

**Congress of the United States**  
**Washington, DC 20515**

February 5, 2019

Mr. Mark Chalmers  
President & CEO  
Energy Fuels, Inc.  
225 Union Blvd., Suite 600  
Lakewood, CO 80228

Mr. Jeffrey T. Klenda  
President & CEO  
Ur-Energy, Inc.  
10758 W Centennial Road, Suite 200  
Littleton, CO 80127

Mr. Chalmers and Mr. Klenda;

On May 18, 2018, the Department of the Interior (DOI) released a list of critical minerals pursuant to Executive Order 13817. Despite not meeting definitions of criticality defined by the USGS or Executive Order 13817, this list included uranium. Shortly thereafter, on July 18, 2018, your companies filed a petition with the Department of Commerce (DOC) to open a national security investigation of uranium imports under Section 232 of the Trade Expansion Act of 1962.<sup>1</sup> The Section 232 petition claims, among other things, that the domestic uranium industry is in crisis and that uranium supply is a matter of national security due to the potential for supply chain disruption. Analysts from many different sectors disagree with these claims.<sup>2,3,4</sup> Demand is low, supplies are high, and prices are low. It is therefore not clear what reason the administration would have to prop up this declining market, other than to improve market conditions for uranium mining companies.

This is not the first time the actions of your companies have come under scrutiny. On behalf of Energy Fuels, Andrew Wheeler successfully lobbied the administration to reduce the size of Bears Ears National Monument, opening access for uranium mining claims and transportation.<sup>5</sup> Energy Fuels also owns a 12 percent stake in claims around the Grand Canyon, and Mr. Chalmers is on the record saying that right now, a mine in this area would only “break even.”<sup>6</sup> Indeed, your companies seem confident about the outcome of the DOC investigation. After hosting DOC

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<sup>1</sup> U.S. Department of Commerce Initiates Section 232 Investigation into Uranium Imports. U.S. Department of Commerce. <https://www.commerce.gov/news/press-releases/2018/07/us-department-commerce-initiates-section-232-investigation-uranium>

<sup>2</sup> The Grand Canyon Trust. *Administration Contemplates Uranium Quotas*  
<https://www.grandcanyontrust.org/blog/administration-contemplates-uranium-quotas>

<sup>3</sup> The Heritage Foundation. *National Security Imperative Lacking, Protectionism Abounding in Section 232 Uranium Case*  
<https://www.heritage.org/trade/report/national-security-imperative-lacking-protectionism-abounding-section-232-uranium-case>

<sup>4</sup> The Nuclear Energy Institute. *Impact of Proposed Uranium Import Quotas on the U.S. Nuclear Industry*  
<https://www.nei.org/resources/reports-briefs/market-impact-proposed-uranium-import-quotas>

<sup>5</sup> The Washington Post. *Uranium firm urged Trump officials to shrink Bears Ears National Monument*.  
[https://www.washingtonpost.com/national/health-science/uranium-firm-urged-trump-officials-to-shrink-bears-ears-national-monument/2017/12/08/2eea39b6-dc31-11e7-b1a8-62589434a581\\_story.html?utm\\_term=.b1475dde4e59](https://www.washingtonpost.com/national/health-science/uranium-firm-urged-trump-officials-to-shrink-bears-ears-national-monument/2017/12/08/2eea39b6-dc31-11e7-b1a8-62589434a581_story.html?utm_term=.b1475dde4e59)

<sup>6</sup> E&E News. *Trump budget would nix Grand Canyon uranium studies*  
<https://www.eenews.net/greenwire/2018/03/01/stories/1060075167>

investigators, Mr. Klenda said: “We look forward to the DOC’s findings and to President Trump using his authority to take action to support a sustainable domestic uranium mining industry.”<sup>7</sup>

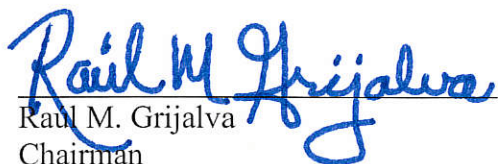
Uranium mining often carries with it environmental and human health impacts that stretch well beyond the life of a company; we are still dealing with over 15,000 abandoned uranium mines in the western United States. Decisions regarding new uranium mines need to be based on the national and public interest, not the financial interests of individual companies.

The House Natural Resources Committee, and specifically the Energy and Mineral Resources Subcommittee, are responsible for oversight of all matters regarding mining regulation and enforcement generally, and conservation of the United States uranium supply more specifically. We are opening an investigation into the administration’s ongoing actions regarding uranium over the past two years. To assist the Committee’s oversight of these issues, please provide the following documents and information as soon as possible, but no later than March 1, 2019:


1. All documents and communications within and between employees and persons at Ur-Energy, Inc., and Energy Fuels, Inc., with the Department of the Interior, Department of Defense, Department of Commerce, and the White House, since January 20, 2017, relating to the inclusion of uranium on the critical minerals list developed under Executive Order 13817.
2. All documents and communications of employees and persons within and between Ur-Energy, Inc., and Energy Fuels, Inc., with the Department of the Interior, Department of Defense, Department of Commerce, and the White House, since January 20, 2017, relating to the Department of Commerce Section 232 Investigation on uranium.

Please refer to the attached instructions on how to respond to this document request. As specified therein, upon completion of the document production, please submit a written certification that a diligent search has been completed and all responsive documents have been produced to the Committee. If you have any questions about this request, please contact my staff at (202) 225-6065.

Sincerely,



Raul M. Grijalva  
Chairman  
Committee on Natural Resources



Alan S. Lowenthal  
Chairman  
Subcommittee on  
Energy and Mineral Resources

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<sup>7</sup> Energy Fuels. *Energy Fuels and Ur-Energy Host U.S. Department of Commerce Section 232 Investigators on Tour of Domestic Uranium Mines and Mills* <http://www.energyfuels.com/news-pr/energy-fuels-and-ur-energy-host-u-s-department-of-commerce-section-232-investigators-on-tour-of-domestic-uranium-mines-and-mills/>

## Responding to Committee Document Requests

In responding to document requests from the Committee on Natural Resources, please apply the instructions and definitions set forth below:

### Instructions

1. In complying with the request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or individual denoted in this request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., memory stick or thumb drive) in lieu of paper productions. Documents produced in electronic format should also be organized, identified, and indexed electronically. Consult with the Committee to determine the appropriate format in which to produce the information.
4. Each document produced should be produced in a form that renders the document capable of being copied.
5. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box, or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents.
6. Documents produced in response to this request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.
7. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
8. It shall not be a basis for refusal to produce documents that any other person or entity also possesses a non-identical or identical copy of the same documents.
9. If compliance with the request cannot be made in full, compliance should be made to the extent possible and should include an explanation of why full compliance is not possible.

10. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
11. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
12. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
13. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.
14. All documents should be Bates-stamped sequentially and produced sequentially.
15. Documents produced to the Committee in response to this request should be delivered to majority staff in Room 1324 of the Longworth House Office Building.

### Definitions

1. The term "**document**" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, text messages, MMS or SMS messages, other mobile-to-mobile messages, instant messages or online chat messages, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of

any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "**documents in your possession, custody, or control**" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.
3. The term "**communication**" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, facsimile, mail, e-mail (desktop or mobile device), text message, MMS or SMS message, other mobile-to-mobile message, instant message or online chat, telexes, releases, personal delivery, or otherwise.
4. The terms "**and**" and "**or**" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms "**person**" or "**persons**" means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
6. The term "**identify**," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
7. The terms "**referring or relating**," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.
8. The term "**employee**" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.