

**REGULATORY ANALYSIS
FOR
AMENDMENTS TO THE COLORADO STATE BOARD OF HEALTH
RULES AND REGULATIONS PERTAINING TO RADIATION CONTROL
6 CCR 1007-1**

Part 4, Standards for Protection Against Radiation

Adopted by the Board of Health on February 20, 2013

- 1. A description of the classes of persons who will bear the costs and/or benefits from the proposed rule.**

Part 4 is a broad regulatory part which contains fundamental radiation protection requirements, standards, and other provisions which are generally applicable to all types of radiation use including radioactive materials and radiation producing (x-ray) machines. Changes to Part 4 include those that apply to both radiation machines (x-ray machines) users and radioactive materials users. The majority of changes however arise from changes in federal requirements governing only radioactive materials, and therefore many of the changes will apply to only those entities (licensees) using radioactive materials.

Depending upon the specific provision of the regulation, the changes to Part 4 may apply to any Colorado licensee who uses radioactive material for any purpose and to radiation machine (x-ray machine) users.

- 2. The probable quantitative and qualitative impacts of the proposed rule, economic and otherwise, upon the affected classes.**

Quantitative:

In 2012 Colorado had approximately 350 active specific radioactive material licensees, 1700 general radioactive materials licensees, and approximately 3,500 radiation (x-ray) machine registrants authorized to use sources of radiation for wide ranging purposes.

A limited number of the proposed changes may increase slightly, the amount of regulatory requirements for some radioactive materials facilities, depending upon the specific regulatory provision and future operational status of the facility. The quantitative impact however cannot be easily determined and is unknown at this time since the changes impact facilities that are not yet undergoing license termination or decommissioning.

The majority of proposed changes, are neutral or are expected to reduce the regulatory burden on the regulated community due to removal or modification of requirements. The proposed changes also clarify certain requirements and correct prior cross-reference and typographical errors, thereby benefitting the regulated community and the Department. Taken collectively, the overall proposed changes are expected to have a minimal impact on the affected classes.

Certain requirements relating to the National Source Tracking System (NSTS) pertaining to reporting and tracking of specific, higher activity amounts of radioactive materials have been added to Part 4. These specific requirements are new to Part 4, but are not new from a requirements standpoint. These requirements have been in effect since 2008 and have been enforced through legally binding license conditions. The proposed changes to Part 4 will allow removal of these license condition requirements by transferring them to regulation in a manner similar to that used in federal regulation. This change does not introduce any new or additional requirements as these requirements have been in place for several years, but again, have been implemented through license requirements. The changes related to NSTS do not apply to radiation (x-ray) machine users. The NSTS requirements will result in a slightly reduced burden by the Department.

Qualitative:

The net qualitative effect of these changes is to keep Colorado rules consistent with changes to 10 CFR Part 20 and to be consistent with the national framework governing use of radiation sources and to help licensees and registrants operate effectively within that framework. Certain changes are necessary to maintain Colorado's status as an agreement state. Additional changes are necessary to add clarity and improvements to the regulation.

3. Probable costs to the Department and to local health departments and anticipated effects on state revenues.

Any incremental costs or cost savings will be negligible. Local health departments would not be impacted by the proposed changes since they have no regulatory authority over radioactive materials use at the local or county level. None of the proposed changes impact local or county health departments.

There are no anticipated effects on state revenues as a result of the proposed changes. The NSTS system discussed in the proposed regulation is maintained by the Federal government with no costs to the state of Colorado.

4. A comparison of the probable costs and benefits of the proposed rule and probable costs and benefits of inaction.

These changes are intended to reduce the extra time and effort needed to comply with the requirements by ensuring consistency with federal regulations on a national level. Certain regulatory provisions are necessary to maintain compatibility with federal requirements, and Colorado's Agreement State status.

5. A determination of whether there are less costly or less intrusive means to achieve the purpose of the proposed rule.

No less costly or less intrusive means will achieve the purpose of these rule changes. Certain regulatory provisions are necessary to maintain compatibility with federal requirements, and Colorado's Agreement State status.

6. A description of alternative methods for achieving the purpose of the proposed rule.

The advantages of the proposed regulatory changes outweigh the alternative of taking no action. Certain regulatory provisions are required to maintain compatibility with federal requirements, national standards, and Colorado's Agreement State status.

7. To the extent practicable, a quantification of the data used in the analysis, taking into account both short-term and long-term consequences.

The number of licensees (general and specific) and radiation machine registrants is about the same since Part 4 was last revised in 2005, and therefore the number of entities impacted by the proposed changes has not changed substantially. The majority of the proposed changes are expected to reduce (or be neutral) to the regulatory burden of licensed and registered facilities. The changes are necessary to maintain compatibility with federal requirements, Colorado's Agreement State status, and to improve and clarify the understanding of certain requirements.

Prior to the public comment period, the Colorado Radiation Advisory Committee reviewed and provided comments on the Draft Part 4 during the August 9, 2012 meeting. As applicable, the comments of the committee have been incorporated in the proposed draft for public comment.