



July 27, 2026

The Honorable Ho K. Nieh
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Submitted electronically to: NRCExecSec@nrc.gov

RE: Comments of the New Mexico Environment Department on the Dear Chairman Nieh,
The New Mexico Environment Department (NMED) appreciates the opportunity to review and submit formal comments on the Nuclear Regulatory Commission's Opportunity to Request a Hearing and Petition for Leave to Intervene (Docket ID NRC-2026-1882).

Given that the project spans a complex jurisdictional landscape—including lands within the Navajo Nation and areas under State jurisdiction—NuFuels, Inc. must coordinate with both the Navajo Nation Environmental Protection Agency (NNEPA) and NMED to secure necessary Clean Water Act Section 401 water quality certifications and comply with both Navajo Nation laws and New Mexico Administrative Code (NMAC) standards.

Furthermore, because the proposed 1,500-acre project sits within a semi-arid region near critical public water systems—including the City of Gallup and the Whispering Cedars Water Association—NMED has profound concerns regarding the potential for liquid wastes to impact public drinking water supplies and the delayed timelines for aquifer restoration. To ensure the protection of human health, alignment with State regulations including New Mexico House Bill 164 (HB-164) for legacy site remediation, and comprehensive evaluation of these cumulative water quality threats, NMED strongly advocates for a formal hearing process to allow state regulators and local constituents a thorough assessment of the project's risks prior to any construction.

Thank you for listening to state leaders and I ask for your support by incorporating our comments.
Sincerely,

A handwritten signature in blue ink, reading "James C. Kenney".

James C. Kenney
Cabinet Secretary

Cc: Courtney Kerster, Senior Advisor, Office of Governor Michelle Lujan Grisham

New Mexico Environment Department Comments on Nuclear Regulatory Commission's Opportunity to Request a Hearing and Petition for Leave to Intervene

Background: The U.S. Nuclear Regulatory Commission (NRC) has announced that it is reviewing a license renewal application submitted by NuFuels, Inc., a subsidiary of Laramide Resources, Ltd., to extend the operations of the Crownpoint Uranium Project (CUP) In-Situ Recovery Facility for an additional 20 years. Located in McKinley County, New Mexico, the currently unconstructed facility is designed to extract uranium from underground wellfields using an in-situ recovery mining method that circulates a solution through the rock. The proposed project infrastructure includes three satellite facilities at the Crownpoint, Unit 1, and Church Rock Section 8 project areas, which will utilize pressurized down-flow ion exchange columns to process recovered uranium-bearing solutions before transporting the loaded resin to the Crownpoint Central Plant for final processing and drying. Having deemed the application acceptable for formal technical and environmental review, the NRC is providing the public with an opportunity to request a hearing or petition for leave to intervene by July 27, 2026.

Comment 1. NuFuels, Inc. must navigate dual Tribal and state Clean Water Act jurisdictions and file notices of intent prior to Crownpoint Project construction.

Clean Water Act (CWA) Section 401 requires applicants for federal licenses or permits who will discharge to waters of the United States (WOTUS) to obtain a certification that the discharges will comply with water quality standards from the State and/ or Tribal, Pueblo, or Indian Nation with certifying authority. The NRC notice in the Federal Register describes CUP operations on Sections 17 and 8. CUP is located in the checkerboard area of mixed land and mineral ownership, consisting of private state, tribal trust, and tribal allottee ownership. For tribal lands and water, NNEPA would be the certifying authority and for State of New Mexico lands, NMED would be the certifying authority. If the CUP will result in a discharge to a surface water, NuFuels, Inc. is advised to contact the U.S. Army Corps of Engineers (USACE) Albuquerque District and the U.S. Environmental Protection Agency (EPA) Region 6 to determine if the receiving waters are a water of the U.S. **If there will be a discharge to a water of the U.S. associated with NRC license number SUA-1580, then NuFuels, Inc. must submit a request for certification to the proper certifying authority pursuant to 40 CFR 121.** The Crownpoint Uranium Project may also be subject to permitting under CWA Sections 402 and 404.

Additionally, portions of the Puerco River and its tributaries that flow through New Mexico are surface waters of the State and therefore subject to New Mexico's water quality standards for interstate and intrastate surface waters under 20.6.4 New Mexico Administrative Code (NMAC). Well in advance of construction, NuFuels, Inc. is advised to file a notice of intent to discharge with NMED's Ground Water Quality Bureau (GWQB) for discharges that may affect ground water and the Surface Water Quality Bureau for discharges that may affect surface water (20.6.2.1201 NMAC).

Comment 2. Crownpoint Uranium Project poses significant risks to nearby public drinking water supplies, warranting a hearing to assess threats and remediation alignment.

Though some of the units of the Crownpoint Uranium Project sites are in the Navajo Nation, the Church Rock Sections 8 and 17 project areas are both within 10 miles of the White Cliffs Mutual Domestic Water Users Association (PWS ID NM3500117), a public water system regulated by NMED. The water system's supply wells are located in the Puerco River watershed (HUC12 150200060206) which is downgradient of and could be in hydrogeologic connection with the proposed ISR sites in Sections 8 and 17. Public water systems are subject to the EPA's Radionuclides Rule that includes maximum contaminant

limits for uranium and other radioactive contaminants. Safe Drinking Water Act regulations exist specifically to provide protection for human health. Due to its solubility, uranium contamination of drinking water is associated with adverse impacts to the kidney and reproductive systems. The recovery process described in the CUP creates liquid waste which could endanger public and private drinking water supplies. Drought conditions in New Mexico combined with an abundance of unmitigated uranium mining sites present a serious concern when evaluating the effects of another uranium extraction process.

According to the [Crownpoint Uranium Project NRC License SUA-1580 renewal COP](#), the total surface area of the project is over 1,500 acres and includes sites in Church Rock sections 8 and 17, which are closer to public drinking water supplies in Gallup (5 miles) than the sites identified in the FR. The proposed site in Church Rock section 8 is south of Section 17 at 174.546 acres.

Aquifer restoration will not commence until Year 3 in section 8, Year 8 in sections 17 and Crownpoint, and Year 5 in Unit one. Unit one is a proposed satellite plant near Mariano Lake and is roughly 9 miles upgradient from a public water system: the Whispering Cedars Water Association (PWS ID: NM3510517).

HB-164 has discrete guidelines for the remediation of heritage uranium sites. A hearing process would allow state government and constituents the opportunity to fully assess possible threats to public drinking water supplies.