

STATE OF COLORADO

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Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

July 27, 2011

Mr. Frank Filas, P.E.
Environmental Manager
Energy Fuels Resources Corp.
44 Union Blvd., Suite 600
Lakewood, CO 80228

Re: Review of the Revised Construction Plan for the Piñon Ridge Project, Montrose County, Colorado, dated June 29, 2011

Dear Mr. Filas:

The Radiation Management Unit ("RMU") of the Hazardous Materials and Waste Management Division ("Division"), Colorado Department of Public Health & Environment ("CDPHE") has reviewed the subject Revised Construction Plan ("Plan"). It was received electronically in our office on June 29, 2011 and was prepared on your behalf by Golder Associates.

Based on our review, there are several clarifications and/or minor changes that should be made to the Plan prior to our approval. Please provide the changes back to the RMU electronically, in redline/strike-through format, prior to finalization. Our comments are below:

1. Sections 1.2 and 1.9 – It is not within CDPHE's scope to oversee construction health and safety activities or issues. As you know, the RMU does have the regulatory lead (i.e., NRC Agreement State) with respect to radiation health and safety issues. Please clarify this point in the appropriate sections of the Plan.
2. Section 1.2 – The terms for the different organizations discussed in this paragraph are not consistent with that shown in Figure 2, the Construction Organizational Chart. For example, this section states that the "...Earthworks, Liner and Piping Contractors will report to the Geotechnical Construction Management Team". However, Figure 2 shows that "Piping" will report to the Mill Contractor, and the "General Earthworks" and "Liner" report to the General Contractor, not to the Geotechnical Construction Management Team. In fact, the organizational chart shows the "Construction Management Team", but not the "Geotechnical Construction Management Team". Are they the same? Also, it is stated that the "Geotechnical Firm" will provide CQA

personnel, but the “Geotechnical Firm” is not shown on the chart. There is also the term “engineering contractors” used in this section. It is stated that the engineering contractors will provide technical field support during construction, but again, this group is not shown on the chart. Please clarify this section of the Plan to be consistent with Figure 2. All groups discussed in this section should be shown on Figure 2.

3. Section 1.8 – a) Although this section references the Quality Assurance (QA) section of the project specifications, it does not reference the Quality Control (QC) sections. As provided in the “Response to Requests for Additional Information Nos. 1, 2, 3, and 4 (various parts)” dated November 2010, Section 01500.1 was added as the earthworks QC Plan, and Section 01500.2 was added as the geosynthetics QC Plan. Please reference the location of the QC Plans.

b) The last sentence in this section states that QA/QC activities will be reported to CDPHE after completion of a major phase of site construction. Please clarify that a “formal” report on quality activities (e.g., “Certification Report”) will be provided to the RMU after a major phase of site construction is complete, however, it is expected that quality issues and concerns will be discussed with the RMU as soon as practicable as these items develop during construction.
4. Sections 4.2 and 6.0 – The term “double composite” to describe the liner system is not accurate. The secondary liner is a “composite”, consisting of a Geosynthetic Clay Liner (GCL) directly overlain, and in intimate contact with, the HDPE geomembrane. However, the primary liner is a HDPE geomembrane alone, without the GCL (or potentially soil) to form the composite. The system is considered a “double liner”, but not a “double composite”. Please change the description to accurately reflect the designed liner system.
5. Section 5.1 – One of the objectives that should be listed in this section is to complete construction of the facility *safely*; without injuries, illnesses, property damage, community or environmental impacts, incidents, or “near misses”.
6. Figure 2, Construction Organizational Chart – In addition to Comment 2 above, please add the CQC and Surveying organizations to Figure 2. Also, for the “State Personnel” title, please remove the term “QA/HS”. A better description may be “State Oversight Personnel” or something similar.

If you have any questions concerning the above, please contact myself at 303-692-3423 or electronically at steve.tarlton@state.co.us or Larry Bruskin at 303-692-3384 or electronically at larry.bruskin@state.co.us.

Sincerely,



Steve Tarlton, Manager
Radiation Program
Hazardous Materials and Waste Management Division

SFT:lb

cc: Gordan Gjerapic, P.E., Golder Associates
Phil Egidi, CDPHE/GJ
Larry Bruskin, CDPHE
Edgar Ethington, CDPHE