

## **McIntyre, David**

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**From:** McDermott, Brian  
**Sent:** Wednesday, March 14, 2012 5:05 AM  
**To:** Satorius, Mark; Carpenter, Cynthia  
**Cc:** Caniano, Roy; Campbell, Vivian; McIntyre, David  
**Subject:** FYI: Colorado Hearing Issue

FYI - Issue deals with a lack of compatibility re: the CO regs, which do not allow for a public hearing request. CO regs only allow for the applicant to request a hearing, not the public. A change in the CO regs was made without NRC review.

The lack of hearing rights came to light during a lawsuit, and was also brought to NRC through the allegations process.

Brian

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*EX 2*

Message sent from a BlackBerry device.

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**From:** White, Duncan  
**To:** Jones, Bradley; Biggins, James  
**Cc:** Jehle, Patricia; Poy, Stephen; Sollenberger, Dennis; McDermott, Brian; Henderson, Pamela  
**Sent:** Tue Mar 13 18:00:16 2012  
**Subject:** Colorado Hearing Issue

Brad and Jim:

One of the letters to the concerned individuals related to the Colorado hearing matter is now in the public domain. FSME has started to receive press inquiries. The letter and the contents were raised at a meeting with local officials attended by the Colorado's Radiation Program Director. He has a copy of the letter. In an early conversation earlier today with him, he did mention that he has messages from his attorneys and the licensee to call him.

Dennis, Stephen and I did speak to Patti Jehle after our call with Colorado this afternoon and discussed the details. The Program Director is upset and feels misled by the NRC. His main issue is the following passage from the CI letter:

"The NRC is presently working with the State of Colorado to ensure that an opportunity for the public to submit comments and an opportunity for a public hearing on the licensing of the Pinon Ridge Uranium Mill is provided. The NRC is also committed to working with the State of Colorado so that the regulations at 6 CCR 1007-1, Part 18.6.1 and its statute at CRS 24-4-104 come into full compliance with the equivalent NRC regulations."

In Program Director's view, this implies that the NRC has made a decision regarding the need for the hearing, but we did not notify the State of our determination.

Please let me know if you need additional information regarding this matter.

Duncan