

Mr. Robert M. Quillin, Director
 Radiation Control Division
 Colorado Department of Health
 4300 Cherry Creek Drive, South
 Denver, Colorado 80222-1530

FEB 05 1994

Dear Mr. Quillin:

I am responding to your letter to me, dated January 21, 1994, in which you raised concerns with the U.S. Nuclear Regulatory Commission's proposed performance-based license condition. Your particular concern was that uranium recovery licensees would be provided a "great deal of discretion without NRC input." Similar concerns were recently raised by the State of New Mexico, and I have enclosed a copy of our response to it which you may find helpful as background information. As noted in that response, the process being outlined in the performance-based license condition is consistent with the program being implemented by NRC for other licensees, and it has several ways NRC can ensure that the condition is being properly implemented. Therefore, we believe that the approach being proposed for uranium recovery licensees will not abrogate the NRC's responsibilities.

With respect to your recommendation that the condition be procedures based, NRC is presently undertaking an effort to determine ways in which the regulatory burden for uranium recovery licensees can be reduced. As part of this process, NRC has received several suggestions on how to achieve this objective. The proposal contained in your letter may offer insight into additional ways this can be done. However, without a more detailed presentation of what such a condition would look like, and how it could be implemented in areas such as updating of sureties for inflation, we are unable to respond to your recommendation. Therefore, I encourage you to provide more specifics on the contents of your proposed condition, a detailed discussion of how it would be implemented, and several examples.

If you have any questions on the NRC's regulatory reduction effort, please feel free to contact the cognizant NRC manager, Mr. Joseph Holonich. Mr. Holonich can be reached at (301) 504-3439.

Sincerely,

Malcolm R. Knapp, Director
 Program Management, Policy Development
 and Analysis Staff
 Office of Nuclear Material Safety
 and Safeguards

Enclosure: As stated
 cc: Attached List

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Robert M. Quillin

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