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[7590-01-P]

NUCLEAR REGULATORY COMMISSION

[Docket No. 040-08968; NRC-2026-1882]

NuFuels, Inc.; Crownpoint Uranium Recovery Project; Draft Environmental Assessment and Draft Programmatic Agreement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft environmental assessment (EA) and finding of no significant impact (FONSI) and draft programmatic agreement (PA) regarding the proposed renewal of Source and Byproduct Materials License Number SUA-1580, which authorizes NuFuels, Inc., to operate the proposed Crownpoint Uranium Project (CUP) in situ recovery (ISR) facility. NuFuels requests a renewed license that, if granted, would authorize it to construct and operate the CUP for 20 years beyond the date of the renewed license. The CUP operations are proposed on four project areas in the Church Rock and Crownpoint areas of McKinley County, New Mexico (Church Rock Section 8, Church Rock Section 17, Unit 1, and Crownpoint).

DATES: Submit comments by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].** Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the **Federal rulemaking website**.

- **Federal rulemaking website:** Go to https://www.regulations.gov and search for Docket ID NRC-2026-1882. Address questions about Docket IDs in Regulations.gov to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For

technical questions, contact the individual(s) listed in the “For Further Information Contact” section of this document.

- **Mail comments to:** Office of Nuclear Material Safety and Safeguards, Mail Stop: TWFN-5-A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Guidance and Publications Branch.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Christine Pineda, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6789; email: Christine.Pineda@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2026-1882 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to https://www.regulations.gov and search for Docket ID NRC-2026-1882.
- **NRC’s Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at https://www.nrc.gov/reading-rm/adams.html. To begin the search, select “Begin ADAMS Public Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- **NRC's PDR**: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the **Federal rulemaking website** (https://www.regulations.gov). Please include Docket ID NRC-2026-1882 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at https://www.regulations.gov and enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is issuing for public comment a draft EA and draft PA for the proposed renewal of NuFuels' license SUA-1580. Pursuant to paragraph 800.2(d)(3) of title 36 of the *Code of Federal Regulations* (36 CFR), the NRC is using this draft EA to satisfy the public involvement requirements of the National Historic Preservation Act of 1966, as amended (NHPA). The draft PA is included in the draft EA as Appendix A. The NRC staff is pursuing execution of the PA in accordance with 36 CFR 800.4(b)(2) and 800.14(b) to satisfy its obligations under Section 106 of the NHPA for NuFuels' license

renewal request.

If the license is renewed, NuFuels could, after receiving all applicable permits and authorizations, construct and operate ISR facilities on the Church Rock, Crownpoint and Unit 1 project areas in McKinley County, New Mexico, as described in the draft EA. The project areas are within the external boundaries of the Navajo Nation, and several portions of the project areas are Navajo trust lands (lands held in trust for the Navajo Nation by the U.S. Government). As required by section 51.21 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC has prepared a draft EA documenting its preliminary finding. The NRC concluded that the proposed renewal of NuFuels' license for 20 years would have no significant impacts.

III. Summary of Draft Environmental Assessment

Description of the Proposed Action

The proposed Federal action is approval of NuFuels' application for license renewal. If the NRC decides to renew the license, NuFuels could construct and operate ISR facilities, wellfields, and support operations on the Crownpoint, Unit 1, and Church Rock Sections 8 and 17 areas. Other licensed activities include aquifer restoration and decommissioning activities. The NRC will renew license SUA-1580 under 10 CFR part 40, "Domestic Licensing of Source Material," if the NRC concludes that NuFuels has demonstrated it will meet NRC requirements for construction, operation, aquifer restoration, and decommissioning at the Crownpoint, Church Rock Section 8 and Section 17, and Unit 1 areas.

The Crownpoint license areas collectively occupy over 2,500 acres, and the area disturbed over the estimated life of the project is approximately 478 acres. The ISR project would consist of processing facilities and sequentially developed wellfields (mine units), a central processing plant that would produce yellowcake, two satellite processing (ion exchange) facilities, septic systems, evaporation ponds, and associated infrastructure and support facilities. Uranium would be recovered from the Westwater Canyon Member of the Morrison Formation, which occurs at an average depth of 1,840

feet below the ground surface. License SUA-1580 requires that the processing plant flow rate at each area (Church Rock, Unit 1, or Crownpoint) not exceed 4,000 gallons per minute, and that the total yellowcake production not exceed 3 million pounds annually. NuFuels has not started construction of the ISR facilities.

Before beginning ISR facility construction, NuFuels must obtain all necessary permits and approvals from several Federal agencies, the State of New Mexico, and the Navajo Nation, in addition to any locally-issued permissions. Sections 1.5 and 1.6 of the draft EA identify and describe the status of these permits and approvals.

After operations at a wellfield cease, NuFuels would begin aquifer restoration to return groundwater quality within the production zone of wellfields to standards consistent with NRC requirements in the license and at 10 CFR part 40, Appendix A, Criterion 5B(5). After groundwater restoration, NuFuels would submit a decommissioning plan for NRC approval and then proceed with reclamation and decommissioning. If NuFuels expects aquifer restoration or decommissioning operations to continue beyond the 20-year license renewal period, NuFuels would need to apply for another renewal.

Subject to NuFuels' responses to the NRC's September 22, 2026, request for information, the proposed action is in accordance with NuFuels' application dated August 20, 2026, which includes responses to the NRC's July 9, 2026, request for additional information.

Purpose and Need for the Proposed Action

The purpose of the proposed license renewal is to enable NuFuels to begin and continue ISR operations for an additional 20 years. In regulating uranium milling and the ISR process, the NRC is meeting its obligations under the Atomic Energy Act of 1954, as amended, (AEA) to allow and ensure the safe possession and use of radioactive materials. This definition of "purpose and need" reflects the Commission's recognition that if the applicant meets NRC regulatory requirements and the staff is able to make the safety findings required by the AEA, as amended, the NRC has no role in a company's decision to construct and operate an ISR facility at a particular location.

Environmental Impacts of the Proposed Action

The NRC staff has assessed the potential environmental impacts of the proposed action. The NRC staff relied, as appropriate, on the NRC's 1997 "Final Environmental Impact Statement to Construct and Operate the Crownpoint Uranium Solution Mining Project, Crownpoint, New Mexico," as well as the NRC's 2009 generic environmental impact statement, NUREG-1910, "Generic Environmental Impact Statement for Uranium Milling Facilities—Final Report," or ISR GEIS.

No significant changes in the proposed operations are planned or expected, as compared with the proposed CUP as currently licensed. The proposed land use on Section 8 (owned by NuFuels) increased from 160 acres as previously proposed to a current proposal of 174.5 acres. NuFuels is currently engaged in remediating portions of the Church Rock Section 17 area under Environmental Protection Agency and Navajo Nation Environmental Protection Agency authority. These areas were contaminated during past uranium mining operations at the Old Church Rock Mine site.

The environmental impacts of the proposed license renewal are assessed in Chapter 3 of the draft EA. The NRC staff assessed the potential impacts on land use; visual and scenic resources; noise; air quality; geology and soils; surface water resources; groundwater resources; ecological resources; historic and cultural resources; socioeconomics; transportation; public and occupational health and safety; and waste management. The NRC staff determined that the environmental impacts of the proposed action would not be significant for each potentially affected environmental resource.

In accordance with the NHPA, the NRC staff evaluated potential impacts to historic and cultural resources at the CUP. The NRC staff is proceeding with consultation under Section 106 of the NHPA and has developed a draft PA for comment, as described in section IV of this notice.

In accordance with the Endangered Species Act, the NRC staff evaluated potential impacts to Federally protected ecological resources that may result from the proposed action. As discussed in section 1.6.5 of the draft EA, the U.S. Fish and Wildlife

Service concurred with the NRC staff's determinations of "may affect but is not likely to adversely affect" the southwestern willow flycatcher and the yellow-billed cuckoo.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed license renewal for the CUP, the NRC considered the no-action alternative. Under the no-action alternative, the NRC would not renew license SUA-1580 and NuFuels would not be able to pursue construction and operation of ISR facilities at any of the project areas. Consequently, there would be no ISR-related environmental impacts on land use, transportation, geology and soils, air quality, water resources, ecological resources, noise, historic and cultural resources, visual and scenic resources, waste management, socioeconomics, and public and occupational health and safety. Drill holes associated with preconstruction activities would be properly plugged and abandoned, and the wells would be decommissioned.

Additionally, the uranium minerals present in the Church Rock, Unit 1, and Crownpoint areas would not be made available to support the U.S. nuclear fuel supply chain with domestically produced uranium.

Agencies and Persons Consulted

The NRC provided a preliminary draft of the EA to several cooperating and commenting Federal agencies (Environmental Protection Agency, Bureau of Indian Affairs, Bureau of Land Management, Army Corps of Engineers, and Bureau of Reclamation), the State of New Mexico, and the Navajo Nation for review and comment. The NRC has published this draft EA to receive additional comments from these agencies and from members of the public, other American Indian Tribes, local governments, and organizations. Section 1.6 of the draft EA describes the NRC's consultation and coordination efforts during the development of this draft EA and the draft PA.

IV. Draft Programmatic Agreement

Appendix A of the draft EA contains the draft "Programmatic Agreement Among U.S. Nuclear Regulatory Commission, Navajo Nation, Navajo Nation Tribal Historic

Preservation Officer, U.S. Bureau of Land Management, and NuFuels, Inc., Regarding the Crownpoint Uranium Project Located in McKinley County, New Mexico."

The NRC staff has determined a phased process for compliance with Section 106 of the NHPA is appropriate for this undertaking, as specifically permitted under 36 CFR 800.4(b)(2), Section 106 implementing regulations. Pursuant to 36 CFR 800.8, the NRC is coordinating its Section 106 process with its review under the National Environmental Policy Act of 1969, as amended. Section 1.6.4 of the draft EA describes the NRC staff's Section 106 consultation process and development of the draft PA. For additional information, Section 3.7 of the draft EA describes the cultural and historic resources identified in the project areas, the cultural context of the project areas, and the potential impacts of the ISR project on cultural and historic resources.

V. Preliminary Finding of No Significant Impact

In accordance with the requirements in 10 CFR part 51, the NRC staff has preliminarily concluded that the proposed action would not significantly affect the quality of the human environment. Therefore, the NRC staff has determined, pursuant to 10 CFR 51.31, ''Determinations based on environmental assessment,'' that preparation of an environmental impact statement is not required for the proposed action, and pursuant to 10 CFR 51.32, ''Finding of no significant impact,'' a FONSI is appropriate. Consistent with 10 CFR 51.32(a)(4), this preliminary FONSI incorporates by reference the draft EA described in this notice.

VI. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

DOCUMENT DESCRIPTION	ADAMS ACCESSION NOS.
Draft Environmental Assessment for the Proposed License Renewal for the Crownpoint Uranium Recovery Project in McKinley County, New Mexico, dated November 12, 2026.	ML26316A058

NuFuels' License SUA-1580, Amendment 5, dated July 16, 2018.	ML18155A199
NRC Staff Request for Additional Information, dated September 22, 2026.	ML26260A323
NuFuels' Updated Consolidated Operations Plan, Environmental Report, and Responses to NRC RAIs, dated August 20, 2026.	ML26233A167 (package)
Final Environmental Impact Statement to Construct and Operate the Crownpoint Uranium Solution Mining Project, Crownpoint, New Mexico, NUREG-1508, dated February 28, 1997.	ML082170248
Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities–Final Report, NUREG-1910, dated May 28, 2009.	ML091480244 and ML091480188

Authority: 42 U.S.C. 2011 et seq.

Dated: November 17, 2026.

For the Nuclear Regulatory Commission.

Robert Sun,
Chief,
Environmental Review Materials Branch,
Division of Storage of Fuel, Transportation, and Environmental,
Office of Nuclear Material Safety,and Safeguards.

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