

IN RESPONSE, PLEASE
REFER TO: M081211

January 8, 2009

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON URANIUM
RECOVERY, 9:30 A.M. AND 1:30 P.M., THURSDAY,
DECEMBER 11, 2008, COMMISSIONERS' CONFERENCE
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)

In the morning session, the Commission was briefed by the staff on the status of 1) uranium recovery applications; 2) the in-situ uranium recovery generic environmental impact statement (GEIS); 3) rulemaking for ground water protection at uranium recovery facilities; and 4) Native American outreach. Representatives from the U.S. Environmental Protection Agency (EPA) briefed the Commission on EPA's perspectives on the ground water protection rulemaking. A representative from the U.S. Department of the Interior, Bureau of Land Management (BLM) briefed the Commission on the Bureau's oversight with respect to Federal lands including the development of a Memorandum of Understanding between the Bureau and the NRC.

In the afternoon session, the Commission was briefed by representatives from the Navajo Nation, Acoma Pueblo, Wyoming Department of Environmental Quality, New Mexico Environment Department, Navajo Allottees, National Mining Association, International Forum on Sustainable Options for Uranium Production, and the Natural Resources Defense Council, on their views on the process and regulation of uranium recovery.

The staff should continue its outreach to stakeholders and Native American Tribal Governments in areas that will be affected by uranium recovery operations. The staff should continue to ensure that in addition to the GEIS, a site specific Environmental Assessment (EA) will be developed for each site and, depending on the outcome of the EA, a site specific Supplemental EIS may be developed.

The staff should provide the Commission with the data that it has in hand that assesses environmental impacts to the groundwater from previously licensed in-situ uranium recovery facilities. Any relevant information that the staff obtains in the future should be considered in the site-specific environmental reviews and the ISL rulemaking.

The staff should budget resources to provide the Commission with a proposed rulemaking to revise 10 CFR 40.32 to determine whether limited work authorization provisions are appropriate for in-situ uranium facilities.

The staff should develop and implement an internal protocol for interactions with Native American Tribal Governments that allows for custom tailored approaches that will address both NRC and Tribal interests on a case by case basis. The staff should assess what policies other federal agencies have for interactions with Native American Tribal Governments and report those findings, which could determine the efficacy of an NRC policy statement, to the Commission.

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR