

# STATE OF COLORADO

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Colorado Department  
of Public Health  
and Environment

August 19, 2010

Mr. Frank Filas  
Environmental Manager  
Energy Fuels Resources  
44 Union Boulevard, Suite 600  
Lakewood, Colorado 802278

**Subject: Request for Additional Information #3**

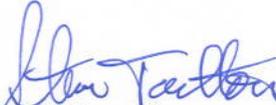
Mr. Filas,

The Department has completed a detailed review of multiple sections of the Energy Fuels Resources radioactive materials license application and associated technical documents and procedures. As a result of the review, the Department has numerous comments and requests additional information. Comments specific to each license application volume and section are detailed in Attachments 1-4 to this correspondence as follows:

- Attachment 1: Volumes 1, 2, 3, multiple sections (Lead Reviewer: C. Trumpolt)
- Attachment 2: Volume 2, Section A8 (Lead Reviewer: L. Bruskin)
- Attachment 3: Volume 3, and Volume 11, Sections J2, J3, and J4 (Lead Reviewer: P. Egidi)
- Attachment 4: Volume 11, Section J1 and Volume 12, Section J5 (Lead Reviewer: J. Jarvis)

As each of the sections were reviewed by different Department personnel, please contact the lead reviewer listed above regarding comments for specific sections of the application.

Your response is expected within 45 days of this request, unless you provide justification for an alternate delivery schedule. If you have any questions, please contact Phil Egidi [phil.egidi@state.co.us](mailto:phil.egidi@state.co.us) or (970) 248-7162, or James Jarvis at [james.jarvis@state.co.us](mailto:james.jarvis@state.co.us) or (303) 692-3454. You may also contact me at [steve.tarlton@state.co.us](mailto:steve.tarlton@state.co.us) or (303) 692-3423.

  
Steve Tarlton, Manager  
Radiation Control Program

Enclosures: Attachment 1 (12 pages), Attachment 2 (5 pages), Attachment 3 (9 pages), Attachment 4 (34 pages)

Cc: Phil Egidi

<b>COMMENTS ON ENERGY FUELS RESOURCES        EMERGENCY PLAN (JULY 2010 REVISION)        Vol. 12; J5</b>			
COMMENT #	SECTION	PAGE(S)	COMMENT
215.	1.2, 2.1	3, 7	The term “Assistant” should be changed to Alternate RSO to be consistent with language used by the Departments’ in its current licensing practices. Alternate RSO will be the terminology used on Radioactive Materials licenses issued by the Department. Also, this terminology should be used throughout the remaining EF procedures.
216.	Table 3	5-6	<p>The first item in this table should include the potential for release of chemicals or hazardous materials as a result of a fire/explosion.</p> <p>The last item – severe weather – is incomplete. Hazards from severe weather should consider chemical/hazardous materials releases due to damage to containment systems (tanks, berms, etc.), safety systems, structures.</p>
217.	Table 3	5-6	<p>The table of initiating events should include reasonably postulated sabotage/terrorism event(s) and the resulting impacts and conditions. Criminal activities have occurred at other mill sites.</p> <p>Recovery following a terrorism type event may involve collection of or maintaining samples for criminal evidence purposes. This concept should be incorporated into the emergency plan.</p>
218.	1.3.3	6	This section of the procedure discusses the notification requirements of Part 4 of the Regulations. Consideration should be given to also reference the radioactive materials license as additional notification provisions may be required by license condition.
219.	Table 5	9	The Colorado State Patrol (CSP) Hazardous Materials Unit should be added to this table. The CSP provides incident response on public highways and may provide additional on-site response as requested through local authorities. The CSP maintains 2 person Hazardous Materials teams throughout the State. (Note: Section 4.3 of the plan discusses notification of CSP, but is again, not in Table 5).

220.			GENERAL COMMENT: Consideration should be to physically post the assembly areas with signage or similar indicators on the mill site. This will remind employees and visitors to the site of the location of the assembly areas.
221.	5.2	46	How will offsite protective actions recommendations be developed/made by EFR? Has EFR run models or made similar determinations for the postulated/likely emergencies? EFR should perform modeling/calculations on the most likely release scenarios to aid in emergency planning.
222.	5.3.3	48-49	<p>This section of the emergency plan references RH-050 for bioassay of off-site responders. However, review of RH-050 indicates that it does not lend itself to gathering samples for non-mill personnel under emergency type conditions. RH-050 does mention collection of samples for emergency purposes, but should be revised to include this possibility.</p> <p>All RH/safety procedures referenced by the mill emergency plan should be reviewed with an emergency planning/response perspective to determine if they adequately interface (where applicable) with the emergency plan under emergency conditions.</p>
223.	6.5.2	49	Typographical error in the second paragraph of this section – “shout-down” should be “shut-down”.
224.	6.5.3	51	This section refers to a containment inspection frequency of 3 years. This may change as a result of prior comments provided for Health and Safety procedures pertaining to inventory and leak testing of density gauge sources.
225.			GENERAL COMMENT: Review and correct typographical errors for the word “vender”, which should be “vendor”.
226.	Appendix A		The incident notification form of appendix A should be modified to include all of the “baseline” incidents addressed by the Emergency Plan as a check box at the top. Presently, only 3 emergency types are listed. Refer to Table 2 of the Emergency Plan.
227.	Appendix B		This appendix makes reference to completing a form in the event of an emergency during transportation. Will the Appendix A form be used for this purpose or is there a transportation incident specific form? There does not appear to be another form included with the application documentation?

228.			<p>GENERAL COMMENT: The Emergency Response Plan does not have sufficient detail on items pertaining to recovery following an emergency.</p> <p>Also, to better integrate with other mill procedures, the emergency plan should reference the root cause analysis procedure as this may be necessary following an emergency on the mill site. Refer to Draft NRC Guide 3039.</p>
229.			<p>GENERAL COMMENTS: In some areas, the EFR July 2010 Emergency Response Plan lacks a level of detail recommended in NRC Draft RG-3039 (May 2010). The ER Plan should be reviewed and revised to meet the recommendations for detailed information contained in this document.</p> <p>Examples of areas where detail is lacking are:</p> <ul style="list-style-type: none"> <li>• Section 1.1 describes little about radiological hazards associated co-located with chemicals</li> <li>• Section 1.3 (~Table 3) does not describe where the postulated emergency/incidents are likely to occur due to location of hazardous materials;</li> <li>• Section 5.0 does not describe preplanned protective action recommendations for each postulated accident.</li> <li>• Additional process for returning systems to “normal” (pre-emergency conditions). Incidents may have damaged safety systems, process equipment, and structures and must be evaluated fully.</li> </ul>
230.			<p>GENERAL COMMENT: Have the local/regional emergency planning organization(s) reviewed the emergency plan and had an opportunity to comment/provide input on aspects of importance to them?</p>
231.			<p>GENERAL COMMENT: The redline version of the July 2010 response plan (currently posted on CDPHE website) does not appear to be complete and is missing the latter portion of the document. A complete document should be submitted.</p>
Verbal via telephone from James Jarvis on 10/26/10	6.2	46	<p>Need to include quarterly review of emergency contact information in accordance with NRC Draft RG-3039 (May 2010).</p>