

May 11, 2020

Via E-Mail

Assistant General Counsel for Employment, Litigation and Information
U.S. Department of Commerce
Office of the General Counsel
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**Attention: Freedom of Information Act Request Appeal Update (Original Request BIS
Tracking Number: BIS 19-221; Original Request FOIAonline Tracking
Number: DOC-BIS-2019-002019; Appeal Tracking Number: DOC-OS-2020-
001058)**

To Whom it May Concern:

On August 12, 2019, the undersigned submitted a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") and 15 C.F.R., Part 4, for a copy of the full, final report on The Effects of Imports of Uranium on the National Security of the United States prepared by the Department's Bureau of Industry and Security (the "Report") and sent to the President by the Secretary on or about April 14, 2019. On January 10, 2020, the Department indicated that a copy of the report would be published in the Federal Register once review by the President was complete. On April 8, 2020, the undersigned submitted an appeal of the Department's determination.

On April 23, 2020, the Secretary of Energy released the Nuclear Fuel Working Group's Strategy to Restore American Nuclear Energy Leadership, a direct outcome from the efforts of the United States Nuclear Fuel Working Group. The United States Nuclear Fuel Working Group was established by President Trump on July 12, 2019 in the Memorandum on the Effect of Uranium Imports on the National Security and Establishment of the United States Nuclear Fuel Working Group. This memorandum was the result of the President's review of the Department's Report at the conclusion of the Section 232 investigation requested by Energy Fuels Resources (USA) Inc. ("Energy Fuels") and Ur-Energy USA Inc.

As evidenced by the release of the Nuclear Fuel Working Group's Strategy to Restore American Nuclear Energy Leadership, the President's review of the Department's Report has now concluded. Therefore, pursuant to the undersigned's August 12, 2019 FOIA request, and the subsequent April 8 FOIA appeal, we respectfully request that Commerce provide a full copy of the Department's Report to the undersigned without further delay.

As explained in the April 8 appeal of the Department's FOIA determination, the immediate release of the Report is critical to Energy Fuels and the rest of the domestic uranium mining industry because the industry is in crisis. The findings of the Report are essential to assist U.S. uranium miners in their ongoing work with the White House, Congress, and other federal agencies in pursuing immediate relief from the influence of foreign, state-owned-enterprises in the U.S. uranium market. The prompt release of the Report is not only consistent with FOIA and the applicable Commerce regulations, it is also essential to the U.S. uranium mining industry. The failure of Commerce to follow its own regulations and fulfill its public commitment to release the

Report threatens irreparable harm to a U.S. industry that needs immediate economic assistance and also damages a domestic nuclear supply chain that has been rendered even more vulnerable because of the COVID-19 pandemic.

The undersigned agrees to pay reasonable search and duplication fees associated with this request. If your office determines to deny all or any part of this request, please cite each specific exemption you believe justifies your withholding of information. If you determine that there are portions of the Report that are exempt from disclosure, please provide the non-exempt parts of the Report on an expedited basis.

If you have any questions about this request, please contact me by telephone at 202-383-0172 or e-mail me at markherlach@eversheds-sutherland.com.

Thank you for your prompt consideration of this request.

Sincerely,



Mark D. Herlach

MDH/rm

CC: Grace Agyekum, Bureau of Industry and Security