



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL
Scott T. Anderson
Director

December 20, 2017

Kevin Williams, Deputy Director
Division of Material Safety, State, Tribal and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001

RE: Final rule changes associated with RATS ID 2015-1

Dear Mr. Williams:

Enclosed is a copy of the final revisions to R313-19 of the Utah Radiation Control Rules, Utah Administrative Code, to incorporate regulations associated with RATS ID 2015-1.

We are submitting the final revisions to our state radiation control rules because the rule changes that were adopted by the Utah Radiation Control Board in 2003 did not include the text that was deleted by the NRC's final rulemaking action published in the September 26, 2014 *Federal Register* (79 FR 57721). Specifically, in paragraph 70.50(c)(2) of 10 CFR, the references to §70.74 and Appendix A of Part 70 were deleted. Because §70.74 and Appendix A of Part 70 are designated as compatibility category "NRC," those specific references were not included in Utah's rule in R313-19-50(3)(d) when changes to that paragraph were made in 2003. Consequently, our state rule has been equivalent to the corresponding federal regulation since 2003.

The Radiation Control Board approved the final rule changes to R313-19-50(3)(d) on December 5, 2003 with an effective date of December 12, 2003. Utah sent the final rule changes to the NRC in early 2004 and the NRC responded with no comments in a letter dated March 8, 2004. (See ML14303A262.) A copy of the relevant correspondence is enclosed as Attachment 1. A copy of the official notice of the effective date that was published in the January 1, 2004 issue of the *Utah State Bulletin*, Utah's analog to the *Federal Register*, is enclosed as Attachment 2.

DRC-2017-010245

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The final rule changes are identified by highlighted text in the enclosed copy of R313-19-50, Utah Administrative Code, November 1, 2017 and correspond to the following equivalent amendments to NRC's regulations.

<u>RATS ID</u>	<u>Title</u>	<u>State Sections</u>
2015-1	Domestic Licensing of Special Nuclear Material - Written Reports and Clarifying Amendments	R313-19, Requirements of General Applicability to Licensing of Radioactive Material

Additionally, a rule adoption crosswalk matching the regulatory changes under RATS ID 2015-1 to 10 CFR Part 70 with the corresponding rules in the Utah radiation control rules is enclosed as Attachment 3.

We believe that adoption of these final revisions satisfies the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

If you have any questions, please contact Rusty Lundberg at (801) 536-4257 or by email at rlundberg@utah.gov.

Sincerely,



Scott T. Anderson, Director
Division of Waste Management and Radiation Control

STA/RL/al

Enclosures: Attachment 1 – Referenced correspondence (ML14303A262) (DRC-2017-010249)
Attachment 2 – Referenced issue of the *Utah State Bulletin* (DRC-2017-010246)
Attachment 3 – Rule Adoption Crosswalk (DRC-2017-010247)
R313-19-50, Utah Admin. Code, November 1, 2017 (DRC-2017-010248)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001



March 8, 2004

Dane Finerfrock, Director
Division of Radiation Control
Department of Environmental Quality
168 North 1950 West, P.O. Box 144850
Salt Lake City, Utah 84114-4850

Dear Mr. Finerfrock:

We have reviewed the final revisions to the Utah Administrative Code Title R313, "*Environmental Quality, Radiation Control*", received by our office on February 26, 2004. In addition, we reviewed your responses to our letter, dated October 15, 2003, which contained our comments on your proposed version of these rules. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) regulations in 10 CFR Parts 30, 31 and 32 and the requirements of the one amendment identified in the enclosed States Regulation Status Data Sheet (SRS). We discussed our review of the regulations with Philip Griffin on February 26, 2004.

As a result of our review, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that the regulations, as adopted, meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

The SRS Data Sheet summarizes our knowledge of the status of other Utah Regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the STP website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me, or John Zabko of my staff at (301)415-2308 or JGZ@NRC.GOV.

Sincerely,

A handwritten signature in cursive script, appearing to read "Josephine Piccone".

Josephine Piccone, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF RADIATION
CONTROL
Dane L. Finerfrock
Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

February 18, 2004

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

Dear Ms. Piccone:


Enclosed are the final revisions to the Utah Radiation Control Rules (URCR) R313-19-50, "Reporting Requirements" (effective date 12/12/03); R313-21, "General Licenses" (effective date 12/12/03); and R313-22, "Specific Licenses" (effective date 12/12/03). These final regulations contain the requirements of the following equivalent amendments to NRC's regulations: RATS ID# 2001-1, and suggested changes provided by John Zabko in an e-mail dated 8/27/03 arising from the Office of General Counsel's review of the URCR.

The proposed regulations are being submitted as final regulations without change.

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

If you have any questions, please feel free to contact me at (801) 536-4250, or Philip Griffin of my staff at (801) 536-4250 or pgriffin@utah.gov.

Sincerely,


Dane Finerfrock, Director
Utah Division of Radiation Control

cc: John Zabko, Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission

Enclosures

R313. Environmental Quality, Radiation Control.

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

R313-19-50. Reporting Requirements.

(1) Licensees shall notify the Executive Secretary as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits. Events may include fires, explosions, toxic gas releases, etc.

(2) The following events involving licensed material require notification of the Executive Secretary by the licensee within 24 hours:

(a) an unplanned contamination event that:

(i) requires access to the contamination area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

(ii) involves a quantity of material greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR 20.1001 through 20.2402 (~~[2000]~~2001), which is incorporated by reference, for the material; and

(iii) has access to the area restricted for a reason other than to allow radionuclides with a half-life of less than 24 hours to decay prior to decontamination; or

(b) an event in which equipment is disabled or fails to function as designed when:

(i) the equipment is required by rule or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

(ii) the equipment is required by rule or license condition to be available and operable; and

(iii) no redundant equipment is available and operable to perform the required safety function; or

(c) an event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body; or

(d) an unplanned fire or explosion damaging licensed material or a device, container, or equipment containing licensed material when:

(i) the quantity of material involved is greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR 20.1001 through 20.2402 (~~[2000]~~2001), which is incorporated by reference, for the material; and

(ii) the damage affects the integrity of the licensed material or its container.

(3) Preparation and submission of reports. Reports made by licensees in response to the requirements of Section R313-19-50 must be made as follows:

(a) For radioactive materials, other than special nuclear material, licensees shall make reports required by Subsections R313-19-50(1) and (2) by telephone to the Executive Secretary. To

the extent that the information is available at the time of notification, the information provided in these reports must include:

- (i) the caller's name and call back telephone number;
- (ii) a description of the event, including date and time;
- (iii) the exact location of the event;
- (iv) the radionuclides, quantities, and chemical and physical form of the licensed material involved; and
- (v) available personnel radiation exposure data.

(b) For special nuclear materials, licensees shall make reports required by Subsections R313-19-50(1) and (2) by telephone to the Executive Secretary. To the extent that the information is available at the time of notification, the information provided in these reports must include:

(i) the caller's name, position title, and call-back telephone number;

(ii) the date, time, and exact location of the event; and

(iii) a description of the event, including:

(A) radiological or chemical hazards involved, including isotopes, quantities, and chemical and physical form of any material released; and

(B) actual or potential health and safety consequences to the workers, the public, and the environment, including relevant chemical and radiation data for actual personnel exposures to radiation or radioactive materials or hazardous chemicals produced from radioactive materials (e.g., level of radiation exposure, concentration of chemicals, and duration of exposure).

([b]c) Written report for materials other than special nuclear materials. A licensee who makes a report required by Subsections R313-19-50(1) or (2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports shall be sent to the Executive Secretary. The report shall include the following:

(i) A description of the event, including the probable cause and the manufacturer and model number, if applicable, of equipment that failed or malfunctioned;

(ii) the exact location of the event;

(iii) the radionuclides, quantities, and chemical and physical form of the licensed material involved;

(iv) date and time of the event;

(v) corrective actions taken or planned and results of evaluations or assessments; and

(vi) the extent of exposure of individuals to radiation or radioactive materials without identification of individuals by name.

(d) Written report for special nuclear material. A licensee who makes a report required by Subsections R313-19-50(1) or (2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate

distribution is made. These written reports shall be sent to the Executive Secretary. The report shall include the following:

(i) the complete applicable information required by Subsection R313-19-50(3)(b);

(ii) the probable cause of the event, including all factors that contributed to the event and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned; and

(iii) corrective actions taken or planned to prevent occurrence of similar or identical events in the future and the results of any evaluations or assessments.

KEY: license, reciprocity, transportation, exemptions

[~~October 7, 2002~~2004

Notice of Continuation October 10, 2001

19-3-104

19-3-108

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed December 2, 2003, 12:00 a.m. through December 15, 2003, 11:59 p.m.

Number 2004-1
January 1, 2004

Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.utah.gov/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Digest* is available by E-mail or over the Internet. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Agriculture and Food

Regulatory Services

No. 26690 (AMD): R70-310-4. Penalty.
Published: November 1, 2003
Effective: December 2, 2003

Commerce

Administration

No. 26695 (AMD): R151-33. Pete Suazo Utah Athletic Commission Act Rule.
Published: November 1, 2003
Effective: December 2, 2003

Community and Economic Development

Community Development

No. 26702 (AMD): R199-8. Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance.
Published: November 1, 2003
Effective: December 8, 2003

Environmental Quality

Radiation Control

No. 26701 (AMD): R313-19-50. Reporting Requirements.
Published: November 1, 2003
Effective: December 12, 2003

No. 26699 (AMD): R313-21. General Licenses.
Published: November 1, 2003
Effective: December 12, 2003

No. 26700 (AMD): R313-22. Specific Licenses.
Published: November 1, 2003
Effective: December 12, 2003

Health

Health Systems Improvement, Emergency Medical Services

No. 26669 (AMD): R426-13. Emergency Medical Services Provider Designations.
Published: October 15, 2003
Effective: January 1, 2004

No. 26670 (AMD): R426-14. Ambulance Service and Paramedic Service Licensure.
Published: October 15, 2003
Effective: January 1, 2004

No. 26671 (AMD): R426-15. Licensed and Designated Provider Operations.

Published: October 15, 2003
Effective: January 1, 2004

Natural Resources

Water Rights

No. 26683 (AMD): R655-10-4. Definitions.
Published: November 1, 2003
Effective: December 10, 2003

No. 26682 (AMD): R655-11. Requirements for the Design, Construction and Abandonment of Dams.
Published: November 1, 2003
Effective: December 10, 2003

No. 26686 (AMD): R655-11-6E. Internal Drainage.
Published: November 1, 2003
Effective: December 10, 2003

No. 26684 (AMD): R655-11-7C. Outlet Details.
Published: November 1, 2003
Effective: December 10, 2003

No. 26685 (AMD): R655-12-5A. Hydrologic Requirements.
Published: November 1, 2003
Effective: December 10, 2003



UTAH DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL

RATS ID 2015-1

(79 FR 57721, Published September 26, 2014 / 80 FR 143, Confirmation of Effective Published January 5, 2015)

Domestic Licensing of Special Nuclear Material -- Written Reports and Clarifying Amendments

10 CFR Part 70

Rule Adoption Crosswalk

Code of Federal Regulations		Utah Administrative Code		
TITLE	10 CFR	R313-	COMPATIBILITY	NOTES
Reporting Requirements	70.50(c)(2)	19-50(3)(d)	C	<p>As noted in the Federal Register notice of 9/26/2014 (79 FR 57721), paragraph 70.50(c)(2) was amended by removing references to §70.74 and Appendix A to Part 70.</p> <p>When Utah adopted the text to R313-19-50(3)(d) in 2003 (effective date of 12/12/2003), the references to §70.74 and Appendix A were not included because they are designated as Compatibility Category "NRC" and therefore are exclusive to NRC jurisdiction.</p> <p>Utah submitted the final rule to the NRC in a letter dated February 18, 2004 (ML040580276). NRC approved Utah's rule changes as part of the RATS ID 2001-1 approval in a letter dated March 8, 2004. (See ML14303A262.)</p> <p>Text already revised and is equivalent to 10 CFR 70.50(c)(2).</p>
Additional Reporting Requirements	70.74(b)	N/A	NRC	N/A
Reportable Safety Events	Appendix A, Part 70	N/A	NRC	N/A

R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**R313-19. Requirements of General Applicability to Licensing of Radioactive Material.****R313-19-50. Reporting Requirements.**

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(iii) corrective actions taken or planned to prevent occurrence of similar or identical events in the future and the results of any evaluations or assessments.

KEY: licenses, reciprocity, transportation, exemptions

Date of Enactment or Last Substantive Amendment: August 26, 2015

Notice of Continuation: September 23, 2011

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-107