



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
Las Cruces Regulatory Field Office
505 S. Main St. Suite 142
Las Cruces, New Mexico 88001
(575)-556-9939

January 26, 2011

REPLY TO
ATTENTION OF:

Regulatory Division
New Mexico/Texas Branch

SUBJECT: Action No. SPA-2011-00030-LCO, International Isotopes Fluorine Products Facility

G. L. Environmental, Inc.
Attn: Mathew Lane
P. O. Box 1746
Las Vegas, New Mexico 87701

Dear Mr. Lane:

The U.S. Army Corps of Engineers (Corps) is in receipt of your letter dated January 12, 2011 concerning a request by GL Environmental Inc. for an approved jurisdictional determination (A-JD) of an isolated waters for a project site located 10 miles west of Hobbs, Lea County, New Mexico. The activity involves construction of a fluorine products facility located within section 27, T 18 S, R 36 E, on an approximately 40 acre site. The facility will utilize depleted uranium hexafluoride to produce high purity inorganic fluorides, uranium oxides, and anhydrous hydrofluoric acid. We have assigned Action No. SPA-2011-00030-LCO to this activity. To avoid delay, please include this number in all future correspondence concerning this project.

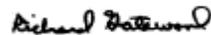
We have reviewed this project in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899 (RHA). Under Section 404, the Corps regulates the discharge of dredged and fill material into waters of the United States, including wetlands. The Corps responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, other information available to us, and current regulations and policy, we have determined that this project will not involve any of the above activities. Therefore, it will not require Department of the Army authorization under the above laws. However, it is incumbent upon you to remain informed of any changes in the Corps Regulatory Program regulations and policy as they relate to your project.

The Corps based this decision on an approved jurisdictional determination (JD) that there are no waters of the United States on the project site. The basis for this approved JD is: that the project site contains intrastate waters with no nexus to interstate or foreign commerce. The JD form is available at http://www.spa.usace.army.mil/reg/Jurisdictional_Determinations/jurisdictional_determinations.asp. This approved JD is valid for a period of no more than five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

You may accept or appeal this approved JD or provide new information in accordance with the Notification of Administration Appeal Options and Process and Request For Appeal (NAAOP-RFA). This form is available at http://www.spa.usace.army.mil/reg/Administrative%20Appeals/appeals_process.asp. If you elect to appeal this approved JD, you must complete Section II (Request For Appeal or Objections to an Initial Proffered Permit) of the form and return it to the Army Engineer Division, South Pacific, CESPDPDS-O, Attn: Tom Cavanaugh, Administrative Appeal Review Officer, 1455 Market Street, Room 1760, San Francisco, CA 94103-1399 within 60 days of the date of this notice. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

If you have any questions concerning our regulatory program, please contact me at (575)-556-9939 or by e-mail at richard.h.gatewood@usace.army.mil. At your convenience, please complete and return the attached Customer Service Survey.

Sincerely,



Richard Gatewood
Regulatory Manager for
Southern New Mexico and West Texas