

From: "Gwyn Galloway" <GGALLOWAY@utah.gov>
To: <rx11@NRC.GOV>
Date: 01/28/2008 12:31:22 PM
Subject: Utah Radiation Control Rules R313-19-100

Attached are the cover letter and the final version of R313-19-100. If you have any questions, please contact me by e-mail or at (801) 536-4250.

Gwyn Galloway, Health Physicist
<ggalloway@utah.gov>

CC: <KXS@NRC.GOV>

Mail Envelope Properties (479E115F.088 : 14 : 12424)

Subject: Utah Radiation Control Rules R313-19-100
Creation Date 01/28/2008 12:30:27 PM
From: "Gwyn Galloway" <GGALLOWAY@utah.gov>

Created By: GGALLOWAY@utah.gov

Recipients

nrc.gov
TWGWPO02.HQGWDO01
KXS CC (Kathleen Schneider)

NRC.GOV
NRGWIA01.NRGWDO01
["rx11@NRC.GOV"](mailto:rx11@NRC.GOV)

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 71.0(c), 71.1(a), 71.3, 71.4, 71.13, 71.14(a), 71.15, 71.17, 71.19(a), 71.19(b), 71.19(c), 71.20 through 71.23, 71.47, 71.83 through 71.89, 71.97, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, 71.127 through 71.137, and Appendix A to Part 71 (2006) are incorporated by reference with the following clarifications or exceptions:

- (1) The exclusion of the following:
 - (a) In 10 CFR 71.4 the following definitions:
 - (i) "close reflection by water";
 - (ii) "licensed material";
 - (iii) "optimum interspersed hydrogenous moderation";
 - (iv) "spent nuclear fuel or spent fuel"; and
 - (v) "state."
 - (2) The substitution of the following date reference:
 - (a) "October 1, 2011" for "October 1, 2008".
 - (3) The substitution of the following rule references:
 - (a) "R313-36 (incorporating 10 CFR 34.31(b) by reference)" for "Sec. 34.31(b) of this chapter" as found in 10 CFR 71.101(g);
 - (b) "R313-15-502" for reference to "10 CFR 20.1502";
 - (c) "R313-14" for reference to "10 CFR Part 2 Subpart B";
 - (d) "Rule R313-32, 10 CFR Part 35," for reference to "10 CFR part 35";
 - (e) "R313-15-906(5)" for reference to "10 CFR 20.1906(e)";
 - (f) "R313-19-100(5)" for "Sec. 71.5";
 - (g) "10 CFR 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, and 71.127 through 71.137" for "subpart H of this part" or for "subpart H" except in 10 CFR 71.17(b), 71.20(b), 71.21(b), 71.22(b), 71.23(b);
 - (h) "10 CFR 71.0(c), 71.1(a), 71.3, 71.4, 71.17(c)(2), 71.20(c)(2), 71.21(d)(2), 71.83 through 71.89, 71.97, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, and 71.127 through 71.137" for "subparts A, G, and H of this part";
 - (i) "10 CFR 71.47" for "subparts E and F of this part"; and
 - (j) "10 CFR 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, and 71.127 through 71.137" for "Sec. Sec. 71.101 through 71.137."
 - (4) The substitution of the following terms:
 - (a) "Executive Secretary" for:
 - (i) "Commission" in 10 CFR 71.0(c), 71.17(a), 71.20(a), 71.21(a), 71.22(a), 71.23(a), and 71.101(c)(1);
 - (ii) "Director, Division of Nuclear Safety, Office of Nuclear Security and Incident Response" in 10 CFR 71.97(c)(1), and 71.97(f)(1);
 - (iii) "Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001" in 10 CFR 71.97(c)(3)(iii);
 - (iv) "NRC" in 10 CFR 71.101(f);
 - (b) "Executive Secretary, the U.S. Nuclear Regulatory Commission, or an Agreement State" for "Commission" in 10 CFR 71.3;
 - (c) "The Governor of Utah" for:

- (i) "the governor of a State" in 71.97(a);
- (ii) "each appropriate governor" in 10 CFR 71.97(c)(1);
- (iii) "the governor" in 10 CFR 71.97(c)(3);
- (iv) "the governor of the state" in 10 CFR 71.97(e);
- (v) "the governor of each state" in 10 CFR 71.97(f)(1);
- (vi) "a governor" in 10 CFR 71.97(e);
- (d) "State of Utah" for "State" in 71.97(a), 71.97(b)(2), and 71.97(d)(4);
- (e) "the Governor of Utah's" for:
 - (i) "the governor's" in 10 CFR 71.97(a), 71.97(c)(3), 71.97(c)(3)(iii), 71.97(e), and 71.97(f)(1);
 - (ii) "governor's" in 10 CFR 71.97(c)(1), and 71.97(e);
 - (f) "Specific or general" for "NRC" in 10 CFR 71.0(c);
 - (g) "The Executive Secretary at the address specified in R313-12-110" for reference to "ATTN: Document Control Desk, Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards" in 10 CFR 71.101(c)(1);
 - (h) "Each" for "Using an appropriate method listed in Sec. 71.1(a), each" in 10 CFR 71.101(c)(1);
 - (i) "The material must be contained in a Type A package meeting the requirements of 49 CFR 173.417(a)." for "The fissile material need not be contained in a package which meets the standards of subparts E and F of this part; however, the material must be contained in a Type A package. The Type A package must also meet the DOT requirements of 49 CFR 173.417(a)." as found in 10 CFR 71.22(a) and 71.23(a);
 - (j) "Licensee" for "licensee, certificate holder, and applicant for a COC"; and
 - (k) "Licensee is" for reference to "licensee, certificate holder, and applicant for a COC are."
- (5) Transportation of licensed material
 - (a) Each licensee who transports licensed material outside the site of usage, as specified in the license issued by the Executive Secretary, the U.S. Nuclear Regulatory Commission or an Agreement State, 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 regulations in 49 CFR parts 107, 171 through 180, and 390 through 397 (2006), appropriate to the mode of transport.
 - (i) The licensee shall particularly note DOT regulations in the following areas:
 - (A) Packaging--49 CFR part 173: subparts A (49 CFR 173.1 through 49 CFR 173.13), B (49 CFR 173.21 through 49 CFR 173.40), and I (49 CFR 173.401 through 49 CFR 173.477).
 - (B) Marking and labeling--49 CFR part 172: subpart D (49 CFR 172.300 through 49 CFR 172.338); and 49 CFR 172.400 through 49 CFR 172.407 and 49 CFR 172.436 through 49 CFR 172.441 of subpart E.
 - (C) Placarding--49 CFR part 172: subpart F (49 CFR 172.500 through 49 CFR 172.560), especially 49 CFR 172.500 through 49 CFR 172.519 and 49 CFR 172.556; and appendices B and C.
 - (D) Accident reporting--49 CFR part 171: 49 CFR 171.15 and 171.16.
 - (E) Shipping papers and emergency information--49 CFR part 172: subparts C (49 CFR 172.200 through 49 CFR 172.205) and G (49

CFR 172.600 through 49 CFR 172.606).

(F) Hazardous material employee training--49 CFR part 172: subpart H (49 CFR 172.700 through 49 CFR 172.704).

(G) Security plans--49 CFR part 172: subpart I (49 CFR 172.800 through 49 CFR 172.804).

(H) Hazardous material shipper/carrier registration--49 CFR part 107: subpart G (49 CFR 107.600 through 49 CFR 107.606).

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

(A) Rail--49 CFR part 174: subparts A through D (49 CFR 174.1 through 49 CFR 174.86) and K (49 CFR 174.700 through 49 CFR 174.750).

(B) Air--49 CFR part 175.

(C) Vessel--49 CFR part 176: subparts A through F (49 CFR 176.1 through 49 CFR 176.99) and M (49 CFR 176.700 through 49 CFR 107.720).

(D) Public Highway--49 CFR part 177 and parts 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, P.O. Box 144850, Salt Lake City, Utah 84114-4850.

KEY: license, reciprocity, transportation, exemptions

Date of Enactment or Last Substantive Amendment: October 8, 2007

Notice of Continuation: October 5, 2006

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-3-108