

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette L. Vietti-Cook, Secretary

FROM: Commissioner Baran

SUBJECT: SECY-19-0123: Regulatory Options for Uranium in
SITU Recovery Facilities

Approved _____ Disapproved X Abstain _____ Not Participating _____

COMMENTS: Below _____ Attached X None _____

Entered in "STARS"

Yes X

No _____

SIGNATURE

8/5/20

DATE

**Commissioner Baran's Comments on SECY-19-0123,
"Regulatory Options for Uranium *In Situ* Recovery Facilities"**

NRC's current uranium recovery regulations focus on conventional uranium milling and do not specifically address *in situ* recovery, which is the primary method of producing uranium in the United States today. In 2006, the Commission directed the staff to establish groundwater protection requirements for uranium *in situ* recovery facilities. This rulemaking was later deferred until EPA promulgated generally applicable standards for *in situ* recovery facilities. Although EPA has not yet issued such standards, the staff now recommends re-starting NRC's rulemaking.

I agree with the NRC staff that the agency ultimately needs to establish specific regulatory standards governing *in situ* uranium recovery. But it would make more sense for EPA to establish generally applicable standards first. Otherwise, we may end up having to redo our regulation once EPA acts. After all, the Atomic Energy Act requires NRC to implement the generally applicable standards set by EPA.

When NRC eventually implements *in situ* uranium recovery standards, those standards will need to be strong enough to sufficiently protect groundwater resources. Frankly, it is hard to see how the approach to rulemaking envisioned by the staff would get us there. According to the staff, the rule "would be limited in scope" and would merely codify existing license conditions and practices set forth in agency guidance.¹ As a result, the staff expects that "the rule would result in only limited changes to ongoing or new operations at existing ISR facilities."² And the codified standards would only apply to licensees if they submitted a license amendment or license renewal request.³ I have serious doubts about whether the standards the staff is proposing to codify adequately protect groundwater from contamination.

For these reasons, I do not support proceeding with a uranium *in situ* recovery rulemaking at this time.

¹ SECY-19-0123 at Enclosure 4.

² *Id.*

³ *Id.*