



Ryan Johnson <rmjohnson@utah.gov>

Fwd: FW: Re: Info re Import of Radioactive Processing Waste from Estonia

1 message

Phillip Goble <pgoble@utah.gov>

Wed, Aug 5, 2020 at 8:47 AM

To: Ryan Johnson <rmjohnson@utah.gov>

NRC to Sarah Fields. Scroll down to the May 28, 2020 email to Ms. Fields

----- Forwarded message -----

From: **Jones, Andrea** <Andrea.Jones2@nrc.gov>

Date: Mon, Jun 15, 2020 at 10:20 AM

Subject: FW: Re: Info re Import of Radioactive Processing Waste from Estonia

To: Phillip Goble <pgoble@utah.gov>

Hi Phil, we got this response from Ms. Sarah. Do you have time this afternoon to discuss? I also plan to talk to Energy Fuels.

From: sarah uraniumwatch.org <sarah@uraniumwatch.org>**Sent:** Thursday, June 11, 2020 4:59 PM**To:** Jones, Andrea <Andrea.Jones2@nrc.gov>**Subject:** [External_Sender] Re: Info re Import of Radioactive Processing Waste from Estonia

Dear Ms. Jones,

Thank you for your prompt response. I am sorry that I missed your response.

What is the basis for the NRC's determination that the Silmet Estonian material

is being "imported **solely** for the purposes of recycling and not for waste management or disposal"?

Did the NRC consider how much Energy Fuels Resources (USA) is being paid to accept the material,

the lack of a disposal site in Estonia, the cost of purchasing the material, cost of importing the material,

cost of storing and processing the material, cost of disposing of and storing the waste in perpetuity, and

other costs associated with the production of saleable uranium from the Silmet material, as compared to

the amount of money Energy Fuels will receive on the current uranium market, or in anticipation of an

increase in the uranium market price?

The Energy Fuels application to receive the Silmet material specifically states that they are making an "application

to process the Uranium Material as an alternate feed material at the Mill for the recovery of uranium **and** to

dispose of the resulting waste."

It does not appear that the Estonia Material is being imported **solely** for the purposes of recycling, and not for waste management or disposal.

Therefore, I request an official NRC finding, with the factual basis for the finding, that the Silmet Estonian

material is being "imported **solely** for the purposes of recycling and not for waste management or disposal."

Sincerely,

Sarah Fields

Uranium Watch

PO Box 1306

Monticello, Utah 84532

435-260-8384

From: Jones, Andrea <Andrea.Jones2@nrc.gov>

Sent: Thursday, May 28, 2020 10:56 AM

To: sarah uraniumwatch.org <sarah@uraniumwatch.org>

Subject: RE: Info re Import of Radioactive Processing Waste from Estonia

Hello Ms. Fields,

Your email was forwarded to me. I have read the article and have been in consultation with the State of Utah and Energy Fuels Resources. Based on the information presented to the Export Controls and Nonproliferation Branch, the proposed Estonia import satisfies the general license provisions in Section 10 CFR Part 110.27, which states in part, except as provided in paragraphs (b) and (c) of this section, a general license is issued to any person to import byproduct, source,

or special nuclear material if the U.S. consignee is authorized to receive and possess the material under the relevant NRC or Agreement State regulations. The U.S. consignee does possess the relevant possession license.

Furthermore, paragraph (a) of this section does not authorize the import under a general license of radioactive waste.

Again, based on the information presented, the NRC has determined that the proposed shipment can be imported under a general license - a specific import license is not required. The alternate feed meets paragraph 6, under 10 CFR 110.2, Radioactive waste. Paragraph 6 states that radioactive waste does not include radioactive material that is imported solely for the purposes of recycling and not for waste management or disposal where there is a market for the recycled material and evidence of a contract or business agreement can be produced upon request by the NRC. The NRC was informed that the licensee will process the Silmet Alternate Feed Material for uranium. The end product will be 99% U3O8 or "yellowcake". The yellowcake will then be sold on the open market or by contract and is sent for enrichment. The enriched uranium is transported to a fuel fabrication plant and gets converted into fuel. It is the NRC's view that this meets the exclusion for general license, is not classified as radioactive waste, and a specific import license is not required.

Hope this helps.

From: sarah uraniumwatch.org <sarah@uraniumwatch.org>
Sent: Wednesday, May 27, 2020 3:53 PM
To: Savoy, Joanne <Joanne.Savoy@nrc.gov>
Subject: [External_Sender] Info re Import of Radioactive Processing Waste from Estonia

Dear Ms. Savoy,

Thank you for your prompt response to my call. Here are links to information regarding the import and processing of the Silmet material from Estonia.

Let me know if you have any questions.

Sarah Fields

Uranium Watch

435-260-8384

Energy Fuels Resources (USA) Inc. has requested a license amendment to receive and process source material from the Silmet facility, Estonia.

Application:

<https://documents.deq.utah.gov/waste-management-and-radiation-control/facilities/energy-fuels-white-mesa/DRC-2019-003761.pdf>

Public Notice and Utah Division of Waste Management and Radiation Control Technical Analysis and Environmental Analysis, Silmet Alternate Feed Request, April 2020:

<https://deq.utah.gov/waste-management-and-radiation-control/public-notice-energy-fuels-resources-usa-inc>

The Technical Analysis and Environmental Analysis, Section 1.4 Legal Review, Import License, Page 20, discusses need for an Import License under Nuclear Regulatory Commission Regulation:



<https://documents.deq.utah.gov/waste-management-and-radiation-control/facilities/energy-fuels-white-mesa/DRC-2020-007005.pdf>

DWMRC determined that Energy Fuels does not need an import license under 10 C.F.R. § 110.27(a). Material can be imported under a general license.

NRC regulation requires an import license for the import of radioactive waste, defined as:

Radioactive waste, for the purposes of this part, means any material that contains or is contaminated with source, byproduct, or special nuclear material that by its possession would require a specific radioactive material license in accordance with this Chapter and is imported or exported for the purposes of disposal in a land disposal facility as defined in 10 CFR part 61, a disposal area as defined in Appendix A to 10 CFR part 40, or an equivalent facility; or recycling, waste treatment or other waste management process that generates radioactive material for disposal in a land disposal facility as defined in 10 CFR part 61, a disposal area as defined in Appendix A to 10 CFR part 40, or an equivalent facility. Radioactive waste does not include radioactive material that is— [Emphasis added.]

<https://www.nrc.gov/reading-rm/doc-collections/cfr/part110/full-text.html>

I think that the Silmet material to be imported meets the NRC definition of radioactive waste in Section 110 and requires a specific import license.

This license amendment may be the beginning of the import of other uranium-bearing radioactive waste from Europe and other countries besides Canada to Utah.

