



CHAIRMAN

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

July 15, 2021

Geoffrey H. Fettus, Senior Attorney
Natural Resources Defense Council
1152 15th St. NW, Suite 300
Washington, DC 20005

Dear Mr. Fettus:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your June 10, 2021, letter which was also signed by the New Mexico Environmental Law Center, Earthworks, Powder River Basin Resource Council, Earthjustice, Southwest Research and Information Center, Concerned Citizens for Nuclear Safety, and Grand Canyon Trust (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21165A308). In your letter, you requested that the NRC (1) hold in abeyance its rulemaking for ground water protection at uranium in situ recovery (ISR) facilities (rulemaking Docket ID NRC-2008-0421) and (2) work together with the U.S. Environmental Protection Agency to dissolve the July 2020 memorandum of understanding (MOU).

I recognize that this rulemaking involves important areas of our regulatory oversight and is a matter of significant public interest. As you are aware, the Commission recently issued the staff requirements memorandum (SRM) to SECY-19-0123, "Regulatory Options for Uranium In Situ Recovery Facilities," on October 22, 2020 (ADAMS Accession No. ML20296A469). That SRM directed the NRC staff to resume the ISR-specific rulemaking, initiated by the NRC in 2006 and deferred in 2010, to establish risk-informed ISR-specific requirements that would provide increased consistency and transparency in licensing reviews between the NRC and Agreement States. Additionally, the Commission directed the staff to clarify the applicability of existing requirements to ISR activities in Title 10 of the *Code of Federal Regulations* Part 40, "Domestic Licensing of Source Material," in particular, the applicability of alternate concentration limits for ISR facilities. The staff currently plans to submit the draft proposed rule to the Commission in July 2021 for our consideration. Your letter has been added to the rulemaking docket as part of the official record on this matter.

With regard to the July 2020 MOU between EPA and NRC, it was developed to provide a framework for cooperation and coordination for implementing the agencies' respective statutory responsibilities as well as fostering effective and efficient communications. While our experience working under the MOU has been limited to date, we have found working under it beneficial. The NRC looks forward to continuing to engage with our colleagues at EPA on many of the issues you raise.

Thank you for your letter and your continued interest in these issues. If you have any questions regarding this rulemaking, please direct them to George M. Tartal at 301-415-0016 or by e-mail to George.Tartal@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "C. T. Hanson". The signature is fluid and cursive, with a large initial "C" and a distinct "H" at the end.

Christopher T. Hanson

Identical letter sent to:

Geoffrey H. Fettus, Senior Attorney
Natural Resources Defense Council
1152 15th St. NW, Suite 300
Washington, DC 20005

Eric Jantz, Staff Attorney
New Mexico Environmental Law Center
1405 Luisa St., Suite 5
Santa Fe, NM 87505

Aaron Mintzes, Senior Policy Counsel
Earthworks
1612 K St., NW, Suite 904
Washington, DC 20006

Shannon Anderson, Attorney
Powder River Basin Resource Council
934 N. Main St.
Sheridan, WY 82801

Blaine Miller-McFeeley
Senior Legislative Representative
Earthjustice
1001 G St., NW, Suite 1000
Washington, DC 20001

Chris Shuey, MPH
Director, Uranium Impact Assessment Program
Southwest Research and Information Center
P.O. Box 4524
Albuquerque, NM 87196

Aaron M. Paul, Staff Attorney
Grand Canyon Trust
4401 Alcott St.
Denver, CO 80211

Joni Arends, Executive Director
Concerned Citizens for Nuclear Safety
P.O. Box 31147
Santa Fe, NM 87594-1147