

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette L. Vietti-Cook, Secretary
FROM: Commissioner Hanson
SUBJECT: SECY-19-0123: Regulatory Options for Uranium in
SITU Recovery Facilities

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

Entered in STARS

Yes

No

Christopher T. Hanson
Digitally signed by
Christopher T. Hanson
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October 9, 2020

DATE

**Commissioner Hanson's Comments on SECY-19-0123
Regulatory Options for Uranium in SITU Recovery Facilities**

First, I would like to thank the staff for preparing a thoughtful paper proposing regulatory options for uranium in-situ recovery (ISR) facilities. While I agree with the staff that 10 CFR Part 40 should be revised to specifically address ISR facilities, in my view, this is not the right time.

The Atomic Energy Act (AEA) directs the Environmental Protection Agency (EPA) to issue generally applicable standards for processing, possession, transfer, and disposal of byproduct material. The AEA separately authorizes the NRC to ensure safe management of byproduct material in a manner that conforms to the generally applicable standards promulgated by EPA. To avoid duplication of efforts, I believe the NRC should wait until EPA promulgates such standards. The recent MOU that the EPA and the NRC signed in June lays out each agency's roles and responsibilities and facilitates coordination as both agencies move forward with corresponding rulemakings. If the NRC moves forward with the rulemaking now, it will be implementing the standards EPA promulgated for traditional uranium milling rather than standards for ISRs.

The NRC's ISR rulemaking was previously deferred because EPA began a rulemaking to establish generally applicable standards for ISRs. However, in 2018, EPA decided to discontinue the rulemaking because of issues raised by the public during the comment period and because the once-anticipated influx of new ISR license applications was not materializing. Even so, given the current Administration's efforts to revitalize the nuclear energy industry or the potential for a new Administration, if elected, to provide new direction, EPA might re-initiate the rulemaking in the near term. Therefore, I would wait for EPA.

I am confident there is no safety concern associated with waiting for EPA to promulgate standards, because for over 40 years NRC has been able to provide reasonable assurance of adequate protection to public health and safety for ISR facilities. In SECY-19-0123, the staff indicated that they are not aware of any instance of an ISR-licensed activity causing a significant safety or environmental impact. Also, the staff indicated that they are not aware of any specific information at this time that would indicate an increase in the number of ISR applications in the near future. Given that there is no immediate safety concern, I believe it would be more efficient to wait until EPA issues generally applicable standards.

For these reasons, I do not support proceeding with the ISR rulemaking at this time.