



COLORADO

Department of Public Health & Environment

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

March 11, 2015

Pamela Henderson, Deputy Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
T8-E24
Washington, D.C. 20555-0001

Dear Ms. Henderson:

Enclosed is a copy of the proposed (draft) Colorado Rules and Regulations Pertaining to Radiation Control (Radiological Health Rules), Part 22, titled Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material. The Part 22 rule is based on the Conference of Radiation Control Program Directors, Inc. (CRCPD) Suggested State Regulations for Radiation Control (SSRCR) Part V. The public comment period for Part 22 ended on February 28, 2015. We request NRC’s comments by April 30, 2015 as a final rulemaking is scheduled for May 15, 2015. The proposed regulations are identified by a draft rule containing line numbers and correspond to the following equivalent amendments to NRC’s regulations.

<u>Rats ID</u>	<u>Title</u>	<u>State Section</u>
• 2013-1	Physical Protection of Byproduct Material	Entire rule
• 2015-2**	Safeguards Information...	22.12.1.J

(** Part 37 item(s) not already incorporated into SSRCR V; Compatibility “D” items not required for compatibility.)

We believe that adoption of this new rule satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200.

The following are 4 provisions that we believe are compatible with NRC requirements, but differ slightly from Part 37/SSRCR V language that we would like the NRC to be aware of:

1. In Part 22, Section 22.8.1.C (line 208 of the draft) the word “NRC” is added which does not appear in 10 CFR Part 37 or SSRCR Part V. As Colorado did not implement the initial “increased controls” security requirements through Orders (but did so through legally binding license conditions), the word NRC is added for clarity.



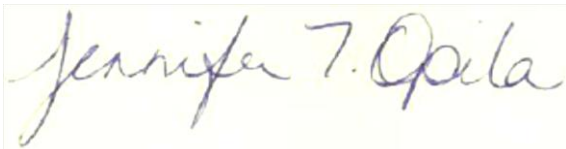
2. In Part 22, Section 22.9.2.B (line 263 of the draft) we make the cross-reference to 22.10.3 (pertaining to reinvestigations). We believe that in both 10 CFR Part 37 (37.23(b)(2)) and SSRCR Part V (V.9.b.ii) there is an incorrect cross-reference to the “grandfather clause” of 37.25(b) that should instead refer to the reinvestigation provision of 37.25(c). Colorado’s proposed Part 22 rule corrects this error.

3. In Part 22, Section 22.9.7.A (lines 347-349 of the draft) the language is modified slightly for clarity. We believe the current rule language of 37.23(g) is less clear.

4. In Part 22, Sections 22.10.2 and 22.15.1.C (lines 442-443; 694-695 of the draft) the phrase “...or equivalent Agreement State requirements...” is added for clarity. As Colorado did not issue Orders implementing the fingerprint requirements, the language as written in SSRCR V or Part 37 would not be applicable for Colorado.

If you have any questions, please feel free to contact me at 303-692-3403 or James Jarvis of my staff at 303-692-3454 or james.jarvis@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer T. Opila". The signature is written in a cursive style and is contained within a light yellow rectangular box.

Jennifer T. Opila, MPA
Radiation Program Manager

Enclosures: As stated.