

1 **DRAFT 1 03/26/2024**

2 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

3 **Hazardous Materials and Waste Management Division**

4 **RADIATION CONTROL - NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTIONS**

5 **6 CCR 1007-1 Part 10**

6 *[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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8 **Adopted by the Board of Health June 20, 2024, effective date August 14, 2024**

9 **PART 10: NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTIONS**

10 **10.1 Purpose and Scope.**

11 10.1.1 Authority.

12 10.1.1.1 Rules and regulations set forth herein are adopted pursuant to the provisions of  
13 Sections 25-1-108, 25-1.5-101(1)(k) and (1)(l), and 25-11-104, and 24-60-2205,  
14 CRS.

15 10.1.2 Basis and Purpose.

16 10.1.2.1 A statement of basis and purpose of these regulations is incorporated as part of  
17 these regulations; a copy may be obtained from the Department.

18 10.1.3 Scope.

19 10.1.3.1 This part establishes requirements for notices, instructions, and reports by  
20 licensees or registrants to individuals engaged in activities under a license or  
21 registration and options available to such individuals in connection with  
22 Department inspections of licensees or registrants to ascertain compliance with  
23 the provisions of the Act and regulations, orders, and licenses issued thereunder  
24 regarding radiological working conditions.

25 10.1.4 Applicability

26 10.1.4.1 The regulations in this part apply to all persons who receive, possess, use, own,  
27 transfer or dispose sources of radiation registered with or licensed by the  
28 Department pursuant to Part 2 and/or Part 3 of these regulations.

29 **10.1.5 Published Material Incorporated by Reference.**

30 **10.1.5.1 Throughout this Part 10, federal regulations, state regulations, and**  
31 **standards or guidelines of outside organizations have been adopted and**  
32 **incorporated by reference. Unless a prior version of the incorporated**  
33 **material is otherwise specifically indicated, the materials incorporated by**  
34 **reference cited herein include only those versions that were in effect as of**  
35 **the most recent effective date of this Part 10 (August, 2024), and not later**  
36 **amendments or editions of the incorporated material.**

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**Editorial note 1:** All comments (such as this one) shown in the right side margin of this draft document are for information purposes and are intended to assist the reader in understanding the purpose and intent of the proposed rule changes during the review and comment process. These side margin notes are **not** part of the rule and all comments will be deleted prior to publication of the final rule by the Colorado Secretary of State.

**Editorial note 2:** Alignment and formatting corrections and minor typographical adjustments may be made in the rule and may not be specifically identified with a side margin comment.

**Editorial note 3:** Colorado's radiation regulations are required to be compatible with the federal regulations of the U.S. Nuclear Regulatory Commission (NRC); and consistent with the current Suggested State Regulations for Control of Radiation (SSRCR's) model rules of the Conference of Radiation Control Program Director's (CRCPD), Inc. except where the Board of Health determines a deviation is necessary. Part 10 is modeled after both federal rule [10 CFR Part 19](#) and CRCPD [Part J model rule](#).

Side margin comments may reference an NRC compatibility requirement. As an Agreement State with the NRC, Colorado must maintain compatibility with federal regulations to varying degrees depending upon the compatibility level. Refer to [NRC State Agreements \(SA\) Procedure SA-200](#) for additional information on compatibility levels.

**Editorial note 4:** This draft is a complete rule, although some provisions may be unaffected or unchanged. If adopted, the rule will be a complete rule that is adopted in its entirety.

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For consistency with the format and content of other radiation control regulations, the adoption and effective dates are added to this rule.

The stated adoption and effective dates are tentative and subject to change, pending the Board of Health meeting schedule, acceptance by the Board, final adoption by the Board, and the Colorado Register publication dates.

The anticipated dates are based on the annual rulemaking hearing schedule (regulatory agenda) for the Department which may be found [online](#).

**Commented [JJ3]:** Section 10.1 and subsections are formatted for realignment of text.

**Commented [JJ4]:**

Consistent with current rulemaking practices and other recent radiation control regulation amendments, a section for materials incorporated by reference is added to the rule.

- 37 **10.1.5.2** Materials incorporated by reference are available for public inspection, and  
38 copies (including certified copies) can be obtained at reasonable cost,  
39 during normal business hours from the Colorado Department of Public  
40 Health and Environment, Hazardous Materials and Waste Management  
41 Division, 4300 Cherry Creek Drive South, Denver, Colorado 80246.  
42 Additionally, <https://cdphe.colorado.gov/hm/radregs> identifies where the  
43 incorporated federal and state regulations are available to the public on the  
44 internet at no cost. A copy of the materials incorporated in this Part is  
45 available for public inspection at the state publications depository and  
46 distribution center.
- 47 **10.1.5.3** Availability from Source Agencies or Organizations.
- 48 (1) All federal agency regulations incorporated by reference herein are  
49 available at no cost in the online edition of the Code of Federal Regulations  
50 (CFR) hosted by the U.S. Government Printing Office, online at  
51 <https://www.govinfo.gov/app/collection/cfr/>.
- 52 (2) All state regulations incorporated by reference herein are available at no  
53 cost in the online edition of the Code of Colorado Regulations (CCR)  
54 hosted by the Colorado Secretary of State's Office, online at  
55 <https://www.sos.state.co.us/CCR/NumericalDeptList.do#1000>.

56 **GENERAL REGULATORY PROVISIONS AND SPECIFIC REQUIREMENTS**

57 **10.2 Posting of Notices to Workers.**

- 58 10.2.1 Each licensee or registrant shall post current copies of the following documents:
- 59 10.2.1.1 The regulations in this part and in Part 4 of these regulations;
- 60 10.2.1.2 The license, certificate of registration, conditions, or documents incorporated into  
61 the license by reference and amendments thereto;
- 62 10.2.1.3 The operating procedures applicable to activities under the license or  
63 registration; and
- 64 10.2.1.4 Any notice of violation involving radiological working conditions, proposed  
65 imposition of civil penalty, or order issued pursuant to Part 1 of these regulations,  
66 and any response from the licensee or registrant.
- 67 10.2.2 If posting of a document specified in 10.2.1.1, 10.2.1.2, or 10.2.1.3 is not practicable, the licensee  
68 or registrant may post a notice which describes the document and states where it may be  
69 examined.
- 70 **10.2.3** Department Form R-15 Notice to Employees ([https://cdphe.colorado.gov/hm/radioactive-](https://cdphe.colorado.gov/hm/radioactive-materials-mgmt-forms)  
71 [materials-mgmt-forms](https://cdphe.colorado.gov/hm/radioactive-materials-mgmt-forms)) shall be posted by each licensee or registrant as required by these  
72 regulations.
- 73 10.2.4 Department documents posted pursuant to 10.2.1.4 shall be posted within 5 working days after  
74 receipt of the documents from the Department; the licensee's or registrant's response, if any,  
75 shall be posted within 5 working days after dispatch from the licensee or registrant.
- 76 10.2.4.1 Such documents shall remain posted for a minimum of 5 working days or until  
77 action correcting the violation has been completed, whichever is later.

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Section 10.2 and subsections are formatted for realignment of text.

**Commented [JJ6]:**  
Provision 10.2.3 is formatted to remove italics in the reference to the R-15 form (titled "Notice to Employees"), to better align with document accessibility requirements. A web link is added to aid users in locating the form.

78 10.2.5 Documents, notices, or forms posted pursuant to 10.2 shall appear in a sufficient number of  
79 places to permit individuals engaged in work under the license or registration to observe them on  
80 the way to or from any particular work location to which the document applies, shall be  
81 conspicuous, and shall be replaced if defaced or altered.

82 **10.3 Instructions to Workers.**

83 10.3.1 All individuals who in the course of employment are likely to receive in a year an occupational  
84 dose (see also 10.3.2) in excess of 1 millisievert (100 mrem) shall be:

85 10.3.1.1 Kept informed of the storage, transfer, or use of sources of radiation;

86 10.3.1.2 Instructed in the health protection problems associated with exposure to radiation  
87 and/or radioactive material to the individual and potential offspring, in precautions  
88 or procedures to minimize exposure, and in the purposes and functions of  
89 protective devices employed;

90 **10.3.1.3** Instructed in, and required to observe, to the extent within the worker's control,  
91 the applicable provisions of these regulations, **registrations** and licenses for the  
92 protection of personnel from exposures to radiation or radioactive material;

93 10.3.1.4 Instructed of their responsibility to report promptly to the licensee or registrant  
94 any condition which may constitute, lead to, or cause a violation of the Act, these  
95 regulations, and licenses or registrations, or unnecessary exposure to radiation  
96 and/or radioactive material;

97 10.3.1.5 Instructed in the appropriate response to warnings made in the event of any  
98 unusual occurrence or malfunction that may involve exposure to radiation and/or  
99 radioactive material; and

100 10.3.1.6 Advised as to the radiation exposure reports which workers shall be furnished  
101 pursuant to 10.4.

102 10.3.2 In determining those individuals subject to the requirements of 10.3.1, licensees and registrants  
103 must take into consideration: **assigned activities during normal and abnormal situations**  
104 **involving exposure to radiation and/or radioactive material which can reasonably be**  
105 **expected to occur during the life of a licensed or registered facility.**

106 ~~10.3.2.1 Assigned activities during normal and abnormal situations involving exposure to~~  
107 ~~radiation and/or radioactive material which can reasonably be expected to occur~~  
108 ~~during the life of a licensed or registered facility; and~~

109 ~~10.3.2.2 The result of instruction for maintaining exposures ALARA pursuant to 4.5.2.~~

110 10.3.3 The extent of these instructions shall be commensurate with potential radiological health  
111 protection problems present in the work place.

112 **10.4 Notification and Reports to Individuals.**

113 10.4.1 Radiation exposure data for an individual and the results of any measurements, analyses, and  
114 calculations of radioactive material deposited or retained in the body of an individual shall be  
115 reported to the individual as specified in 10.4.

116 **10.4.1.1** The information reported shall include data and results obtained pursuant to  
117 these regulations, orders, or license or registration conditions, as shown in

**Commented [JJ7]:**  
Section 10.3 and subsections are formatted for realignment of text.

**Commented [JJ8]:**  
The word "registrations" is added to clarify that x-ray registrants must follow this requirement.

**Commented [JJ9]:**  
Provision 10.3.2.1 is merged into 10.3.2, consistent with the format found in [10 CFR Part 19.12](#) and due to the elimination of 10.3.2.2.

[NRC Compatibility C]

**Commented [JJ10]:**  
10.3.2.2 is removed due to its lack of clarity and purpose. This requirement/language does not appear in [10 CFR Part 19.12](#) or [SSRCR Part J \(2021\)](#).

**Commented [JJ11]:** Section 10.4 and subsections are formatted for appearance and realignment of text.

**Commented [JJ12]:**  
In 10.4.1.1, specific reference to Section 4.46 (of Part 4) is deleted here, consistent with language/approach in [10 CFR Part 19.13](#) to more broadly reference the regulations.

The approach to reference the rule more broadly may avoid potential unintentional consequence of limiting any recordkeeping to just that identified in Part 4, Section 4.46 as other regulatory parts may apply and may have unique recordkeeping requirements pertaining to occupational exposure.

[NRC Compatibility C]

- 118 records maintained by the licensee or registrant pursuant to ~~4.46~~ of these  
119 regulations.
- 120 10.4.1.2 Each notification and report shall:
- 121 (1) Be in writing;
- 122 (2) Include appropriate identifying data such as the name of the licensee or  
123 registrant, the name of the individual, and the individual's identification number,  
124 or if no other identification number is available, preferably the individual's  
125 social security number;
- 126 (3) Include the individual's exposure information; and
- 127 (4) Contain the following statement:
- 128 "This report is furnished to you under the provisions of *Colorado Rules and*  
129 *Regulations Pertaining to Radiation Control*, Part 10. You should preserve this  
130 report for further reference."
- 131 10.4.2 Each licensee or registrant shall make dose information available to each worker as shown in  
132 records maintained by the licensee or registrant pursuant to **Part 4, Section 4.46** of these  
133 regulations.
- 134 10.4.2.1 The licensee or registrant shall provide an annual report to each individual  
135 monitored under **Part 4, Section 4.18** of the dose received in that monitoring  
136 year if: ~~that individual:~~
- 137 (1) ~~Received an~~The individual's occupational dose ~~greater than~~exceeds 1 mSv  
138 (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue; or
- 139 (2) ~~The individual R~~requests ~~an~~their annual dose report.
- 140 10.4.3 Each licensee or registrant shall furnish a report of the worker's exposure to sources of radiation  
141 at the request of a worker formerly engaged in activities controlled by the licensee or registrant.
- 142 10.4.3.1 The report shall include the dose record for each year the worker was required to  
143 be monitored pursuant to **Part 4, Section 4.18** of these regulations.
- 144 10.4.3.2 Such report shall be furnished within 30 days from the date of the request or  
145 within 30 days after the dose of the individual has been determined by the  
146 licensee or registrant, whichever is later.
- 147 10.4.3.3 The report shall cover the period of time the worker's activities involved exposure  
148 to sources of radiation and shall include the dates and locations of work under  
149 the license or registration in which the worker participated **during this period**.
- 150 10.4.4 When a licensee or registrant is required pursuant to **Part 4, Sections 4.52, 4.53.2, 4.53.3 and**  
151 **4.54** of these regulations to report to the Department any exposure of an individual to sources of  
152 radiation, the licensee or the registrant shall also provide the individual a report on the exposure  
153 data included therein.
- 154 10.4.4.1 Such reports shall be transmitted at a time not later than the transmittal to the  
155 Department.

**Commented [JJ13]:**

The language of 10.4.1.2(2) is updated to emphasize the use of alternative numbers instead of social security numbers where possible.

Similar language is used in a (unrelated) 2020 amendment to 10 CFR Part 35\*\* (which is specific to medical use of radioactive materials). The change to that regulation is intended to help protect the use of social security numbers, by limiting its use in documents that may be transmitted by a licensee or registrant.

(\*\*NRC RATS 2020-2 is used as the basis for this Part 10 proposed change).

[NRC Compatibility C]

**Commented [JJ14]:** Provision 10.4.2.1 and subsections are formatted/reworded slightly to align with the approach/language/formatting used in 10 CFR Part 19.13(b).

[NRC Compatibility C]

**Commented [JJ15]:**

Additional clarifying language is added for consistency with the language of SSRCR Part J.13.c. (2021) and 10 CFR Part 19.13(c)(1).

**Commented [JJ16]:**

Provision 10.4.4 is updated for clarity and to address incomplete cross-references to Part 4.

The parallel provision in [10 CFR Part 19.13\(d\)](#) makes cross-references to [10 CFR Part 20.2202](#), [10 CFR Part 20.2203](#), or [10 CFR Part 20.2204](#). The equivalent regulations in Part 4 are not structured the same and therefore, references are added.

10 CFR Part 20.2202 parallels [Part 4 Section 4.52](#);  
10 CFR Part 20.2203 parallels [Part 4 Sections 4.53.2 and 4.53.3](#); and  
10 CFR Part 20.2204 is found in [Part 4 Section 4.54](#).

[NRC Compatibility C]

156 10.4.5 At the request of a worker who is terminating employment with the licensee or registrant ~~in-work~~  
157 ~~involving~~that **involved** exposure to radiation or radioactive material during the current year, each  
158 licensee or registrant shall provide at termination to each such worker, or to the worker's  
159 designee, a written report regarding the radiation dose received by that worker from operations of  
160 the licensee or registrant during the current year **or fraction thereof**.

**Commented [JJ17]:**  
Section 10.4.5 is updated for consistency with the language of [10 CFR Part 19.13\(e\)](#).  
[NRC Compatibility C]

161 10.4.5.1 If the most recent individual monitoring results are not available at that time, a  
162 written estimate of the dose shall be provided together with a clear indication that  
163 this is an estimate.

164 **10.5 Presence of Representatives of Licensees or Registrants and Workers During Inspections.**

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Section 10.5 and subsections are formatted for realignment and appearance of text.

165 10.5.1 Each licensee or registrant shall afford to the Department at all reasonable times opportunity to  
166 inspect materials, machines, activities, facilities, premises, and records pursuant to these  
167 regulations.

168 10.5.2 During an inspection, Department inspectors may consult privately with workers as specified in  
169 10.6.

170 10.5.2.1 The licensee or registrant, **or the licensee's or registrant's representative** may  
171 accompany Department inspectors during other phases of an inspection.

**Commented [JJ19]:**  
Language added for consistency with [10 CFR Part 19\(14\)\(b\)](#).  
[NRC Compatibility C]

172 10.5.3 If, at the time of inspection, an individual has been authorized by the workers to represent them  
173 during Department inspections, the licensee or registrant shall notify the inspectors of such  
174 authorization and shall give the workers' representative an opportunity to accompany the  
175 inspectors during the inspection of physical working conditions.

176 10.5.4 Each workers' representative shall be routinely engaged in work under control of the licensee or  
177 registrant and shall have received instructions as specified in 10.3.

178 10.5.5 Different representatives of licensees or registrants and workers may accompany the inspectors  
179 during different phases of an inspection if there is no resulting interference with the conduct of the  
180 inspection.

181 10.5.5.1 However, only one workers' representative at a time may accompany the  
182 inspectors.

183 10.5.6 With the approval of the licensee or registrant, and the workers' representative, an individual who  
184 is not routinely engaged in work under control of the licensee or registrant, for example, a  
185 consultant to the licensee or registrant or to the workers' representative, shall be afforded the  
186 opportunity to accompany Department inspectors during the inspection of physical working  
187 conditions.

188 10.5.7 Notwithstanding the other provisions of 10.5, Department inspectors are authorized to refuse to  
189 permit accompaniment by any individual who deliberately interferes with a fair and orderly  
190 inspection.

191 10.5.7.1 **With regard to areas containing information classified by an Agency of the**  
192 **U.S. Government in the interest of national security, an individual who**  
193 **accompanies an inspector may have access to such information only if**  
194 **authorized to do so.** With regard to any area containing proprietary information,  
195 the workers' representative for that area shall be an individual previously  
196 authorized by the licensee or registrant to enter that area.

**Commented [JJ20]:**  
Language is added for consistency with [10 CFR Part 19.14\(g\)](#)  
and [SSRCR Part J \(2021\)](#).  
[NRC Compatibility C]

197 **10.6 Consultation with Workers During Inspections.**

**Commented [JJ21]:**  
Section 10.6 and subsections are formatted for realignment of text.

- 198 10.6.1 Department inspectors may consult privately with workers concerning matters of occupational  
199 radiation protection and other matters related to applicable provisions of these regulations and  
200 licenses or registrations to the extent the inspectors deem necessary for the conduct of an  
201 effective and thorough inspection.
- 202 10.6.2 During the course of an inspection, any worker may bring privately to the attention of the  
203 inspectors, either orally or in writing, any past or present condition which the worker has reason to  
204 believe may have contributed to or cause any violation of the Act, these regulations, or license or  
205 registration condition, or any unnecessary exposure of an individual to sources of radiation under  
206 the licensee's or registrant's control.
- 207 10.6.2.1 Any such notice in writing shall comply with the requirements of 10.7.1.
- 208 10.6.3 The provisions of 10.6.2 shall not be interpreted as authorization to disregard instructions  
209 pursuant to 10.3.
- 210 **10.7 Requests by Workers for Inspections.**
- 211 **10.7.1** Any worker or representative of workers believing that a violation of the Act, these regulations, or  
212 license or registration conditions exists or has occurred in work under a license or registration  
213 with regard to radiological working conditions in which the worker is engaged may request an  
214 inspection by giving notice of the alleged violation to the Department **or to Department**  
215 **inspectors.**
- 216 **10.7.1.1** Any such **complaintnotice** shall be in writing, shall set forth the specific grounds  
217 for the notice, and shall be signed by the worker or representative of the workers.
- 218 10.7.1.2 A copy shall be provided to the licensee or registrant by the Department, **or the**  
219 **inspector** no later than at the time of inspection except that, upon the request of  
220 the worker giving such notice, such worker's name and the name of individuals  
221 referred to therein shall not appear in such copy or on any record published,  
222 released, or made available by the Department except for good cause shown.
- 223 10.7.2 If, upon receipt of such notice, the Department determines that the complaint meets the  
224 requirements set forth in 10.7.1, and that there are reasonable grounds to believe that the alleged  
225 violation exists or has occurred, an inspection shall be made as soon as practicable to determine  
226 if such alleged violation exists or has occurred.
- 227 10.7.2.1 Inspection pursuant to 10.7 need not be limited to matters referred to in the  
228 complaint.
- 229 10.7.3 No licensee, registrant, or contractor or subcontractor of a licensee or registrant shall discharge  
230 or in any manner discriminate against any worker because such worker has filed any complaint or  
231 instituted or caused to be instituted any proceeding under these regulations or has testified, or is  
232 about to testify in any such proceeding, or because of the exercise by such worker on behalf of  
233 such worker or others of any option afforded by this part.
- 234 **10.8 Inspections Not Warranted; Informal Review.**
- 235 10.8.1 If the Department determines, with respect to a complaint under 10.7, that an inspection is not  
236 warranted because there are no reasonable grounds to believe that a violation exists or has  
237 occurred, the Department shall notify the complainant in writing of such determination.
- 238 10.8.1.1 The complainant may obtain review of such determination by submitting a written  
239 statement of position **withto** the Department.

**Commented [JJ22]:**  
Section 10.7 and subsections are formatted for realignment and appearance of text.

**Commented [JJ23]:**  
Language is added to or revised in 10.7.1 for consistency with [10 CFR Part 19.16\(a\)](#) and [SSRCR Part J.16a \(2021\)](#). The language adds clarity to the rule by noting that an alleged violation may be provided to the Department, or to Department inspectors (who may be on site). The word "complaint" is revised to "notice", consistent with the federal rule and model rule cited above.

[NRC Compatibility C]

**Commented [JJ24]:**  
The term notice replaces "complaint" for consistency with 10.7.1.

**Commented [JJ25]:**  
Section 10.8 and subsections are formatted for realignment and appearance of text.

240	10.8.1.2	The Department will provide the licensee or registrant with a copy of such
241		statement by certified mail, excluding, at the request of the complainant, the
242		name of the complainant and the name of individuals referred to therein.
243	10.8.1.3	The licensee or registrant may submit an opposing written statement of position
244		with the Department.
245	10.8.1.4	The Department will provide the complainant with a copy of such statement by
246		certified mail.
247	10.8.1.5	Upon the request of the complainant, the Department may hold an informal
248		conference in which the complainant and the licensee or registrant may each
249		orally present its views.
250	10.8.1.6	An informal conference may also be held at the request of the licensee or
251		registrant, but disclosure of the identity of the complainant or individuals referred
252		to in the complaint will be made only following receipt of written authorization
253		from the complainant.
254	10.8.1.7	After considering all written and oral views presented, the Department shall
255		affirm, modify, or reverse the determination <b>of the Department</b> and furnish the
256		complainant and the licensee or registrant a written notification of the decision
257		and the reason therefor.
258	10.8.2	If the Department determines that an inspection is not warranted because the requirements of
259		10.7.1 have not been met, the complainant shall be notified in writing of such determination.
260	10.8.2.1	Such determination shall be without prejudice to the filing of a new complaint
261		meeting the requirements of 10.7.1.
262		

**Commented [JJ26]:**  
In 10.8.1.7, language is added for clarity, consistent with [SSRCR Part J \(2021\)](#) and [10 CFR Part 19.17\(a\)](#).  
[NRC Compatibility C]