



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

September 25, 2024

SECRETARY

MEMORANDUM TO: Mirela Gavrilas, PhD
Executive Director for Operations

FROM: Carrie M. Safford, Secretary

SUBJECT: STAFF REQUIREMENTS – SECY-23-0055 – OPTIONS FOR
LICENSING EMERGING TECHNOLOGIES USED FOR
REMEDiation OF MINE WASTE

The Commission has approved Option 2B, which would license emerging technologies used for mine waste remediation under the source material framework in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40, via a service provider license.

The staff should use license conditions in service provider licenses for emerging technologies to remediate abandoned mine waste, as appropriate.

Using notice and comment opportunities in the guidance revision process, the staff should engage the public on the change in the definition of “ore.”

To avoid further regulatory uncertainty, the staff should, by license condition, limit the authorized use of abandoned uranium mine (AUM) waste remediation technology to sites where the applicant or licensee verifies and informs the NRC that the site is abandoned, that there was documented production of uranium, and that the site is no longer in use for that purpose. Such verification can include confirming existing documentation in Federal, State, or Tribal databases or other reasonable verification measures.

The staff should conduct outreach with Agreement States and Tribes to identify concerns and regulatory gaps, and assure regulatory jurisdiction is as consistent and clear as possible.

If an applicant proposed a pilot project, the staff should consider it as a useful initial approach to service provider licensing of mine waste remediation at AUMs. The staff should consider the appropriate scope and magnitude of the project with a focus on demonstration of the technology and the ability to comply with agency regulations—including release standards. As part of the pilot program, the staff should consider limiting proposed remediation activities to those conducted at existing AUM sites that otherwise involve limited or no new ground disturbing activities.

If a first-of-a-kind application is received for licensing of a mine waste remediation technology, the staff should keep the Commission informed of its progress and communicate emerging needs.

The staff should consider previous relevant experience in developing the license conditions.

The staff should incorporate a requirement for the licensee to notify the NRC of the commencement of remediation activities prior to installing equipment and beginning operations at an AUM temporary job site and after remediation is complete.

The staff should maintain a publicly available list of remediation sites including the status of remediation up to and including verification that site release criteria have been met.

The staff should include a license condition to require that the service provider licensee provide financial assurance, consistent with 10 CFR 40.36.

cc: Chair Hanson
Commissioner Wright
Commissioner Caputo
Commissioner Crowell
OGC
CFO
OCA
OPA
ODs, RAs, ACRS, ASLBP
PDR