



## COLORADO

Department of Public  
Health & Environment

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

February 14, 2017

Pamela J. Henderson, Deputy Director  
Division 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 are copies of the proposed revisions to the Colorado *Rules and Regulations Pertaining to Radiation Control*, 6 CCR 1007-1, Part 17, *Transportation of Radioactive Material*; and Part 1, *General Provisions*. The proposed revisions will be made available for public comment with a request for comments by April 10, 2017. We request NRC provide comments on or before April 10, 2017. The proposed regulatory changes are identified by strike-out and bold text.

The proposed changes to Colorado Part 17 and 1 are associated with NRC Regulatory Action Tracking System (RATS) items 2015-3 and 2015-5. Table 1 of Attachment 1 summarizes the proposed changes to these rules and the applicable RATS items being addressed for compatibility purposes.

We believe that adoption of the proposed amendments to these regulatory parts will address the necessary RATS items and will satisfy the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200. Aside from the RATS items identified for incorporation, we do not believe that there are any additional outstanding comments from NRC pertaining to the Part 17 rule.

If you have any questions, please feel free to contact me at 303-692-3403 or James Jarvis at 303-692-3454 or [james.jarvis@state.co.us](mailto:james.jarvis@state.co.us).

Sincerely,

Jennifer T. Opila, MPA  
Radiation Program Manager

Enclosures:

Colorado Part 17 draft rule (Draft D, dated 02/06/17)  
Colorado Part 1 draft rule (Draft B, dated 01/10/17)

Cc: Michelle Beardsley, Senior Project Manager, Office of Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission  
(via email February 14, 2017)



TABLE 1. SUMMARY OF PROPOSED CHANGES TO COLORADO PART 17 AND PART 1 RULES TO ADDRESS NRC RATS 2015-3 AND 2015-5.

| <b>RATS 2015-3</b>                                                             |                                                         |                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AFFECTED CFR SECTION</b>                                                    | <b>CFR TITLE</b>                                        | <b>STATE SECTION</b>                                                                                                                                                                                                                                                                               |
| § 71.4<br>New                                                                  | Definition:<br>Contamination                            | Part 17, Section 17.2<br><br>Definition for "Contamination" added to Colorado rule.                                                                                                                                                                                                                |
| § 71.4<br>Revised                                                              | Definition: Criticality<br>Safety Index (CSI)           | Part 17, Section 17.2<br><br>Definition for "Criticality Safety Index (CSI)" updated in Colorado rule.                                                                                                                                                                                             |
| § 71.4<br>Revised                                                              | Definition:<br>Low Specific<br>Activity (LSA) material  | Part 17, Section 17.2<br><br>Definition for "Low Specific Activity" updated in Colorado rule.<br><br>***NOTE - The last provisions of <u>current</u> part 17 LSA-III definition have been deleted as these are included in 10 CFR 71.77 which is now referenced in the revised LSA-III definition. |
| § 71.4<br>Revised                                                              | Definition: Special form<br>radioactive material        | Part 1, Section 1.2<br><br>Definition for "Special form radioactive material" updated in Colorado rule.                                                                                                                                                                                            |
| § 71.4<br>Revised                                                              | Definition: Uranium -<br>natural, depleted,<br>enriched | Part 17, Section 17.2<br><br>Definition for "uranium - natural, depleted, enriched" added to Colorado rule.                                                                                                                                                                                        |
| § 71.14(a)(1) -<br>(a)(3)<br>Revised, New                                      | Exemption for low-level<br>materials                    | Part 17, Sections 17.4.2.1, 17.4.2.2, and<br>17.4.2.3<br><br>Language updated/added for consistency with CFR.                                                                                                                                                                                      |
| § 71.15(d)<br>Revised                                                          | Exemption from<br>classification as fissile<br>material | Section 17.4.3 of the current in effect/final Part 17 rule incorporates a reference to 10 CFR 71.15 for certain exceptions and therefore this RATS item provision is current through incorporation by reference.                                                                                   |
| § 71.17<br>Revised,<br>Removal of<br>Brackets on<br>Compatibility<br>Category. | General license: NRC<br>approved package                | Part 17, Sections 17.7.1 through 17.7.5<br><br>Language updated/added for consistency with CFR.                                                                                                                                                                                                    |
| § 71.21<br>Revised,<br>Removal of<br>Brackets on<br>Compatibility              | General license: Use of<br>foreign approved package     | Part 17, Sections 17.8.1 through 17.8.4<br><br>Language updated/added for consistency with CFR.                                                                                                                                                                                                    |

| Category                                               |                                         |                                                                                                                                                                                                                      |
|--------------------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §71.85(a) - (c)<br>Revised,<br>Compatibility<br>Change | Preliminary<br>determinations           | Part 17, Section 17.14<br><br>The equivalent provisions in 71.85 have been <u>removed</u> from Colorado rule due to compatibility change to NRC.                                                                     |
| § 71.85(d)<br>New                                      | Preliminary<br>determinations           | Part 17, Section 17.14<br><br>Language added for consistency with CFR.                                                                                                                                               |
| § 71.91(a)<br>Revised,<br>Compatibility<br>Change      | Records                                 | Section 17.17 of the current in effect/final Part 17 rule already incorporates a cross-reference to 17.4 which parallels the change to 71.91. Therefore this RATS item provision is already consistent with the CFR. |
| § 71.91(b)<br>Compatibility<br>Change                  | Records                                 | This provision does not appear in current Colorado rule and therefore no change is necessary due to the change in compatibility.                                                                                     |
| § 71.91(c) and (d)<br>Compatibility<br>Change          | Records                                 | Part 17, Section 17.17.2 and 17.17.3<br><br>Language updated/added for consistency with CFR.                                                                                                                         |
| § 71.101(a)<br>Revised,<br>Compatibility<br>Change     | Quality assurance<br>requirements       | Part 17, Section 17.10.2.1(1)<br><br>This RATS provision is addressed through incorporation by reference to 10 CFR 71.101.                                                                                           |
| § 71.101(b) and<br>(c)(1)<br>Compatibility<br>Change   | Quality assurance<br>requirements       | Part 17, Section 17.10.2.1(1)<br>This RATS provision is addressed through incorporation by reference to 10 CFR 71.101.                                                                                               |
| § 71.101(g)<br>Compatibility<br>Note Revised           | Quality assurance<br>requirements       | Part 17, Section 17.10.2.1(1)<br><br>This RATS provision is addressed through incorporation by reference to 10 CFR 71.101.                                                                                           |
| § 71.103(a)<br>Revised,<br>Compatibility<br>Change     | Quality assurance<br>organization       | Part 17, Section 17.10.2.1(1)<br><br>This RATS provision is addressed through incorporation by reference to 10 CFR 71.101.                                                                                           |
| § 71.103(b)<br>Compatibility<br>Note Revised           | Quality assurance<br>organization       | Part 17, Section 17.10.2.1(1)<br><br>This RATS provision is addressed through incorporation by reference to 10 CFR 71.101.                                                                                           |
| § 71.106<br>New                                        | Changes to quality<br>assurance program | Part 17, Section 17.10.2.1(1)<br><br>This RATS provision is addressed through incorporation by reference to 10 CFR 71.101.                                                                                           |
| § 71.135<br>Revised,<br>Compatibility<br>Change        | Quality assurance records               | Part 17, Section 17.10.2.1(1)<br><br>This RATS provision is addressed through incorporation by reference to 10 CFR                                                                                                   |

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|-------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     |                                                                                                               | 71.101.                                                                                                                                                                                                             |
| Appendix A<br>Revised               | Determination of A1 and<br>A2                                                                                 | Part 17, Appendix 17A<br><br>Provisions have been renumbered/revised<br>consistent with CFR.                                                                                                                        |
| Appendix A,<br>Table A-1<br>Revised | A1 and A2 Values for<br>Radionuclides                                                                         | Part 17, Appendix 17A, Table 17A1<br><br>Values have been added/updated for Kr-79,<br>Cf-252, Ir-192, Kr-81, and Mo-99 consistent<br>with CFR.<br><br>Footnotes to table have been updated,<br>consistent with CFR. |
| Appendix A,<br>Table A-2<br>Revised | Exempt Material Activity<br>Concentrations and<br>Exempt Consignment<br>Activity Limits for<br>Radionuclides. | Part 17, Appendix 17A, Table 17A2<br>Values have been added/updated for Kr-79,<br>Kr-81, and Te-121m consistent with CFR.                                                                                           |
| Appendix A, Table<br>A-3<br>Revised | General Values for A1 and<br>A2                                                                               | Part 17, Appendix 17A, Table 17A3<br><br>Values have been added/updated for Kr-79,<br>Kr-81, and Te-121m consistent with CFR.                                                                                       |
| <b>RATS 2015-5</b>                  |                                                                                                               |                                                                                                                                                                                                                     |
| § 71.4, <i>Indian Tribe</i>         | Definitions                                                                                                   | Part 17, Section 17.2.2<br><br>Spelling of "Indian Tribe" has been updated<br>consistent with federal rule.                                                                                                         |
| § 71.97(c)(3)(ii)<br>Revised        | Advance notification of<br>shipment of irradiated<br>reactor fuel and nuclear<br>waste                        | Part 17, Section 17.11.4.3<br><br>Language updated/added for consistency<br>with CFR.                                                                                                                               |