

**STATEMENT OF BASIS AND PURPOSE  
AND SPECIFIC STATUTORY AUTHORITY  
FOR  
AMENDMENTS TO THE COLORADO STATE BOARD OF HEALTH  
RULES AND REGULATIONS PERTAINING TO RADIATION CONTROL  
6 CCR 1007-1**

**Part 5, Radiation Safety Requirements for Industrial Radiographic Operations**

**October 21, 2009**

**Basis and Purpose**

The *Colorado Radiation Control Act*, Title 25, Article 11, *Colorado Revised Statutes* (the Act), requires the State Board of Health to formulate, adopt and promulgate rules and regulations pertaining to radiation control.

Section 25-11-103 of the Act requires the Colorado Department of Public Health and Environment (Department) to develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing radiation, including to require registration of sources of ionizing radiation such as radiation machines and to issue licenses governing the use of radioactive materials.

Section 25-11-104 of the Act requires Colorado's radiation regulations to be modeled after the *Suggested State Regulations for Control of Radiation* (SSRCR) of the Conference of Radiation Control Program Directors, Inc., 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.

This amendment revises Part 5, *Radiation Safety Requirements For Industrial Radiographic Operations*. Part 5 corresponds to Part E of the SSRCR. These changes to Part 5 are to update the rule format to conform to the Colorado Secretary of State November 7, 2008 *Code of Colorado Regulations Rules Styling Manual*, version 5.2. The most recent prior changes to Part 5 were adopted November 17, 2004, and effective January 30, 2005.

The changes to Part 5 are:

1. For consistency between parts of the radiation regulations and with the *Suggested State Regulations for the Control of Radiation*, the first section, Purpose and Scope, will now include subsections designated Authority, Basis and Purpose, Scope, Applicability and how to obtain referenced documents.
2. The introductory sentence in renumbered Section 5.2 is made consistent with other parts of the rules.
3. The table cross-reference in the definitions in renumbered Section 5.2 of “certifying entity” and “hands-on experience” is corrected. Minor editorial improvements are made in the definitions of “independent certifying organization” and “source changer”.
4. Section 5.3, Exemptions, is renumbered from former Section 5.4. Minor editorial improvements are made.
5. Section 5.4, Licensing and Registration Requirements for Industrial Radiography, is renumbered from former Section 5.5. A correction is made in Subsection 5.5.5.
6. Section 5.5, Reciprocity, is the same as former Section 5.39, Reciprocity, with one minor change to subsection 5.5.2.2.
7. In Section 5.6.1 and 5.9.1, minor editorial improvements are made.
8. A new subsection 5.6.6 is added consistent with 2.9.6.
9. The unnumbered sentence beginning Section 5.16 is numbered 5.16.1.
10. The provisions of previous Section 5.16.1, the minimum qualifications, training, and experience for a radiation safety officer for industrial radiography, are moved to a new Appendix 5B.
11. Section 5.16.2 is moved to Appendix 5B as Section 5B.3. Similar flexibility, solely at the discretion of the Department, is added by analogy in 5C.3 and 5D.3.
12. Section 5.17 is re-titled.
13. The provisions of former Sections 5.17.1 and 5.17.2, the minimum qualifications, training, and experience for an industrial radiographer, are moved to a new Appendix 5C.
14. The provisions of former Section 5.17.3, the minimum qualifications, training, and experience for an industrial radiographer’s assistant, are moved to a new Appendix 5D.

15. The provisions of former Section 5.17.4, regarding refresher training, are moved to the new appendices, Sections 5C.4 and 5D.4.
16. Former Sections 5.17.5 and 5.17.6 are appropriately renumbered to new 5.17.3 and 5.17.4 and cross-referenced.
17. Section 5.17.7 is appropriately incorporated into Appendix 5B and 5C.
18. Former Section 5.40 is renumbered to new Section 5.39. A minor editorial change is made in subsection 5.39.2.
19. The outline numbering in Appendix 5A is conformed to that in other parts of the rules. Cross-references to Appendix 5C are edited.
20. As noted above, various training and experience criteria in Sections 5.16 and 5.17 are being moved to Appendices 5B, 5C, and 5D, consistent with the adequate radiation safety training and experience appendix format in Parts 2 and 7. Appendix 5B brings together criteria for an industrial radiography radiation safety officer, Appendix 5C for a radiographer, and Appendix 5D for a radiographer's assistant.

### **Specific Statutory Authority**

These rules are promulgated pursuant to the provisions of sections 25-1-108 and 25-1.5-101(1)(k) and (1)(l), and 25-11-104, CRS.

### **Major Factual and Policy Issues Encountered**

As summarized above, these revisions do not involve major factual issues. These revisions to Part 5 are primarily for format. Minor editorial improvements are made.

### **Alternative Rules Considered and Why Rejected**

Because the primary purpose of this revision to Part 5 of Colorado's radiation regulations is within Colorado's radiation regulations, minor improvements alternatives were considered across a narrow range.

The Colorado Radiation Advisory Committee unanimously approved the modified Part 5 at the meeting on June 3, 2009 and re-approved Part 5 with minor improvements at the meeting on October 7, 2009.