

Jehle, Patricia

From: Jehle, Patricia ^{OGC}
Sent: Monday, March 19, 2012 8:56 AM
To: Poy, Stephen
Attachments: ML12074A280 - Response Letter from Steve Tarlton to Pamela Henderson Regarding a NRC Letter Dated 2-27-2012. ...pdf

Hi Steve,

This is the March 7th letter to Colorado. Its properties indicate that the document has not been replicated. Mr. Webster has contacted FSME about the inability to access the document in ADAMS – that may be due to not being replicated. You are shown as the contact person in the properties.

Patty

Patricia A. Jehle
Attorney
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Materials Litigation and Enforcement
OWFN 15 F-2
Washington, DC 20555-001
Office: (301) 415-8366

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

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4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090
<http://www.cdpho.state.co.us>



Colorado Department
of Public Health
and Environment

March 7, 2012

Pamela J. Henderson, Acting Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: NRC Letter of February 27, 2012

Dear Ms. Henderson:

I am seeking clarification to points made in your letter of February 27, 2012. This clarification will assist us in our response to your letter.

First, we understood that the compatibility of the state program was going to be discussed at the mid-term IMPEP review this coming April, so I am unclear what you are expecting in our response which is due before that review.

My recollection of the conversations between NRC and State of Colorado, Radiation Program, is that we discussed what regulatory changes might be possible if it was determined that there was an issue with the state's program. The Radiation Program did not propose any corrective actions because NRC has previously concluded that the Colorado program is compatible with NRC's requirements and it has not been determined that there is in fact an issue with the state program. In addition, we understand that any newly identified issues would be addressed prospectively and not retroactively. Do you concur with our understanding?

Regarding paragraph #2 in your letter, we understand that Energy Fuels proposed the idea of a hearing on the Piñon Ridge Mill to the citizen's group last summer or fall, and that they could not come to an agreement on holding such a hearing.

Your prompt response with the clarification will be helpful to us in meeting the thirty day schedule for response to your letter.

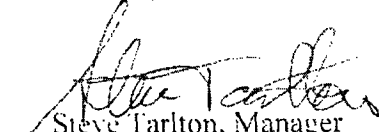
Pamela J. Henderson, Acting Deputy Director

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Thank you for your assistance.

Sincerely,



Steve Tarlton, Manager
Radiation Program

Cc: Jennifer Opila, RAM
Jerry Goad, AGO
Gary Baughman, HMWMD
Stephen Poy, NRC
Dennis Sollenberger, NRC
Duncan White, NRC