



SECRETARY

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

November 9, 2017

COMMISSION VOTING RECORD

DECISION ITEM: SECY-17-0086

TITLE: INCREASING LICENSE TERMS FOR URANIUM RECOVERY
 FACILITIES

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of November 9, 2017.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in blue ink, appearing to read "Annette Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Enclosures:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Svinicki
Commissioner Baran
Commissioner Burns
OGC
EDO
PDR

VOTING SUMMARY – SECY-17-0086

RECORDED VOTES

	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>ABSTAIN</u>	<u>NOT PARTICIPATING</u>	<u>COMMENTS</u>	<u>DATE</u>
Chrm. Svinicki	X				X	10/06/17
Cmr. Baran		X			X	11/07/17
Cmr. Burns	X				X	10/10/17

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN SVINICKI
SUBJECT: SECY-17-0086: INCREASING LICENSE TERMS FOR URANIUM RECOVERY FACILITIES

Approved XX Disapproved Abstain Not Participating

COMMENTS: Below XX Attached None

I approve the staff's recommendation to implement a maximum license term of 20 years for new applications and license renewals for uranium recovery facilities. The staff's evaluation continues to support the broad assumption that these facilities pose inherently low risk and concludes that increasing the license term to 20 years will not increase the level of risk or probability of incidents at these facilities. The staff further requests approval "to reserve the option to issue license terms for less than 20 years where the applicant or licensee introduces a new process or new technology." I find this request curious on two points. First, the Commission's generic approval of this condition would appear to be unnecessary, as the staff can already propose to the Commission that a license be issued/renewed for a period less than regulatory maximums, upon the staff's determination that the requisite safety and environmental findings can only be reached for a shorter period. Second, lacking any definition of the term "new" in "new process or new technology," the option that the staff seeks to reserve for itself is either overly broad or too narrow, and likely undefinable because such a definition would require referring to attributes not yet in existence. The Commission need not confront these speculative dimensions in the course of making the decision before it, as the staff has the option requested irrespective of the Commission's decision. Consequently, I approve implementing a maximum license term of 20 years and propose the Commission issue no direction on the staff's other request, which it has failed to brief to the Commission with sufficient particularity.



SIGNATURE

10/6 /17

DATE

Entered on "STARS" Yes No

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Baran
SUBJECT: SECY-17-0086: INCREASING LICENSE TERMS FOR URANIUM RECOVERY FACILITIES

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

Entered in "STARS"

Yes

No



SIGNATURE

11/7/17

DATE

**Commissioner Baran's Comments on SECY-17-0086,
"Increasing License Terms for Uranium Recovery Facilities"**

In this paper, the staff recommends extending the license term for new and renewed uranium recovery facilities from 10 years to 20 years. According to the staff, these longer license terms "will not adversely impact the protection of public health and safety and protection of the environment." However, the staff recommends retaining the flexibility to issue license terms for less than 20 years when an application "introduces a new process or new technology."

Doubling the length of the existing standard license term for uranium recovery facilities is a significant step for the agency to take. In order to make a fully informed decision about whether to take this step, the Commission would benefit from a thorough evaluation of the various policy options and feedback from a broad range of stakeholders. Unfortunately, the staff did not present any other policy options to the Commission and conducted very limited outreach to stakeholders about this potential policy change.

In order to determine the appropriate term of uranium recovery licenses, it would be useful for the staff to present the pros and cons of the available options. For example, one obvious option would be a 15-year license term, which would align with the term of materials licenses and the average lifespan of an in-situ uranium recovery facility. Yet, the staff's paper did not evaluate this option or any option other than a 20-year license term. This provides the Commission with no basis to conclude that the staff's recommended option is the best approach.

Hearing the views of interested stakeholders would also help inform the Commission's deliberations. But the staff discussed the proposed license term change with just a handful of Agreement States and one prospective Agreement State. Although these five states are important stakeholders, they hardly represent the full range of interested parties. And because Agreement States can set their own uranium recovery license terms, they are not directly affected by the staff's proposed change. The staff did not solicit feedback on the proposed change from other states (such as the non-Agreement States in which NRC-regulated uranium recovery facilities are located) or any licensees, non-governmental organizations, or tribes. As a result of this minimal outreach, the staff did not consider the concerns, ideas, or experience of many of the stakeholders who would be directly affected by this proposed policy change.

Because the Commission lacks the basic information necessary to make a well-informed decision about the staff's proposed policy change, I disapprove the recommendation at this time. Rather than immediately doubling the standard license term for uranium recovery facilities, the staff should seek public comment on a range of options. Once it considers the public comments received, the staff should prepare a new voting paper for the Commission that presents a range of possible license terms or approaches and an evaluation of the pros and cons of those options.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Burns
SUBJECT: SECY-17-0086: INCREASING LICENSE TERMS FOR URANIUM RECOVERY FACILITIES

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

I approve NRC staff's recommendation to increase the maximum license term for uranium recovery facilities from 10 to 20 years. The staff identifies no impediments to meeting its licensing review obligations for the 20-year period and, indeed, concludes that extending the license term "would not change the health and safety requirements currently in licenses." Although the staff states that it would reserve the option of imposing a license term less than 20 years for as yet unstated criteria, the staff should identify the specific considerations that might warrant such exception to the 20-year term rather than leave them to future speculation. The criteria should be provided to the Commission for information.

Entered in "STARS"
Yes No



SIGNATURE
10 October 2017

DATE