NAVAJO NATION-ENERGY FUELS RESOURCES, INC. (EFRI) AGREEMENT ON URANIUM ORE TRANSPORTATION STATUS REPORT TO NM LEGISLATURE-RADIOACTIVE AND HAZARDOUS WASTE COMMITTEE

A BRIEF EVALUATION OF URANIUM ORE TRANSPORTATION ACROSS THE NAVAJO NATION

Please feel free to ask questions at any time

Inspection site: on Northbound U.S. 89 at Milepost 464 in Cameron,AZ.

PINYON PLAIN MINE

DIFFERENT VIEW

THE DRIVERS OF THE PRICE MOVEMENT AND POLITICAL OBSTACLES TO PREVENTING SHIPMENTS

- The primary drivers of the uranium price explosion are political. Nuclear Energy and uranium production within the United States have renewed support, including within the Biden Administration. These are due to two factors:
- The need for dispatchable generation electricity to balance non-dispatchable wind and solar is now recognized. Nuclear power produces discatchable power without releasing of CO2. At the recent United Nations Climate Change Conference (COP 28) it was decided to triple the amount of electricity generated by nuclear reactors by 2050 to fight climate change.
- On April 30, 2024, the Senate passed a Bill previous passed by the House to ban the import of enriched uranium from Russia into the United States. On May 13, 2024, President Biden signed the Bill.

URANIUM ORE

- The Pinyon Plain uranium ore is processed at the White Mesa Mill, owned by which is owned by Energy Fuels Inc., the owner of the mine. As explained on the EIA website, the only mill presently operating is White Mesa:
- “At the end of 2022, the White Mesa Mill in Utah was operating with an ability to process 2,000 short tons of ore per day. Shootaring Canyon Uranium Mill in Utah and Sweetwater Uranium Project in Wyoming were on standby with a total capacity of 3,750 short tons of material per day. In Wyoming, the Sheep Mountain heap leach facility remains in the planning stages.”

FEDERAL REGULATION OF RADIOACTIVE MATERIALS

- The United State Department of Transportation ("USDOT") and the Nuclear Regulatory Commission ("NRC") regulate radioactive shipments pursuant to a Memorandum of Agreement published as 38 FR 8466 (1973) For purposes of simplification, the United States Department of Transportation ("USDOT") regulates mostly the lower-level radioactive materials and NRC regulates the higher levels.

- USDOT regulates the shipping of uranium ore. The NRC regulates uranium ore after it has been processed or milled. NRC regulation 10 CFR 71.5 requires licensees transporting radioactive material to comply with USDOT regulations. Some uranium ore can evade regulation if it is low-grade ore. However, Pinyon Plain and most mines meet the standards and will be regulated.

PREEMPTION

- Due to the Atomic Energy Act of 1954 and subsequent amendments, State and Tribal laws laws that attempt to regulate radioactive materials are highly likely to be preempted by federal law. A 1959 amendment did allow the Atomic Energy Commission, now the Nuclear Regulatory Agency (NRC"), to delegate some responsibility to States. The NRC was structured as an independent agency and less deferential to the nuclear industry. States' authority must be exercised consistent with federal law under the Amendment.

However, the regulating of uranium and similar elements along with other hazardous waste has been allowed without a delegation of federal authority. The key is to regulate not based on radioactivity, but on other factors such as the materials non-radioactive toxic nature.

AGREEMENT

- Terms of Agreement signed on January 29, 2025
- Transport began on February 12, 2025

Since February 12, 2025, NNEPA has conducted approx. 430 inspections to date.

Inspection site is on Northbound U.S. 89 at Milepost 464 in Cameron,AZ.

Each NNEPA inspection form is filed and maintained in a database.

Each truck transports 25 tons of Natural Uranium Ore.

Issues to Date: on May 8, 2025, one truck did not pass through the Navajo Nation due to truck driver illness; the truck made it to Flagstaff, AZ, and parked at a restaurant. Coconino County Sheriff's Officers and Flagstaff Fire Department responded to calls from the public who noticed the parked truck with radioactive placards. No release of hazardous materials was detected by Flagstaff Fire Department. The driver was examined by Emergency Medical Services on the roadside (driver declined to be taken to the hospital); due to time delay/reduced time to meet the 3pm curfew to clear the Navajo Nation, the truck turned around and returned to the Pinyon Plain Mine.

Calls were also made to Navajo Nation Department of Emergency Management by Coconino County; and to NNEPA by the public. While this was not an actual emergency, the communications and responses followed the protocols in the Transportation Emergency Response Plan (TERP).

Overall, there has been no detection of radioactive materials escaping from underneath the tarp cover on the trailers.
All radioactive scanning levels captured by NNEPA at the inspection site comport with the radioactive scanning levels by EFRI and recorded on Bills of Laden (EFRI Release Survey Forms) each day at the mine site. There has been a minor uptick in the detected radioactivity levels of the trucks as the mined ore has become richer in uranium.

However, the radioactivity levels remain well within levels deemed safe by United States Department of Transportation.

The transport rate began at two trucks per day and has slowly increased to 10 trucks per day. The expected total maximum number of trucks per day is 12 trucks per day.

Information Session on Emergency Preparedness/Response for Local Chapter Government Leaders was held in April 29, 2025 in Tuba City, AZ. The next Information Sessions will be held in Mexican Water Chapter and Dennehotso Chapter. Presentations and Question/Answers provided by NNEPA, USEPA, Energy Fuels Resources, Inc. - Emergency Response Teams (from Pinyon Plain Mine and White Mesa Mill).
Free video and web-based training developed by FEMA is highlighted for Chapter officials and other local authorities to access.

Information Sessions and Training Events will be provided to Chapter officials and local authorities on a recurring basis, and assistance will be provided to establish or re-establish Community Emergency Response Teams, and to update All-Hazards Plan documents.

No Haul/Blackout Days: In addition to federal holidays, the Navajo Nation has 10 days to declare as No Haul Days.

May 9 – No Haul Day due to increase in traffic on US 89 and US 160 for Spring Commencement events in Flagstaff, AZ (Northern Arizona University) and Tsaile, AZ (Dine College).

June 2 – No Haul Day due to Navajo Nation Memorial Day Holiday.

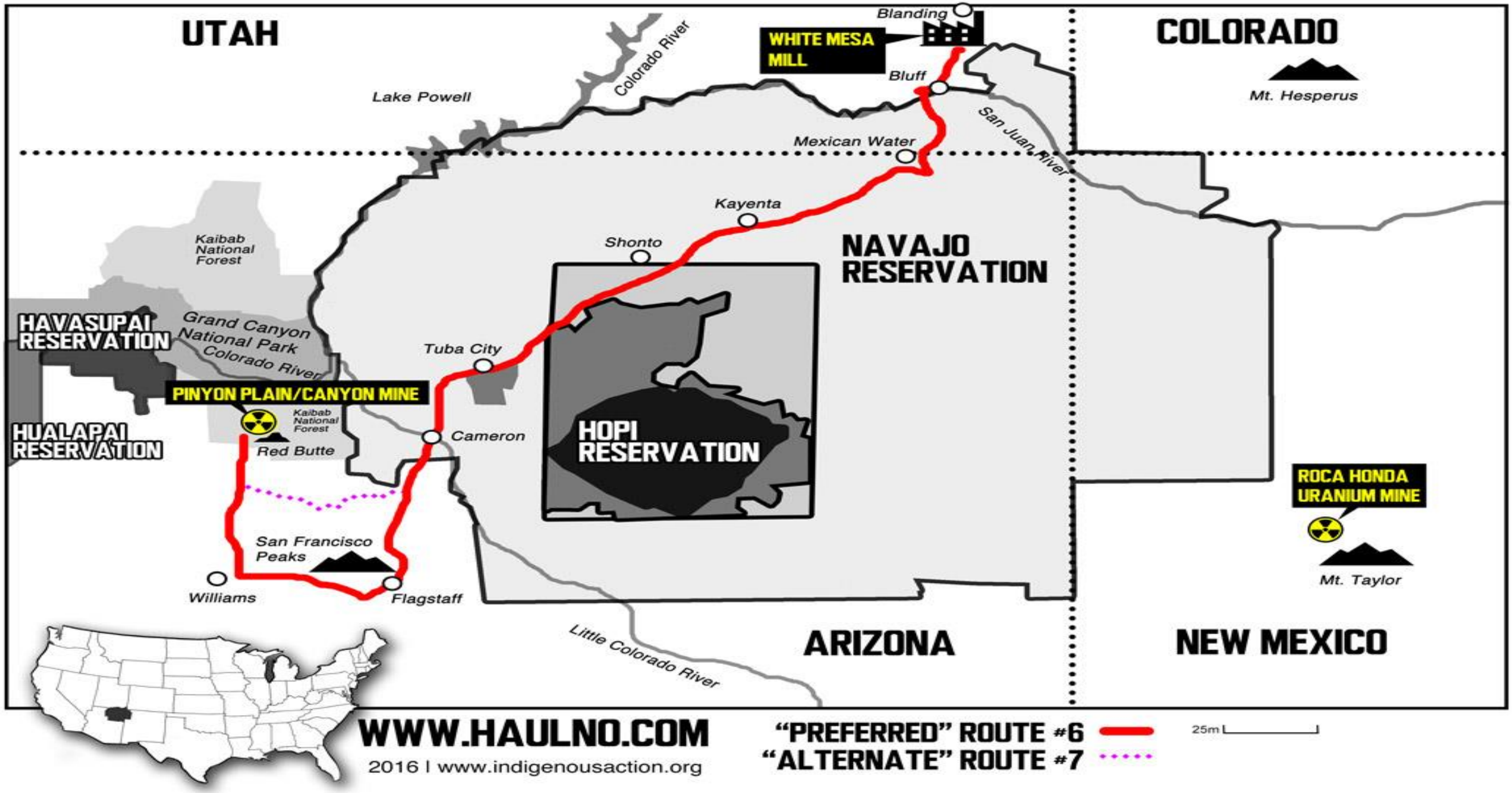
June 6 – No Haul Day due to Navajo Hopi Honor Ride on US 89 (Flagstaff to Tuba City, AZ).

July 2-3 – No Haul Days due to 4th of July events in Kayenta, AZ and expected increase local traffic on US 160 in the community of Kayenta, AZ.

EFRI's Commitment to Remove 10,000 Tons of Navajo Nation Abandoned Uranium Mine Waste Materials:

NNEPA is developing a priority list of proposed sites to submit to EFRI; and will have discussions with EFRI to develop an Implementation Plan for removal activities.

PINYON PLAIN/CANYON MINE URANIUM HAUL ROUTE



ROCA HONDA MINE

- Energy Fuels is also planning a mine near Mount Taylor.
- This mine is much bigger than the Pinyon Plain Mine and has much larger uranium reserves and resources.
- The mine had a Draft Environmental Impact Statement (DEIS) published in 2013. However, due to the collapse in uranium prices, the company stopped the Nation Environmental Protection Act ("NEPA") process stopped soon after its issuance. It has now restarted. The approximate date of the Final EIS and a Record of Decision ("ROD) is unknown.
- If operational, the mine will require around fifty truck loads of uranium ore to be sent to the White Mesa Mill daily.


White Mesa Mill
Blanding
Utah
Colorado
Arizona
New Mexico
Cortez
Durango
Shiprock
Farmington
Chinle
Ganado
Window Rock
Crownpoint
Gallup
191
262
160
163
491
64
264
371
44
550

QUESTIONS?

- Contact information: Dan Moquin. d.moquin@navajo-nsn.gov
- 928-871-6347/6492