

EDO Principal Correspondence Control

FROM: DUE: / /

EDO CONTROL: G20090133  
DOC DT: 03/03/09  
FINAL REPLY:

Marvin S. Fertel  
Nuclear Energy Institute (NEI)

TO:

Chairman Klein

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO: 09-0081

DESC:

NRC's Uranium Recovery Program  
(EDATS: SECY-2009-0100)

ROUTING:

Borchardt  
Virgilio  
Mallett  
Ash  
Ordaz  
Cyr/Burns  
Leeds, NRR  
Johnson, NRO  
Cyr, OGC  
Rivera, OEDO

DATE: 03/11/09

ASSIGNED TO:

CONTACT:

FSME

Miller

SPECIAL INSTRUCTIONS OR REMARKS:

For Appropriate Action.

Template: SECY-017

E-RIDS: SECY-01

# EDATS

Electronic Document and Action Tracking System

**EDATS Number:** SECY-2009-0100

**Source:** SECY

## General Information

**Assigned To:** FSME

**OEDO Due Date:** NONE

**Other Assignees:**

**SECY Due Date:** NONE

**Subject:** NRC's Uranium Recovery Program

**Description:**

**CC Routing:** NRR; NRO; OGC

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

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**Staff Initiated:** NO

**Related Task:**

**Recurring Item:** NO

**File Routing:** EDATS

**Agency Lesson Learned:** NO

**Roadmap Item:** NO

## Process Information

**Action Type:** Appropriate Action

**Priority:** Medium

**Signature Level:** No Signature Required

**Sensitivity:** None

**Urgency:** NO

**OEDO Concurrence:** NO

**OCM Concurrence:** NO

**OCA Concurrence:** NO

**Special Instructions:** For Appropriate Action.

## Document Information

**Originator Name:** Marvin S. Fertel

**Date of Incoming:** 3/3/2009

**Originating Organization:** Nuclear Energy Institute (NEI)

**Document Received by SECY Date:** 3/11/2009

**Addressee:** Chairman Klein

**Date Response Requested by Originator:** NONE

**Incoming Task Received:** Letter

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Mar 11, 2009 10:07

PAPER NUMBER:

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LOGGING DATE: 03/11/2009

ACTION OFFICE:

EDO

EOC

AUTHOR:

Marvin Fertel

AFFILIATION:

NEI

ADDRESSEE:

Dale Klein

SUBJECT:

Staff Requirements Memorandum dated 1/8/2009 regarding the December 11, 2008 Commission briefing on the NRC's uranium recovery program

ACTION:

Appropriate

DISTRIBUTION:

RF, SECY/RAS

LETTER DATE:

03/03/2009

ACKNOWLEDGED

No

SPECIAL HANDLING:

NOTES:

FILE LOCATION:

ADAMS

DATE DUE:

DATE SIGNED:

EDO --G20090133



NUCLEAR ENERGY INSTITUTE

Marvin S. Fertel  
PRESIDENT AND  
CHIEF EXECUTIVE OFFICER AND  
CHIEF NUCLEAR OFFICER

March 3, 2009

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The Honorable Dale E. Klein  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**Subject:** Staff Requirements Memorandum dated January 8, 2009 regarding the December 11, 2008 Commission Briefing on the NRC's Uranium Recovery Program

**Project Code: 689**

Dear Chairman Klein:

I am writing on behalf of the Nuclear Energy Institute,<sup>1</sup> whose members represent a wide variety of licensed nuclear facilities. This letter is in regard to the January 8, 2009 Staff Requirements Memorandum issued in response to the December 11, 2008 public Commission briefing on the domestic uranium recovery program. We appreciate the Commission's interest in these important matters and applaud your efforts to ensure that a wide variety of stakeholders had the opportunity to participate in the very informative briefing.

We support the recent Commission memorandum directing NRC staff to initiate a rulemaking that would determine whether limited work authorizations are appropriate under 10 CFR 40.32 for in-situ recovery operations. We believe that, consistent with the practices for licensing nuclear power plants, such regulatory flexibility should be granted to and extended beyond in-situ recovery licensees to other applicants. Specifically, those seeking authorization for such activities as, but not limited to, new enrichment services, uranium conversion or deconversion facilities and any future spent-fuel reprocessing facility. The extension of limited work authorizations beyond those currently allowed by 10 CFR 50.10 would provide facilities licensed under 10 CFR Part 40 a comparable level of regulatory flexibility without diminishing protection of public health and safety. Licensees pursuing this path would accept the financial risks associated with limited work authorizations to better ensure a stable supply of commercial reactor fuel for both the current fleet of operating nuclear

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<sup>1</sup> NEI is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

The Honorable Dale E. Klein

March 3, 2009

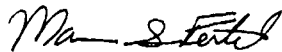
Page 2

power plants and any new plants. Therefore, we look forward to monitoring the NRC rulemaking on this topic and intend to fully support new requirements that would broaden the use of limited work authorizations.

On a related note, we appreciated the opportunity to participate in the February 5, 2009 Commission briefing on the challenges and successes of licensing uranium enrichment facilities where the topic of limited work authorization and other regulatory matters of mutual interest were discussed.

Please do not hesitate to contact me directly or Felix Killar (202-739-8126; fmk@nei.org) if you or your staff would like to discuss this matter further.

Sincerely,



Marvin S. Fertel

- c:     The Honorable Peter B. Lyons, Commissioner, U.S. Nuclear Regulatory Commission  
       The Honorable Gregory B. Jaczko, Commissioner, U.S. Nuclear Regulatory Commission  
       The Honorable Kristine L. Svinicki, Commissioner, U.S. Nuclear Regulatory Commission  
       Mr. R. William Borchardt, Executive Director for Operations, U.S. Nuclear Regulatory  
          Commission  
       Mr. Martin Virgilio, Deputy Executive Director for Operations, U.S. Nuclear Regulatory  
          Commission  
       Ms. Annette Vietti-Cook, Secretary, U.S. Nuclear Regulatory Commission