

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

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

NOTICE OF PUBLIC RULE-MAKING HEARING BEFORE THE COLORADO BOARD OF HEALTH

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on **October 21, 2009** in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A., First Floor, 4300 Cherry Creek Drive South, Denver, Colorado to consider promulgation of **amendments to 6 CCR 1007-1, Rules and Regulations Pertaining to Radiation Control, Part 5 – Radiation Safety Requirements for Industrial Radiographic Operations**. The Board meeting commences in the morning. For the specific time this hearing is scheduled, please consult the meeting agenda on the Board's Web site at <http://www.cdphe.state.co.us/op/bh/index.html> on or after Friday, October 9, 2009, or call 303-692-3464.

The purpose of this hearing is to receive public comments on proposed amendments to *Rules and Regulations Pertaining to Radiation Control, Part 5, Radiation Safety Requirements for Industrial Radiographic Operations*. The proposed amendments include needed corrections, additions and revisions to update Colorado's requirements for adequate radiation safety training and experience for operators to correspond with Part E of the *Suggested State Regulations for Control of Radiation* (SSRCR) of the Conference of Radiation Control Program Directors, Inc.; reformatting and renumbering; and various editorial changes for clarity and consistency with other parts of the radiation control regulations.

The proposed rules have been developed by the Radiation Control Program, Hazardous Materials and Waste Management Division ("Division"), Colorado Department of Public Health and Environment, pursuant to sections 25-1-108, 25-1.5-101(1)(k), 25-1.5-101(1)(l) and 25-11-104, C.R.S.

The proposed rules incorporate by reference the materials listed on Attachment 5-1. Copies of the proposed rules and incorporated materials are available for public inspection during regular business hours at the Division Record Center and will be provided at cost upon request for non-copyrighted material by contacting the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division HMWMD-RM-B2, 4300 Cherry Creek Drive South, Denver, CO 80246-1530, 303-692-3300. The proposed amendments will also be available under "Notices of Upcoming Public Rulemaking Hearings and Draft Proposed Rules" at <http://www.cdphe.state.co.us/op/bh/index.html>.

The Board encourages all interested persons to participate in the hearing by providing written data, views, or comments, or by making oral comments at the hearing. At the discretion of the Chair, oral testimony at the hearing may be limited to five minutes or less depending on the number of persons wishing to comment.

The Board requests submission of written materials at least seven days prior to the hearing date, to allow the Board sufficient time to review the comments prior to the meeting. Persons wishing to submit written comments or views should submit them to:

Colorado Board of Health
ATTN: Linda Shearman, Program Assistant
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South EDO-A5
Denver, Colorado 80246-1530

The proposed revisions to be considered at the hearing, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis, will be available for inspection at the above address by any person at least five working days prior to the hearing.

Dated this 31st day of August 2009.


James B. Martin
Executive Director

ATTACHMENT 5-1:

List of Materials Incorporated by Reference in proposed amendments to Part 5 of the *Rules and Regulations Pertaining to Radiation Control*.

The proposed revision of Part 5, Radiation Safety Requirements for Industrial Radiographic Operations, incorporates by reference the following materials. Such incorporation does not include later amendments to or editions of the referenced material. As specified in Section 1.4 of the *Rules and Regulations Pertaining to Radiation Control*, copies of the complete text of the incorporated materials may be examined at any state publications library and are available for interlibrary loan.

1. *Code of Federal Regulations* (CFR), Title 21, Food and Drugs, 21 CFR 1010.2 and 21 CFR 1020.40, U.S. Government Printing Office, April 1, 2009
2. American National Standard Institute, Inc. (ANSI) N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography", National Bureau of Standards (NBS) Handbook 136, January 1981
3. American National Standards Institute, Inc. / Health Physics Society (ANSI/HPS) N43.6-1997, "Sealed Radioactive Sources Classification", November 1997; this reference includes ANSI N542-1977, "Sealed Radioactive Sources, Classification", which was reaffirmed and re-designated ANSI N43.6-1977 in 1989 and also includes National Bureau of Standards (NBS) Handbook 126, United States Of America Standards Institute (USASI) N5.10 1968, "Classification of Sealed Radioactive Sources", 1968, upon which ANSI N542-1977 was based.