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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RYAN JACKSON, MAJORITY STAFF DIRECTOR
BETTINA POIRIER, DEMOCRATIC STAFF DIRECTOR

December 1, 2016

The Honorable Howard Shelanski
Administrator, Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street NW
Washington, D.C. 20503

Dear Administrator Shelanski:

We are writing to you regarding the Environmental Protection Agency's rulemaking related to in situ uranium recovery (ISR) and groundwater monitoring under 40 CFR Part 192.

This rulemaking has insufficiently analyzed the alleged benefits, yet the significant costs it imposes would likely mark the end of in situ uranium recovery (ISR) in the United States. In 2015, the domestic uranium industry produced 3.7 million pounds of uranium,¹ and ISR accounted for 92 percent of that production.² We are already dependent on imported uranium for more than 94 percent of the fuel needed for our domestic nuclear reactors.³ If this rule is finalized, we will lose our domestic uranium industry, and become entirely dependent on imported uranium to provide 20 percent of the electricity produced in the United States.

EPA staff has acknowledged in public forums that they are not aware of a single example of an ISR uranium project that has caused harm to a non-exempt, adjacent aquifer. Similarly, the Nuclear Regulatory Commission, the primary ISR regulator, has not identified any such harm. In response to questions for the record following a hearing before Committee on October 7, 2015, the NRC affirmatively stated it "has not documented any case where recovery solutions from an NRC-licensed uranium in-situ facility have migrated beyond the licensed (permit) area and contaminated drinking water."

Given the significant impact of this rule, the failure of the EPA to do an adequate cost-benefit analysis, and the failure of the EPA to provide any justification for the new stringent requirements the agency seeks to impose, it is critical the OMB carefully review this proposal and meet with all interested stakeholders, including the domestic uranium producers who would be most affected.

¹ Energy Information Agency (EIA), Domestic Uranium Production Report, May 5, 2016.

² Estimate based on total EIA production data and public filings from domestic uranium companies.

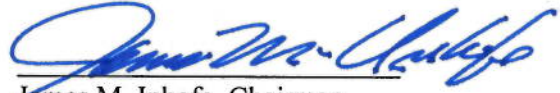
³ EIA, Domestic Uranium Production Report, May 5, 2016.

We are certain that once OMB has reviewed all the facts, you will agree that this rulemaking should be rejected outright.

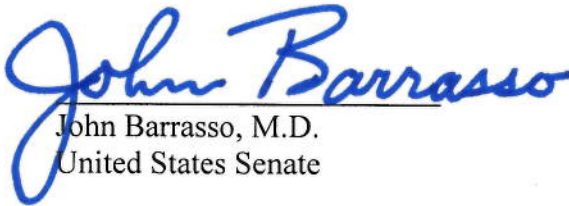
Sincerely,



Shelley Moore Capito, Chairman
Subcommittee on Clean Air and Nuclear Safety
U.S Senate



James M. Inhofe, Chairman
Committee on Environment and Public Works
U.S Senate



John Barrasso, M.D.
United States Senate