

May 24, 2022

Theresa Clark, Deputy Director
Division of Materials Safety, Security, State,
and Tribal Programs (MSST)
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001

Dear Ms. Clark:

Enclosed is a copy of the proposed revisions to the Colorado Rules and Regulations Pertaining to Radiation Control, 6 CCR 1007-1, Part 7 (Use of radionuclides in the healing arts), Part 17 (Transportation of radioactive materials), and Part 22 (Physical protection of category 1 and category 2 quantities of radioactive material). The proposed revisions have been posted for public comment through June 30, 2022. We request that NRC provide comments on or before August 22, 2022. The proposed regulations are identified by strike-out/bold text and correspond to the following equivalent amendments to NRC's regulations.

RATS ID	TITLE	STATE SECTION 6 CCR 1007-1
2020-3	Miscellaneous Corrections 10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140	Part 17 (~10 CFR Part 71)
2021-1	Miscellaneous corrections 10 CFR Parts 2, 11, 20, 25, 32, 35, 37, 50, 52, 55, 70, 72, 73, 95, and 110	Part 7 (~10 CFR Part 35) Part 22 (~10 CFR Part 37)
2021-2	Miscellaneous corrections 10 CFR Parts 9, 37, 40, 50, 51, 52, 55, 71, 73, and 110	Part 22 (~10 CFR Part 37)

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, for Colorado's equivalent regulations.

To aid in the review of the proposed draft regulations, we have also enclosed an annotated copy of RATS 2020-3, 2021-1, and 2021-2 which identifies each specific section in the proposed rules corresponding to the amended federal rule change.

The following are three issues that we would like the NRC to address:

1. We would like to request clarification regarding the correct wording for the 10 CFR Part 35.2 definition for "Ophthalmic physicist". Specifically, (2)(iv) of this definition uses the phrase "...master material licensee broad scope..." which appears to be inconsistent with similar phrasing in definitions for "Authorized medical physicist", "Authorized nuclear pharmacist", and "Authorized user". These other definitions



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are phrased “...master material license broad scope...” using “license” rather than “licensee”. A similar difference appears in 10 CFR Part 35.433(a)(2)(i). Colorado has proposed changing “licensee” to “license” in its equivalent provisions and request that NRC clarify the appropriate wording.

2. We would like to request clarification regarding what we believe is an error in the current federal rule which may have occurred during prior amendments to 10 CFR Part 35. We believe the provisions in 10 CFR Part 35.13(b)(4)(i) through (iv) were inadvertently removed from [federal rule](#). Colorado has retained equivalent provisions in Part 7, Section 7.4.2.4(1) through (4) to those that were removed, pending final resolution by NRC.
3. We would request that NRC consider annotating RATS 2020-3 regarding changes pertaining to 10 CFR 19.8(b), 20.1906(d), 20.2201(a)(2)(ii), 20.2202(d)(2), Appendix D to Part 20, 30.50(c)(1), 34.8(b), 40.8(b), 40.31(g)(1), 40.60(c)(1), 61.8(c), 61.32(a), 70.8(c)(1), and 70.50(c)(1). These changes pertain to information collection (federal Office of Management and Budget) requirements or notifications to the NRC Headquarters Operations Center that we believe are not applicable to Agreement State rule. Clarifying this information in the RATS documents may help other Agreement States avoid inadvertently incorporating them into their proposed or final rules.

We thank you for your consideration. If you have any questions regarding the proposed regulations, please feel free to contact me at 303-692-3371 or James Jarvis of my staff at (720) 263-2698 or james.jarvis@state.co.us.

Sincerely,

Jim Grice, Radiation Program Manager
Hazardous Materials & Waste Management Division

Enclosures:

6 CCR 1007-1, Part 7 (Draft C dated 05/13/2022)

6 CCR 1007-1, Part 22 (Draft C dated 05/13/2022)

6 CCR 1007-1, Part 17 (Draft C dated 05/13/2022)

Annotated RATS 2020-3 to proposed Colorado rule matrix

Annotated RATS 2021-1 to proposed Colorado rule matrix

Annotated RATS 2021-2 to proposed Colorado rule matrix

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