March 30, 2020

Via Electronic Mail

Ms. Cheryl Moss Herman  
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Office of Nuclear Energy  
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Subject: Comment on DOE’s Request for Information Regarding Key Challenges in Reconstituting Uranium Mining and Conversion Capabilities in the United States

Dear Ms. Moss Herman:


We urge you to abandon this attempt to artificially prop up and reconstitute the dying domestic uranium mining industry. Spending over a billion dollars of government resources in a fruitless attempt to save a polluting, environmentally catastrophic industry that currently employs fewer than a few thousand people is an astonishing waste of scarce federal resources in this time of extraordinary need for wise government expenditures. Rather than artificially rigging the market to keep the undeserving uranium industry alive, if the Administration is going to work on the uranium industry, it should focus on addressing the pressing impacts of the industry by finalizing the Environmental Protection Agency (EPA)’s protective set of uranium recovery regulations and addressing both the groundwater impacts and the massive environmental injustices associated with the domestic uranium industry’s legacy.

The Administration should withdraw any misguided and unworkable efforts to prop up a dying and polluting industry as well as its FY 2021 budget proposal of $150 million for the creation of a U.S. uranium reserve.1 The ostensible purpose of this Request for Information and the strategic uranium fund – to assure against domestic uranium supply disruptions – is a non-issue. There is no uranium shortage. An unchallenged 2007 review of uranium supplies found that the world had more than a century’s worth of relatively accessible stores of uranium.2 And two of the three most significant suppliers for the United States – Australia and Canada – are nations with whom the United States should have no short or long-term concerns over restrictions on potential supply.

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In 2018, five companies produced uranium from seven domestic facilities, according to the Energy Information Association. None are based in the United States. Energy Fuels Resources (Energy Fuels), a publicly traded Canadian company, advocated for removing protections from the Bears Ears National Monument to benefit their own nearby uranium mill. And Energy Fuels and Ur-Energy, another Canadian-based company, petitioned the Commerce Department last year to impose quotas on uranium imports by falsely raising the specter of national security concerns. Under pressure from nuclear power utilities unwilling to pay a higher price for lower quality U.S. uranium, the Trump Administration denied the petition and instead created the United States Nuclear Fuel Working Group – the next target to which these companies would later pitch their bailout. The related FY 2021 Budget Request (which many groups have already objected to) and whatever is contemplated as a result of this Request for Information take the form of both taxpayer subsidies and government manufactured demand to appease nuclear utilities’ cost concerns.

Trade restrictions, uranium subsidies, and artificial demand make bad policy – a view shared across the political spectrum. Similarly, protections for scarce western groundwater and iconic American landscapes like Bears Ears and the Grand Canyon enjoy bipartisan support. It’s apparent that the ability to incentivize a domestic uranium industry – in a world market that is functionally awash in uranium – will take nearly drastic protectionist measures to exclude utilities from making contracts with foreign sources of uranium. U.S. low-grade uranium ore simply cannot compete in the current market. The domestic nuclear industry is not growing, nor does it show signs that it will for decades to come. The gigantic up-front costs of building nuclear reactors and a distinct lack of economic competitiveness in modern energy markets has perturbed and halted reactor construction in the United States (and globally). There is therefore nothing to suggest any major spike in the price of uranium is coming. DOE’s foundational purpose for this Request for Information has no legs to stand on.

The Administration should instead focus on fixing the inadequate regulatory system and protecting sensitive American landscapes and resources. Currently, the regulatory regime for uranium recovery is an ad hoc mess that uses a complicated and ineffective set of standards that fails to protect public health and the environment. The regulations fail to address in situ leach mining, the majority type of uranium mining in the U.S. today; fail to set an accurate baseline; fail to restore groundwater quality after mining; fail to account for fluid migration; and fail to require meaningful post-closure monitoring.

Let’s be clear – if there is a government contrived runup in domestic uranium mining, the West will become ever more polluted (specifically the scarce western groundwater sources) and the taxpayers will, again, be left holding the bag for cleanup. DOE and its brethren at the Nuclear Regulatory Commission and the EPA should recognize that the current state of affairs is not protective of human health or the environment and offer support for the EPA to revive and finalize with all dispatch its 2017 uranium rule that provides a sound structure for uranium mining regulation that is both protective of the environment and provides straightforward regulatory certainty for the industry.³

It is not apparent to us what value or benefit is served by DOE’s current effort; how the government would justify this kind of singular set of expenditures on a polluting industry that solves no pressing problems; why this effort is even being made in the first instance; and why we were only given the scant few-week comment period. DOE should abandon this misguided effort and instead focus precious recourses on addressing the significant impacts of this polluting industry.

We appreciate the opportunity to provide these comments. Thank you for your attention and consideration.

Sincerely,

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