

February 27, 2003

Eugene W. Potter, Manager
Radiation Services Program
Laboratory and Radiation Services Division
Colorado Department of Public Health
and Environment
8100 Lowry Boulevard
Denver, CO 80230-6928

Dear Mr. Potter:

We have reviewed the final Colorado regulations Part 18-*Licensing Requirements for Uranium and Thorium Processing*, which became effective on November 20, 2001. The regulations were received on February 12, 2003. The final regulations are in response to one amendment, identified in the enclosed State Regulation Status (SRS) Data Sheet. The regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) regulations in 10 CFR Parts 20, 30, 40, 61 and 70. We also discussed our review of the regulations with you on February 13, 2003.

As a result of our review, we have no comments and one editorial suggestion. Please note that we have limited our review to regulations required for compatibility and/or health and safety. As a result of the NRC review, we have determined that the regulations, as adopted, meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

The SRS Data Sheet summarizes our knowledge of other Colorado regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the STP Web Site: <http://www.hsrdo.ornl.gov/nrc/rulemaking.htm>.

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 John Zabko of my staff at (301) 415-2308 or e-mail: JGZ@NRC.GOV.

Sincerely,

/RA for J. PICCONE/

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

February 27, 2003

Eugene W. Potter, Manager
Radiation Services Program
Laboratory and Radiation Services Division
Colorado Department of Public Health
and Environment
8100 Lowry Boulevard
Denver, CO 80230-6928

Dear Mr. Potter:

We have reviewed the final Colorado regulations Part 18-*Licensing Requirements for Uranium and Thorium Processing*, which became effective on November 20, 2001. The regulations were received on February 12, 2003. The final regulations are in response to one amendment, identified in the enclosed State Regulation Status (SRS) Data Sheet. The regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) regulations in 10 CFR Parts 20, 30, 40, 61 and 70. We also discussed our review of the regulations with you on February 13, 2003.

As a result of our review, we have no comments and one editorial suggestion. Please note that we have limited our review to regulations required for compatibility and/or health and safety. As a result of the NRC review, we have determined that the regulations, as adopted, meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

The SRS Data Sheet summarizes our knowledge of other Colorado regulations. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the STP Web Site: <http://www.hsr.d.gov/nrc/rulemaking.htm>.

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 John Zabko of my staff at (301) 415-2308 or e-mail: JGZ@NRC.GOV.

Sincerely,

/RA for J. PICCONE

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs

Enclosures:

As Stated

Distribution:

DIR RF[3-36]

VCampbell, RSAO

Colorado File

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML030620333.wpd

DCD (SP08) PDR (YES_✓)

CMapin, ASPO

Response to Incoming Document: **ML030440325**

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	STP		OGC		STP:DD	
NAME	JZabko		STreby		JMPiccone	
DATE	2/ 12/03*		2/27/03*		2/27/03*	

MLPKG.ML030620433

OFFICIAL RECORD COPY

Editorial Suggestions

1. In 3.15.4.3 there is an incorrect reference. 3.16.6.8 is stated as the reference for decommissioning documents. The correct reference is 3.16.5.

STATE REGULATION STATUS

State: Colorado

**[One amendment reviewed is identified by a ★
at the beginning of the equivalent NRC regulation.]**

Tracking Ticket Number: 3-36

Date: February 27, 2003

NRC Chronology Identification	FR Notice (Date Due for State Implementation)	RATS ID	Proposed (P) / Final (F) ¹ Rule / ML # ⁴	NRC Review / Y, N ² / Date / ML # ⁴	Final State Regulation ¹ (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F	Y 5/29/97	6/30/94
ANT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required ³
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3	F	N 8/18/97	1/1/94
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F	Y 5/29/97	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
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
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
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618 (none)	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	12/30/97
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 6/14/01	1/1/98

NRC Chronology Identification	FR Notice (Date Due for State Implementation)	RATS ID	Proposed (P) / Final (F) ¹ Rule / ML # ⁴	NRC Review / Y, N ² / Date / ML # ⁴	Final State Regulation ¹ (Effective Date)
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
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	N 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	N 3/22/01	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 ³
*Termination or Transfer of Licensed Activities: Record keeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3	F 02/12/2003 ML030570427	N 02/27/2003 ML030620433	
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1	F	N 8/8/00	12/30/99
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
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4	P	N 4/27/98	Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5	F	N 8/8/00	5/30/00
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 Micro curie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	F	N 6/14/00	9/30/98
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1	F ML010380248	N 9/17/01 ML012630207	02/01/00
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
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required ³

NRC Chronology Identification	FR Notice (Date Due for State Implementation)	RATS ID	Proposed (P) / Final (F) ¹ Rule / ML # ⁴	NRC Review / Y, N ² / Date / ML # ⁴	Final State Regulation ¹ (Effective Date)
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	F	N 8/8/00	5/30/00
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393 (10/26/01)	1998-5	P ML012190395	N 12/27/01 ML020020371	
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	P ML012190395	N 12/27/01 ML020020371	
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1	F ML020320440	N 3/28/02 ML020880468	11/20/01
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2			Not required ³
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524 (2/2/03)	1999-3			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1			
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2			
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162	2001-1			
Revision of the Skin Dose Limit -Part 20	67 FR 16298; 4/5/05	2002-1			
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; 4/24/05	2002-2			

1. Or other generic Legally Binding Requirements.
2. (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.
3. Not Required means these regulations are not required for purposes of compatibility.
4. ADAMS ML Number.

