November 30, 2006

Mr. Joseph Vranka, Manager
Hazardous Materials and Waste Management Division
CO Department of Public Health and Enviroment
HMWMD-RAD-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Dear Mr. Vranka:

We received your letter regarding proposed changes to the State of Colorado's *Rules and Regulations Pertaining to Radiation Control* Parts 1, 8, 9, 16, 19, and 20 sent to us on November 16, 2006. It is our understanding that the proposed changes address revisions to the definitions of byproduct material to implement changes as a result of the Energy Policy Act of 2005. We discussed this with you on November 30, 2006.

We will not be performing a review of the proposed regulations stated above. As you are aware, we are in the process of finalizing our rules pertaining to the regulations you have submitted for review. Once our rules are finalized a notice will be published in the Federal Register and an All Agreement State letter will be issued regarding requirements for compatibility. Please resubmit your regulations at that time with the appropriate cross walk pursuant to the Office of Federal and State Materials and Environmental Management Programs (formerly STP) Procedure SA-201, *Review of State Regulatory Requirements*.

We would like to thank you for continually updating us on the status of the State of Colorado's regulations.

If you should have any questions please feel free to contact Kathleen Schneider at (301) 415-2320 (email: kxs@nrc.gov) or Monica Orendi at (301) 415-3938 (email: mlo1@nrc.gov.)

Sincerely,

\RA By S.W. Moore

Scott W. Moore, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and Environmental
Management Programs

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Scott W. Moore, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and Environmental Management Programs

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