



COLORADO

Department of Public Health & Environment

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

July 21, 2017

Kevin Williams, 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 Mr. Williams:

Enclosed are copies of the final revisions to the Colorado *Rules and Regulations Pertaining to Radiation Control*, 6 CCR 1007-1, Part 3, *Radiation Control - Licensing of Radioactive Material*; Part 4, *Radiation Control - Standards for Protection Against Radiation*; and Part 22, *Radiation Control - Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material*. These final rules were adopted by the Colorado Board of Health on May 17, 2017 and became effective on June 30, 2017. For reference we have also included strike-out excerpts of the draft rule package (as a single document) as reviewed and adopted by the Board of Health.

The final changes to Colorado Parts 3, 4, and 22 address several minor technical updates and errors identified in NRC correspondence or are associated with NRC Regulatory Action Tracking System (RATS) items. The table below summarizes the changes to these three rules and the items they address.

NRC Letter Date and/or NRC RATS ID	TITLE and/or CFR reference	State Section
August 3, 2016 RATS 2013-1	<i>Carriers</i> 10 CFR 30.13	<u>Part 3, Section 3.7</u> Colorado has revised Section 3.7 to refer to the applicable section of the Colorado Revised Statutes (Colorado Radiation Control Act) instead of the Atomic Energy Act, as requested by NRC.
November 18, 2015	10 CFR 20, Appendix C	<u>Part 4, Appendix 4C</u> Colorado has revised Appendix 4C to change the value requiring labeling for Protactinium-230 from 0.01 to 0.1 uCi, as requested by NRC.
December 27, 2016 RATS 2015-5	<i>Procedures for processing of fingerprint checks.</i> 10 CFR 37.27(c)(1)	<u>Part 22, Section 22.11.3</u> Colorado has revised Part 22 to update references to the NRC Chief Information Officer contact information due to NRC's



		organizational change.
November 3, 2015 RATS 2013-1	<i>Training</i> 10 CFR 37.43(c)(3)(i)	<u>Part 22, Section 22.16.3.C.1</u> Colorado has revised Section 22.16.3.C.1 to correct a cross-reference error pertaining to the requirements for refresher training. The rule now references the entire Section 22.16.3. rather than a subsection.
November 3, 2015 RATS 2013-1 RATS 2015-5	<i>Procedures for submitting advance notification</i> 10 CFR 37.77(a)(1)	<u>Part 22, Section 22.27.1.A.1.</u> Colorado has revised Section 22.27.1.A.1. to update the Uniform Resource Locator (URL) code for an NRC website address that was changed.

Colorado has also addressed two minor NRC comments pertaining to alignment/formatting in Colorado Part 4, Appendix 4B (~Appendix B of 10 CFR 20) as identified in NRC correspondence dated November 18, 2015. (The updates correct the alignment of values specific to Sulfur-35 and Cerium-143). Colorado addressed these changes through an administrative change prior to the most recent rulemaking process so they are not reflected in the attached redline of Part 4, but are reflected in the final rule.

We believe that adoption of the final amendments to these three regulatory parts address all outstanding NRC comments 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.

Although we have included copies of the final rules, note that Colorado's *Rules and Regulations Pertaining to Radiation Control* may also be found online at: <https://www.colorado.gov/cdphe/radregs>

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.

Sincerely,

Jennifer T. Opila, MPA
Radiation Program Manager

Enclosures:

Colorado Part 3 final rule (effective June 30, 2017) and draft rule (Draft 1, dated 02/27/17)
Colorado Part 4 final rule (effective June 30, 2017) and draft rule (Draft 1, dated 02/27/17)
Colorado Part 22 final rule (effective June 30, 2017) and draft rule (Draft 1, dated 02/27/17)

Cc: Michelle Beardsley, Senior Project Manager, Office of Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission (Sent via email on July 21, 2017)