

February 1, 2007

Mr. Joseph Vranka, Manager  
Hazardous Materials and Waste Management Division  
CO Department of Public Health and Environment  
HMWMD-RAD-B2  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

Dear Mr. Vranka:

We received your letter regarding adoption of final modifications to the State of Colorado's *Rules and Regulations Pertaining to Radiation Control* Parts 1, 8, 9, 16, 19, and 20 sent to us on January 17, 2007. It is our understanding that the adopted regulations address revisions to the definitions of byproduct material to implement changes as a result of the Energy Policy Act of 2005. We discussed this with Ken Weaver on January 30, 2007.

As stated in our November 30, 2006 letter to you, we will not be performing a review of the adopted regulations stated above. As you are aware, we are in the process of finalizing our rules pertaining to the regulations you have submitted for review. Once our rules are finalized a notice will be published in the Federal Register and an All Agreement State letter will be issued regarding requirements for compatibility. Please resubmit your regulations at that time with the appropriate cross walk pursuant to the Office of Federal and State Materials and Environmental Management Programs (formerly STP) Procedure [SA-201](#), *Review of State Regulatory Requirements*.

We would like to thank you for continually updating us on the status of the State of Colorado's regulations.

If you should have any questions please feel free to contact me at (301) 415-2320 (email: [kxs@nrc.gov](mailto:kxs@nrc.gov)) or Monica Orendi at (301) 415-3938 (email: [mlo1@nrc.gov](mailto:mlo1@nrc.gov).)

Sincerely,

***IRA By KNSchneider\***

Kathleen Schneider, State Regulation Review Coordinator  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and Environmental  
Management Programs

cc: Ken Weaver

February 1, 2007

Mr. Joseph Vranka, Manager  
Hazardous Materials and Waste Management Division  
CO Department of Public Health and Environment  
HMWMD-RAD-B2  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

Dear Mr. Vranka:

We received your letter regarding adoption of final modifications to the State of Colorado's *Rules and Regulations Pertaining to Radiation Control* Parts 1, 8, 9, 16, 19, and 20 sent to us on January 17, 2007. It is our understanding that the adopted regulations address revisions to the definitions of byproduct material to implement changes as a result of the Energy Policy Act of 2005. We discussed this with Ken Weaver on January 30, 2007.

As stated in our November 30, 2006 letter to you, we will not be performing a review of the adopted regulations stated above. As you are aware, we are in the process of finalizing our rules pertaining to the regulations you have submitted for review. Once our rules are finalized a notice will be published in the Federal Register and an All Agreement State letter will be issued regarding requirements for compatibility. Please resubmit your regulations at that time with the appropriate cross walk pursuant to the Office of Federal and State Materials and Environmental Management Programs (formerly STP) Procedure SA-201, *Review of State Regulatory Requirements*.

We would like to thank you for continually updating us on the status of the State of Colorado's regulations.

If you should have any questions please feel free to contact me at (301) 415-2320 (email: kxs@nrc.gov) or Monica Orendi at (301) 415-3938 (email: mlo1@nrc.gov.)

Sincerely,

***IRA By KNSchneiderl***

Kathleen Schneider, State Regulation Review Coordinator  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and Environmental  
Management Programs

cc: Ken Weaver

**Distribution:**

DIR RF  
DCD (SP08)  
LMcLean, RSAO  
KHseuh, ASPO

**SUNSI Review Complete**

- Publicly Available       Non-Publicly Available
- Non-Sensitive           Sensitive
- Colorado File

**DOCUMENT NAME:** D:\NRC\Regs\Response to CO letter dated 01-17-07.wpd

**ML of Incoming Document:none**

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	MSEAB		SAISB	
NAME	MOrendi		Kschneider	
Date	01/31/07*		02/01/07*	

**ML 070320004**

**OFFICIAL RECORD COPY**