

## NOTICE OF PUBLIC HEARING AND OPPORTUNITY FOR PUBLIC COMMENT

NOTICE OF PUBLIC HEARING AND OPPORTUNITY FOR PUBLIC COMMENT IN THE MATTER OF THE APPLICATION BY ENERGY FUELS RESOURCES CORPORATION FOR A RADIOACTIVE MATERIALS LICENSE TO OPERATE A URANIUM AND VANADIUM MILL NEAR NATURITA, COLORADO

NOTICE IS HEREBY GIVEN that, pursuant to Colorado Revised Statutes § 25-11-103, §25-11-203, §24-4-104 and 105, and Code of Colorado Regulations 6 CCR 1007-1, Parts 1, 3 and 18, the Colorado Department of Public Health and Environment (the Department) will provide an evidentiary hearing and opportunity for public comment on the application by Energy Fuels Resources Corporation (Energy Fuels) for a radioactive materials license for the proposed Piñon Ridge Uranium Mill on the following dates and times:

October 15 and November 7, 2012  
Hearing: 8:30 a.m.- 5:30 p.m.  
Loyal Order of Moose Lodge 635  
1045 Main Street  
Nucla, CO 81424

**Background:** On November 18, 2009, Energy Fuels submitted an application to the Department for a radioactive materials license for the proposed Piñon Ridge Mill, located about 12 miles west of Naturita, Colorado, in the Paradox Valley. The mill is designed to process uranium and vanadium ores. As a part of reviewing the application, the Department prepared an Environmental Impact Assessment (EIA). The purpose of the hearing is to receive comment and evidence on the application and the EIA. The hearing will be presided over by an independent hearing officer.

At the hearing members of the public can provide written and/or verbal comments on the license application and the Department's Environmental Impact Assessment. Written public comment may be sent to the hearing officer as indicated below.

Persons who believe they may be affected or aggrieved by the proposed mill may file a written request for party status. The request must identify the individual or group applying, including the mailing address, e-mail address, and telephone number where they may be contacted, and must include a brief and plain statement of the facts entitling them to party status, including the nature of their interest in the hearing and the specific issues to be addressed. Written requests for party status should be directed to:

Richard Dana  
Judicial Arbiter Group, Inc.  
1601 Blake Street, Suite 400  
Denver, CO 80202  
rdana@jaginc.com  
(303) 572-1919 or 1 (800) 272-4837

**THE DEADLINE FOR SUBMITTING REQUEST FOR PARTY STATUS IS SEPTEMBER 25, 2012**, although persons interested in becoming parties are encouraged to apply for party status on or before **August 17, 2012**, in order to fully participate in pre-hearing procedures, including

the case management hearing and discovery. The hearing officer will grant or deny party status within five (5) days after receipt of the request for party status. Persons receiving party status will have the opportunity to submit written comments, present evidence, provide testimony, engage in and be subject to discovery, and to engage in and be subject to cross-examination at the hearing. Persons granted party status are required to attend either in person or by telephone a case management hearing on August 23, 2012, and a prehearing conference on October 5, 2012. Applications for party status will be ruled upon within 5 days of receipt.

The **tentative schedule for pre- and post-hearing procedures** is as follows:

August 17, 2012 – initial deadline for party status applications.  
August 23 – case management hearing.  
September 6 – identification of issues to be addressed at hearing from prospective parties.  
September 20 – expert witness disclosures due per Colo. Rules of Civil Procedure, Rule 26(a)(2).  
September 25 – final deadline for party status applications  
October 5 – pre-hearing conference  
October 15 – hearing convened (parties may attend by telephone)  
November 2 – optional written expert rebuttal testimony; end expert discovery.  
November 7 – hearing reconvenes.  
November 13 – completion of presentation of evidence of parties  
December 4 – deadline for parties' proposed findings of fact and conclusions of law and orders.  
January 11, 2013 – hearing officer's written findings of fact and conclusions of law issued.  
January 25 – deadline to file exceptions to the hearing officer's decision.  
February 1 – responses to exceptions to the hearing officer's decision.  
February 4 – replies to responses due (replies only permitted if the response brief raises issues that were not raised in the opening brief).  
February 25 – ruling on exceptions to hearing officer's decision.  
April 27 – final agency action on the license application.

At the **case management hearing on August 23**, the hearing officer will determine a schedule for: discovery; resolving discovery and other issues; and for motions and any other procedural issues. The hearing officer may also determine a hearing schedule, including the dates for convening and completing the hearing, and time that will be allowed for presenting evidence.

At the **pre-hearing conference on October 5**, parties must provide all other parties: a list of witnesses to be called at the hearing; a list of exhibits to be submitted at the hearing; and a list of testimony to be submitted at the hearing. The hearing officer will consider any preliminary matters and outstanding motions and issues and, along with the parties, will also consider simplification and clarification of the issues; stipulations, admissions, and authentication of documents; limitations on the number of witnesses and the time allowed for oral testimony, and any other matters that may aid in the orderly disposition of the hearing.

At the **hearing on October 15**, exhibits will be offered for admission and written testimony will be filed. Public comment will not be received at this hearing, but the hearing officer will determine when public comment will be received when the hearing is reconvened on November 7, 2012.

The license application, Environmental Impact Assessment, and related documents are available for public review at: <http://www.colorado.gov/cs/Satellite/CDPHE-HM/CBON/1251621876866>, and at public repositories located at: Nucla Public Library, 544 Main Street, Nucla, CO 81424,

(970) 864-2166, and Montrose County Planning and Development, 317 South 2<sup>nd</sup> Street, Montrose, CO 81401, (970) 249-6688.

For additional information about the radioactive materials license application process, please contact Warren Smith (1-888-569-1831, ext. 3373) or Marilyn Null (1-888-569-1831, ext. 3304) at the CDPHE.