Regulatory Commission (NRC) and NRC Agreement States (CO, TX, UT)

1. Regulation of uranium mills and 11e.(2) byproduct material, including ISLs and heap leach

A. Issues:

- Poor oversight of closed uranium mills in New Mexico: Homestake and Churchrock
- Inadequate regulation of ISLs and Heap Leach in Wyoming, South Dakota, Nebraska.
- Difficult for citizens to establish standing and participate in legal proceedings.
- NRC determination regarding regulation of Ablation uranium recovery technology.
- GEIS in place for all ISL mines prevents comprehensive environmental analysis and reliance on SEISs that fails to protect communities and environment.
- Lack of regulatory oversight, failure to enforce regulations, ignores past experience.
- White Mesa License Renewal (UT) and Shootaring Canyon Mill License Renewal (UT)

B. Actions

- Comment on NRC and Agreements State rulemakings and licensing actions, allegations, letters, legal challenges.

IV. Department of Energy (DOE)

1. DOE Support for Nuclear Power and Nuclear Weapons and Atomic Weapons Program Legacy

A. Issues:

- DOE continual funding and support of nuclear reactors and nuclear weapons.
- DOE failure to take responsibility of over 4,000 abandoned uranium mines.

B. Actions

- Support of Cleanup the Mines Campaign and legislation.
- Opposition to federal funding for new reactor development.

2. DOE Regulatory Oversight over Title I and Title II uranium mills and Mine Lease Program.

A. Issues

- Mills with continued groundwater contamination after DOE takes responsibility.
- Reclamation of Mines in the Uranium Mine Lease Program.

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