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Colorado Department
of Public Health
and Environment

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John Zabko
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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DSP

RE: DRAFT REVISION OF SA-201

The following are Colorado's comments on the draft revisions to SA-201.

1. As a general comment, now may not be the appropriate time to modify SA-201. The National Materials Program Working Group has presented the Commissioners with an alternative way to develop regulations. Should the Commissioners accept the recommended concepts that were presented, the standard against which state regulations are compared would be the regulations developed by the Alliance. Therefore, revisions should not be made until the Commissioners rule on the issue.

If OSTP proceeds to modify SA-201 at this time, the following additional comments are offered.

2. When states submit regulations, they are requested to "identify by line-in/line-out text, or similar identification" the changes that are proposed (Appendix A.II.A). This is appropriate because the reviewer can easily identify the changes. NRC should similarly identify revision to OSTP procedures by line-in/line-out text, or similar identification. This practice will save time and resources for at least 32 Agreement States.
3. The increased specificity in State Guidance is an improvement and should help NRC and the State reach agreement on the acceptability of the State regulations.
4. Current guidance for the reviewer is to notify the State if a consultant will be conducting the review. This requirement should be maintained as it is important for states to know who will review their regulations.

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5. Section VI appears to be missing, or Section VII should be renumbered.
6. Guidance Section E6 – The criteria for compatibility can be interpreted differently by different people. Compatibility determinations should be made by individuals that have knowledge, training and experience in SA-200. Unless Regional Counsel is experienced and appropriately trained, OGC concurrence should be received at headquarters.
7. Appendix A, section II.A asks for an electronic version of the regulation. However, section V.A.1 states regulations must be submitted in hard copy format. Is it the intent that states submit both a hard and an electronic copy of the regulation?
8. Appendix B, Section II – DIFFERENCES THAT ARE SIGNIFICANT: The current and draft versions state: “For regulations with a Category C compatibility designation or a health and safety designation, the changes or differences in an Agreement State regulation are acceptable only if an Agreement State licensee must take the same action needed to satisfy the NRC-equivalent regulation, or must take actions in addition to those required to satisfy the NRC-equivalent regulation.”. This is more restrictive than the definition in SA-200, which defines Category C as: “Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed need not be the same as NRC, provided the essential objectives are met.”
9. Appendix C references the web address www.hrsd.ornl.gov/nrc/rulemaking.htm. The correct reference should be “hsrd”, not “hrsrd”.

If you have any questions, please contact me at (303) 692-3036.



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