UMTRCA Rulemaking- 40 CFR 192

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Navajo Uranium Contamination Stakeholder Workshop
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Overview

- **Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended, Section 206**
- **Existing regulations 40 CFR 192**
- **Reason for review and potential update**
- **Issues for review**
- **Coordination and stakeholder input**

Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended, Section 206

- **Title I inactive mill sites administered by DOE**
  - **EPA to develop health and environmental standards for**
    - **"radiological and**
    - **nonradiological hazards associated with residual radioactive materials located at inactive uranium mill tailings sites**

- **Title II and future active processing sites):**
  - **Required EPA to develop standards "…for the protection of the public health, safety, and the environment from**
    - **radiological and nonradiological hazards associated with the processing, possession, transfer, and disposal of byproduct material…**
    - **at sites at which ores are processed primarily for their source material content or which are used for the disposal of such byproduct material"**

Uranium Mill Tailings Radiation Control Act Requirements for EPA

- **"The Administrator may periodically revise any standard…"**
- **Before the promulgation of any rule pursuant to this section, the Administrator shall:**
  - **"publish, the proposed rule in the Federal Register, together with a statement of the research, analysis, and other available information in support of such proposed rule…"**
  - **Provide a period of public comment of at least thirty days for written comments with a hearing thereafter**
  - **"The Administrator shall consult with the Commission and the Secretary of Energy before promulgation of any such rule"**

Existing Regulations 40 CFR 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**
- **Subpart B. Standards for cleanup of land and buildings contaminated with residual radioactive materials from inactive uranium processing sites**
- **Subpart C. Implementation**

Existing Regulations 40 CFR 192

- **Subpart D. Standards for management of uranium byproduct materials pursuant to Section 84 of the Atomic Energy Act as Amended**
- **Subpart E. Standards for management of thorium byproduct materials pursuant to Section 84 of the Atomic Energy Act of 1954, as Amended**

Existing Regulations 40 CFR 192

Regulations provide standards for mills for:

- **Radiation protection of the public and occupational workers**
- **Radon emissions**
- **Surface and groundwater protection including monitoring and restoration**
- **Reclamation standards for radiologically contaminated soil and buildings**
- **Tailings impoundment construction requirements**

Reason for Review and Potential Update

- **Over 25 years since originally finalized, ~15 years since last update for groundwater protection**
- **Lacks explicit provisions for In Situ Leach/Recovery (ISL/ISR), now principal means of uranium recovery in U.S., and for heap leach facilities**
- **Changes in EPA protective standards for hazardous substances in groundwater and drinking water**
- **Changes in economics of extraction & site remediation**

Reason for Review and Potential Update

- **Changes in dose factors for radiation/radon, principal scenarios for exposure, free release of sites (ISL/ISR's) after decommissioning**

- **Potential for uranium extraction in different geographic locations than those considered in risk assessments in previous standards**

- **Court case negating provision of regulations—EPA concurrence in NRC ACL determinations**

Issues for Review

- **Are provisions for Title I and other closed sites still protective, and should those sites be grandfathered?**

- **How should radiation, radon release, groundwater and surface water protection standards be revised due to**
  - **new EPA standards,**
  - **updated exposure scenarios and dose factors,**
  - **historical production and economic data?**

- **How should existing regulatory framework of 40 CFR 192 be applied to ISL/ISR operations?**

Issues for Review

- **What protective standard should be selected for lead in groundwater?**

- **How to reconcile NRC proposed ISL/ISR groundwater protection standards (10 CFR 40, Appendix A) with revised 40 CFR 192?**

Issues for Review

- **How to balance environmental compliance costs and benefits?**

- **How to ensure that environmental justice, children's health and Tribal concerns are fully taken into account?**

Coordination and Stakeholder Input

- **Development of Communications Plan**

  OBJECTIVES:

- Ensure an open and transparent process for reviewing and potentially revising the standards.
- Increase awareness of the issues surrounding the potential revisions among targeted audiences.
- Provide stakeholders the opportunity to provide informal and formal input on the revisions

- **Federal Agency Coordination**
  - **NRC and DOE**
  - **ISCORS**

- **EPA Intra-agency Workgroup**
  - **Regions – 6-10 with observers from 3 and 5**
  - **HQ – OW, ORD, OSWER, OGC, OPEI**

Coordination and Stakeholder Input

- **Tribes and Tribal organizations**
- **States**
- **Industry**
- **Environmental and other NGO's**
- **Internet site for Public**


Questions?