



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](mailto: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 RADIATION CONTROL RULES

## BOARD ACTION ITEM

Changes to R313-19 "Requirements of General Applicability to Licensing of Radioactive Material," R313-21 "General Licenses," and R313-22 "Specific Licenses."

Philip Griffin of the DRC staff will provide the Board with information about a proposed change to the Utah Radiation Control Rules. A copy of the sections of the rules to be changed is included in the Board packet. Please note that the text to be deleted is bracketed and with strikethrough text, [~~abcd~~]. The text to be added is underlined, abcd.

The reasons for the rule changes are as follows:

- R313-19-50      The changes to this rule change the edition date of an incorporated Nuclear Regulatory Commission (NRC) regulation, and adds information regarding the licensee's incident reporting requirements for special nuclear material. (The latter change was identified by the NRC as an item of program compatibility.)
- R313-21-21      The changes incorporate various text changes, including correcting typographical errors.
- R313-21-22      The major changes incorporate changes to the Division's General License program due to changes to NRC's program, and the need for Utah's program to be compatible with NRC's program. The minor changes incorporate various text changes.
- R313-22-35      New requirements were added to facilitate the review and processing of financial assurance methods.
- R313-22-75      The major changes incorporate changes to the Division's Specific License program for licensees manufacturing and/or distributing devices under a General License. The changes to NRC's Licensing program necessitate the rule changes in order to keep Utah's program compatible with NRC's program. The minor changes incorporate various text changes.

### Recommendation

The Executive Secretary recommends that the Board approve the proposed changes to the Utah Radiation Control Rules, direct staff to file the changes for rulemaking, and direct staff to give notice to the public of a 30-day comment period.

## Philip Griffin - Your Regulation Submission

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**From:** "John Zabko" <JGZ@nrc.gov>  
**To:** <CWjones@Utah.gov>  
**Date:** 8/27/2003 9:18 AM  
**Subject:** Your Regulation Submission  
**CC:** "Josephine Piccone" <JMP1@nrc.gov>, "Patricia McGrady-Finneran" <PXM1@nrc.gov>

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Craig,

Your regulation review is complete and you will be receiving our letter soon. Our Office of General Counsel flagged one item in your rules that we had to include as a comment. You submitted rules are still found to be compatible overall, this comment means that one section needs some work. Since the comment it is not in a major Health and Safety area, you may amend your rule in a time frame that suits your State policies. There is no rush. You may also, as it will say in the letter, show STP where your rules do meet the NRC requirements and ask us to withdraw the comment. This is acceptable as well.

Here is the comment: The State's version of Reporting Requirements in R13-19-50 paraphrases NRC reporting sections, which is fine because this is a Compatibility C category, but the State has omitted the equivalent to 70.50 C(1)(iii) A and B as well as 70.50 C (2) (i) and (ii) and (iii).

You will note that the reporting requirements are the same in 30.50,40.60 and 70.50, with the exception of in 70.50 the NRC has added the sections the State omitted. I think what the State did was incorporate the reporting requirements of 30.50 and 40.60 and did not understand that there was this little extra section for Special Nuke material in 70.50.

If you have any questions please feel free to call 301.415.2308

Thank you  
John Zabko