

March 24, 2000

Mr. Warren E. Jacobi
Laboratory and Radiation Services Division
Colorado Department of Public Health and Environment
8100 Lowry Boulevard
Denver, Colorado 80230-6928

Dear Mr. Jacobi:

As requested, we have reviewed the proposed regulations to the Colorado *Rules and Regulations Pertaining to Radiation Control*, i.e., Part 1 - General Provisions, Part 3 - Licensing of Radioactive Material, and Part 5 - Radiation Safety Requirements for Industrial Radiographic Operations submitted by letter dated December 13, 1999. The proposed regulations are in response to the two amendments identified in the enclosed Regulation Assessment Tracking System (RATS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Part 34.

As a result of our review, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted without significant change, they would meet the compatibility and health and safety categories established in OSP Procedure SA-200. In addition, Mr. Mark R. Shaffer discussed our review of the regulations with you on January 12, 2000.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in OSP Procedure SA-201, Review of State Regulations (November 10, 1998), please highlight the final changes and send one copy in a computer readable format, if possible.

We have also summarized on the RATS Data Sheet our knowledge of the status of other Colorado regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Mark Shaffer at (817) 860-8287 or by e-mail at mrs@nrc.gov.

Sincerely,

/RA/

Frederick C. Combs, Deputy Director
Office of State Programs

Enclosure:
As stated

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REGULATION ASSESSMENT TRACKING SYSTEM
RATS DATA SHEET

State: Colorado

Tracking Ticket Number: 0-22

[Two proposed amendments (1/29/00) identified by ★]

Date: March 24, 2000

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/Final-Comment (Y/N) ¹	NRC Review Date	Final State Regulation ² (Effective Date)
Standards for Protection Against Radiation- Part 20	56 FR 23360 plus others (1/1/94)	1991-3	F-N	8/18/97	1/1/94
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843 (1/10/94)	1991-1	F-Y	5/29/97	6/30/94
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2			Not required ³
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4	F-Y	5/29/97	12/30/90-11/1/94
Quality Management Program and Misadministrations-Part 35	56 FR 34104 (1/27/95)	1992-1			
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30, 35	57 FR 45566 (none)	1992-2			Not required ³
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2	F-N	5/29/97	1/1/97
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3	F-Y	5/29/97	1/1/97
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	P-N Final under review	5/29/97	
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726 59 FR 1618 (1/28/97)	1994-1	P-N P-N Final under review	5/29/97 12/4/97	
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2	F-Y	5/29/97	12/30/90
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3	P-Y Final under review	6/10/97	
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767 59 FR 65243 60 FR 322 (1/1/98)	1995-1	P-Y P-N	6/19/98 10/19/98	
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	Final under review		
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	F-Y	6/20/97	1/1/97

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final-Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Performance Requirements for Radiography Equipment- Part 34	60 FR 28323 (6/30/98)	1995-4	P-N Final under review	11/10/97	
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	P-N Final under review	11/12/97	
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6	P-N	10/16/96	
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623 (10/20/98)	1995-7	P-Y P-N	11/12/97 4/27/98	
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28724 (4/1/99)	1996-1	P-Y P-N Final under review	6/10/97 4/27/98	
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required ³
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3			
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65119 (1/9/00)	1997-1	P-N	10/1/99	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4	P-N	4/27/98	Not required ³
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662 (2/27/00)	1997-2			
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3			
★Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948 (6/27/00)	1997-5	P-N	3/24/00	
Radiological Criteria for License Termination- Parts 20, 30, 40, 70	62 FR 39057 (8/20/00)	1997-6	F-N	7/13/99	5/19/99
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634 (½/01)	1997-7	P-Y P-N Final under review	6/19/98 10/19/98	
Deliberate Misconduct by Unlicensed Persons- Parts 30, 40, 61, 70, 150	63 FR 1890 63 FR 13773 (2/12/01)	1998-1			
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535 (none)	1998-2			Not required ³

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final-Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
License Term for Medical Use Licenses- Part 35	63 FR 31604 (none)	1998-3			Not required ³
★Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059 (7/9/01)	1998-4	P-N	3/24/00	
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39347 63 FR 45393 (10/26/01)	1998-5			
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127 (11/20/01)	1998-6			
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506 (6/11/02)	1999-1			
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to provide Requested Information- Part 31	64 FR 42269	1999-2			
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543 64 FR 55525 (2/2/03)	1999-3			

1. (Y/N) "Y" means "yes," there are comments in the review letter that the State needs to address. "N" means "No," there are no comments in the review letter.
2. Or other generic Legally Binding Requirement.
3. Not required means these regulations are not required for purposes of compatibility.