



# ENERGY FUELS RESOURCES CORPORATION

To: Colorado Mined Land Reclamation Board  
Attention Irene Stanton  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

February 5, 2010

Re: Written Comments-Concerning Prospecting and Uranium Mining Rule Making

MLRB:

I would like to make the following comments and question concerning the Division's rules that are being submitted to the Board. I submit my comments both as an individual with 35 years of mineral exploration experience and on behalf of my current employer, Energy Fuels Resources Corporation.

My comments apply generally to two issues, one of which occurs in Section 1.3 and 1.4, concerning release of confidential information contained in Prospecting NOIs and the delays that will result from the challenges that can be brought against a prospector's request for confidentiality of certain information. The second concern I address is the use of the undefined terms "uranium by product" and "other radionuclides" in Section 6.4 and following.

## Questions and Comments Concerning the DRMS Proposed Rules for Hardrock Mining

Item (25), p.5: It was my understanding, from a meeting attended in the fall of 2009, that this section's wording would be changed to, in effect, say it applied to ISL mining where the mine was designed for uranium as the principal constituent, and not to include ISL operations which might dissolve and/or recover some incidental uranium. I see the language has not changed.

Section 1.3 (4) and following up to Section 1.4, p.10-14: Although the proposed rules afford the prospector the opportunity to hold certain information in a Prospecting Notice of Intent as confidential, I have several concerns about this section:

- 1) It appears to give anyone else the opportunity to delay approval for 40 or more days (actually open-ended since the rule states hearings will be held "not earlier than twenty days" in (iv)(A) and again in (B)) simply by requesting any "specific information" be disclosed. No where in Section 1.3 or 1.4 do I read a time limit for initiating a request after the NOI is posted on the Office's web site. Section 5.1.3 does state "public comments regarding the NOI must be received by the Office no later than 10 working days after the notice is posted on the web site", but still does not mention requests for disclosure deadlines. (Opponents to mining

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- have recently used the Freedom of Information Act to request copies of NOIs more than three years after they were filed.) The 40+ days of delay only begin after the Office receives a request.
- 2) The prospector pays a fee when filing an NOI to partly offset the costs of the Office to review the application. Why can an opponent(s) file a request(s) that will require significant cost to the Office without a similar fee? (See (v)(B)(i))
  - 3) Since no deadline is specified, nothing in the Section prevents an opponent from repeatedly requesting additional disclosures of information, nor for several opponents to stagger requests for various small parts of information, each resulting in 40+ days of delay, each without a fee.
  - 4) If the prospector disputes the request for information disclosure, the delay may be at least 60 days (by adding the sequence of events specified in (iv)(A), (iv)(B), and (v)(B)). Since (5) states a dispute is a deficiency so that the Office will not approve the application, the prospector has no recourse to avoid delays and the costs associated with such delays other than caving-in to the request of the opponent.
  - 5) In Section (4)(A)(i), it states the confidential information will be made available to the public when “the Board finds that reclamation has been satisfactorily completed”. Abandonment and reclamation of exploration drill holes does not always equal abandonment of a project. Discovery and development of a mineable ore body normally takes several years to accomplish. Therefore, exploration drilling can occur in phases on a project over a long time period. This time period can also be effected by changing economics and commodity prices. When this occurs, it is common and prudent for the prospector to complete reclamation on prospecting NOIs. Geologic interpretations, new prospecting or mining technology or methods, or changes in prices can lead to renewed prospecting in the same reclaimed areas or nearby sites. The Rules need to allow for confidentiality of information pertaining to reclaimed prospecting activities on properties continuing to be held by operators as opposed to reclaimed and abandoned properties which should be made public.

Beginning in Section 6.4.21 (7)(b) and often thereafter, the phrase “uranium, uranium by products and other radionuclides” occurs. The term “uranium by products” is not defined in the definitions, Section 1.1. Does this mean other metals produced as a by product of uranium mining, such as vanadium or copper, or does this mean other radioactive material associated with the natural radioactive decay of uranium, such as radium? Also, the phrase “other radionuclides” needs defined. There are many other naturally occurring elements that have radioactive isotopes not related to the uranium decay series. The list of such elements includes very common elements as potassium, carbon, strontium, sodium, and others that are found in nearly all rocks in the earth’s crust. The use of the term “other radionuclides”, in effect, makes every single mine a DMO. This is



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particularly onerous as applied in (18)(b) which is in effect asking the applicant to “describe measures to prevent wildlife from coming into contact with...” the earth!

Thank you for the opportunity to express my concerns. I may be contacted at the Energy Fuels Resources Corporation office at phone 303-974-2152, or e-mail to [d.white@energyfuels.com](mailto:d.white@energyfuels.com), or by mail at 44 Union Blvd. Ste 600, Lakewood, Colorado 80228.

Respectfully,

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Energy Fuels Resources Corporation