

From: [Priya Yadav](#)
To: ["Stephen Cohen"](#)
Cc: [Greyson Buckingham](#); [Darren Love](#); [Adam Wingate](#); [Stevie Norcross](#); [Duane White](#); [Adam Gendelman](#); [Douglas Mandeville](#); [Mikhail Pellegrino](#)
Subject: RE: Equivalent Feed vs. Alternate Feed - Docket No. 40-38417
Date: Thursday, February 26, 2026 10:34:00 AM

Steve,

As you are aware, the NRC does not regulate the White Mesa Mill. While the NRC oversees the national materials program, the White Mesa Mill is regulated by the State of Utah pursuant to an agreement under Section 274 of the Atomic Energy Act. Utah is responsible for the licensing and oversight of the White Mesa Mill. Feed material is governed pursuant to that license and Utah's requirements, including whether certain feed materials fall within a certain category.

Likewise, whether the processing of particular material is permitted under the White Mesa Mill's current license or could meet Utah's requirements subject to a license amendment issued pursuant to the Utah licensing process are also matters for the White Mesa Mill and its regulator; the State of Utah.

We also note that RIS 2012-06, which is cited in your request as the basis for the position that the White Mesa Mill could accept HPSA-generated source material as "equivalent feed," *pertains only to ion exchange resins*. The definition in footnote 1 states that "[f]or the purposes of this RIS, equivalent feed is ion exchange (IX) resin that is loaded with uranium at facilities licensed for source material (i.e., water treatment plants or mine dewatering operations) or licensed uranium recovery facilities whether conventional, heap leach, or ISR facilities."

The NRC has not issued guidance concerning whether material like that generated by Disa's HPSA process could or should be considered equivalent feed.

In this context, and in the review of the October Pile PMN, staff is seeking to understand what DISA's plan is for the fines if the White Mesa mill is not available to receive them?

Priya Yadav, P.E.

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From: Stephen Cohen <s.cohen@disausa.com>

Sent: Thursday, February 12, 2026 10:32 AM

To: Priya Yadav <Priya.Yadav@nrc.gov>

Cc: Greyson Buckingham <greyson@disausa.com>; Darren Love <d.love@disausa.com>

Subject: [External_Sender] Equivalent Feed vs. Alternate Feed - Docket No. 40-38417

Hello Priya:

I have a request regarding our ongoing discussions with Energy Fuels. Energy Fuels insists that our fines concentrates are alternate feed and that an amendment would be required to accept and recycle these materials. As we discussed this further, I checked our application for language on equivalent vs alternate feed. We state in Section 1.0 that the fines concentrates will be equivalent feed as defined in the RIS 2012-06. Since the license was issued and our application was incorporated by reference, DISA's position is that the fines concentrates is equivalent feed. However, Energy Fuels insists that this particular decision does not relate to the White Mesa Mill unless the NRC staff writes a separate determination that our material is equivalent feed and may be processed without a license amendment.

So, may we request that the NRC staff issue a written determination that our fines concentrates is equivalent feed? To substantiate our request, I'm providing an excerpt from a draft letter we prepared for Energy Fuels and other parties.

The issue has been raised regarding the need for a license amendment to accept the fines concentrates from DISA's HPSA treatment process for further processing to yellowcake. The point of concern appears to be whether the fines concentrates constitutes a natural material that is equivalent to typical ore feed at the White Mesa Mill or whether it is not a natural material that requires an alternate feed license amendment.

To examine this issue, we first need to review the definitions of alternate feed and equivalent feed. The interim guidance on uranium mill feed other than natural ores Regulatory Information Summary (RIS) 00-23, states for tailings and wastes from the proposed processing to qualify as 11e.(2) byproduct material, the feed material must qualify as "ore." In determining whether the feed material is ore, the following definition of ore will be used:

Ore is a natural or native matter that may be mined and treated for the extraction of any of its constituents or any other matter from which source material is extracted in a licensed uranium or thorium mill.

When processing a feed other than natural ores, an alternate feed request must be submitted by the licensee.

From Regulatory Information Summary (RIS) 2012-06, equivalent feed is defined as

follows:

Consequently, in this guidance, the staff is defining the term “equivalent feed” to apply to those circumstances where the feed material is essentially the same chemically and physically as the source material that is normally processed at a uranium recovery facility. Such material should not be considered as alternative feed requiring license amendments as described in RIS 00-23 if it meets the equivalent feed criteria articulated in this RIS.

The purpose of RIS 2012-06 was to clarify that alternate feed requests are not required when the in-situ recovery (ISR) resin that is transported by one licensee to a uranium mill of another licensee, an alternate feed request is not required if the resin is chemically and physically the same as that already processed. This determination was important because at that time, stricter uranium drinking water standards were being implemented and water treatment plants were not in a position to fund and await license amendment requests for their resin.

Although RIS 2012-06 focuses on ISR, this guidance and its intent are perfectly transferable to conventional uranium recovery (UR) facilities. If a conventional UR facility receives a material that is natural and is physically and mineralogically similar to the ore or waste rock that the facility processes, then no alternate feed request is required.

The fines concentrates meet the definition of equivalent feed because it is essentially the same chemical and physical form as the ore that is processed at the White Mesa Mill. First, the most common mineral that DISA treats, carnotite, is preserved in the waste rock and HPSA. However, the grain size is smaller than that of traditional ore feed. No chemicals are used during the HPSA process, so the feed material is not chemically altered. Because it is not chemically altered, the fines concentrates are equivalent to the ore that would be typically processed at White Mesa. Consequently, an alternate feed license amendment is not required.

From a more pragmatic perspective, consider the physical form of the feed material, fines concentrates, and the clean coarse material in the following images Figures 1 - 3 (Attached to this email). Clearly raw uranium mine waste would be an equivalent feed. However, a review of the fines concentrates and clean coarse material images indicates that the material to be received by EFR is equivalent in appearance to the feed. Furthermore, to demonstrate that the feed and fines concentrates are chemically similar, we provide TCLP results for both fractions from the Phase I Treatability Study at the OCRM (see Table 1 - Attached to this email).

A review of Table 1 indicates that the feed and the fines concentrates are chemically similar and that the HPSA treatment process does not chemically alter the uranium mineralogy.

In conclusion, the fines concentrates and the uranium mine waste are equivalent in nature, appearance, and chemical structure. Therefore, the fines concentrates are considered equivalent to uranium mine waste (which is an equivalent feed) and would not require an alternate feed request by EFR to process the fines concentrates.

I should mention that the Utah DEQ has not made a decision regarding this issue. Thank you for your time, and I will be available to discuss this week or next week.

Cheers,

Stephen J. Cohen, PG, CSP, CHMM

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