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To: "Kathleen Schneider" <KXS@nrc.gov>
Date: 07/13/2007 6:00:34 PM
Subject: Final Regulations from Utah

Dear Kathy,

During our June 2007 IMPEP review, Jim Lynch noted that the final regulations for eight RATS IDs were not received by NRC. The RATS IDs he noted are as follows:

- 1993-3 Definition of Land Disposal and Waste Site QA Program
- 1995-2 Frequency of Medical Examinations for use of Respiratory ...
- 1995-3 Low-Level Waste Shipment Manifest Information ...
- 1995 5 Radiation Protection Requirements: Amended Definitions ...
- 1995-7 Medical Administration of Radiation ... (superceded)
- 1997-1 Resolution of Dual Regulation of Airborne ...
- 1997-3 Criteria for the Release of Individuals Administered ...
- 1998-4 Licenses for Industrial Radiography and Radiation Safety ...

While we provided Jim with records indicating that final copies of these regulations had been sent to NRC, we understand they are not available and need to be reviewed by FSME staff. To facilitate a review of the final regulations noted above, Jim advised us to use the Review Summary Sheets for Regulation Amendments (RATS Identification) and he directed me to the following URL: http://nrc-stp.ornl.gov/rss_regamendments.html.

As I understood Jim's instructions, we need to identify the compatible Utah rule for each NRC regulation and provide a web site for our rules. Please find attached a Word document for each RATS ID listed above except for RATS IDs 1993-3 and 1995-7. The Utah rules involved with RATS ID 1993-3 are found in R313-25-2 and R313-25-7(10). A document for ID 1995-7 is not attached because this RATS ID was superceded by RATS IDs 2002-2 and 2005-2. The final Utah rules for RATS IDs 2002-2 and 2005-2 have been reviewed by NRC. The applicable citations for Utah rules are listed in the column titled State Section and all our rules are available at <http://www.radiationcontrol.utah.gov/Rules/index.htm>. Please know that our final rules did not change from the time NRC reviewed the proposed rules to their effective date. Information about the Utah rule, along with a cross reference to the NRC regulation, and our web site link should allow FSME staff and OGC staff to perform a confirmatory analysis.

Thanks, Craig Jones

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MESSAGE	2168	07/13/2007 5:59:37 PM	
TEXT.htm	2989		
1998-4licenses_industrialradiography[1].wpd		13977	
1995-2frequencymedicalexaminations_respiratoryeq[1].wpd			20903
1995-3lowlevelwasteshipmentmaifest[1].wpd		22382	
1995-5radiationprotectionrequirements[1].wpd		25736	
1997-1resolutiondualregulations[1].wpd		23437	
1997-3criteria_releaseindividules[1].wpd		30951	
Mime.822	196698		

Options

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No
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**Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations;
Clarifying Amendments and Corrections
(63 FR 37059) RATS ID 1998-4 Effective 7/9/98**

Change to NRC Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§34.27 (e)	Leak testing and replacement of sealed sources	R313-36-3	C	<p>Amended paragraph: (e) Each exposure device using depleted uranium (DU) shielding and an "S" tube configuration must be tested for DU contamination at intervals not to exceed 12 months. The analysis must be capable of detecting the presence of 185 Bq (0.005 microcuries) of radioactive material on the test sample and must be performed by a person specifically authorized by the Commission or an Agreement State to perform the analysis. Should such testing reveal the presence of 185 Bq (0.005 microcuries) or more of removable DU contamination, the exposure device must be removed from use until an evaluation of the wear on the S-tube has been made. Should the evaluation reveal that the S-tube is worn through, the device may not be used again. DU shielded devices do not have to be tested for DU contamination while in storage and not in use. Before using or transferring such a device however, the device must be tested for DU contamination if the interval of storage exceeded 12 months. A record of the DU leak-test must be made in accordance with Sec. 34.67. Licensees will have until June 27, 1998, to comply with the DU</p>			

Change to NRC Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				leak-testing requirements of this paragraph.			
§34.41 (d)	Conducting industrial radiographic operations	R313-36-3	D	New Paragraph: (d) Licensees will have until June 27, 1998, to meet the requirements for having two qualified individuals present at locations other than a permanent radiographic installation as specified in paragraph (a) of this section.	N/A		
§34.42 (d)	Radiation Safety Officer for industrial radiography	R313-36-3	D	Amended Paragraph: (d) Licensees will have until June 27, 1999, to meet the requirements of paragraph (a) or (b) of this section.	N/A		
§34.43 (a)(2)	Training	R313-36-3	D	Amended paragraph (a)(2): (a)(2) The licensee may, until June 27, 1999, allow an individual who has not met the requirements of paragraph (a)(1) of this section, to act as a radiographer after the individual has received training in the subjects outlined in paragraph (g) of this section and demonstrated an understanding of these subjects by successful completion of a written examination that was previously submitted to and approved by the Commission.	N/A		
§34.43 (h)(i)	Training	R313-36-3	B	Amended paragraph (h) and new paragraph (i): (h) Licensees will have until June 27, 1998, to comply with the additional training requirements specified in paragraphs (b)(1) and (c)(1) of this section. (i) Licensees will have until June			

Change to NRC Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>27, 1999 to comply with the certification requirements specified in paragraph (a)(1) of this section. Records of radiographer certification maintained in accordance with Sec. 34.79(a) provide appropriate affirmation of certification requirements specified in paragraph (a)(1) of this section.</p>			

Frequency of Medical Examinations for Use of Respiratory Protection Equipment

(60 FR 7900) RATS ID 1995-2 Effective 3/13/95

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§20.1703	Use of individual respiratory protection equipment	R313-15-703	H&S	<p>Sec. 20.1703, should read as follows:</p> <p>If the licensee assigns or permits the use of respiratory protection equipment to limit the intake of radioactive material,(a) The licensee shall use only respiratory protection equipment that is tested and certified by the National Institute for Occupational Safety and Health (NIOSH) except as otherwise noted in this part.</p> <p>* * * * * (c) The licensee shall implement and maintain a respiratory protection program that includes:</p> <p>* * * * *(c)(5) Determination by a physician that the individual user is medically fit to use respiratory protection equipment: (i) Before the initial fitting of a face sealing respirator;(ii) Before the first field use of non-face sealing respirators, and (iii) Either every 12 months thereafter, or periodically at a frequency determined by a physician.</p>			

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Low-Level Waste Shipment Manifest Information and Reporting
 (60 FR 15649 & 60 FR 25983) RATS ID 1995-3 Effective March 1, 1995

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§20.2006	Transfer for disposal and manifests	R313-15-1006	B	Due to its great length, please refer to the text of 10 CFR Section 20.2006 for text change.			
§20.2101	General provisions	R313-15-1101	C	<p>Section 20.2101 is amended by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read as follows: *****</p> <p>(b) Notwithstanding the requirements of paragraph (a) of this section, when recording information on shipment manifests, as required in Sec. 20.2006(b), information must be recorded in the International System of Units (SI) or in SI and units as specified in paragraph (a) of this section.</p>			

Part 20 Appendix G	Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests	R313-15-1006	B	Due to its great length, please refer to the text of 10 CFR Part 20 Appendix G.			
§61.80	Maintenance of records, reports, and transfers.	R313-25-33	C	Due to its great length, please refer to the text of 10 CFR Part 61.80.			

Radiation Protection Requirements: Amended Definitions and Criteria

(60 FR 36038) RATS ID 1995-5 1/14/95

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§19.12	Instruction to workers	R313-18-12	C	Section 19.12 is revised to read as follows Below:			
				<p>(a) All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv) shall be—</p> <p>(1) Kept informed of the storage, transfer, or use of radiation and/or radioactive material;</p> <p>(2) Instructed in the health protection problems associated with exposure to radiation and/or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;</p> <p>(3) Instructed in, and required to observe, to the extent within the workers control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposure to radiation and/or radioactive material;</p> <p>(4) Instructed of their responsibility to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations and licenses or unnecessary exposure to radiation and/or radioactive material;</p> <p>(5) Instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation and/or radioactive material; and</p> <p>(6) Advised as to the radiation exposure reports which workers may request pursuant to §19.13.</p> <p>(b) In determining those individuals subject to the requirements of paragraph (a) of this section, licensees must take into consideration assigned activities during normal and abnormal situations involving exposure to radiation and/or radioactive material which can reasonably be expected to occur during the life of a licensed facility. The extent of these instructions must be commensurate with potential radiological health protection problems present in the work place.</p>			
§20.1003	Definitions	R313-12-3	A	<p>Changed definition reads as follows: Member of Public: means any individual except when that individual</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				is receiving an occupational dose.			
§20.1003	Definitions	R313-12-3	A	<p>Changed definition reads as follows: Occupational Dose: means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under §35.75, from voluntary participation in medical research programs, or as a member of the public.</p>			
§20.1003	Definitions	R313-12-3	A	<p>Changed definition reads as follows: Public Dose: means the dose received by a member of the public from exposure to radiation or to radioactive material released by a licensee, or to any other source of radiation under the control of a licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under §35.75, or from voluntary</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				participation in medical research programs.			

Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act
 (61 FR 65120; December 10, 1996) RATS ID 1997-1 Effective January 9, 1997

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§20.1003	Definitions	R313-15-2	C	<p>Amended Definition: Constraint (dose constraint) means a value above which specified licensee actions are required.</p>			
§20.1101 (d)	Radiation Protection Programs	R313-15-101(4)	C	<p>Amended Paragraph: (d) To implement the ALARA requirements of Sec. 20.1101 (b), and notwithstanding the requirements in Sec. 20.1301 of this part, a constraint on air emissions of radioactive material to the environment, excluding Radon-222 and its daughters, shall be established by licensees other than those subject to Sec. 50.34a, such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 10 mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in Sec. 20.2203 and promptly take appropriate corrective action to ensure against recurrence.</p>			
§20.2203 (a)(b)	Reports of exposures, radiation levels, and concentrations of	R313-15-1203(1) & (2)	C	<p>A new paragraph (a)(2)(vi) is added, and paragraphs (b)(1)(iv) and (b)(2) are revised to read as follows: (a) ***(2) ***(vi) The ALARA constraints for air emissions established under Sec. 20.1101(d);</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	radioactive material exceeding the constraints or limits			<p>or (b) * * * (1) * * * (iv) Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental standards, and associated license conditions. (2) Each report filed pursuant to paragraph (a) of this section must include for each occupationally overexposed¹ individual: the name, Social Security account number, and date of birth. The report must be prepared so that this information is stated in a separate and detachable part of the report.</p> <p>-----</p> <p>¹With respect to the limit for the embryo-fetus (Sec. 20.1208), the identifiers should be those of the declared pregnant woman.</p>			

Criteria for the Release of Individuals Administered Radioactive Material
 (62 FR 4120, January 29, 1997) RATS ID 1997-3 Effective 5/29/97

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§20.1003	Definitions	R313-12-3	A	<p>Amended Definition: Occupational dose: means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with Sec. 35.75, from voluntary participation in medical research programs, or as a member of the public.</p>			
§20.1003	Definitions	R313-12-3	A	<p>Amended Definition: Public dose: means the dose received by a member of the public from exposure to radiation or radioactive material released by a licensee, or to any other source of radiation under the control of a licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				radioactive material and released in accordance with Sec. 35.75, or from voluntary participation in medical research programs.			
§20.1301 (a)	Dose limits for individual members of the public	R313-15-301(1)	A	<p>Amended Paragraph: (a) Each licensee shall conduct operations so that-- (1) The total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (1 millisievert) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with Sec. 35.75, from voluntary participation in medical research programs, and from the licensee's disposal of radioactive material into sanitary sewerage in accordance with Sec. 20.2003, and (2) The dose in any unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material and released in accordance with Sec. 35.75, does not exceed 0.002 rem (0.02 millisievert) in any one hour.</p>			
§20.1903	Exceptions to posting requirements	R313-15-903(2)	D	<p>Amended Paragraph: (b) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant</p>			

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				to Sec. 20.1902 provided that the patient could be released from licensee control pursuant to Sec. 35.75 of this chapter.			
§35.75 (a)	Release of individuals containing radiopharmaceuticals or permanent implants	R313-32	C	<p>Amended Paragraph: (a) The licensee may authorize the release from its control of any individual who has been administered radiopharmaceuticals or permanent implants containing radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 millisieverts (0.5 rem).¹</p> <p>----- ¹Regulatory Guide 8.39, "Release of Patients Administered Radioactive Materials," describes methods for calculating doses to other individuals and contains tables of activities not likely to cause doses exceeding 5 millisieverts (0.5 rem)</p>			
§35.7 (b)	Release of individuals containing radiopharmaceuticals or permanent implants	R313-32	H&S	<p>Amended Paragraph: (b) The licensee shall provide the released individual with instructions, including written instructions, on actions recommended to maintain doses to other individuals as low as is reasonably achievable if the total effective dose equivalent to any other individual is likely to exceed 1 millisievert (0.1 rem). If the dose to a breast-feeding infant or child could exceed 1 millisievert (0.1 rem) assuming there were no interruption</p>			

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				of breast-feeding, the instructions shall also include: (1) Guidance on the interruption or discontinuation of breast-feeding and (2) Information on the consequences of failure to follow the guidance.			
§35.7 (c)(d)	Release of individuals containing radiopharmaceuticals or permanent implants	R313-32	D	Amended Paragraphs: (c) The licensee shall maintain a record of the basis for authorizing the release of an individual, for 3 years after the date of release, if the total effective dose equivalent is calculated by: (1) Using the retained activity rather than the activity administered, (2) Using an occupancy factor less than 0.25 at 1 meter, (3) Using the biological or effective half-life, or (4) Considering the shielding by tissue. (d) The licensee shall maintain a record, for 3 years after the date of release, that instructions were provided to a breast-feeding woman if the radiation dose to the infant or child from continued breast-feeding could result in a total effective dose equivalent exceeding 5 millisieverts (0.5 rem).	N/A		
§35.315	Safety precautions	R313-32	D	In Sec. 35.315, paragraph (a)(6) is removed and reserved.	N/A		
§35.415	Safety precautions	R313-32	D	Introductory text to paragraph (a) and paragraph (a)(1) are revised and paragraph (a)(5) is removed. (a) For each patient or human research subject receiving implant	N/A		

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				therapy and not released from licensee control pursuant to Sec. 35.75 of this part, a licensee shall: (1) Not quarter the patient or the human research subject in the same room as an individual who is not receiving radiation therapy.			