

**COLORADO**Department of Public
Health & Environment

To: Members of the State Board of Health

From: James H. Grice, Radiation Program Manager, Hazardous Materials and Waste Management Division
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Through: Tracie M. White, Division Director ^{TMW}

Date: April 17, 2024

Subject: Request for rulemaking concerning proposed amendments to 6 CCR 1007-1 Part 10, Radiation control - Notices, instructions, and reports to workers: inspections.

Part 10 of the Radiation Control rules provides requirements that are broadly applicable to all facilities using sources of radiation for any purpose, including x-ray machines and radioactive materials. The Part 10 rule outlines the responsibilities of licensees and registrants to their employees or other individuals who may be exposed to radiation in the course of their work activities. These responsibilities include certain documents and information that must be posted for view by radiation workers and employees including licenses, conditions of registrations, operating procedures, and notices of violations. The rule prescribes that individuals likely to receive radiation exposure above certain levels must be instructed in radiation safety requirements, and be made aware of their responsibility to report conditions that could result in violations of requirements. The rule also provides certain provisions and allowances that permit workers and representatives of workers to accompany department staff during inspections.

The rule has not been amended in a number of years, and following a statutorily required review of Part 10, a number of minor changes were identified, including bringing the rule into better conformance with other radiation program regulations, updating language in accordance with the Colorado Administrative Procedure Act (APA) regarding documents incorporated by reference, and aligning with the national framework and regulations for sources of radiation.

For this rulemaking, the proposed rule changes were posted on the department website, and stakeholders and other interested parties were provided the opportunity to comment over a 30 day period. During this period, stakeholders did not provide any comments to the department. The U.S. Nuclear Regulatory Commission (NRC) is currently reviewing the proposed changes to the rule.

Although changes impact only select areas of the rule, due to its relatively short length, the entire rule is being amended. In the draft regulation, new text appears as red bold text and deleted text shown as strikethrough text in the draft rule. Side margin comments are for information only and are not part of the rule.

The Radiation Program respectfully requests that the Board of Health set a rulemaking hearing for June 20, 2024 to adopt the proposed changes for these rules.

STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY
for Amendments to 6 CCR 1007-1, Part 10,
Radiation control - Notices, instructions, and reports to workers: inspections

Basis and Purpose.

Part 10 of the Radiation Control rules is broadly applicable to entities using radioactive materials and x-ray devices for any purpose and parallels requirements in 10 CFR Part 19. The rule outlines the responsibilities of licensees and registrants to their employees or other individuals who may be exposed to radiation in the course of their work activities under the license or registration. These responsibilities include posting certain documents and information to allow viewing by radiation workers and employees and typically includes licenses, conditions of registrations, operating procedures, and as applicable, notices of violations. The rule also prescribes that individuals likely to receive radiation exposure above certain levels must be instructed in radiation safety requirements and be made aware of their responsibility to report conditions that could result in violations of requirements. Part 10 rule also describes the provisions and allowances that permit workers and representatives of workers to accompany or meet with department staff during inspections.

The focus of this proposed amendment to Part 10 is to make minor revisions and additions to the rule language for consistency with other radiation control regulations, the Administrative Procedure Act, certain federal rules of the U.S. Nuclear Regulatory Commission (NRC), and the model regulations of the Conference of Radiation Control Program Directors (CRCPD), Inc.

In accordance with state statute and our status as an Agreement State, Colorado's Part 10 radiation control regulation is required to be consistent with the regulations of 10 CFR Part 19. Similarly, statutory requirements also specify maintaining consistency with the model rules of CRCPD. For informational purposes, the federal and model regulations are cross-referenced in this document as well as the draft rule.

Additional details on the proposed changes to the rule are outlined below for each section. The redline draft and side margin comments of the proposed rule also provide information about the proposed changes.

New Section 10.1.5

This section is added to incorporate information about published material incorporated by reference, consistent with other recently amended radiation regulations and for consistency with the requirements and intent of the Colorado Administrative Procedure Act (APA).

Changes to Section 10.2.3

A webpage link is added to this section to assist users in locating the notice to employees form.

Changes to Section 10.3.2

Provision 10.3.2.1 is merged into 10.3.2, consistent with the format of [10 CFR Part 19.12](#). The second sub provision - 10.3.2.2 - is removed due to its lack of clarity and purpose. The provision does not appear in 10 CFR Part 19 or the CRCPD Part J model

rule. Provision 10.3.2.2 is a Colorado specific provision that was added to the rule a number of years ago, but does not serve a clear purpose.

Changes to Section 10.4.1.2(2)

Consistent with other (unrelated) radiation control rule changes, the language in this section is updated to aid in fraud protection by emphasizing the use of alternatives to social security numbers when a licensee generates or transmits certain radiation exposure records.

Changes to Section 10.4.2 and subsequent sections

Here and elsewhere in subsequent sections of the rule, the word “Part” and “Section” are added for clarity and understanding when regulations outside of Part 10 are referenced. Additionally, minor language corrections and updates are made for consistency with federal rule language or clarity and understanding.

Changes to Section 10.4.4

Specific cross-references to sections in [Part 4](#) are added for consistency with [10 CFR Part 19.13\(d\)](#) and as a result of inconsistencies and differences in the structure and formatting between the cross-referenced Part 4 and 10 CFR Part 19. As outlined in sections 4.52, 4.53.2, 4.53.3 and 4.54 of Part 4, certain radiation exposures to individuals are currently required to be reported to the Department. This provision requires that when exposures are reported to the Department, they must also be reported to the individual.

Changes to Section 10.5.2.1

For consistency with the wording of [10 CFR Part 19.14\(b\)](#), language is added to clarify that not only a licensee or registrant may accompany Department inspectors during inspections, but that a representative of the licensee or registrant may also or alternatively accompany Department inspectors during inspections. Currently, the language indicates that only the licensee or registrant may accompany state inspectors. Some licensees or registrants may contract certain radiation safety oversight or program activities or functions and it is common for those representatives of the licensed or registered facility to accompany Department staff on inspections.

Changes to Section 10.5.7.1

Language is added for consistency with the parallel provision in federal rule at [10 CFR Part 19.14\(g\)](#) and the [CRCPD model regulation Part J](#). The added language clarifies that an individual may accompany Department inspectors into areas containing national security related information only if that individual is authorized to have access to such information or areas.

Changes to Section 10.7.1

This provision is modified to update language so it parallels the wording used in [10 CFR Part 19.16\(a\)](#) and the [CRCPD model regulation Part J.16a](#). This clarifies that any alleged violation brought forth by an individual (typically an employee), may be provided to inspectors during an inspection. The word “complaint” is revised to “notice”, consistent with federal rule phrasing.

Specific Statutory Authority.**Statutes that require or authorize rulemaking:**

25-1.5-101(1)(k), 25-1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.

Is this rulemaking due to a change in state statute? Yes, the bill number is _____. Rules are ___ authorized ___ required. No**Does this rulemaking include proposed rule language that incorporate materials by reference?** Yes URL No**Does this rulemaking include proposed rule language to create or modify fines or fees?** Yes No**Does the proposed rule language create (or increase) a state mandate on local government?** No.

- The proposed rule does not require a local government to perform or increase a specific activity for which the local government will not be reimbursed;
- The proposed rule requires a local government to perform or increase a specific activity because the local government has opted to perform an activity, or;
- The proposed rule reduces or eliminates a state mandate on local government.

REGULATORY ANALYSIS
for Amendments to 6 CCR 1007-1,
Part 10, Radiation control - Notices, instructions, and reports to workers: inspections

1. A description of the classes of persons affected by the proposed rule, including the classes that will bear the costs and the classes that will benefit from the proposed rule.

Due to the broad nature of the Part 10 rule and its applicability to nearly any facility or entity (or employees of such entities) using sources of radiation, including radiation producing devices (x-ray machines), or radioactive materials, the impacted classes will include nearly all facilities regulated for radiation control.

Group of persons/entities Affected by the Proposed Rule	Approximate Size of the Group	Relationship to the Proposed Rule Select category: C/S/B
Specific radioactive materials licensees of all types (medical, industrial, research, education, etc)	300	C
X-ray facility registrants	5,400	C
Qualified experts (QI's) / Qualified inspectors (QI's)	201	C / S
Registered Service Companies	180	C / S
Registered fluoroscopy operators,	116	C / S
Registered limited scope operators (LSOs)	133	C / S
Other stakeholders having an interest in radiation control regulations	500+	C / S / B

While all are stakeholders, groups of persons/entities connect to the rule and the problem being solved by the rule in different ways. To better understand those different relationships, please refer to the following relationship categorization key:

- C = individuals/entities that implement or apply the rule.**
- S = individuals/entities that do not implement or apply the rule but are interested in others applying the rule.**
- B = the individuals that are ultimately served, including the customers of our customers. These individuals may benefit, be harmed by or be at-risk because of the standard communicated in the rule or the manner in which the rule is implemented.**

More than one category may be appropriate for some stakeholders.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Economic outcomes

Summarize the financial costs and benefits, to include a description of costs that must be incurred, costs that may be incurred, any Department measures taken to reduce or eliminate these costs, and any financial benefits.

Please describe any anticipated financial costs or benefits to these individuals/entities.

C: There are no expected or anticipated additional costs expected as a result of the proposed changes. The proposed changes consist of relative minor wording changes with the purpose of adding clarity and consistency with model or federal regulations.

S: None. There is no quantitative economic impact of the rule change. Individuals in this category will not incur additional costs nor will costs be reduced as a result of the rule changes.

B: None. There is no quantitative economic impact of the rule change. Individuals in this category will not incur additional costs nor will costs be reduced as a result of the rule changes.

Non-economic outcomes

Summarize the anticipated favorable and non-favorable non-economic outcomes (short-term and long-term), and, if known, the likelihood of the outcomes for each affected class of persons by the relationship category.

The anticipated favorable non-economic outcome is that the proposed rule changes are expected to add clarity and improve understanding of the rule for all stakeholders, regulated entities and the department. Additionally, the proposed changes will help to maintain consistency with model regulations of CRCPD and federal regulations of the U.S. NRC in keeping with our state agreement.

There are no known non-favorable non-economic outcomes due to the proposed rule changes.

3. **The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.**
 - A. **Anticipated CDPHE personal services, operating costs or other expenditures:** The rule changes will not result in any costs to the department, with the exception of costs incurred as a result of this rulemaking effort.
 - B. **Anticipated CDPHE Revenues:** There are no change in revenues as a result of the proposed changes.
 - C. **Anticipated personal services, operating costs or other expenditures by another state agency:** CDPHE is the only regulatory agency having statutory authority to regulate sources of radiation in Colorado; therefore, there will be no financial or other impacts to other state agencies as a result of the proposed changes.
 - D. **Anticipated Revenues for another state agency:** None. The proposed rule does not impact revenues for CDPHE or another state agency.
4. **A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.**

Along with the costs and benefits discussed above, the proposed revisions:

- Comply with a statutory mandate to promulgate rules.
- Comply with federal or state statutory mandates, federal or state regulations, and department funding obligations.
- Maintain alignment with other states or national standards.
- Implement a Regulatory Efficiency Review (rule review) result
- Improve public and environmental health practice.
- Implement stakeholder feedback.

Advance the following CDPHE Strategic Plan priorities (select all that apply):

- Goal 1, Implement public health and environmental priorities**
- Goal 2, Increase Efficiency, Effectiveness and Elegance**
- Goal 3, Improve Employee Engagement**
- Goal 4, Promote health equity and environmental justice**
- Goal 5, Prepare and respond to emerging issues, and**
- Comply with statutory mandates and funding obligations**

Strategies to support these goals:

- Substance Abuse (Goal 1)
- Mental Health (Goal 1, 2, 3 and 4)
- Obesity (Goal 1)
- Immunization (Goal 1)
- Air Quality (Goal 1)
- Water Quality (Goal 1)
- Data collection and dissemination (Goal 1, 2, 3, 4, 5)
- Implement quality improvement/a quality improvement project (Goal 1, 2, 3, 5)
- Employee Engagement (Goal 1, 2, 3)
- Decisions incorporate health equity and environmental justice (Goal 1, 3, 4)
- Detect, prepare and respond to emerging issues (Goal 1, 2, 3, 4, 5)
- Advance CDPHE Division-level strategic priorities.

The costs and benefits of the proposed rule will not be incurred if inaction was chosen. Costs and benefits of inaction not previously discussed include:

The cost of inaction by failing to implement the proposed changes will result in retaining some language that may be unclear or ambiguous or that may not be consistent with federal rule or model regulations. Similarly, failing to update provisions pertaining to the incorporation by reference language will potentially make the rule incompatible with the Colorado Administrative Procedure Act.

There are no benefits of inaction.

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

Rulemaking is generally proposed when it is the least costly method or the only statutorily allowable method for achieving the purpose of the statute. The benefits, risks and costs of these proposed revisions were compared to the costs and benefits of other options. The proposed revisions provide the most benefit for the least amount of cost, are the minimum necessary, and are the most feasible manner to achieve compliance with statute and state agreement requirements.

6. Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.

There were no alternatives to this rulemaking considered, as the updates, revisions and clarifications to the rule will help make it more consistent with existing federal regulation and national model regulations and are intended to add clarity and understanding to the rule.

Alternatives to the revised language regarding incorporating documents by reference were not considered as this change is necessary to meet requirements of the Administrative Procedure Act. Failure to incorporate this language may result in the rule being negated or invalidated by the legislature.

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

The proposed change did not require a data based evaluation or analysis. The proposed changes are technical changes that are expected to improve the implementation and understanding of the requirements. The proposed updates pertaining to the documents incorporated by reference section are consistent with other recently amended Department rules and regulations.

STAKEHOLDER ENGAGEMENT
for Amendments to 6 CCR 1007-1,
Part 10, Radiation control - Notices, instructions, and reports to workers: inspections

State law requires agencies to establish a representative group of participants when considering to adopt or modify new and existing rules. This is commonly referred to as a stakeholder group.

Early Stakeholder Engagement:

The following individuals and/or entities were invited to provide input and included in the development of these proposed rules:

Approximately 5,700 email notifications were sent to stakeholders in our regulated community, including specific radioactive materials licensees, x-ray facility registrants, x-ray service companies, and qualified inspectors and qualified experts, and certain registered operators. We notified stakeholders via email of the opportunity to comment and provide feedback on the proposed draft rule changes. The draft rule along with additional supporting documents, including a summary of the proposed changes and rulemaking schedule were also posted for review on the Department website.

Additionally, approximately 500+ individuals having an interest in radiation regulations or the radiation program were also notified of the opportunity to comment on the proposed changes. These stakeholders have a wide diversity in interests and may represent or be employed by existing licensees, x-ray registrants, and include interest groups, professional associations, societies or organizations.

A 30 day comment period was held March 1, 2024 through March 31, 2024. We received no written comments during the comment period. Concurrent with the stakeholder process, and consistent with the requirements for maintaining status as an Agreement State, the draft rule was is currently being reviewed by the U.S. Nuclear Regulatory Commission (NRC).

Stakeholder Group Notification

The stakeholder group was provided notice of the rulemaking hearing and provided a copy of the proposed rules or the internet location where the rules may be viewed. Notice was provided prior to the date the notice of rulemaking was published in the Colorado Register (typically, the 10th of the month following the Request for Rulemaking).

- Not applicable. This is a Request for Rulemaking Packet. Notification will occur if the Board of Health sets this matter for rulemaking.
- Yes.

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.

No stakeholder comments were received and no major factual or policy issues were encountered during the stakeholder process. The proposed changes for Part 10 are expected to improve the effectiveness, understanding and clarity of the rule.

Please identify the determinants of health or other health equity and environmental justice considerations, values or outcomes related to this rulemaking.

Overall, after considering the benefits, risks and costs, the proposed rule:

	Improves behavioral health and mental health; or, reduces substance abuse or suicide risk.		Reduces or eliminates health care costs, improves access to health care or the system of care; stabilizes individual participation; or, improves the quality of care for unserved or underserved populations.
	Improves housing, land use, neighborhoods, local infrastructure, community services, built environment, safe physical spaces or transportation.	X	Reduces occupational hazards; improves an individual's ability to secure or maintain employment; or, increases stability in an employer's workforce.
	Improves access to food and healthy food options.	X	Reduces exposure to toxins, pollutants, contaminants or hazardous substances; or ensures the safe application of radioactive material or chemicals.
X	Improves access to public and environmental health information; improves the readability of the rule; or, increases the shared understanding of roles and responsibilities, or what occurs under a rule.		Supports community partnerships; community planning efforts; community needs for data to inform decisions; community needs to evaluate the effectiveness of its efforts and outcomes.
	Increases a child's ability to participate in early education and educational opportunities through prevention efforts that increase protective factors and decrease risk factors, or stabilizes individual participation in the opportunity.		Considers the value of different lived experiences and the increased opportunity to be effective when services are culturally responsive.
	Monitors, diagnoses and investigates health problems, and health or environmental hazards in the community.		Ensures a competent public and environmental health workforce or health care workforce.

1 **DRAFT 1 03/26/2024**

2 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

3 **Hazardous Materials and Waste Management Division**

4 **RADIATION CONTROL - NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTIONS**

5 **6 CCR 1007-1 Part 10**

6 *[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

7 _____

8 **Adopted by the Board of Health June 20, 2024, effective date August 14, 2024**

9 **PART 10: NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTIONS**

10 **10.1 Purpose and Scope.**

11 10.1.1 Authority.

12 10.1.1.1 Rules and regulations set forth herein are adopted pursuant to the provisions of
13 Sections 25-1-108, 25-1.5-101(1)(k) and (1)(l), and 25-11-104, and 24-60-2205,
14 CRS.

15 10.1.2 Basis and Purpose.

16 10.1.2.1 A statement of basis and purpose of these regulations is incorporated as part of
17 these regulations; a copy may be obtained from the Department.

18 10.1.3 Scope.

19 10.1.3.1 This part establishes requirements for notices, instructions, and reports by
20 licensees or registrants to individuals engaged in activities under a license or
21 registration and options available to such individuals in connection with
22 Department inspections of licensees or registrants to ascertain compliance with
23 the provisions of the Act and regulations, orders, and licenses issued thereunder
24 regarding radiological working conditions.

25 10.1.4 Applicability

26 10.1.4.1 The regulations in this part apply to all persons who receive, possess, use, own,
27 transfer or dispose sources of radiation registered with or licensed by the
28 Department pursuant to Part 2 and/or Part 3 of these regulations.

29 **10.1.5 Published Material Incorporated by Reference.**

30 **10.1.5.1 Throughout this Part 10, federal regulations, state regulations, and**
31 **standards or guidelines of outside organizations have been adopted and**
32 **incorporated by reference. Unless a prior version of the incorporated**
33 **material is otherwise specifically indicated, the materials incorporated by**
34 **reference cited herein include only those versions that were in effect as of**
35 **the most recent effective date of this Part 10 (August, 2024), and not later**
36 **amendments or editions of the incorporated material.**

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Editorial note 1: All comments (such as this one) shown in the right side margin of this draft document are for information purposes and are intended to assist the reader in understanding the purpose and intent of the proposed rule changes during the review and comment process. These side margin notes are **not** part of the rule and all comments will be deleted prior to publication of the final rule by the Colorado Secretary of State.

Editorial note 2: Alignment and formatting corrections and minor typographical adjustments may be made in the rule and may not be specifically identified with a side margin comment.

Editorial note 3: Colorado's radiation regulations are required to be compatible with the federal regulations of the U.S. Nuclear Regulatory Commission (NRC); and consistent with the current Suggested State Regulations for Control of Radiation (SSRCR's) model rules of the Conference of Radiation Control Program Director's (CRCPD), Inc. except where the Board of Health determines a deviation is necessary. Part 10 is modeled after both federal rule [10 CFR Part 19](#) and CRCPD [Part J model rule](#).

Side margin comments may reference an NRC compatibility requirement. As an Agreement State with the NRC, Colorado must maintain compatibility with federal regulations to varying degrees depending upon the compatibility level. Refer to [NRC State Agreements \(SA\) Procedure SA-200](#) for additional information on compatibility levels.

Editorial note 4: This draft is a complete rule, although some provisions may be unaffected or unchanged. If adopted, the rule will be a complete rule that is adopted in its entirety.

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For consistency with the format and content of other radiation control regulations, the adoption and effective dates are added to this rule.

The stated adoption and effective dates are tentative and subject to change, pending the Board of Health meeting schedule, acceptance by the Board, final adoption by the Board, and the Colorado Register publication dates.

The anticipated dates are based on the annual rulemaking hearing schedule (regulatory agenda) for the Department which may be found [online](#).

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Consistent with current rulemaking practices and other recent radiation control regulation amendments, a section for materials incorporated by reference is added to the rule.

CODE OF COLORADO REGULATIONS
Hazardous Materials and Waste Management Division

6 CCR 1007-1 Part 10

- 37 **10.1.5.2** **Materials incorporated by reference are available for public inspection, and**
 38 **copies (including certified copies) can be obtained at reasonable cost,**
 39 **during normal business hours from the Colorado Department of Public**
 40 **Health and Environment, Hazardous Materials and Waste Management**
 41 **Division, 4300 Cherry Creek Drive South, Denver, Colorado 80246.**
 42 **Additionally, <https://cdphe.colorado.gov/hm/radregs> identifies where the**
 43 **incorporated federal and state regulations are available to the public on the**
 44 **internet at no cost. A copy of the materials incorporated in this Part is**
 45 **available for public inspection at the state publications depository and**
 46 **distribution center.**
- 47 **10.1.5.3** **Availability from Source Agencies or Organizations.**
- 48 (1) **All federal agency regulations incorporated by reference herein are**
 49 **available at no cost in the online edition of the Code of Federal Regulations**
 50 **(CFR) hosted by the U.S. Government Printing Office, online at**
 51 **<https://www.govinfo.gov/app/collection/cfr/>.**
- 52 (2) **All state regulations incorporated by reference herein are available at no**
 53 **cost in the online edition of the Code of Colorado Regulations (CCR)**
 54 **hosted by the Colorado Secretary of State's Office, online at**
 55 **<https://www.sos.state.co.us/CCR/NumericalDeptList.do#1000>.**

56 **GENERAL REGULATORY PROVISIONS AND SPECIFIC REQUIREMENTS**

57 **10.2 Posting of Notices to Workers.**

- 58 10.2.1 Each licensee or registrant shall post current copies of the following documents:
- 59 10.2.1.1 The regulations in this part and in Part 4 of these regulations;
- 60 10.2.1.2 The license, certificate of registration, conditions, or documents incorporated into
 61 the license by reference and amendments thereto;
- 62 10.2.1.3 The operating procedures applicable to activities under the license or
 63 registration; and
- 64 10.2.1.4 Any notice of violation involving radiological working conditions, proposed
 65 imposition of civil penalty, or order issued pursuant to Part 1 of these regulations,
 66 and any response from the licensee or registrant.
- 67 10.2.2 If posting of a document specified in 10.2.1.1, 10.2.1.2, or 10.2.1.3 is not practicable, the licensee
 68 or registrant may post a notice which describes the document and states where it may be
 69 examined.
- 70 **10.2.3** Department Form R-15 Notice to Employees ([https://cdphe.colorado.gov/hm/radioactive-](https://cdphe.colorado.gov/hm/radioactive-materials-mgmt-forms)
 71 **materials-mgmt-forms**) shall be posted by each licensee or registrant as required by these
 72 regulations.
- 73 10.2.4 Department documents posted pursuant to 10.2.1.4 shall be posted within 5 working days after
 74 receipt of the documents from the Department; the licensee's or registrant's response, if any,
 75 shall be posted within 5 working days after dispatch from the licensee or registrant.
- 76 10.2.4.1 Such documents shall remain posted for a minimum of 5 working days or until
 77 action correcting the violation has been completed, whichever is later.

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 Section 10.2 and subsections are formatted for realignment of text.

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 Provision 10.2.3 is formatted to remove italics in the reference to the R-15 form (titled "Notice to Employees"), to better align with document accessibility requirements. A web link is added to aid users in locating the form.

CODE OF COLORADO REGULATIONS
Hazardous Materials and Waste Management Division

6 CCR 1007-1 Part 10

- 78 10.2.5 Documents, notices, or forms posted pursuant to 10.2 shall appear in a sufficient number of
 79 places to permit individuals engaged in work under the license or registration to observe them on
 80 the way to or from any particular work location to which the document applies, shall be
 81 conspicuous, and shall be replaced if defaced or altered.
- 82 **10.3 Instructions to Workers.**
- 83 10.3.1 All individuals who in the course of employment are likely to receive in a year an occupational
 84 dose (see also 10.3.2) in excess of 1 millisievert (100 mrem) shall be:
- 85 10.3.1.1 Kept informed of the storage, transfer, or use of sources of radiation;
- 86 10.3.1.2 Instructed in the health protection problems associated with exposure to radiation
 87 and/or radioactive material to the individual and potential offspring, in precautions
 88 or procedures to minimize exposure, and in the purposes and functions of
 89 protective devices employed;
- 90 **10.3.1.3** Instructed in, and required to observe, to the extent within the worker's control,
 91 the applicable provisions of these regulations, **registrations** and licenses for the
 92 protection of personnel from exposures to radiation or radioactive material;
- 93 10.3.1.4 Instructed of their responsibility to report promptly to the licensee or registrant
 94 any condition which may constitute, lead to, or cause a violation of the Act, these
 95 regulations, and licenses or registrations, or unnecessary exposure to radiation
 96 and/or radioactive material;
- 97 10.3.1.5 Instructed in the appropriate response to warnings made in the event of any
 98 unusual occurrence or malfunction that may involve exposure to radiation and/or
 99 radioactive material; and
- 100 10.3.1.6 Advised as to the radiation exposure reports which workers shall be furnished
 101 pursuant to 10.4.
- 102 10.3.2 In determining those individuals subject to the requirements of 10.3.1, licensees and registrants
 103 must take into consideration: **assigned activities during normal and abnormal situations**
 104 **involving exposure to radiation and/or radioactive material which can reasonably be**
 105 **expected to occur during the life of a licensed or registered facility.**
- 106 ~~10.3.2.1 Assigned activities during normal and abnormal situations involving exposure to~~
 107 ~~radiation and/or radioactive material which can reasonably be expected to occur~~
 108 ~~during the life of a licensed or registered facility; and~~
- 109 ~~10.3.2.2 The result of instruction for maintaining exposures ALARA pursuant to 4.5.2.~~
- 110 10.3.3 The extent of these instructions shall be commensurate with potential radiological health
 111 protection problems present in the work place.
- 112 **10.4 Notification and Reports to Individuals.**
- 113 10.4.1 Radiation exposure data for an individual and the results of any measurements, analyses, and
 114 calculations of radioactive material deposited or retained in the body of an individual shall be
 115 reported to the individual as specified in 10.4.
- 116 **10.4.1.1** The information reported shall include data and results obtained pursuant to
 117 these regulations, orders, or license or registration conditions, as shown in

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Section 10.3 and subsections are formatted for realignment of text.

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The word "registrations" is added to clarify that x-ray registrants must follow this requirement.

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Provision 10.3.2.1 is merged into 10.3.2, consistent with the format found in [10 CFR Part 19.12](#) and due to the elimination of 10.3.2.2.

[NRC Compatibility C]

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10.3.2.2 is removed due to its lack of clarity and purpose. This requirement/language does not appear in [10 CFR Part 19.12](#) or [SSRCR Part J \(2021\)](#).

Commented [JJ11]: Section 10.4 and subsections are formatted for appearance and realignment of text.

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In 10.4.1.1, specific reference to Section 4.46 (of Part 4) is deleted here, consistent with language/approach in [10 CFR Part 19.13](#) to more broadly reference the regulations.

The approach to reference the rule more broadly may avoid potential unintentional consequence of limiting any recordkeeping to just that identified in Part 4, Section 4.46 as other regulatory parts may apply and may have unique recordkeeping requirements pertaining to occupational exposure.

[NRC Compatibility C]

CODE OF COLORADO REGULATIONS
Hazardous Materials and Waste Management Division

6 CCR 1007-1 Part 10

- 118 records maintained by the licensee or registrant pursuant to ~~4.46~~ of these
 119 regulations.
- 120 10.4.1.2 Each notification and report shall:
- 121 (1) Be in writing;
- 122 (2) Include appropriate identifying data such as the name of the licensee or
 123 registrant, the name of the individual, and the individual's identification number,
 124 or if no other identification number is available, preferably the individual's
 125 social security number;
- 126 (3) Include the individual's exposure information; and
- 127 (4) Contain the following statement:
- 128 "This report is furnished to you under the provisions of *Colorado Rules and*
 129 *Regulations Pertaining to Radiation Control*, Part 10. You should preserve this
 130 report for further reference."
- 131 10.4.2 Each licensee or registrant shall make dose information available to each worker as shown in
 132 records maintained by the licensee or registrant pursuant to **Part 4, Section 4.46** of these
 133 regulations.
- 134 10.4.2.1 The licensee or registrant shall provide an annual report to each individual
 135 monitored under **Part 4, Section 4.18** of the dose received in that monitoring
 136 year if: ~~that individual:~~
- 137 (1) ~~Received an~~The individual's occupational dose ~~greater than~~exceeds 1 mSv
 138 (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue; or
- 139 (2) ~~The individual R~~requests ~~an~~their annual dose report.
- 140 10.4.3 Each licensee or registrant shall furnish a report of the worker's exposure to sources of radiation
 141 at the request of a worker formerly engaged in activities controlled by the licensee or registrant.
- 142 10.4.3.1 The report shall include the dose record for each year the worker was required to
 143 be monitored pursuant to **Part 4, Section 4.18** of these regulations.
- 144 10.4.3.2 Such report shall be furnished within 30 days from the date of the request or
 145 within 30 days after the dose of the individual has been determined by the
 146 licensee or registrant, whichever is later.
- 147 10.4.3.3 The report shall cover the period of time the worker's activities involved exposure
 148 to sources of radiation and shall include the dates and locations of work under
 149 the license or registration in which the worker participated **during this period**.
- 150 10.4.4 When a licensee or registrant is required pursuant to **Part 4, Sections 4.52, 4.53.2, 4.53.3 and**
 151 **4.54** of these regulations to report to the Department any exposure of an individual to sources of
 152 radiation, the licensee or the registrant shall also provide the individual a report on the exposure
 153 data included therein.
- 154 10.4.4.1 Such reports shall be transmitted at a time not later than the transmittal to the
 155 Department.

Commented [JJ13]:

The language of 10.4.1.2(2) is updated to emphasize the use of alternative numbers instead of social security numbers where possible.

Similar language is used in a (unrelated) 2020 amendment to 10 CFR Part 35** (which is specific to medical use of radioactive materials). The change to that regulation is intended to help protect the use of social security numbers, by limiting its use in documents that may be transmitted by a licensee or registrant.

(**NRC RATS 2020-2 is used as the basis for this Part 10 proposed change).

[NRC Compatibility C]

Commented [JJ14]: Provision 10.4.2.1 and subsections are formatted/reworded slightly to align with the approach/language/formatting used in 10 CFR Part 19.13(b).

[NRC Compatibility C]

Commented [JJ15]:

Additional clarifying language is added for consistency with the language of SSRCR Part J.13.c. (2021) and 10 CFR Part 19.13(c)(1).

Commented [JJ16]:

Provision 10.4.4 is updated for clarity and to address incomplete cross-references to Part 4.

The parallel provision in [10 CFR Part 19.13\(d\)](#) makes cross-references to [10 CFR Part 20.2202](#), [10 CFR Part 20.2203](#), or [10 CFR Part 20.2204](#). The equivalent regulations in Part 4 are not structured the same and therefore, references are added.

10 CFR Part 20.2202 parallels [Part 4 Section 4.52](#);
 10 CFR Part 20.2203 parallels [Part 4 Sections 4.53.2 and 4.53.3](#); and
 10 CFR Part 20.2204 is found in [Part 4 Section 4.54](#).

[NRC Compatibility C]

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156 **10.4.5** At the request of a worker who is terminating employment with the licensee or registrant ~~in-work~~
 157 ~~involving~~ **that involved** exposure to radiation or radioactive material during the current year, each
 158 licensee or registrant shall provide at termination to each such worker, or to the worker's
 159 designee, a written report regarding the radiation dose received by that worker from operations of
 160 the licensee or registrant during the current year **or fraction thereof**.

Commented [JJ17]:
 Section 10.4.5 is updated for consistency with the language of [10 CFR Part 19.13\(e\)](#).
 [NRC Compatibility C]

161 10.4.5.1 If the most recent individual monitoring results are not available at that time, a
 162 written estimate of the dose shall be provided together with a clear indication that
 163 this is an estimate.

164 **10.5 Presence of Representatives of Licensees or Registrants and Workers During Inspections.**

Commented [JJ18]:
 Section 10.5 and subsections are formatted for realignment and appearance of text.

165 10.5.1 Each licensee or registrant shall afford to the Department at all reasonable times opportunity to
 166 inspect materials, machines, activities, facilities, premises, and records pursuant to these
 167 regulations.

168 10.5.2 During an inspection, Department inspectors may consult privately with workers as specified in
 169 10.6.

170 **10.5.2.1** The licensee or registrant, **or the licensee's or registrant's representative** may
 171 accompany Department inspectors during other phases of an inspection.

Commented [JJ19]:
 Language added for consistency with [10 CFR Part 19\(14\)\(b\)](#).
 [NRC Compatibility C]

172 10.5.3 If, at the time of inspection, an individual has been authorized by the workers to represent them
 173 during Department inspections, the licensee or registrant shall notify the inspectors of such
 174 authorization and shall give the workers' representative an opportunity to accompany the
 175 inspectors during the inspection of physical working conditions.

176 10.5.4 Each workers' representative shall be routinely engaged in work under control of the licensee or
 177 registrant and shall have received instructions as specified in 10.3.

178 10.5.5 Different representatives of licensees or registrants and workers may accompany the inspectors
 179 during different phases of an inspection if there is no resulting interference with the conduct of the
 180 inspection.

181 10.5.5.1 However, only one workers' representative at a time may accompany the
 182 inspectors.

183 10.5.6 With the approval of the licensee or registrant, and the workers' representative, an individual who
 184 is not routinely engaged in work under control of the licensee or registrant, for example, a
 185 consultant to the licensee or registrant or to the workers' representative, shall be afforded the
 186 opportunity to accompany Department inspectors during the inspection of physical working
 187 conditions.

188 10.5.7 Notwithstanding the other provisions of 10.5, Department inspectors are authorized to refuse to
 189 permit accompaniment by any individual who deliberately interferes with a fair and orderly
 190 inspection.

191 **10.5.7.1** **With regard to areas containing information classified by an Agency of the**
 192 **U.S. Government in the interest of national security, an individual who**
 193 **accompanies an inspector may have access to such information only if**
 194 **authorized to do so.** With regard to any area containing proprietary information,
 195 the workers' representative for that area shall be an individual previously
 196 authorized by the licensee or registrant to enter that area.

Commented [JJ20]:
 Language is added for consistency with [10 CFR Part 19.14\(g\)](#)
 and [SSRCR Part J \(2021\)](#).
 [NRC Compatibility C]

197 **10.6 Consultation with Workers During Inspections.**

Commented [JJ21]:
 Section 10.6 and subsections are formatted for realignment of text.

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- 198 10.6.1 Department inspectors may consult privately with workers concerning matters of occupational
 199 radiation protection and other matters related to applicable provisions of these regulations and
 200 licenses or registrations to the extent the inspectors deem necessary for the conduct of an
 201 effective and thorough inspection.
- 202 10.6.2 During the course of an inspection, any worker may bring privately to the attention of the
 203 inspectors, either orally or in writing, any past or present condition which the worker has reason to
 204 believe may have contributed to or cause any violation of the Act, these regulations, or license or
 205 registration condition, or any unnecessary exposure of an individual to sources of radiation under
 206 the licensee's or registrant's control.
- 207 10.6.2.1 Any such notice in writing shall comply with the requirements of 10.7.1.
- 208 10.6.3 The provisions of 10.6.2 shall not be interpreted as authorization to disregard instructions
 209 pursuant to 10.3.
- 210 **10.7 Requests by Workers for Inspections.**
- 211 **10.7.1** Any worker or representative of workers believing that a violation of the Act, these regulations, or
 212 license or registration conditions exists or has occurred in work under a license or registration
 213 with regard to radiological working conditions in which the worker is engaged may request an
 214 inspection by giving notice of the alleged violation to the Department **or to Department**
 215 **inspectors.**
- 216 **10.7.1.1** Any such **complaintnotice** shall be in writing, shall set forth the specific grounds
 217 for the notice, and shall be signed by the worker or representative of the workers.
- 218 10.7.1.2 A copy shall be provided to the licensee or registrant by the Department, **or the**
 219 **inspector** no later than at the time of inspection except that, upon the request of
 220 the worker giving such notice, such worker's name and the name of individuals
 221 referred to therein shall not appear in such copy or on any record published,
 222 released, or made available by the Department except for good cause shown.
- 223 10.7.2 If, upon receipt of such notice, the Department determines that the complaint meets the
 224 requirements set forth in 10.7.1, and that there are reasonable grounds to believe that the alleged
 225 violation exists or has occurred, an inspection shall be made as soon as practicable to determine
 226 if such alleged violation exists or has occurred.
- 227 10.7.2.1 Inspection pursuant to 10.7 need not be limited to matters referred to in the
 228 complaint.
- 229 10.7.3 No licensee, registrant, or contractor or subcontractor of a licensee or registrant shall discharge
 230 or in any manner discriminate against any worker because such worker has filed any complaint or
 231 instituted or caused to be instituted any proceeding under these regulations or has testified, or is
 232 about to testify in any such proceeding, or because of the exercise by such worker on behalf of
 233 such worker or others of any option afforded by this part.
- 234 **10.8 Inspections Not Warranted; Informal Review.**
- 235 10.8.1 If the Department determines, with respect to a complaint under 10.7, that an inspection is not
 236 warranted because there are no reasonable grounds to believe that a violation exists or has
 237 occurred, the Department shall notify the complainant in writing of such determination.
- 238 10.8.1.1 The complainant may obtain review of such determination by submitting a written
 239 statement of position **withto** the Department.

Commented [JJ22]:
 Section 10.7 and subsections are formatted for realignment and appearance of text.

Commented [JJ23]:
 Language is added to or revised in 10.7.1 for consistency with [10 CFR Part 19.16\(a\)](#) and [SSRCR Part J.16a \(2021\)](#). The language adds clarity to the rule by noting that an alleged violation may be provided to the Department, or to Department inspectors (who may be on site). The word "complaint" is revised to "notice", consistent with the federal rule and model rule cited above.

[NRC Compatibility C]

Commented [JJ24]:
 The term notice replaces "complaint" for consistency with 10.7.1.

Commented [JJ25]:
 Section 10.8 and subsections are formatted for realignment and appearance of text.

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240	10.8.1.2	The Department will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant and the name of individuals referred to therein.
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242		
243	10.8.1.3	The licensee or registrant may submit an opposing written statement of position with the Department.
244		
245	10.8.1.4	The Department will provide the complainant with a copy of such statement by certified mail.
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247	10.8.1.5	Upon the request of the complainant, the Department may hold an informal conference in which the complainant and the licensee or registrant may each orally present its views.
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250	10.8.1.6	An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant or individuals referred to in the complaint will be made only following receipt of written authorization from the complainant.
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254	10.8.1.7	After considering all written and oral views presented, the Department shall affirm, modify, or reverse the determination of the Department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.
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256		
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258	10.8.2	If the Department determines that an inspection is not warranted because the requirements of 10.7.1 have not been met, the complainant shall be notified in writing of such determination.
259		
260	10.8.2.1	Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of 10.7.1.
261		
262		

Commented [JJ26]:

In 10.8.1.7, language is added for clarity, consistent with [SSRCR Part J \(2021\)](#) and [10 CFR Part 19.17\(a\)](#).

[NRC Compatibility C]