

**REGULATORY ANALYSIS
FOR
AMENDMENTS TO THE COLORADO STATE BOARD OF HEALTH
RULES AND REGULATIONS PERTAINING TO RADIATION CONTROL
6 CCR 1007-1**

Part 1, General Provisions

October 21, 2009

Section 25-11-104 of the *Colorado Radiation Control Act*, Title 25, Article 11, *Colorado Revised Statutes* (the Act), requires the Board of Health to formulate, adopt and promulgate rules and regulations pertaining to radiation control which are modeled after the *Suggested State Regulations for Control of Radiation* (SSRCR) as proposed by the Conference of Radiation Control Program Directors, Inc. The Colorado regulations are to be based on the SSRCR, except when the Board of Health concludes, on the basis of detailed findings, that a substantial deviation from the SSRCR is warranted. The Department's regulations, in certain parts, must also be compatible with the regulations adopted by the U.S. Nuclear Regulatory Commission (NRC). The Act establishes the SSRCR as the model for Colorado to use in adopting NRC regulatory provisions.

These amendments incorporate useful additions to Part 1, *General Provisions*.

The nature of the proposed revisions is summarized in the accompanying *Statement of Basis and Purpose and Specific Statutory Authority*. Seven regulatory analysis elements follow.

1. A description of the classes of persons who will bear the costs and/or benefits from the proposed rule.

The changes to Part 1 will apply to any Colorado licensee who uses radioactive material, any Colorado radiation machine registrant, and any individual who provides radiation-related services in Colorado.

2. The probable quantitative and qualitative impacts of the proposed rule, economic and otherwise, upon the affected classes.

Quantitative:

On July 1, 2009 Colorado had 356 specific radioactive material licensees. Specific licensees apply in writing to, and receive approval from, the Department. Colorado had 817 entities that use radioactive devices with built-in safety features under a general license that requires written notice of receipt.

On October 1, 2009 Colorado had 13,272 registered x-ray machines of all types at 4795 registered facilities. These changes to Part 1 will involve negligible quantitative change in the economics of the affected facilities.

Qualitative:

The net qualitative effect of these changes is to keep Colorado rules consistent with the framework governing radioactive material and radiation machines nationally. By acting at this time, licensees will be more able to more effectively consistent with the national framework being implemented pursuant to the U.S. Atomic Energy Act.

3. Probable costs to the Department and to local health departments and anticipated effects on state revenues.

Any incremental costs or cost savings will be negligible. Colorado licensees will not experience additional costs.

4. A comparison of the probable costs and benefits of the proposed rule and probable costs and benefits of inaction.

These changes are intended to avoid expenditure in the future of a modest amount of extra time and effort.

5. A determination of whether there are less costly or less intrusive means to achieve the purpose of the proposed rule.

No less costly or less intrusive means will achieve the purpose of these rule changes. The cost will be the same or less to the affected individuals and licensed facilities.

6. A description of alternative methods for achieving the purpose of the proposed rule.

The advantages outweigh the alternative of taking no action.

7. To the extent practicable, a quantification of the data used in the analysis, taking into account both short-term and long-term consequences.

The number of specific licensees is stable and the number of general licensees has increased slightly. The number of registered radiation machines at registered facilities is also stable.

The Colorado Radiation Advisory Committee approved these Part 1 modifications at the December 10, 2008 meeting and after further modifications at the October 7, 2009 meeting.