

EXHIBIT A
SUBPART W NESHAP RADON-222 VIOLATION

In June of 2012, Radon-222 emissions from Tailings Cell 2 exceeded the Subpart W NESHAP emissions standard. *See* White Mesa Uranium Mill National Emissions Standards for Radon Emission from Operating Mill Tailings, Transmittal of 2012 Annual Radon Flux Monitoring Report (and Report) (March 29, 2013) (“March 2013 Report”) (reporting to DAQ that radon emissions from Tailings Cell 2 exceeded the Subpart W NESHAP standard for the 2012 annual monitoring conducted by EFR’s consultants; with average values 29.5 percent higher than the regulatory limit). The radon emissions from certain areas in Tailings Cell 2 exceeded 200 pCi/m²s, which is more than 40 times the emissions goal set forth in EFR’s ALARA Program (standards adopted by the Mill to protect worker safety and others located near the WMM facility). *See* Tellco Environmental LLC NESHAPS 2013, Cell 2, Sample G45 (204.5 pCi/m²s); DUSA White Mesa Mill Environmental Report Vol. IV, 117 (February 28, 2007) (the ALARA emissions goals are 25 percent of the applicable regulatory standards).

EFR hired a consultant to evaluate what level of additional cover would be necessary to mitigate the Radon-222 emissions, and that consultant found that a two-foot random fill cover would reduce the surface radon flux below the emissions standard in perpetuity. *See* March 2013 Report, Letter to B. Bird 7. Instead of immediately placing the recommended two-foot cover over Tailings Cell 2, EFR proposed an experimental 100-foot-by-100-foot plot to test the effectiveness of a less robust and less protective cover. *Id.* at 8. Currently, the DAQ is waiting for the DRC to provide an opinion on how this will affect the final reclamation specifications for Tailings Cell 2 and what “credit” will be reflected by EFR’s efforts at this time in adding additional cover. Personal Communication with Jay Morris, Compliance Activities, Utah Division of Air Quality (October 16, 2013).

The Tailings Cell 2 Monthly Compliance Report for July 2013 indicates that EFR has done nothing to successfully mitigate the radon emissions and protect public health or to provide adequate worker safety. *See* Energy Fuels Resources (USA) Inc., Tailings Cell 2 Monthly Compliance Report (August 20, 2013) (“August 2013 Report”). The August 2013 Report confirms that the July 2013 monitoring results were 21.5 percent higher than the regulatory limit. *See id.* This means that UMU Tribal Members have been exposed to high Radon-222 emissions for more than 16 months while EFR, DRC, and DAQ are evaluating whether a cover less than two feet might suffice to control a significant human health risk.