

**STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY
FOR
AMENDMENTS TO THE COLORADO STATE BOARD OF HEALTH
RULES AND REGULATIONS PERTAINING TO RADIATION CONTROL
6 CCR 1007-1**

Part 1, General Provisions

November 29, 2010

Basis and Purpose.

The Colorado Radiation Control Act, Title 25, Article 11, Colorado Revised Statutes (the Act), requires the State Board of Health to formulate, adopt and promulgate rules and regulations pertaining to radiation control. Section 25-11-104 of the Act requires Colorado's radiation regulations to be consistent with the Suggested State Regulations for Control of Radiation (SSRCR) of the Conference of Radiation Control Program Directors, Inc., except when the Board of Health concludes, on the basis of detailed findings, that a substantial deviation from the SSRCR is warranted. The Department's regulations, in certain parts, must also be compatible with the regulations adopted by the U.S. Nuclear Regulatory Commission (NRC). The Act establishes the SSRCR as the model for Colorado to use in adopting NRC regulatory provisions. Part 1, General Provisions, is based upon Part A of the SSRCR. Part 1 was last revised June 16, 2009, with an effective date of July 30, 2010.

This amendment revises Part 1 to make several changes due to changes in the Act. The changes primarily involve the clarification for, and addition of several definitions:

1. In 1.2.2, the definition for "Classified material" is added, consistent with the definition in the Radiation Control Act, 25-11-201(1)(a), C.R.S. This is a new definition for Part 1.
2. In 1.2.2, wording is added to the definition for "Naturally occurring radioactive material (NORM)", consistent with the definition in the Radiation Control Act, 25-11-101(2.7), C.R.S. The additional wording incorporates additional materials that are explicitly excluded (not to be considered) as NORM materials, including by-products of fossil-fuel combustion, including bottom ash, fly ash, and flue-gas emission by-products.
3. In 1.2.2, the definition for "Non-11e (2) material" is added, consistent with the definition in the Radiation Control Act, 25-11-201(1.7), C.R.S. This is a new definition for Part 1.
4. In 1.2.2, the definition for "Ore" is added, consistent with the definition in the Radiation Control Act, 25-11-201(1.8), C.R.S. The wording "to be processed for its uranium and thorium content" is added to the definition for clarification so as not to prohibit non-milling type uses of such material, such as laboratory analysis. The clarification wording

was recommended by the Colorado Radiation Advisory Committee. This is a new definition for Part 1.

5. In 1.2.2, the definition for “Technologically enhanced naturally occurring material (TENORM)” is added, consistent with the definition in the Radiation Control Act, 25-11-201(4), C.R.S. This is a new definition for Part 1.
6. In 1.2.2, the definition for “Transuranic” is added, consistent with the term used as part of the definition for “Radioactive waste” in the Radiation Control Act, 25-11-201(3)(b), C.R.S. This is a new definition for Part 1 and is added for clarity.
7. Section 1.4 is revised for clarity and based upon recommendations from the Attorney General’s office as a result of recent changes to the Administrative Procedures Act.

Specific Statutory Authority.

These rules are promulgated pursuant to the provisions of Sections 25-1.5-101(1)(l), 25-1-108(1)(c), and 25-11-104, C.R.S.

Major Factual and Policy Issues Encountered.

The changes to this part are consistent with those contained in the Act, unless otherwise indicated. It is recognized that some definitions in the Act and this part vary slightly from those definitions used on a national level. This variation is not expected to cause difficulty or issues of interpretation however.

Alternative Rules Considered and Why Rejected.

The purpose of this revision to Part 1 is to ensure consistency with the statute (Colorado Radiation Control Act) which was changed in 2010 and in prior years. Making the changes is preferable to the alternative of no action.

The Colorado Radiation Advisory Committee has reviewed these changes during its September 29, 2010 and November 10, 2010 meetings.