

## STATE OF COLORADO

Roy Romer, Governor  
Patti Shwayder, Executive Director

*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

April 29, 1997

Richard Bangart, Director  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Mr. Bangart

The following are Colorado's comments on the draft Integrated Materials Performance Evaluation Program (IMPEP) Review of Colorado Agreement State Program, March 10-14, 1997. As requested, these comments focus only on factual correctness of information reported by the team.

1. Sections 1 and 3.3 of the report state the program regulated 350 specific licenses. At the time of the IMPEP review, Colorado had 348 specific licenses.
2. Section 3.3, page 10, item a infers that license reviewers do not recheck the SS&D register for source and device inclusion. This is not true. The register is routinely checked. The inspection team identified one licensed source that was not in the registry. This is an old source that has been on the license for many years, possibly originally licensed by the AEC.
3. Section 3.3, page 11, item e infers the State is inconsistent in the application of well logging license conditions. The State is consistent in applying the same license conditions when operations are the same. The issue noted by the IMPEP team related to bioassay requirements for well loggers using iodine. One license did not require bioassays, though the maximum possession limit exceeded the trigger for bioassay. A bioassay condition was not included because the license contained restrictions on the amount of iodine that could be used at any one time, and that amount was below the trigger for bioassay.
4. Section 3.4, page 11 states that the program uses a "general inspection form." We do not have a general form. We use separate inspection forms for gauges; industrial radiography; field inspections for industrial radiography; research and academic institutions; medical facilities; and teletherapy facilities.

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Richard Bangart, NRC

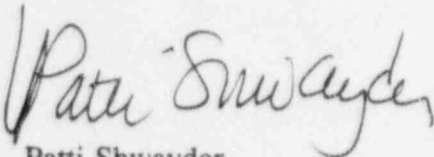
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5. Section 3.4, page 13 states a fourth of the survey instruments are calibrated each quarter. The Division generally calibrates instruments annually. However, some are calibrated more frequently to ensure that an inspector's instrument has been calibrated within the frequency required of the licensee being inspected.
6. Section 3.5, page 18 - The draft report states "In reviewing the promulgation procedures and policies, the review team noted that proposed regulations are published in local newspapers, the Colorado Register, and the CDPHE newsletter to licensees to provide opportunity for public comment". In fact, "A Notice of Rulemaking and Proposed Regulations" is published in The Colorado Register. After an initial informational hearing by the Board of Health a formal hearing is scheduled by the Board of Health and is noticed in the "Calendar of Hearings" of The Colorado Register. Once the rule is adopted, it is noticed in "Changes in the Code of Colorado Regulations" in The Colorado Register. In addition, the Division uses the Radioactive Materials newsletter to notice licensees. Local newspapers are not used.

If you have any questions, please contact Robert Quillin at (303) 692-3038.

Sincerely,



Patti Shwayder  
Executive Director

cf: Lee Thielen  
Robert Quillin  
Howard Roitman