



Utah!

Where ideas connect

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February 19, 2003

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Ms. Piccone:

Enclosed is a copy of the proposed revisions to Utah Radiation Control Rules, R313-19-100, "Transportation." The proposed rule will be transmitted: by electronic mail in Word 2000 format with ".rtf" as the file extension, by facsimile transmittal, and as "hard copy" documents.

In the proposed changes to R313-19-100, the incorporation by reference of 10 CFR 71 is updated from the 1998 edition to the 2002 edition. Note that the source document utilized for the proposed wording in R313-19-100(3)(c) and R313-19-100(4)(a) and (b) is SSRCR Volume 1, July 1999, Sections T.3 and T.4. This should allow the state to meet the compatibility "B" requirement for that identified for 10 CFR 30.13, "Carriers."

The Utah Radiation Control Board will meet on March 7, 2001. It is anticipated that the Board will approve the proposed rulemaking action so that the rule may be filed with the Utah Department of Administrative Services, Division of Administrative Rules and notice be given to the public. The comment period is anticipated to be from April 1, 2003 to May 1, 2003. The possible effective date of this rulemaking action is May 9, 2003.

If you have questions about the rule, please contact Julie Felice or Craig Jones at (801) 536-4250.

Sincerely,

William J. Sinclair, Director
Division of Radiation Control

Enclosure: As stated

SP08

R313. Environmental Quality, Radiation Control.

R313-19. Requirements of General Applicability to Licensing of Radioactive Material.

R313-19-100. Transportation.

For purposes of Section R313-19-100, 10 CFR 71.4, ~~[71.10, 71.12, 71.13(a) and (b), 71.14, [through] 71.16, 71.47, [71.81] 71.83, 71.85 through 71.89, 71.97, [(1998),]~~ and Appendix A to ~~[p]~~ Part 71 (2002) are incorporated by reference with the following clarifications or exceptions:

(1) The substitution of the following:

(a) ~~["Issued by the Executive Secretary" for reference to "issued by the Commission" in 10 CFR 71.4,~~

~~(b)] "Licensee" for reference to "licensee of the Commission";~~

(~~[e]~~b) "Subsection R313-19-100(3)" for reference to "10 CFR 71.5";

(~~[d]~~c) "Subsection R313-15-906(5)" for reference to "10 CFR 20.1906(e)"; and

(~~[e]~~d) "Section R313-15-502" for reference to "10 CFR 20.1502". ~~[, and~~

~~(f) "Utah" for reference to "the United States" in 10 CFR 71.10(b)(3),]~~

(2) The exclusion of ~~[the following:~~

~~(a)] "certificate holder", "close reflection by water", "containment system", "conveyance", "licensed material", "maximum normal operating pressure", [and] "optimum interspersed hydrogenous moderation", and "state" in 10 CFR 71.4. ~~[,~~~~

~~(b) "10 CFR 71.12(b)", "10 CFR 71.14(b)", and "10 CFR 71.16(b)", and~~

~~(c) "subpart H" in 10 CFR 71.12(c)(2), 71.14(c)(2), 71.16(d)(2), and 71.81,]~~

(3) Transportation of licensed material.

(a) Each licensee who transports licensed material outside the site of usage, as specified in the license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the U.S. Department of Transportation (DOT) regulations in 49 CFR 170 through 189 (2002~~1998~~) appropriate to the mode of transport.

(i) The licensee shall particularly note DOT regulations in the following areas:

(A) Packaging--49 CFR 173.1 through 173.13, 173.21 through 173.40, and 173.401 through 173.476;

(B) Marking and labeling--49 CFR 172.300 through 172.338, 172.400 through 172.407, 172.436 through 172.440, and 172.400 through 172.450;

(C) Placarding--49 CFR 172.500 through 172.560 and Appendices B and C;

(D) Accident reporting--49 CFR 171.15 and 171.16;

(E) Shipping papers and emergency information--49 CFR 172.200 through 172.205 and 172.600 through 172.606;

(F) Hazardous material employee training--49 CFR 172.700 through 172.704; and

(G) Hazardous material shipper/carrier registration--49 CFR 107.601 through 107.620.

(ii) The licensee shall also note DOT regulations pertaining to the following modes of transportation:

(A) Rail--49 CFR 174.1 through 174.86 and 174.700 through 174.750;

(B) Air--49 CFR 175;

(C) Vessel--49 CFR 176.1 through 176.99 and 176.700 through 176.715; and

(D) Public Highway--49 CFR 177 and 390 through 397.

(b) If DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the DOT specified in paragraph (a) of this section to the same extent as if the shipment or transportation were subject to DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Executive Secretary.

(c) No person shall transport radioactive material or deliver radioactive material to a carrier for transport except as authorized in a general or specific license issued by the Executive Secretary or as exempted in R313-19-100(4).

(4) Exemptions.

(a) Common and contract carriers, freight forwarders and warehouse workers which are subject to the requirements of the U.S. Department of Transportation in 49 CFR 170 through 189 or the U.S. Postal Service in the U.S. Postal Service Domestic Mail Manual (DMM), Section C-023.9.0, and the U.S. Postal Service, are exempt from the requirements of R313-19-100 to the extent that they transport or store radioactive material in the regular course of their carriage for others or storage incident thereto. Common and contract carriers who are not subject to the requirements of the U.S. Department of Transportation or U.S. Postal Service are subject to the requirements of R313-19-100(3)(c) and other applicable requirements of these rules.

(b) Any licensee is exempt from the requirements of R313-19-100 to the extent that the licensee delivers to a carrier for transport a package containing radioactive material having a specific activity not greater than 70 becquerel per gram (0.002 microcurie per gram).

KEY: license, reciprocity, transportation, exemptions

[October 7, 2002] 2003

Notice of Continuation October 10, 2001

19-3-104

19-3-108