STATE OF COLORADO

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October 27, 2004

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Ms. Piccone:

This letter pertains to proposed revisions to Parts 1, 3, 4, 5, 16 and 19 of the State of Colorado *Rules and Regulations Pertaining to Radiation Control.* The proposed rules with and without strikeout will be found at http://www.cdphe.state.co.us/hm/rad/regs/rules.asp. For comparison, the rules now in effect are at http://www.cdphe.state.co.us/op/regs/radiationregs.asp.

Electronic copies of the proposed regulations were provided to John Zabko of your office in August 2004. Electronic copies of Parts 1, 3, 4, and 19, modified by Colorado staff in part based on NRC staff comments and suggestions this week, have also been provided to John Zabko and Bill Rautzen of NRC.

The hearing on adoption is scheduled for November 17, 2004. Your prior review of the October revised final proposed regulation would be greatly appreciated.

These changes to Parts 1, 3, 4, 5, 16, and 19 incorporate all equivalent amendments to NRC's regulations and also incorporate, as required by Colorado's Radiation Control Act, available corresponding language from the *Suggested State Regulations for the Control of Radiation*, in particular Parts A, C, D, E, O, P, Q, S (as proposed), and W.

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

SP02

Please review these revised rules in relation to the following Regulatory Action Tracking System (RATS) items:

RATS ID#	Title	FR Notice
2003-1	Financial Assurance for Materials Licensees	68 FR 57327
2002-1	Revision of the Skin Dose Limit	67 FR 16298
2001-1	Requirements for Certain Generally License Industrial Devices Containing Byproduct Material	65 FR 79162
2000-2	New Dosimetry Technology	66 FR 1573
1999-3	Respiratory Protection and Controls to Restrict Internal Exposures	64 FR 54543 64 FR 55524
1996-3	Termination or Transfer of Licensed Activities: Recordkeeping Requirements	61 FR 24669

Please also review the State of Colorado *Rules and Regulations Pertaining to Radiation Control* in relation to RATS items 1998-6, 1998-5, 1995-7, 1995-6, 1995-5, 1995-3, 1994-2, and 1993-3.

If you have any questions, please feel free to contact Ken Weaver of my staff at 303.692.3431 or Kenneth.Weaver@state.co.us.

Sincerely,

Gary W. Baughman, Director
Hazardous Materials and Waste Management Division

GWB:klkw