



COLORADO

Department of Public
Health & Environment

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

October 3, 2016

Pamela J. Henderson, 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 Ms. Henderson:

Enclosed is a copy of the final revisions to the Colorado *Rules and Regulations Pertaining to Radiation Control*, 6 CCR 1007-1, Part 19, *Licenses and Radiation Safety Requirements for Irradiators*. In addition to the final as published regulation, enclosed is a copy of the redline/strikeout version of the rule as reviewed and approved by the Colorado Board of Health prior to final publication.

The changes to Part 19 address the following NRC Regulatory Action Tracking System (RATS) items:

RATS ID	TITLE	State Section
2011-2	36.13(a) Specific licenses for irradiators	19.4.2 The rule amendment adds cross-references to the Part 3 (licensing) rule in Part 19, consistent with 10 CFR 36.13. <i>NOTE: In NRC correspondence dated September 29, 2015, NRC commented that Colorado omitted the general requirements of 10 CFR 30.33 (~CO Part 3, Section 3.9) as referenced by 10 CFR 36.13(a) (~CO Part 19, Section 19.4.2). NRC reviewed the final Colorado Part 3 (~10 CFR Part 30) regulation, and as identified in NRC correspondence dated August 3, 2016 had no specific comments related to 10 CFR 30.33. It is requested that upon completion of its review, that NRC update the Colorado SRS data sheet entry for RATS 2011-2 to reflect that there are no outstanding comments specific to 10 CFR 36.</i>



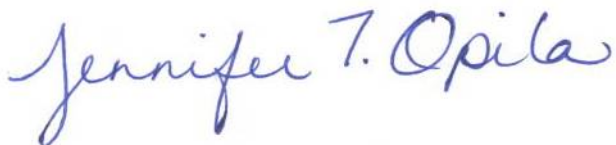
2011-2	36.2 Definitions 36.15 Commencement of construction	19.5.1, 19.5.1.2 The rule amendment updates the language of Part 19, consistent with 10 CFR 36.15 due to the modified definitions of construction, and commencement of construction. (These definitions are found in the Colorado Part 1 rule)
2013-1	36.1(a) Purpose and scope	19.1.4.3 The rule amendment adds cross-references to the Part 17 (transportation) and Part 22 (physical security) rules in Part 19, consistent with 10 CFR 36.1(a).

We believe that adoption of the final amendments to Part 19 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.

Please note that all final Colorado *Rules and Regulations Pertaining to Radiation Control* may 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 of my staff at 303-692-3454 or james.jarvis@state.co.us.

Sincerely,



Jennifer T. Opila, MPA
Radiation Program Manager

Enclosures:

Colorado Part 19 final as published rule (effective 09/14/16)

Colorado Part 19 draft rule (dated 06/21/16) as presented to the Colorado Board of Health on July 20, 2016;

Cc: Michelle Beardsley, Senior Project Manager, Office of Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, T8-E24, Washington, D.C. 20555-0001 (Sent via email on October 3, 2016)