

June 14, 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:

We have reviewed the final amendments to the Colorado *Rules and Regulations Pertaining to Radiation Control*, i.e., Part 1 - General Provisions, Part 3 - Licensing of Radioactive Material, Part 4 - Standards for Protection Against Radiation, Part 5 - Radiation Safety Requirements for Industrial Radiographic Operations, Part 7- Use of Radionuclides in the Healing Arts, Part 10 - Notices, Instructions, and Reports to Workers: Inspections, Part 17 - Transportation of Radioactive Material, and Part 19 - Licenses and Radiation Safety Requirements for Irradiators. They became effective during the period July 1, 1997 to November 30, 1998 and were submitted to the Nuclear Regulatory Commission (NRC) by Mr. Quillin in a memorandum dated August 25, 1999. The final Colorado regulations are in response to 12 amendments of NRC regulations. Eleven of the amendments are identified in the enclosed Regulation Assessment Tracking System (RATS) Data Sheet. The one amendment not included in the RATS Data sheet is "Manufacturer's Registration of Radiation Safety Information for Certain Devices and Sealed Sources," 52 FR 27782, published July 24, 1987 and effective August 24, 1987. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 19, 20, 30, 32, 34, 35, 36,40, 61, 70, and 71.

In addition, Colorado regulations, Part 11 - Special Land Ownership Requirements and Parts 3.10.5 - 3.10.5.1.4 - Use of Sealed Sources in Industrial Radiography were submitted for review. We were unable to identify the 10 CFR equivalent of these Colorado regulations, therefore they were not reviewed.

As a result of our review, we have identified five comments pertaining to one amendment to the Colorado regulations Part 17 - Transportation of Radioactive Material, as enclosed. These comments must be addressed to meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200. We discussed our comments with you on April 13, 2000. In addition, we have determined that the remaining 12 amendments reviewed meet the compatibility and health and safety categories established in STP Procedure SA-200.

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.

Warren E. Jacobi

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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 at (301) 415-2325 or Cardelia H. Maupin at (301) 415-2312 or by e-mail at [chm@nrc.gov](mailto:chm@nrc.gov).

Sincerely,

***/RA/***

Frederick C. Combs, Deputy Director  
Office of State and Tribal Programs

Enclosures:  
As stated

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STP-AG-5

Comments on Final Colorado Regulations  
Against  
Compatibility and Health and Safety Categories

State Regulation	NRC Regulation	RATS ID	Category	Subject and Comment
N/A	71.4	1996-1	B	<p>Definition of maximum normal operating pressure</p> <p>This definition was not included in the final regulations.</p> <p>This definition should be adopted by an Agreement State in an essentially identical manner to that of the NRC in 10 CFR §71.4 to meet the compatibility category.</p>
N/A	71.10	1996-1	B	<p>Exemptions for low level materials</p> <p>This section was not included in the Colorado final regulations.</p> <p>This section should be adopted by an Agreement State in an essentially identical manner to that of the NRC in 10 CFR §71.10 to meet the compatibility category.</p>
17.15.9 thru 17.15.10	71.47	1996-1	NRC	<p>External radiation standards for all packages.</p> <p>This section was included in the Colorado final regulations.</p> <p>This section is designated a Compatibility Category NRC and should not be adopted.</p>
N/A	71.81	1996-1	B	<p>Applicability of operating controls</p> <p>This section was not included in the Colorado final regulations.</p> <p>This definition should be adopted by an Agreement State in an essentially identical manner to that of the NRC in 10 CFR §71.81 to meet the compatibility category.</p>
17.13	71.83	1996-1	NRC	<p>Assumptions as to unknown properties</p> <p>This section was included in the Colorado final regulations.</p> <p>This section is designated a Compatibility Category NRC and should not be adopted.</p>

**REGULATION ASSESSMENT TRACKING SYSTEM  
RATS DATA SHEET**

**State:** Colorado

[ Eleven final amendments (7/1/97-11/30/98) identified by ★ ]

**Tracking Ticket Number:** 9-186

**Date:** June 14, 2000

<b>NRC Chronology Identification</b>	<b>FR Notice (State Due Date)</b>	<b>RATS ID</b>	<b>Proposed/ Final- Comment (Y/N)<sup>1</sup></b>	<b>NRC Review Date</b>	<b>Final State Regulation<sup>2</sup> (Effective Date)</b>
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 <sup>3</sup>
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
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2	F-N	5/29/97	7/1/97
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3	F-Y	5/29/97	7/1/97
★ Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	F-N	6/14/00	7/1/97
★ Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70	58 FR 68726 59 FR 1618 (1/28/97)	1994-1	F-N	6/14/00	7/1/97
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	F-N	6/14/00	7/1/97
★ 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	F-N	6/14/00	9/30/98
★ Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	F-N	6/14/00	1/1/98
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
★ Performance Requirements for Radiography Equipment- Part 34	60 FR 28323 (6/30/98)	1995-4	F-N	6/14/00	3/30/98

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★ Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	F-N	6/14/00	3/30/98
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	F-Y	6/14/00	7/31/98
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required
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
★ 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	F-N	6/14/00	11/30/98
★ Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3	F-N	6/14/00	3/30/98
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 (1/2/01)	1997-7	F-N	6/14/00	9/30/98
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
License Term for Medical Use Licenses-Part 35	63 FR 31604 (none)	1998-3			Not required
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	

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N) <sup>1</sup>	NRC Review Date	Final State Regulation <sup>2</sup> (Effective Date)
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," the 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