



COLORADO

Department of Public Health & Environment

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

August 28, 2015

Pamela J. 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 final revisions to the 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 final rule was adopted by the Colorado Board of Health on May 15, 2015 and became effective on July 15, 2015. 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 final regulations are identified by a draft rule containing line numbers and correspond to the following equivalent amendments to NRC's regulations. A final "as published" rule is also enclosed.

<u>Rats ID</u>	<u>Title</u>	<u>State Section</u>
• 2013-1	Physical Protection of Byproduct Material	Entire rule
• 2015-2 ¹	Safeguards Information...	22.12.1.J 22.16.4 ² 22.27.1.F ²
• 2015-4	Miscellaneous Corrections	22.9.2.B ³

¹ Part 37 item(s) not already incorporated into SSRCR V; Compatibility "D" items not required for compatibility.)

² This item was previously identified and corrected/addressed in Colorado's draft Part 22.)

³ This item was previously identified and corrected/addressed in Colorado's draft Part 22 prior to issuance of the RATS.)

In addition to the above RATS items, Colorado has also addressed the following comments from NRC:

1. As identified in comment #2 of NRC correspondence dated April 13, 2015, Colorado has modified the language of Section 22.9.7.A to be equivalent to 10 CFR 37.23(g).

2. As identified in comment #3 of NRC correspondence dated April 13, 2015, Colorado has added subsection references to Section 22.25.3 to ensure it references the same sections as those in 10 CFR 37.73(c).

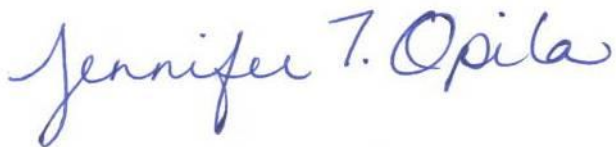


Comment #1 of NRC correspondence dated April 13, 2015 is not applicable to Part 22 of Colorado's rules. The resolution of this comment is being addressed through an amendment of Part 3 which is currently being reviewed by NRC. Similarly, comment #4 of NRC correspondence dated April 13, 2015 is not applicable to Part 22 of Colorado's rules. Colorado has addressed this comment in Part 17 of its rules for which submission to NRC is pending.

We believe that adoption of this new final 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.

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, flowing style.

Jennifer T. Opila, MPA
Radiation Program Manage

Enclosures: As stated.