

**From:** "Bill Sinclair" <BSINCLAI@deq.state.ut.us>  
**To:** <DMS4@nrc.gov>  
**Date:** 4/16/02 2:08PM  
**Subject:** Fwd: R313-17-2, R313-22-33, and R313-70-7

Dennis, the following uranium recovery rules (attached) have been filed and are ready for NRC review. They will be "officially" put out for a 30-day public comment on May 1 (comment period would end May 30) - they would go to the Radiation Control Board for final approval at the June 7, 2002 meeting.

Still to come: The rest of the uranium recovery rules which includes changes to R313-15, R313-19-2, and R313-22 and R313-24 (which incorporates the applicable parts of 10 CFR Part 40 by reference). We hope to have them finalized by early next week to send to you. We hope to file these such that public comment will start on May 15 with end of comment period on June 15. A special meeting of the Board the week of June 15th will possibly occur for final approval. So as soon as they are ready to be filed we will send them to you for comment.

It is really important to review and comment prior to the end of the "state comment periods" such that we can make any necessary changes. If we are outside this window, the rules may have to be refiled and the process started over. This is especially critical to trying to meet the March 30, 2003 timeframe for amended Agreement approval.

Thanks for your help.

**CC:** "Craig Jones" <CJONES.EQRAD.EQDOMAIN@deq.state.ut.us>, "Dane Finerfrock" <DFINERFR.EQRAD.EQDOMAIN@deq.state.ut.us>, "Susan Giddings" <SGIDDING.EQRAD.EQDOMAIN@deq.state.ut.us>, <PHL@nrc.gov>

**R313. Environmental Quality, Radiation.**

**R313-17. Administrative Procedures.**

**R313-17-2. Public Notice and Public Comment Period.**

(1) The Executive Secretary shall give public notice of, and an opportunity to comment on the following actions:

(a) Proposed licensing action for license categories 2b, c, and d, 4a, b, c, d and 6 identified in R313-70-7 or a proposed approval or denial of a significant radioactive materials license, license amendment, or license renewal.

(b) The initial proposed registration of an ionizing radiation producing machine which operates at a kilovoltage potential (kVp) greater than 200 in an open beam configuration. R313-17-2(1)(b) does not apply to use in the healing arts.

(c) Board activities that may have significant public interest and the Board requests the Executive Secretary to take public comment on those proposed activities.

(2) Public notice shall allow at least 30 days for public comment.

(3) Public notice may describe more than one action listed in R313-17-2(1) and may combine notice of a public hearing with notice of the proposed action.

(4) Public notice shall be given by publication in a newspaper of general circulation in the area affected by the proposed action. Notice shall also be given to persons on a mailing list developed by the Executive Secretary and those who request in writing to be notified.

**KEY: administrative procedures, public comment, public hearings, orders**

**[January 10, 2000]2002**

**Notice of Continuation July 23, 2001**

**19-3-103.5**

**19-3-104**

**R313. Environmental Quality, Radiation Control.**

**R313-22. Specific Licenses.**

**R313-22-33. General Requirements for the Issuance of Specific Licenses.**

(1) A license application shall be approved if the Executive Secretary determines that:

(a) the applicant and all personnel who will be handling the radioactive material are qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these rules in a manner as to minimize danger to public health and safety or the environment;

(b) the applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or the environment;

(c) the applicant's facilities are permanently located in Utah, otherwise the applicant shall seek reciprocal recognition as required by Section R313-19-30;

(d) the issuance of the license will not be inimical to the health and safety of the public;

(e) the applicant satisfies applicable special requirements in Sections R313-22-50 and R313-22-75, and Rules R313-24, R313-25, R313-32, R313-34, R313-36, or R313-38; and

(f) in the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, or for the conduct of other activities which the Executive Secretary determines will significantly affect the quality of the environment, the Executive Secretary, before commencement of construction of the plant or facility in which the activity will be conducted, has concluded, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. The Executive Secretary shall respond to the application within 60 days. Commencement of construction prior to a response and conclusion shall be grounds for denial of a license to receive and possess radioactive material in the plant or facility. As used in this paragraph the term "commencement of construction" means clearing of land, excavation, or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.

**KEY: specific licenses, decommissioning, broad scope, radioactive material**

**[September 14, 2001] 2002**

**Notice of Continuation October 10, 2001**

**19-3-104**

**19-3-108**

**R313. Environmental Quality, Radiation Control.**  
**R313-70. Payments, Categories and Types of Fees.**  
**R313-70-7. License Categories and Types of Fees for Radioactive Materials Licenses.**

Fees shall be established in accordance with the Legislative Appropriations Act. Copies of established fee schedules may be obtained from the Executive Secretary.

TABLE

LICENSE CATEGORY	TYPE OF FEE
(1) Special Nuclear Material	
(a) Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers and neutron generators.	New License or Renewal Annual Fee
(b) Licenses for possession and use of less than 15 g special nuclear material in unsealed form for research and development.	New License or Renewal Annual Fee
(c) All other special nuclear material licenses.	New License or Renewal Annual Fee
(d) Special nuclear material to be used as calibration and reference sources.	New License or Renewal Annual Fee
(2) Source Material.	
(a) Licenses for concentrations of uranium from other areas like copper or phosphates for the production of moist, solid, uranium yellow cake.	New License or Renewal Annual Fee
(b) Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, and ion exchange facilities, and in processing of ores containing source material for extraction of metals	<u>Annual Fee</u>

other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.

(c) Licenses that authorize the receipt of byproduct material, as defined in Section 19-3-102, from other persons for possession and disposal. Annual Fee

(d) Licenses that authorize the receipt of byproduct material, as defined in Section 19-3-102, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations. Annual Fee

~~(b)~~(e) Licenses for possession and use of source material for shielding. New License or Renewal Annual Fee

~~(c)~~(f) All other source material licenses. New License or Renewal Annual Fee

(3) Radioactive Material Other than Source Material and Special Nuclear Material.

(a)(i) Licenses of broad scope for possession and use of radioactive material for processing or manufacturing of items containing radioactive material for commercial distribution. New License or Renewal Annual Fee

(a)(ii) Other licenses for possession and use of radioactive material for processing or manufacturing of items containing radioactive material for commercial distribution. New License or Renewal Annual Fee

(b) Licenses authorizing the processing or New License or Renewal Annual Fee

manufacturing and distribution or redistribution of radio-pharmaceuticals, generators, reagent kits, or sources or devices containing radioactive material.

(c) Licenses authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits, or sources or devices not involving processing of radioactive material.

New License or Renewal Annual Fee

(d) Licenses for possession and use of radioactive material for industrial radiography operations.

New License or Renewal Annual Fee

(e) Licenses for possession and use of sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units).

New License or Renewal Annual Fee

(f)(i) Licenses for possession and use of less than 10,000 curies of radioactive material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes.

New License or Renewal Annual Fee

(f)(ii) Licenses for possession and use of 10,000 curies or more of radioactive material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes.

New License or Renewal Annual Fee

(g) Licenses to

New License or Renewal

distribute items containing radioactive material that require device review to persons exempt from the licensing requirements of R313-19, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of R313-19.

Annual Fee

(h) Licenses to distribute items containing radioactive material or quantities of radioactive material that do not require device evaluation to persons exempt from the licensing requirements of R313-19, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of R313-19.

New License or Renewal  
Annual Fee

(i) Licenses to distribute items containing radioactive material that require sealed source or device review to persons generally licensed under R313-21, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under R313-21.

New License or Renewal  
Annual Fee

(j) Licenses to distribute items containing

New License or Renewal  
Annual Fee

radioactive material or quantities of radioactive material that do not require sealed source or device review to persons generally licensed under R313-21, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under R313-21.

(k) Licenses for possession and use of radioactive material for research and development, which do not authorize commercial distribution.

New License or Renewal  
Annual Fee

(l) All other specific radioactive material licenses.

New License or Renewal  
Annual Fee

(m) Licenses of broad scope for possession and use of radioactive material for research and development which do not authorize commercial distribution.

New License or Renewal

(n) Licenses that authorize services for other licensees, except licenses that authorize leak testing or waste disposal services which are subject to the fees specified for the listed services.

New License or Renewal  
Annual Fee

(o) Licenses that authorize services for leak testing only.

New License or Renewal  
Annual Fee

(4) Radioactive Waste Disposal:

(a) Licenses specifically authorizing the receipt of waste radioactive material from other persons for the

Application Fee  
New License or Renewal



purpose of commercial disposal by land by the licensee.

(b) Licenses specifically authorizing the receipt of waste radioactive material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.

New License or Renewal Annual Fee

(c) Licenses specifically authorizing the receipt of prepackaged waste radioactive material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.

New License or Renewal Annual Fee

(d) Licenses authorizing packaging of radioactive waste for shipment to waste disposal site where licensee does not take possession of waste material.

New License or Renewal Annual Fee

(5) Well logging, well surveys and tracer studies.

(a) Licenses for possession and use of radioactive material for well logging, well surveys and tracer studies other than field flooding tracer studies.

New License or Renewal Annual Fee

(b) Licenses for possession and use of radioactive material

New License or Renewal Annual Fee

for field flooding  
tracer studies.

(6) Nuclear  
laundries.

(a) Licenses for  
commercial  
collection and  
laundry of items  
contaminated with  
radioactive  
material.

New License or Renewal  
Annual Fee

(7) Human use of  
radioactive  
material.

(a) Licenses  
for human use  
of radioactive  
material in  
sealed sources  
contained in  
teletherapy  
devices.

New License or Renewal  
Annual Fee

(b) Other licenses  
issued for human  
use of radioactive  
material, except  
licenses for use  
of radioactive  
material contained  
in teletherapy  
devices.

New License or Renewal  
Annual Fee

(c) Licenses of  
broad scope issued  
to medical  
institutions or two  
or more physicians  
authorizing research  
and development,  
including human use  
of radioactive  
material, except  
licenses for radio-  
active material in  
sealed sources  
contained in  
teletherapy devices.

New License or Renewal  
Annual Fee

(8) Civil Defense.

(a) Licenses for  
possession and use  
of radioactive  
material for civil  
defense activities.

New License or Renewal  
Annual Fee

(9) Power Source.

(a) Licenses for  
the manufacture and  
distribution of  
encapsulated  
radioactive  
material wherein  
the decay energy  
of the material is  
used as a source  
for power.

New License or Renewal  
Annual Fee

(10) General

License.	
(a) Measuring, gauging and control devices as described in R313-21-22(4), other than hydrogen-3 (tritium) devices and polonium-210 devices containing no more than 10 millicuries used for producing light or an ionized atmosphere.	Fee per registration certificate
(b) In Vitro testing	Fee per registration certificate
(c) Depleted uranium	Fee per registration certificate
(d) Reciprocal recognition, as provided for in R313-19-30, of a license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.	Annual fee for license category listed in R313-70-7(1) through (10), per 180 days in one calendar year

**KEY: radioactive material, x-rays, registration, fees**  
~~[August 13, 1999]~~ **2002** **19-3-104(4)(6)**  
 Notice of Continuation October 10, 2001