



COLORADO

Department of Public
Health & Environment

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

May 12, 2015

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 is a copy of the proposed (draft) Colorado Rules and Regulations Pertaining to Radiation Control, Part 4, titled Standards for Protection Against Radiation. Since only limited portions of the rule are being amended, the enclosure contains only the pertinent excerpts of the rule. We request NRC's comments as soon as possible as a final rulemaking is scheduled for June 17, 2015.

The intent of the Part 4 amendment is primarily to address administrative issues and typographical errors, although two technical changes are also being made. The specific changes include:

1. Tables 4B1, 4B2, and 4B3 of Appendix 4B are reinserted into the rule (Tables 4B1, 4B2, and 4B3 are equivalent to those of Appendix B of 10 CFR Part 20). The current Part 4 rule contains these tables as a web link (also known as a United Resource Locator or "URL"). A revision to our Department's website in mid-2014 made the URLs contained in the rule invalid. Although these tables remain posted on our Department website, we are reincorporating the actual tables into the body of the rule rather than update the URL. No changes have been made to the content of these tables during this rule revision. The tables are equivalent to those previously submitted and reviewed by NRC in 2013.

2. The Appendix 4C table (*Quantities of Licensed or Registered Material Requiring Labeling*) is replaced in its entirety with a table equivalent to Appendix C of 10 CFR Part 20. The current rule contains a typographical error in the spelling of the isotope Gadolinium. The current table containing the typographical error is in a format that is not easily edited. Therefore, the Appendix 4C is being replaced in its entirety and in a format that will more readily facilitate future changes and corrections. Note that the enclosed draft rule contains both the current Appendix 4C table as well as an initial replacement table, both of which have been replaced by the final proposed table which follows NRC's table format.

3. Language pertaining to decay-in-storage is inserted into Part 4, section 4.33.1.2, and 4.48.3. The language used is consistent with that found in current Colorado Part 7 (in 7.29) and in 10 CFR 35.92 and 35.2092. We are proposing to adopt this provision for programmatic purposes to ensure consistency in the handling of decay-in-storage materials by non-medical licensees. Providing the requirements in regulation will eliminate the need for similar language contained in license condition.



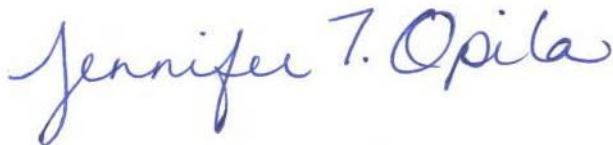
4. Language consistent with 10 CFR 40.61(a), and (b) is added to Part 4, Section 4.40.1. In our review of the current Part 4 and other Colorado rules under development, it was determined that Colorado rule may have omitted requirements equivalent to 40.61 sometime in the past. The proposed change corrects this omission.

In review of NRC Regulatory Action Tracking System (RATS) items and other correspondence issued to Colorado since NRC last reviewed (with not comments) the final Part 4 rule on September 16, 2013, we believe there are no outstanding/incomplete items pertaining to regulatory Part 4. We would however request that NRC review our current (in effect) Part 4 rule found on the Colorado Secretary of State website at: <http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=5134&fileName=6%20CCR%201007-1%20Part%2004> to determine compatibility with NRC RATS 2015-1, Item 1 pertaining to a revision of the introductory text of 10 CFR 70.50(c)(2). We believe the current, in-effect rule provisions found in 4.51.2, and 4.53.1.2 meet the language and intent of 70.50(c)(2).

We believe that adoption of the amendments to the Part 4 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 fluid and cursive, with the first name "Jennifer" being the most prominent part.

Jennifer T. Opila, MPA
Radiation Program Manager

Enclosures: As stated.