



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 7, 2011

Ms. Sarah M. Fields
Program Director
76 South Main #7
PO Box 344
Moab, Utah 84532

SUBJECT: The Concern You Raised to the U.S. Nuclear Regulatory Commission (NRC)
Regarding the Colorado Department of Public Health and Environment –
FSME-2011-AS-0004

Dear Ms. Fields:

This letter refers to the concerns that you raised in your letter to Mr. Mark Thaggard of the U.S. Nuclear Regulatory (NRC) dated February 14, 2011, regarding the Colorado Department of Public Health and Environment.

Enclosure 1 to this letter documents your concern as we understand it. We have initiated actions to evaluate your concern and will inform you of our findings. The NRC normally conducts an evaluation of a technical concern within six months, although complex issues may take longer. If the description of your concern as noted in Enclosure 1 is not accurate, please contact me so that we can assure that your concern is appropriately described and adequately addressed prior to the completion of our review.

In evaluating your concern, the NRC intends to take all reasonable efforts not to disclose your identity to any organization, individual outside the NRC, or the public. It is important to note, particularly if you have raised this issue internally, that individuals can and sometimes do surmise the identity of a person who provides information to the NRC because of the nature of the information or other factors beyond our control. In such cases, our policy is to neither confirm nor deny the individual's assumption. If a request is filed under the Freedom of Information Act (FOIA) related to your area of concern, the information provided will, to the extent consistent with that act, be purged of names and other potential identifiers. Further, you should be aware you are not considered a confidential source unless confidentiality has been formally granted in writing. Enclosure 2 is a brochure entitled "Reporting Safety Concerns to the NRC," which contains information that you may find helpful in understanding our process for the review of safety concerns. The brochure contains an important discussion of the identity protection provided by the NRC regarding these matters as well as those circumstances that limit the NRC's ability to protect an alleege's identity.

CERTIFIED MAIL 7006 0810 0005 9659 6514
RETURN RECEIPT REQUESTED

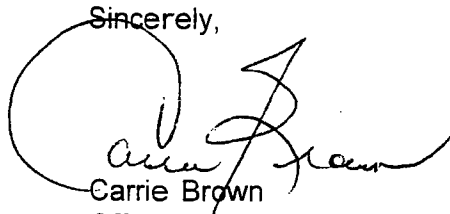
A 12

Ms. Fields

-2-

Thank you for notifying us of your concern. We will advise you when we have completed our review. Should you have any additional questions, or if the NRC can be of further assistance, please call me toll-free at 1-800-368-5642 or 301-415-7253. You may also communicate with me by electronic mail, if you so choose. However, when doing so, please call me in advance or provide your phone number in your e-mail message so that I can confirm that you are the source of the information. Also, please be advised that the NRC cannot protect the information during transmission on the Internet and there is a possibility that someone could read your response while it is in transit. My e-mail address is carrie.brown@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Brown", written over a large, faint circular stamp or watermark.

Carrie Brown
Office Allegation Coordinator
Office of Federal and State Materials
and Environmental Management Programs

Enclosures: As stated

**STATEMENT OF CONCERNS
FSME-2011-AS-0004**

Concern:

On January 5, 2011, the Colorado Department of Public Health and Environment (CDPHE) announced their approval of a radioactive materials license for the proposed Energy Fuels Resources Corporation Piñon Ridge Uranium Mill in the Paradox Valley, Montrose County, Colorado, and issued the Environmental Impact Analysis.

- 1.) The Rules and Regulations Pertaining to Radiation Control for the State of Colorado (6 CCR 1007-1, Part 18.6), CDPHE has not issued a public notice announcing an opportunity for the public to submit comments and participate in a public hearing regarding the issuance of a license for the new Piñon Ridge Uranium Mill and the Environmental Impact Analysis. It is the overall concern that CHPHE has no intention of providing an opportunity for a public hearing and comment period.
- 2.) CDPHE has failed to provide the public with the opportunity to request a formal adjudicatory proceeding.

Enclosure

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Sincerely,

Carrie Brown
Office Allegation Coordinator
Office of Federal and State Materials
and Environmental Management Programs

Enclosures: As stated

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