

**Jehle, Patricia**

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**From:** Jehle, Patricia <sup>OGC</sup>  
**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 7<sup>th</sup> 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

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# STATE OF COLORADO

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Christopher E. Urbina, MD, MPH  
Executive Director and Chief Medical Officer

*Dedicated to protecting and improving the health and environment of the people of Colorado*

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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.

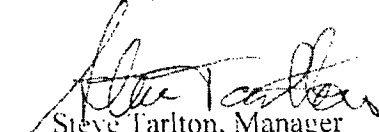
Pamela J. Henderson, Acting Deputy Director

March 7, 2012

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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