

DEC 04 1985

Thomas M. Vernon, M.D.
Executive Director
Colorado Department of Health
4210 East 11th Avenue
Denver, Colorado 80220

Dear Dr. Vernon:

This confirms the discussions Messrs. Ralph S. Heyer and Donald A. Nussbaumer held with Dr. Arnott and Mr. Hazle of your staff on October 25, 1985, following our review of the Colorado radiation control program. The review covered the principal administrative and technical aspects of the program. This included an examination of the program's legislation and regulations, organization, management and administration, personnel, and licensing and compliance activities.

Our review used as a reference the Nuclear Regulatory Commission's (NRC) "Guidelines for NRC Review of Agreement State Radiation Control Programs," which was published in the Federal Register on December 4, 1981, as an NRC Policy Statement. The guidelines contain 30 indicators for program evaluation. A description of how the indicators are used in reporting the results of the program review to State management is enclosed (Enclosure 1).

Our review of the State's program and the routine exchange of information program between the Nuclear Regulatory Commission (NRC) and the State of Colorado resulted in several comments concerning, "Technical Quality of Licensing Actions," a Category I indicator. These concerns are identified in Enclosure 3 to this letter. While each comment taken separately would not be a significant Category I comment we believe the number of comments made concerning this indicator justify a Category I comment. We believe that immediate steps are needed to achieve improvements in this particular program area. We would appreciate a response from you as to the type of action taken to improve the "Technical Quality of Licensing Actions," including any comments you may have regarding the implementation of the Radiation Control Division's (RCD) policy on 40 CFR 190 compliance determinations. Specifically, we would like to know when the RCD intends to complete these determinations for its mill licensees. In addition, we would appreciate any comments you may have regarding the decrease of staff years dedicated to the uranium mill program identified under the Category II indicator, "Staffing Level." Although this is a Category II indicator, the decrease of technical staff from 1.7 staff years found during the previous review, to .97 staff years has had an effect on two other program indicators, "Technical Quality of Licensing Actions" mentioned above and "Inspection Reports," a Category II indicator. We believe deficiencies in these program areas may be attributable to the decrease in staff resources for the uranium mill regulatory program.

RIV:SGAS
RSHeyer/vig
11/18/85

C:S&GAS
RJDoda
11/18/85

WJ Kerr
11/19/85

EDJ
WJ Dircks
11/20/85

RA
RDMartin
12/4/85

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PDR STPRG ESGC
PDR

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In view of these findings we cannot offer a staff opinion on the adequacy and compatibility of the program until we have received and evaluated your responses to our comments and recommendations.

Enclosed with this letter are the specific comments regarding the technical aspects of the program (Enclosures 2 and 3). You may wish to have Mr. Hazle respond directly to these comments. I am also enclosing a copy of this letter for placement in the State Public Document Room or to otherwise be made available for public review.

I appreciate the courtesy and cooperation you and your staff extended to our representatives during the review meeting.

Sincerely,

**ORIGINAL SIGNED BY
ROBERT D. MARTIN**

Robert D. Martin
Regional Administrator

Enclosures:
As stated

cc w/encls:

Dr. Robert A. Arnott, Assistant Director
Mr. Albert J. Hazle, Division Director
Mr. G. Wayne Kerr, Office of State Programs
State Public Document Room
NRC Public Document Room

bcc w/encls:

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R. L. Bangart, DRS&S
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