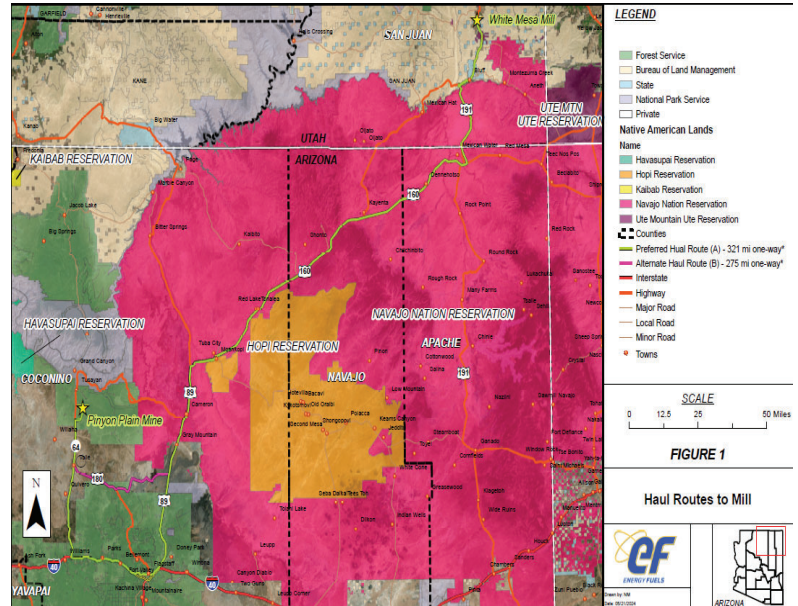


# Uranium Transport Agreement with Energy Fuels Resources, Inc.

• January 2025

## Background

Federal law prohibits states and tribes from banning the transportation of radioactive and other hazardous materials across their lands, under a legal doctrine called preemption. The Navajo Nation has done the next best thing, by entering into an Agreement with Energy Fuels - the company transporting uranium ore across the Navajo Nation - setting requirements to ensure public health and safety and protect the environment. The Agreement also provides funds to the Nation to monitor and eliminate any potential threats and to enforce the agreement.



*Map of Preferred and Alternate Haul Routes Between the Pinyon Plain Mine and White Mesa Mill*

## What Transport Will Take Place?

Energy Fuels will be transporting uranium ore from its Pinyon Plain Mine in Arizona to its White Mesa Mill near Bluff, Utah. Uranium ore is classified as “low specific activity” material under federal law, which is the lowest level of radioactive material hauled on roads and highways. Trucks will enter near Cameron and travel on Highways 89, 190, and 191, on a route approved by the U.S. Forest Service based on an Environmental Impact Statement. There will be approximately 10 trucks per day and the transport could take 2-4 years, depending on the amount of ore obtained from the mine.

## When Will Transport Occur?

The Agreement limits transport to between 8:30 a.m. and 3:00 p.m. on weekdays, which are the hours children are safely in school and personnel are available to monitor traffic and respond to any accidents. Transport is prohibited during inclement weather, on holidays, and when Navajos may be engaged in fairs and other cultural activities, with limited exceptions. Empty trucks returning from the mill after being decontaminated are not subject to these restrictions. Energy Fuels must provide 14 days' advance notice of its monthly schedule.

## What If There is an Emergency?

All drivers must carry a Transporter's Emergency Response Plan (TERP) and emergency response equipment and must be trained in their use. The TERP and the Agreement specify the people the driver must call, including Navajo response personnel, and other actions the driver must take if there is an emergency.

## What are the Requirements for the Truck Drivers?

Drivers must have at least two years of truck driving experience, valid hazardous materials endorsements, a hazardous materials transport license from the Navajo Nation EPA, and receive annual training in hazardous materials driving and handling. The transportation company (currently Hammond Trucking) must have at least five years of experience transporting hazardous waste.

## Are there Other Safety Measures?

The Agreement requires dust and moisture control measures that exceed U.S. Dept. of Transportation requirements to prevent contaminated water and dust from escaping from the trucks onto the Navajo Nation. The Navajo Nation will also conduct inspections of the ore trucks at the entry point near Cameron and may conduct inspections at the mine and spot inspections of returning trucks to ensure compliance with dust and moisture control and other safety measures. Energy Fuels will carry \$5 million of pollution and general liability insurance to cover adequate emergency response and/or environmental remediation if the situation arises.



*Truck Trailers with Heavy Plastic Tarpaulin System*

## Who has Oversight of the Transport and How Will it be Funded?

The Navajo Nation Environmental Protection Agency (NNEPA) will have primary oversight responsibilities for the transport. Prior to beginning transport, Energy Fuels or its transporter must submit a license application to NNEPA providing relevant information on the nature of the transport and consenting to NNEPA's requirements. Energy Fuels will pay \$1.2 million into the NNCERCLA Hazardous Substances Fund for NNEPA to run the uranium transport program, and any remaining funds may be used more generally to support education, the environment, public health and welfare, transportation safety, and local economic development, provided those purposes relate to uranium or other hazardous substances. Energy Fuels also will pay 50 cents per pound of processed uranium produced at the White Mesa Mill, which will amount to approximately \$40,000 to \$50,000 per month depending on the richness of the uranium ore, with the rate adjusted annually for inflation.

## Are there Any Additional Benefits to the Navajo Nation from this Agreement?

Yes, Energy Fuels has agreed to accept 10,000 tons of uranium mine waste from abandoned uranium mines (AUMs) on the Nation and transport the waste to its White Mesa Mill for processing and disposal, at no cost to the Nation. As a result, there will be 10,000 fewer tons of uranium mine waste left in perpetuity on the Nation, which otherwise would cost approximately \$2.4 million to remove.

## Will there be Transport from Other Mines

Energy Fuels has plans to mine uranium ore at the Roca Honda mine near Mount Taylor. If that mine comes online, the Agreement will apply to transport of the Roca Honda uranium ore, with two additional benefits to the Navajo Nation. Besides making another \$1.2 million payment prior to transport and the same per pound payment for processed uranium, Energy Fuels also will provide funds for an inspection station if one is needed and will accept, transport, and dispose of an additional 30,000 tons of AUM waste for free.