

**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 18, Licensing Requirements for Uranium and Thorium Processing

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. Currently, there is no equivalent SSRCR to Part 18. Part 18 is modeled after 10 CFR Part 40. Part 18 is being revised to incorporate 2010 and prior changes to the Colorado Radiation Control Act. Part 18 was last revised October 17, 2001, with an effective date of November 30, 2001.

This amendment revises Part 18 to make multiple changes. The changes are:

1. In 18.2, add definition for "certificate of designation", and "Facility" consistent with the Act.
2. Throughout the Part, add language and requirements consistent with changes to the Act. This resulted in the addition of multiple sections and subsections, and the reformatting of some existing sections for consistency.
3. Throughout the Part, replace "U.S. Nuclear Regulatory Commission" with "NRC", consistent with changes to other regulatory parts
4. Throughout the Part, delete reference to 1973 version of CRS per Attorney General's office, and to make consistent with changes to other regulatory parts.
5. Throughout the Part, delete reference to "RH". This was language used in prior regulations to reference the radiation health regulations, but is no longer used.

6. Throughout the Part, change reference to RH 1.4 to correctly reference definitions in 1.2.2 of Part 1.
7. Throughout the Part, correct typographical and formatting errors.

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 revision of the Colorado Radiation Control Act in 2010 and in prior years **adds** requirements for licensees and applicants wishing to be authorized through a radioactive materials license for Uranium and Thorium processing.

Alternative Rules Considered and Why Rejected.

The primary purpose of this revision to Part 18 is to incorporate requirements from and to ensure consistency with the statute (Colorado Radiation Control Act) which was revised in 2010 and in prior years. Changes are also made to correct minor typographical errors and ensure consistency in formatting with other regulatory parts and the secretary of state required format for regulations. Making the changes is preferable to the alternative of no action.

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