



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 22, 2020

SECRETARY

MEMORANDUM TO: Margaret M. Doane
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS – SECY-19-0123 – REGULATORY
OPTIONS FOR URANIUM IN SITU RECOVERY FACILITIES

The Commission has approved the staff's recommended Option 3 to resume the *in situ* recovery (ISR)-specific rulemaking to provide risk-informed ISR-specific requirements that would provide increased consistency and transparency in licensing reviews between NRC and Agreement States and to clarify the applicability of existing requirements to ISR activities in 10 CFR Part 40, in particular the applicability of alternate concentration limits for ISR facilities. In light of the diminished domestic ISR activity, the rulemaking should be narrowly targeted and its costs should be included in fee relief. The Commission also agreed with staff commitments to implement SA-801A, "Agreement State Participation in Rulemaking Working Groups," and consider the recommendations in the U.S. Nuclear Fuel Working Group's Report. In implementing SA-801A, the staff should maximize Agreement State representation on the rulemaking working group. The proposed rule should be provided to the Commission within nine months. The draft final rule should be provided to the Commission no later than one year after the public comment period closes for the proposed rule.

Consistent with the July 2020, "Memorandum of Understanding Between the NRC and EPA Concerning the Regulation of Uranium *in situ* Recovery Activities," the staff should update ISR guidance to clarify that the groundwater protection standards for ISR activities are set forth in 40 CFR Part 192, Subpart D.

cc: Chairman Svinicki
Commissioner Baran
Commissioner Caputo
Commissioner Wright
Commissioner Hanson
OGC
CFO
OCA
OPA
ODs, RAs, ACRS, ASLBP (via E-Mail)
PDR