



State of Utah

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Department of  
Environmental Quality

Kimberly D. Shelley  
*Executive Director*

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL

Douglas J. Hansen  
*Director*

July 7, 2021

David Frydenlund  
Energy Fuels Resources (USA) Inc.  
225 Union Blvd., Suite 600  
Lakewood, CO 80228

RE: Radioactive Material License UT 1900479 Amendment 10 11e.(2) Annual Limit Increase, Silmet, and Moffat Tunnel Alternate Feeds Energy Fuels Resources (USA) Inc. (Energy Fuels) White Mesa Uranium Mill San Juan County, Utah - **REQUEST FOR INFORMATION**

Dear Mr. Frydenlund:

In the above-referenced matter, the Division has received comments from a variety of persons. While the general public comment period for this matter is now closed, the procedural provisions governing the permit review process set forth in the Utah Code anticipate that UDEQ division directors may solicit supplemental information in response to public comments prior to issuing a final permit order. (*See* Utah Code Section 19-1-301.5(9)(b)(vii).) The statute does not afford the right to any person to unilaterally supplement the record after the close of the general public comment period, only in response to a request made by a division director. If the director then designates such requested information as the basis for the decision on any given permit order, it will become part of the administrative record. *Id.* A director's request for additional information results in a limited extension of the general public comment period.

To assist the Division in its review of this matter, the Director requests that Energy Fuels Resources, Inc. ("Licensee") submit supplemental information regarding its request to remove all volume limitations for 11e.(2) materials generated from licensed facilities that the Licensee owns. More specifically, the Division requests that the Licensee submit a summary of relevant environmental analysis that applies to its request to remove volume limitations for disposal of 11.e(2) material generated from licensed facilities that the Licensee owns, including controls that are in place to ensure that material is not received in excess of the capacity available at White Mesa Mill ("Mill").

(Over)

Environmental analysis is required under Utah Admin. Code R313-24-3 to support major license amendments, which includes a statement of purpose, an assessment of public health and environmental impacts, and consideration of alternatives and long-term impacts. The Division has discretion to determine the nature, scope, and adequacy of environmental analysis required to support a specific licensing action. The Division is aware that information exists in the larger administrative record of the Mill that includes environmental analysis. However, the Licensee's amendment request did not include a description of the portions of the larger administrative record upon which the Licensee relies to support its amendment request for the removal of the volume limitation for licensed facilities it owns.

Based on the foregoing, the Division requests that the Licensee submit an appropriate environmental analysis regarding its request to remove the volume limitation as to 11e.(2) material generated from facilities that the Licensee owns. This environmental analysis may rely on previous environmental analyses if appropriate references, pinpoint citations and discussion of relevance are provided to assist the Division in its review of the license amendment request.

Sincerely,



Douglas J. Hansen, Director  
Division of Waste Management and Radiation Control

DJH/SN/as