Executive Director Determination on Request to Extend FAST-41 Final Completion Date by More Than 30 Days

October 27, 2026

Grants Precision ISR Project

I. Summary

The Grants Precision In-Situ Recovery ("ISR") Project (the "Project"), sponsored by Grants Energy (the "Project Sponsor"), is a covered project under Title 41 of the Fixing America's Surface Transportation Act ("FAST-41"), 42 U.S.C. § 4370m *et seq*. The Nuclear Regulatory Commission ("NRC") has principal responsibility for the environmental review under the National Environmental Policy Act ("NEPA") which makes NRC the lead agency for both NEPA and FAST-41. The cooperating agencies are the U.S. Department of Interior's Bureau of Indian Affairs ("BIA") and the U.S. Environmental Protection Agency ("EPA").

On October 13, 2026, NRC submitted a request to the Executive Director of the Federal Permitting Improvement Steering Council (the "Permitting Council") to extend the overall permitting timetable by nine (9) months. Specifically, NRC requests to modify the Project's original permitting completion dates for the: (1) Environmental Impact Statement ("EIS"); (2) consultation under Section 106 of the National Historic Preservation Act ("NHPA") (the "Section 106 Consultation"); (3) consultation under Section 7 of the Endangered Species Act ("ESA") (the "Section 7 Consultation"); and (4) NRC's decision to issue the uranium recovery license. The particular details of each requested modification are shown in the table in Section III.

For the following reasons, the NRC's extension request is **GRANTED**, and the Project permitting timetable will be revised accordingly.

II. Legal Standard

Under 42 U.S.C. § 4370m-2(c)(2)(D)(i), once a permitting timetable is established under 42 U.S.C. § 4370m-2(c)(2)(A), the facilitating or lead agency may modify it only if the conditions set forth in subclauses (I) through (IV) are satisfied. 42 U.S.C. § 4370m-2(c)(2)(D)(i). First, the facilitating or lead agency must consult with the Executive Director about the potential modification at least fifteen (15) days before it consults the other stakeholders under subclause (II). *Id.* § 4370m-2(c)(2)(D)(i)(I). Second, after consultation with any participating agencies, the Executive Director, and the project sponsor, the facilitating or lead agency and any affected cooperating agencies must agree to a different completion date. *Id.* § 4370m-2(c)(2)(D)(i)(II). Third, the facilitating or lead agency must provide a written justification for the modification. *Id.* § 4370m-2(c)(2)(D)(i)(III). Fourth, where a modification would extend a final completion date by more than thirty (30) days beyond the final completion date originally established, the lead

agency must submit a request to modify the permitting timetable to the Executive Director, who must consult with the project sponsor and make a determination on the record as to whether to grant the authority to make the modification.

In making that determination, the Executive Director considers the "relevant factors" set forth in 42 U.S.C. § 4370m-2(c)(2)(B), including, but not limited to:

> **(i)** the size and complexity of the covered project;
> **(ii)** the resources available to each participating agency;
> **(iii)** the regional or national economic significance of the project;
> **(iv)** the sensitivity of the natural or historic resources that may be affected by the project;
> **(v)** the financing plan for the project; and
> **(vi)** the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

Executive Director determinations made pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV) are not subject to judicial review. 42 U.S.C. § 4370m-2(c)(2)(D)(iv)(I).

III. Background

The Project Sponsor seeks to build and operate a uranium extraction and processing facility. This facility would create a 30-year supply of uranium from the largest contiguous uranium resource in the United States. The Project site is located about 20 miles northeast of Grants, New Mexico and is situated wholly within an approximately six (6) square miles of privately-owned land. The Project combines ISR, a widely used method of uranium extraction that eliminates the need for open pits or underground mines, with horizontal wells, a method used in oil and gas extraction.

The NRC submitted its extension request after the Project Sponsor informed it that it was unable to submit its NRC application for a uranium recovery license by the September 30, 2026 FAST-41 milestone. Delaying the first milestone will have a cascading impact on following milestones and thus impacts the entire original FAST-41 permitting timetable, including pushing the final completion date by more than 30 days. Accordingly, NRC's extension request asks for permitting timetable modifications to multiple agency actions.

The Project Sponsor communicated the possibility of this request in meetings held in July and September.[1] According to the Project Sponsor, the extension will give it sufficient time to

[1] Meetings to discuss the potential delay to the permitting timetable occurred on July 27, 2026, and Sep 2, 2026, and were attended by representatives for the Project Sponsor, the NRC, and the Permitting Council.

obtain a discharge permit from the New Mexico Environment Department ("NMED"). The discharge permit is needed to conduct groundwater testing to collect baseline hydrologic data, which is required to be submitted as part of its future NRC application for the uranium recovery license. The Project Sponsor had previously accounted for collection of the hydrologic data but did not properly factor in the time needed to acquire the discharge permit. After accounting for the time needed for the discharge permit, the Project Sponsor informed NRC that the submission of its application for a uranium recovery license will be delayed from September 30, 2026, to June 30, 2027.[2]

The delay to the submission of the initial NRC application impacts the overall permitting timetable and NRC now has to adjust the timeline for multiple agency actions, including the: (1) EIS; (2) Section 106 Consultation; (3) Section 7 Consultation; and (4) decision on whether to issue the uranium recovery license. Each requested permitting timetable modification is detailed in the table below:

Action Agency	Action	Milestone	Original Date	Current Date	Requested Date
NRC	EIS	Notice of Intent	1/26/2027	1/26/2027	10/26/2027
		Scoping	1/26/2027	1/26/2027	10/26/2027
		Draft EIS	9/27/2027	9/27/2027	06/30/2028
		Final EIS	04/19/2028	04/19/2028	01/26/2029
		Record of Decision	05/26/2028	05/26/2028	02/27/2029
	NHPA Sec. 106	Consultation Initiated	01/26/2027	01/26/2027	10/26/2027
		Consultation Concluded	4/19/2028	4/19/2028	01/26/2029
	ESA Sec. 7	Consultation Package Submitted	9/27/2027	9/27/2027	06/30/2028
		Consultation Package Complete	10/27/2027	10/27/2027	07/28/2028

[2] By email dated September 3, 2026, from the Project Sponsor to the NRC, uploaded to the Agencywide Documents Access and Management System (ADAMS) - Accession No. ML26282B032.

Action Agency	Action	Milestone	Original Date	Current Date	Requested Date
		Consultation Concluded	2/11/2028	2/11/2028	11/09/2028
	Uranium Recovery License	Application Submitted	9/30/2026	9/30/2026	06/30/2027
		Acceptance Review Complete	11/27/2026	11/27/2026	08/27/2027
		Issuance of Licensing Decision	5/26/2028	5/26/2028	02/27/2029

IV. Discussion

Pursuant to 42 U.S.C. § 4370m-2(c)(2)(A), the Project's original permitting timetable was established on July 11, 2025. On September 2, 2026, NRC consulted with the Executive Director about a potential modification to the permitting timetable. NRC then consulted with the affected cooperating agencies regarding the potential modification and submitted a written justification for the modification to the Executive Director on October 13, 2026. After receiving the written justification, the Executive Director consulted with the Project Sponsor on October 23, 2026, and confirmed that the Project Sponsor does not object to these requested permitting timetable modifications.

The NRC requests authorization to modify the FAST-41 milestones for the: (1) EIS; (2) Section 106 Consultation; (3) Section 7 Consultation; and (4) NRC decision to issue the uranium recovery license. In evaluating this request, the Executive Director has considered the relevant factors set forth in 42 U.S.C. § 4370m-2(c)(2)(B). Among those factors is "the size and complexity of the covered project." *Id.* § 4370m-2(c)(2)(B)(i). Additionally, the Executive Director may consider other factors when appropriate. Here, the most relevant factor is the federal government's ability to take the actions on the Dashboard, which, in these circumstances, weighs in favor of the requested extension.

The complexity of the Project is central to the requested extension, and has contributed to the need to delay the FAST-41 timeline. NRC's review of the uranium recovery license application depends on a thorough characterization of baseline hydrologic conditions at the Project site, which includes groundwater testing. NMED requires the Project Sponsor to hold a discharge permit to conduct that testing which is necessary to collect the data needed to submit a complete NRC uranium recovery license application. The Project Sponsor's initial schedule to prepare its NRC application accounted for the time needed to collect hydrologic data but not for the foregoing state permitting process.

This oversight underscores the complexity of coordinating interdependent state and federal requirements but also leaves NRC without the ability to move forward with the FAST-41 timeline because it does not have an application from the Project Sponsor. Participation in the FAST-41 process is voluntary, and its success depends on transparency and accountability from all stakeholders. The Executive Director appreciates the Project Sponsor acting in good faith by promptly and candidly informing NRC of the scheduling oversight and its effect on the application timeline. However, the delayed application leaves NRC, and the Executive Director, no choice but to extend the FAST-41 timeline until the federal government has what it needs to begin its reviews. Given these circumstances, NRC's requested modifications to the permitting timetable are warranted.

V. Determination

The NRC's extension request is **GRANTED**, and the permitting timetable shall be revised as requested.

Emily Domenech
Executive Director
Permitting Council