

# STATE OF COLORADO

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Executive Director and Chief Medical Officer

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

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Colorado Department  
of Public Health  
and Environment

DOCKETED  
USNRC

September 15, 2011

September 16, 2011 (11:00 am)

Ms. Cindy Bladey, Chief  
Rules, Announcements, and Directives Branch  
Office of Administration  
MS: TWB-05-B01M  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Subject: Docket: NRC-2008-0175, Part 35 Preliminary Draft Proposed Rule Language**

Ms. Bladey,

On behalf of the State of Colorado Agreement State Program, we respectfully submit the following comments regarding the Preliminary Draft Proposed Rule Language for Part 35.

1. In 35.50, the NRC is proposing new provision (c)(3). We believe this provision as written is somewhat difficult to understand. The language as written is not clear and does not specify the type of person (medical physicist, authorized user, authorized nuclear pharmacist, etc.) this provision applies to until later in the provision. Unlike 35.50(c)(1), and 35.50(c)(2) which begin with describing a type of person, the proposed provision begins with "Has experience...". Consideration should be given to revise the provision to the format used in 35.50(c)(1), and 35.50(c)(2) to make the language and approach more consistent.

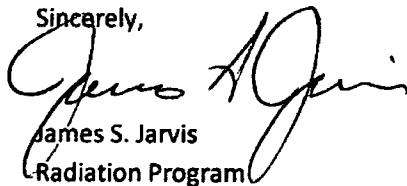
Possibly, this provision could be written as follows: *"Is an individual seeking approval as the Radiation Safety Officer and an authorized user on the same new Commission or Agreement State license, and who has experience with the radiation safety aspects of the types of use of byproduct material for which the individual is seeking approval."*

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2. We request that NRC re-examine the new language proposed in 10 CFR 35.65. As stated in comments by others, transmission sources are used as part of the imaging process. The proposed language may hinder the use of such sources. Additionally, while we understand the need to avoid or prohibit the aggregation of certain sources, it is conceivable that there may be some present or future need to aggregate such sources for legitimate purposes. Possibly, this language could be modified to allow for aggregation of sources where authorized by the license or the sealed source and device registry. The language as proposed may hinder the legitimate use of such calibration, transmission, and reference sources.
3. Additionally, as a general comment we would encourage NRC to make further efforts to simplify the training requirements for all authorized "persons" (authorized users, authorized medical physicists, etc.) who fall under the regulations of Part 35.

Again, we appreciate the opportunity to provide comments on the proposed preliminary regulatory changes and look forward to our continued cooperation with NRC in the regulatory process.

Sincerely,  
  
James S. Jarvis  
Radiation Program

# PUBLIC SUBMISSION

<b>As of:</b> September 16, 2011
<b>Received:</b> September 15, 2011
<b>Status:</b> Pending_Post
<b>Tracking No.</b> 80fldcl1a
<b>Comments Due:</b> September 15, 2011
<b>Submission Type:</b> Web

**Docket:** NRC-2008-0175

Training Requirements for Experienced Radiation Safety Officers and Authorized Medical Physicists

**Comment On:** NRC-2008-0175-0004

Part 35 Preliminary Draft Proposed Rule Language

**Document:** NRC-2008-0175-DRAFT-0012

Comment on FR Doc # N/A

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## Submitter Information

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**Organization:** Radiation Control Program

**Government Agency Type:** State

**Government Agency:** Colorado Department of Public Health and Environment

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## General Comment

Attached are the Colorado Department of Public Health and Environment, Radiation Control Program comments regarding preliminary proposed rule language for medical use regulations (DOCKET: NRC-2008-0175).

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## Attachments

CDPHE to NRC Ltr on Preliminary Part 35 Changes - 091511

## **Rulemaking Comments**

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**From:** Gallagher, Carol  
**Sent:** Friday, September 16, 2011 9:55 AM  
**To:** Rulemaking Comments  
**Subject:** Comment on Part 35 Draft Rule Language  
**Attachments:** NRC-2008-0175-DRAFT-0012.pdf

Van,

Attached for docketing is a comment from James Jarvis on the Part 35 draft rule language (76 FR 29171) published on May 20, 2011.

Thanks,  
Carol