

**McIntyre, David**

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**From:** McDermott, Brian  
**Sent:** Friday, March 16, 2012 7:45 PM  
**To:** Burnell, Scott; McIntyre, David; Brenner, Eliot; White, Duncan; Jackson, Deborah  
**Subject:** Re: CDPHE news: State challenges claims and intervention from NRC regarding licensing of uranium mill

Sounds reasonable. Best to let folks settle down a bit.

Thank you,  
Brian

Brian McDermott, Director  
Division of Materials Safety and State Agreements

301.415.3340 office  
301.415.7475 direct

EX 2

(b)(6) mobile

Message sent from a BlackBerry device.

----- Original Message -----

**From:** Burnell, Scott  
**To:** McIntyre, David; Brenner, Eliot; White, Duncan; Jackson, Deborah; McDermott, Brian  
**Sent:** Fri Mar 16 19:16:14 2012  
**Subject:** RE: CDPHE news: State challenges claims and intervention from NRC regarding licensing of uranium mill

Spoke to Eliot and we agreed on a basic "we're reviewing the letter and will respond as appropriate" response.

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**From:** Burnell, Scott  
**Sent:** Friday, March 16, 2012 7:04 PM  
**To:** McIntyre, David; Eliot Brenner; White, Duncan; Jackson, Deborah; McDermott, Brian  
**Subject:** FW: CDPHE news: State challenges claims and intervention from NRC regarding licensing of uranium mill

I don't know how much I can amplify the statement I sent earlier (I'll forward separately due to WebMail's limitations), given Colorado's insistence on misunderstanding the situation.

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**From:** Dennis Webb [dennis.webb@gjsentinel.com]  
**Sent:** Friday, March 16, 2012 7:04 PM  
**To:** Burnell, Scott  
**Subject:** FW: CDPHE news: State challenges claims and intervention from NRC regarding licensing of uranium mill

Dennis Webb

Reporter

Grand Junction Daily Sentinel

970-216-2082

[dennis.webb@gjsentinel.com](mailto:dennis.webb@gjsentinel.com)

-----Original Message-----

From: "Salley, Mark W." <[Mark.Salley@dphe.state.co.us](mailto:Mark.Salley@dphe.state.co.us)>

Sent: Friday, March 16, 2012 2:55pm

To:

Subject: CDPHE news: State challenges claims and intervention from NRC regarding licensing of uranium mill

FOR IMMEDIATE RELEASE: March 16, 2012

CONTACT:

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State challenges claims and intervention from NRC regarding litigation pertaining to the licensing of Energy Fuels proposed Piñon Ridge uranium mill

DENVER-The radiation program of the Colorado Department of Public Health and Environment today issued a letter to Nuclear Regulatory Commission officials politely rebuking the agency for inappropriately interjecting itself into ongoing litigation to which NRC is not a party. In the letter to NRC officials, the state urged the NRC to retract or clarify its March 6 letter to legal counsel for the Sheep Mountain Alliance.

Dr. Christopher Urbina, executive director and chief medical officer of the department, noted that the NRC letter to Sheep Mountain Alliance, "materially mischaracterized CDPHE's discussion with NRC staff. Most important, the NRC letter asserted that this department proposed 'corrective actions' to satisfy requirements for public hearings in the license application process regarding Energy Fuels proposed Piñon Ridge Uranium Mill in western Montrose County."

"CDPHE has made no such determination and has not received formal notification of such from the NRC," said Urbina. The letter also implies that a "corrective action," would be applied after the fact, which is inconsistent with the law.

Sheep Mountain Alliance brought suit against the state following the state's approval of the license on Jan. 5, 2011. One of SMA's primary claims in its lawsuit is that the Energy Fuels license is deficient because the department did not offer adequate public hearing during the license application and review process.

Urbina said, "The department conducted a robust public process, including two public hearings and six additional public meetings. For a federal agency to come along at this late date and appear to muddy the waters is an outrage to all the community members, stakeholders and others who took the time to participate in the public process regarding the radioactive materials license."

In its letter today to the NRC, the department requested a retraction or clarification to mitigate the damage already done by the distribution of this mischaracterization to the national press.

[March 16 letter from CDPHE to NRC attached.]