



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

December 5, 2016

Mr. David C. Frydenlund
Senior Vice President and General Counsel
Energy Fuels Inc.
225 Union Boulevard, Suite 600
Lakewood, CO 80228

SUBJECT: PROPOSED REVISIONS TO TITLE 40 OF THE *CODE OF FEDERAL REGULATIONS* PART 61 – SUBPART W, NATIONAL EMISSION STANDARDS FOR RADON EMISSIONS FROM URANIUM MILL TAILINGS

Dear Mr. Frydenlund:

I am writing in reply to your letter dated August 29, 2016, regarding the U.S. Environmental Protection Agency's (EPA) proposed revisions to Title 40 of the *Code of Federal Regulations* Part 61 – Subpart W, "National Emissions Standards for Radon Emissions from Operating Mill Tailings" (U.S. Nuclear Regulatory Commission's (NRC) Agencywide Documents Access and Management System Accession No. ML16242A266). In your letter, you identified the major concerns that Energy Fuels has with EPA's proposed rule. The NRC staff understands that Energy Fuels provided detailed comments on the proposed rule to the EPA during the public comment period in the fall of 2014.

The NRC staff appreciates being informed of Energy Fuels comments on the proposed rule as the comments help the staff understand the implications of the proposed rule on uranium recovery facilities licensed by the NRC. The EPA submitted the draft final rule to the Office of Management and Budget (OMB) for Executive Order (EO) 12866 review on July 28, 2016, and OMB completed the EO 12866 review process for the draft final rule on November 8, 2016. The NRC staff participated in the interagency review led by OMB during the EO 12866 review process. Publicly available information about the EO 12866 review process can be found at www.reginfo.gov.

If you have additional questions regarding the NRC staff's efforts in this area, please contact Mr. Douglas Mandeville of my staff by telephone at (301) 415-0724 or by e-mail at douglas.mandeville@nrc.gov.

Sincerely,

/RA J. Tappert for/

Marc L. Dapas, Director
Office of Nuclear Material Safety
and Safeguards

Mr. David C. Frydenlund
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