

# STATE OF COLORADO

John W. Hickenlooper, Governor  
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Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department  
of Public Health  
and Environment

June 4, 2014

Duncan White, Chief  
Agreement States Programs Branch  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Re: Colorado Comments on Draft IMPEP Report

Mr. White,

The Colorado Radiation Program has reviewed the draft IMPEP report which documents the results of the Agreement State review held in Colorado on April 7-11, 2014. The following comments are submitted for your consideration:

1. In Section 4.1.2, the second sentence of the first paragraph requires correction as follows:

**CORRECT WORDING:**

*The Program drafts all proposed rules and ~~obtains Department approval to~~ submits the proposed rules to the Radiation Advisory Committee (the Committee) and the affected community for preliminary review and comments.*

2. In Section 4.1.2, the fourth sentence of the first paragraph requires correction as follows:

**CORRECT WORDING:**

*Once the preliminary comments from the Committee, the NRC, and the affected community are received, the Program **presents the rule to the State's Board of Health (the Board) and requests a public rulemaking hearing. The rulemaking hearing will typically be held within 60 days following the request.** ~~with the State's Board of Health (the Board) to formally present and discuss the proposed rules.~~*

3. In Section 4.1.2, the sixth sentence of the first paragraph requires correction as follows:

CORRECT WORDING:

*The **public notice comment period lasts ~~60~~ between 21-41 days depending upon the date of filing with the Colorado Secretary of State's office, at the end of which, the hearing is held.***

4. In Section 4.1.2, the ninth (9<sup>th</sup>) sentence of the first paragraph requires correction as follows:

CORRECT WORDING:

*On average, the State can promulgate final effective regulations in ~~four to six~~ **to twelve** months, depending on the resolution of comments received during the various comment periods.*

[NOTE: Due to additional requirements the rulemaking process takes longer than in prior IMPEP reviews. Refer to the IMPEP questionnaire for further information.]

5. In Section 4.1.2, the last sentence of the first paragraph requires correction as follows:

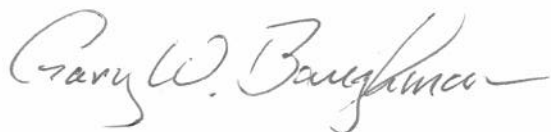
CORRECT WORDING:

***As will all state laws, the Program's rules and regulations are not exempt from the State's "sunset" law. However, the Colorado legislature reinstates the laws impacting health and safety as a matter of routine.***

[NOTE: Refer to the IMPEP questionnaire for further information on the above.]

If you have any questions regarding this letter or please contact Jennifer Opila at 303-692-3403 or [jennifer.opila@state.co.us](mailto:jennifer.opila@state.co.us).

Sincerely,



Gary W. Baughman, Director  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and Environment