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May 3, 2019

*Via Email*

Ms. Annette Vietti-Cook, Secretary  
ATTN: Rulemakings and Adjudication Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-001  
[Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov)

**RE: DOCKET ID NRC-2008-0421  
COMMENTS ON U.S. NUCLEAR REGULATORY COMMISSION, 10 CFR 40,  
GROUND WATER PROTECTION AT URANIUM IN SITU RECOVERY  
FACILITIES**

Dear Ms. Vietti-Cook:

Energy Fuels Resources (USA) Inc. (“Energy Fuels”) has reviewed the U.S. Nuclear Regulatory Commission’s (“NRC’s”) request for comment on Ground Water Protection at Uranium In Situ Recovery Facilities as published in the Federal Register on January 31, 2019, in which the NRC is requesting views from interested stakeholders on whether the NRC should resume its 2006 rulemaking to amend its regulations governing the domestic licensing of source material by codifying general requirements to address ground water protection at uranium in situ recovery (“ISR”) facilities. Information provided to the NRC during the public comment period will be factored into the decision as to whether the NRC will continue this rulemaking.

Energy Fuels owns and operates the Alta Mesa ISR Project in Texas and the Nichols Ranch ISR Project in Wyoming. We also own and operate the White Mesa Uranium Mill in Utah, which is the only operating uranium mill in the United States. Currently, all three of these facilities are licensed and regulated through Agreement State programs in the States of Texas, Wyoming and Utah, respectively. In addition, our executive management and senior staff have extensive experience operating other uranium recovery projects<sup>1</sup> since the 1990s, when ISR operations became the predominant means of extracting uranium in the United States. This operational experience includes working directly with the NRC and its Agreement States on ground water protection at ISR facilities through application of regulations in Appendix A to 10 CFR 40, compatible state regulations, site-specific license conditions and various guidance documents.

Energy Fuels agrees that the current regulatory framework is sufficient to ensure the protection of public health and safety and the environment and that, should the NRC decide to continue its rulemaking effort on ground water protection at ISR facilities, the purpose should be to provide clarity, predictability,

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<sup>1</sup> These projects include the Smith Ranch-Highland and North Butte Operations in Wyoming and the Crow Butte Operation in Nebraska.

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consistency and efficiency in the licensing and regulatory process. We agree that the NRC should strive for more transparency to all stakeholders and are encouraged that the NRC and U.S. Environmental Protection Agency (“EPA”) are developing a memorandum of understanding (“MOU”) confirming EPA’s authority to establish generally applicable health and environmental protection standards and NRC’s authority to implement those standards. With respect to promulgating a generic set of regulations that can provide a national framework for Agreement States, it is important that any such regulations provide the flexibility necessary to allow states to establish compatible regulations, including the adoption of state standards for ground water restoration, for example.

We urge the NRC to continue this rulemaking in an expeditious and cost-effective manner and to maintain a narrow focus. Based on the 30 plus years of uranium ISR facility performance and the NRC’s oversight thereof, sufficient detail on how Appendix A is being applied to ground water protection at ISR facilities, including clarification of issues through site-specific license conditions and guidance documents, has already been documented. This should allow the NRC to complete this rulemaking effort in a focused manner without the need for soliciting new comments that may otherwise result in unnecessary delays.

This letter provides Energy Fuels general comments in support of this rulemaking. As a member of the National Mining Association (“NMA”), Wyoming Mining Association (“WMA”) and Uranium Producers of America (“UPA”), Energy Fuels concurs with the additional, more detailed comments being submitted by those associations.

Thank you for the opportunity to provide comments.

Sincerely



**ENERGY FUELS RESOURCES (USA) INC.**

William Paul Goranson  
Chief Operating Officer

ec: Scott Bakken, Peter Luthiger, Dawn Kolkman (EFRI)