

Exhibit T



UTE MOUNTAIN UTE TRIBE
ENVIRONMENTAL PROGRAMS DEPARTMENT

Exhibit T to December 16, 2011 Comments on DUSA RML Renewal

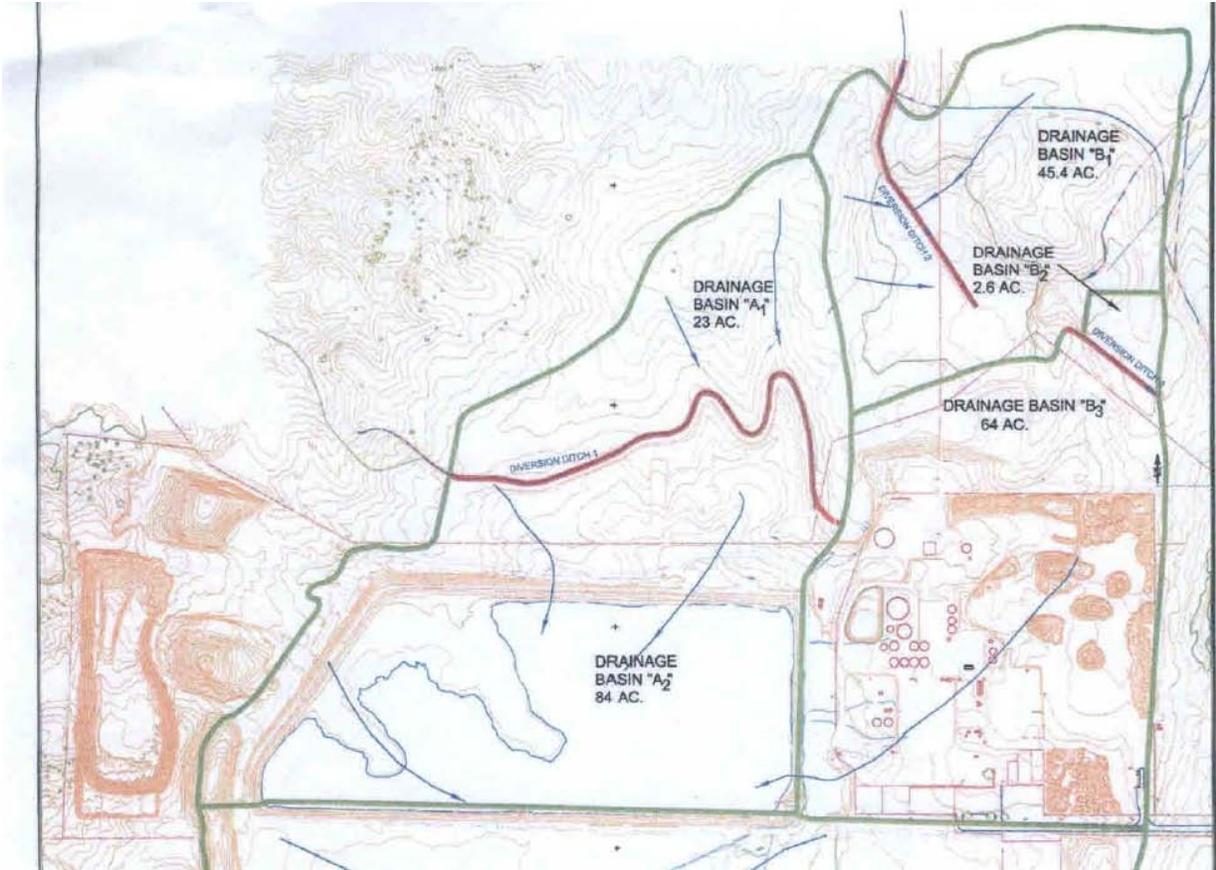
Re: Reclamation Plan Deficiency List

1. The Reclamation Plan Provisions for Reclaiming Cell 1 Are Insufficient.
 - a. The proposed clay liner under the “area of contaminated materials disposal” is insufficient to protect from groundwater contamination as proposed in Section 3.3 of Attachment A, Plans and Technical Specifications for Reclamation for White Mesa Mill Facility, Blanding Utah (Attachment A). The minimum liner system for municipal solid waste has at least one synthetic flexible membrane liner of 60 mm thickness over 24 inches of clay. *See* RRD Letter § 1.3. DUSA is treating radioactive pieces of the deconstructed mill as if they were normal uncontaminated construction and demolition debris. The design is really not even a “cell,” but more of a pile along the south edge of the old Cell 1.
 - b. It is not sound planning to build a storm water sediment retention basin against the disposal cell as proposed in Section 1.3.e of Attachment A. It is industry standard to keep water from accumulating on disposed of radioactive materials. The proposed sediment basin has an area of approximately 40 acres with a flat bottom against the debris disposal (cell) area. The storage of accumulated storm water is likely to seep through the contacted cap materials and into the proposed disposal cell area. [White Mesa Mill Tailings Reclamation, Sediment Basin Design, sheet REC-3, MWH, 09/2011]

2. The Storm Water Discharge Channel West of Cell 1 Violates the Storm Water Management Plan and Risks Contaminating Westwater Creek with Radioactive Material from the Mill Yard.
 - a. The Reclamation Plan indicates that storm water from within the mill area will drain out the drainage ditch from the sediment basin west towards Westwater Creek once the Cell 1 contents, liner and contaminated soil from beneath the liner have been removed. The Plan also indicates that such drainage will occur prior to reclamation of the mill, which means that the water washed towards Westwater Creek could be contaminated with Radioactive Material and other hazardous waste from the Mill Yard that would continue to drain into the Cell 1 footprint

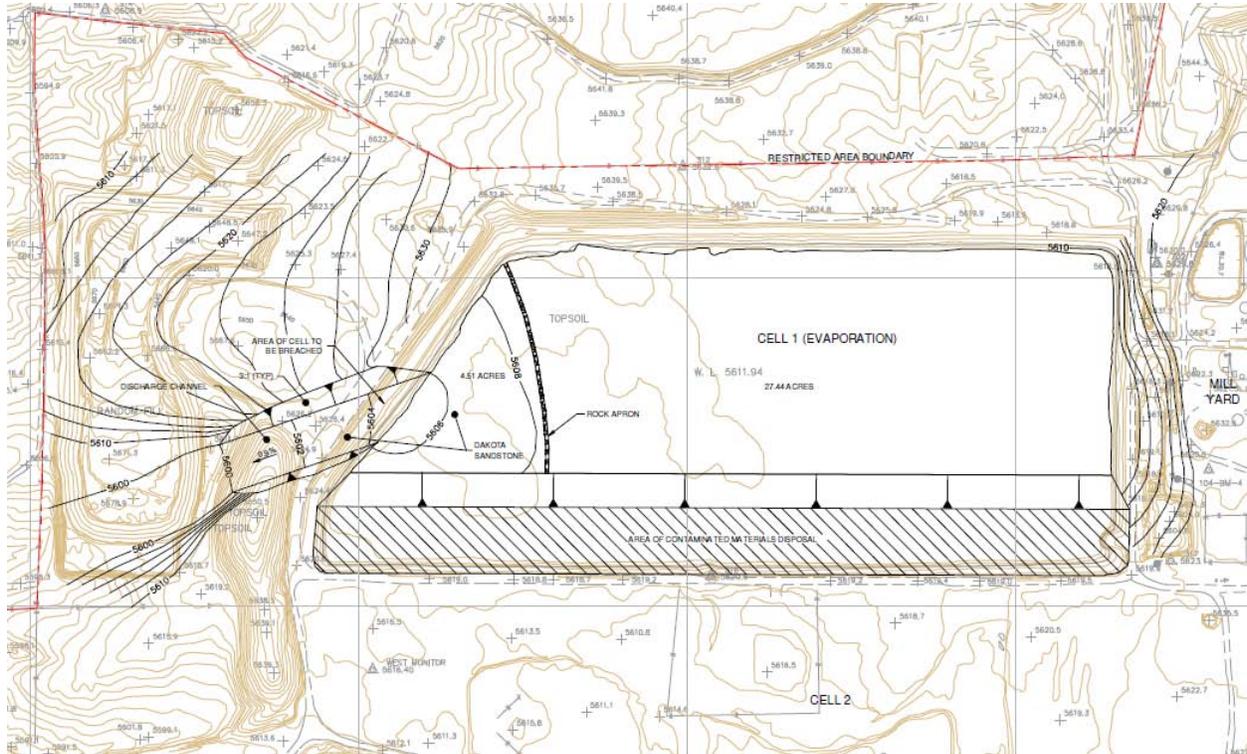
area. This portion of the Reclamation Plan is not compliant with the storm water management plan, which is a component of the license that DUSA must comply with during reclamation. Accordingly, DUSA cannot comply with the license and also discharge storm water in this manner.

Drainage patterns from Storm Water Management Best Practices Plan, Figure 2:



NOTE DRAINAGE FROM MILL AREA INTO CELL 1.

Proposed discharge channel to Westwater creek watershed in White Mesa Mill Tailings Reclamation, Sediment Basin Design, sheet REC-3, MWH, 09/2011:



3. The Reclamation Plan Needs Clarification on Placement of Contaminated Soils

- a. Section 1.3.g of Attachment A states that contaminated soil will be placed in the last active tailings cell *or Cell 1*. Cell 1 will no longer exist, so the Plan should clearly state that all contaminated soils should go into the last operational tailings disposal cell.
- b. Section 7.3.6 of Attachment A states that “contaminated soil or sand will be placed outside of the items...” [in the disposal cell, with “items” being mill parts]. This directly contradicts Sections 7.2.3 and 7.3.3 that state that the contaminated soil will be placed into “tailings cells.” Once the Plan is amended to remove the “area of contaminated materials disposal, it should also be amended to require that all contaminated soil be placed in the last operational tailings disposal cell.
- c. The Reclamation Plan 5.0 and its supporting documents alternately use different terms to describe where radioactive materials are to be disposed of. One concise and consistent term should be used that is reflective of the DUSA and DRC understanding of phased disposal defined in 40 CFR Part 61 Subpart W and the definition of when a cell is “operational.” Section 1.3.c of Attachment A describes “the last active tailings cell.” Section 7.2.2 of Attachment A describes the “tailings disposal area.” Section 7.2.3 of Attachment A states, “The

contaminated soils... [and] ... Soils excavated from Cell 1 shall be placed in the tailings disposal cells.” It should be clear exactly where the contaminated soils, raffinate crystals from Cell 1 and other radioactive materials are to be disposed of permanently. Reclamation Plan 5.0 offers too much flexibility in the locations of radioactive material disposal.

4. The Scoping Survey Is Insufficient.

- a. The scoping survey in the S pattern shown on Figure A-1 and described in Section 6.6 of Attachment A states that DUSA will only scan 10% of the ground within the restricted area and (inherently) less on the 50m x 50m grids outside of the restricted area. That leaves 90% of the facility unscanned at best. That is insufficient to protect public health and environment for the future in perpetuity.
- b. The scoping survey describes work in areas “expected to have contamination.” This may be too reliant on subjective decision-making to be protective of public health and environment. The scoping survey should be conducted across the entire facility and adjacent property such as the highway right of way. The proposed halo pattern in Section 6.6 makes unreasonable assumptions about the potential extent of contaminated soil because it fails to take into consideration the potential for migration of contaminated soils from original deposition areas via wind and water. 50m x 50m grids are described but they are not referenced geographically or as a distance from the restricted area or the property boundaries. It does not specify how many of these grids outside of the restricted area will be scanned.
- c. Section 6.6 of Attachment A also relies on antiquated data to determine the radium “background” as 0.93 pCi/g from 16 years of monitoring conducted during the 1980’s and 1990’s when there was limited or no quality control that can be verified. DUSA, IUC, Umetco and Energy Fuels monitoring personnel have all demonstrated an inability to follow standard operating procedures or a thorough quality assurance program. The data that has been used over the past two decades as “background” may be flawed. It is unreasonable that the final soil scan and sampling program would rely on such limited quality as its fundamental baseline.

5. The Soil Sampling Plan is Insufficient

- a. The results of 30m x 30m grid sampling for the soil samples that might be initiated by the 10% effective scoping survey are proposed to then be averaged over “any” 100m² area to determine compliance with the threshold for differing depths at those locations as described in Section 7.2.3 of Attachment A. This is difficult to fathom because it seems the potential number of calculations to comply with this averaging over areas (not defined here) would be infinite.

Without a reference point to start and a system to follow, it will be difficult to measure compliance. A clear system of defining geographic reference laterally and vertically is critical to conduct this survey with scientific integrity. In order to protect public health and environment from exposure to radioactive particulate matter and related indirect pathways of exposure, the soil sampling program should be redesigned.

6. The Animal Intrusion Analysis is Weak

- a. Section D.5.2 of Appendix D to the Reclamation Plan concludes that prairie dogs would be the most likely rodent to burrow into the earth in the area around the mill at a depth of concern to the integrity of the cap. However, D.5.2 states: “The potential for prairie dogs colonizing the tailing cells is very low because plant cover and stature will not match their habitat requirements.” Because the cap/cover is designed to last for centuries (over which time native vegetation will likely repopulate the area), the reclaimed cell caps will likely become good habitat once again. The animal intrusion layer should be added to the final cap design.