



## 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 7, 2018

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

RE: Proposed rule changes associated with RATS ID 2015-5 and NON-RATS ID (83 FR 30285)

Dear Mr. Williams:

Enclosed are copies of the proposed revisions to R313-36, and R313-37 and selected sections of R313-15 and R313-19 of the Utah Administrative Code (Radiation Control Rules) to incorporate regulations associated with RATS ID 2015-5 and miscellaneous corrections not currently associated with a RATS ID and were published in the June 28, 2018 *Federal Register* (83 FR 30285). Also included are copies of the Utah Administrative Code not requiring changes (R313-12-110, R313-12-111, R313-15-1203, R313-18-17, and R313-22-75(9)) but are provided to assist in the review of our state rules associated with the federal regulation amendments noted below.

The proposed rule changes are identified by underline/strikeout text and highlighted in yellow in the attached copies of the Radiation Control Rules, Utah Administrative Code, August 1, 2018, and correspond to the equivalent amendments to NRC's regulations noted below (Enclosure 1). Individual rule adoption crosswalks are also enclosed to aid in the review of the proposed rule changes (Enclosure 2).

<b><u>RATS ID</u></b>	<b><u>Title</u></b>	<b><u>State Sections</u></b>
2015-5	Miscellaneous Corrections	R313-12-110, R313-12-111, R313-15-1006, R313-15-1203, R313-18-17, R313-19-100, R313-37-3

<u>Non-RATS ID - Fed. Reg.</u>	<u>Title</u>	<u>State Sections</u>
June 28, 2018	Miscellaneous Corrections	R313-19-100, R313-36-3, R313-37-3

Following the NRC's review, the proposed rule changes will be presented to the Utah Waste Management and Radiation Control Board (Board) for approval to proceed with formal rulemaking in accordance Utah's administrative rulemaking requirements, including an opportunity for public comment. We believe that the future adoption of these revisions will satisfy 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](mailto:rlundberg@utah.gov).

Sincerely,



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

STA/RL/al

Enclosures:

- Enclosure 1 – Utah Rules (DRC-2018-012502)
- Enclosure 2 – Rule Adoption Crosswalks (RATS ID 2015-5 and June 28, 2018 Fed. Reg.)  
(DRC-2018-012503)

**R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**

**R313-12. General Provisions.**

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**R313-12-110. Communications.**

All communications and reports concerning these rules, and applications filed thereunder, should be addressed to the Director of the Division of Waste Management and Radiation Control, P.O. Box 144880, 195 North 1950 West, Salt Lake City, Utah 84114-4880.

**R313-12-111. Submission of Electronic Copies.**

(1) All submissions to the Director not exempt in paragraph R313-12-111(5) shall also be submitted to the Director in electronic format. This requirement extends to all attachments to these documents.

(2) The electronic copy shall be a true, accurate, searchable and reproducible copy of the official submission, except that it need not include signatures or professional stamps.

(3) All electronic copies shall be submitted on a CD or DVD nonrewritable disc, except that documents smaller than 25 megabytes may be submitted by email.

(4) All documents shall be submitted in one of the following electronic formats, at the choice of the submitter:

(a) A searchable PDF document (a document that may be read and searched using Adobe Reader); or

(b) A Microsoft Word document.

(5) The requirements of this rule do not apply to:

(a) X-ray registration applications;

(b) Submissions shorter than 25 pages unless otherwise ordered by the Director;

(c) Public comments received during a formal public comment period;

(d) Correspondence received from individuals or organizations that are not currently regulated by the agency, unless that correspondence is about proposing an activity or facility that would be subject to agency regulation; and

(e) Documents used to make payments to the agency.

(6) If an official submission includes information for which business confidentiality is claimed or that is security-sensitive, this requirement applies only to that portion of the submission for which no confidentiality is claimed.

(7) The Director may waive the requirements of R313-12-111(1) for good cause.

**KEY: definitions, units, inspections, exemptions**

**Date of Enactment or Last Substantive Amendment: October 13, 2017**

**Notice of Continuation: July 1, 2016**

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

**R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**

**R313-15. Standards for Protection Against Radiation.**

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**R313-15-1006. Transfer for Disposal and Manifests.**

(1) The requirements of Section R313-15-1006 and Appendix G of 10 CFR 20.1001 to 20.2402, [~~(2010)~~ 2018], which are incorporated into these rules by reference, are designed to:

(a) control transfers of low-level radioactive waste by any waste generator, waste collector, or waste processor licensee, as defined in Appendix G in 10 CFR 20.1001 to 20.2402, (2010), who ships low-level waste either directly, or indirectly through a waste collector or waste processor, to a licensed low-level waste land disposal facility as defined in Section R313-25-2;

(b) establish a manifest tracking system; and

(c) supplement existing requirements concerning transfers and recordkeeping for those wastes.

(2) Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility must document the information required on the U.S. Nuclear Regulatory Commission's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with Appendix G to 10 CFR 20.1001 to 20.2402, (2010), which is incorporated into these rules by reference.

(3) Each shipment manifest shall include a certification by the waste generator as specified in Section II of Appendix G to 10 CFR 20.1001 to 20.2402, (2010), which is incorporated by reference.

(4) Each person involved in the transfer of waste for disposal or in the disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, shall comply with the requirements specified in Section III of Appendix G to 10 CFR 20.1001 to 20.2402, (2010), which is incorporated by reference.

(5) A licensee shipping byproduct material as defined in paragraphs (c) and (d) of the Section R313-12-3 definition of byproduct material intended for ultimate disposal at a land disposal facility licensed under Rule R313-25 must document the information required on the NRC's Uniform Low-Level Radioactive Waste Manifest and transfer the recorded manifest information to the intended consignee in accordance with Appendix G to 10 CFR Part 20 (2010 edition).

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**R313-15-1203. Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Constraints or Limits.**

(1) Reportable Events. In addition to the notification required by Section R313-15-1202, each licensee or registrant shall submit a written report within 30 days after learning of any of the following occurrences:

(a) Incidents for which notification is required by Section R313-15-1202; or

- (b) Doses in excess of any of the following:
    - (i) The occupational dose limits for adults in Section R313-15-201; or
    - (ii) The occupational dose limits for a minor in Section R313-15-207; or
    - (iii) The limits for an embryo/fetus of a declared pregnant woman in Section R313-15-208; or
    - (iv) The limits for an individual member of the public in Section R313-15-301; or
    - (v) Any applicable limit in the license or registration; or
    - (vi) The ALARA constraints for air emissions established under Subsection R313-15-101(4); or
  - (c) Levels of radiation or concentrations of radioactive material in:
    - (i) A restricted area in excess of applicable limits in the license or registration; or
    - (ii) An unrestricted area in excess of ten times the applicable limit set forth in Rule R313-15 or in the license or registration, whether or not involving exposure of any individual in excess of the limits in Section R313-15-301; or
  - (d) For licensees subject to the provisions of U.S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.
- (2) Contents of Reports.
- (a) Each report required by Subsection R313-15-1203(1) shall describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:
- (i) Estimates of each individual's dose; and
  - (ii) The levels of radiation and concentrations of radioactive material involved; and
  - (iii) The cause of the elevated exposures, dose rates, or concentrations; and
  - (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 or registration conditions.
- (b) Each report filed pursuant to Subsection R313-15-1203(1) shall include for each occupationally overexposed individual: the name, Social Security account number, and date of birth. With respect to the limit for the embryo/fetus in Section R313-15-208, the identifiers should be those of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable portion of the report.
- (3) All licensees or registrants who make reports pursuant to Subsection R313-15-1203(1) shall submit the report in writing to the Director.

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**KEY: radioactive materials, contamination, waste disposal, safety**  
**Date of Enactment or Last Substantive Amendment: [March 15, 2016] 2019**

Notice of Continuation: January 17, 2017  
Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-107

**R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**

**R313-18. Notices, Instructions and Reports to Workers by Licensees or Registrants--Inspections.**

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**R313-18-17. Inspections Not Warranted -- Informal Review.**

(1)(a) If the Director determines, with respect to a complaint under Section R313-18-16, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Director shall notify the complainant in writing of that determination. The complainant may obtain review of the determination by submitting a written statement of position with the Director. The Director will provide the licensee or registrant with a copy of the statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the Director. The Director will provide the complainant with a copy of the statement by certified mail.

(b) Upon the request of the complainant, the Director may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering written and oral views presented, the Director shall affirm, modify, or reverse the determination of the representatives of the Director and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

(2) If the Director determines that an inspection is not warranted because the requirements of R313-18-16(1) have not been met, the complainant shall be notified in writing of the determination. The determination shall be without prejudice to the filing of a new complaint meeting the requirements of R313-18-16(1).

**KEY: radioactive materials, inspections, radiation safety, licensing**

**Date of Enactment or Last Substantive Amendment: March 19, 2013**

**Notice of Continuation: July 1, 2016**

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

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

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**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 (~~[2014]~~2018), as amended by the June 28, 2018 Federal Register (83 FR 30285), 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) "Director" 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



Enclosure 1

**Utah Administrative Code - August 1, 2018**  
**(Proposed Rule Changes - RATS ID 2015-5 and 83 FR 30285)**

Regulatory Commission, Washington, DC 20555-0001" in 10 CFR 71.97(c)(3)(iii);

(iv) "NRC" in 10 CFR 71.101(f);

(b) "Director, 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 Director 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 Director, 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 (2009), 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

**Enclosure 1**

**Utah Administrative Code - August 1, 2018**  
**(Proposed Rule Changes - RATS ID 2015-5 and 83 FR 30285)**

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 Director, P.O. Box 144850, Salt Lake City, Utah 84114-4850.

**KEY: licenses, reciprocity, transportation, exemptions**

**Date of Enactment or Last Substantive Amendment: ~~[August 26, 2015]~~ 2019**

**Notice of Continuation: September 23, 2011**

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

**R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**

**R313-22. Specific Licenses.**

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**R313-22-75. Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material.**

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(9) Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing radioactive material for medical use under R313-32.

(a) An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Rule R313-32 will be approved if:

(i) the applicant satisfies the general requirements specified in Section R313-22-33;

(ii) the applicant submits evidence that the applicant is at least one of the following:

(A) registered with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.20(a);

(B) registered or licensed with a state agency as a drug manufacturer;

(C) licensed as a pharmacy by a State Board of Pharmacy; or

(D) operating as a nuclear pharmacy within a medical institution; or

(E) registered with a State Agency as a Positron Emission Tomography (PET) drug production facility.

(iii) the applicant submits information on the radionuclide; the chemical and physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the shielding provided by the packaging to show it is appropriate for the safe handling and storage of the radioactive drugs by medical use licensees; and

(iv) the applicant satisfies the following labeling requirements:

(A) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution.

The label must include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL"; the name of the radioactive drug or its abbreviation; and the quantity of radioactivity at a specified date and time. For radioactive drugs with a half life greater than 100 days, the time may be omitted.

(B) A label is affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the

words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label.

(b) A licensee described by Subsections R313-22-75(9)(a)(ii)(C) or (D):

(i) May prepare radioactive drugs for medical use, as defined in Rule R313-32 (incorporating 10 CFR 35.2 by reference), provided that the radioactive drug is prepared by either an authorized nuclear pharmacist, as specified in Subsections R313-22-75(9)(b)(ii) and (iv), or an individual under the supervision of an authorized nuclear pharmacist as specified in Rule R313-32 (incorporating 10 CFR 35.27 by reference).

(ii) May allow a pharmacist to work as an authorized nuclear pharmacist if:

(A) this individual qualifies as an authorized nuclear pharmacist as defined in Rule R313-32 (incorporating 10 CFR 35.2 by reference);

(B) this individual meets the requirements specified in Rule R313-32 (incorporating 10 CFR 35.55(b) and 10 CFR 35.59 by reference) and the licensee has received an approved license amendment identifying this individual as an authorized nuclear pharmacist; or

(C) this individual is designated as an authorized nuclear pharmacist in accordance with Subsection R313-22-75(9)(b)(iv).

(iii) The actions authorized in Subsections R313-22-75(9)(b)(i) and (ii) are permitted in spite of more restrictive language in license conditions.

(iv) May designate a pharmacist, as defined in Rule R313-32 (incorporating 10 CFR 35.2 by reference), as an authorized nuclear pharmacist if:

(A) The individual was a nuclear pharmacist preparing only radioactive drugs containing accelerator produced radioactive material, and

(B) The individual practiced at a pharmacy at a Government agency or Federally recognized Indian Tribe before November 30, 2007, or at all other pharmacies before August 8, 2009, or an earlier date as noticed by the NRC.

(v) Shall provide to the Director:

(A) a copy of each individual's certification by a specialty board whose certification process has been recognized by the Nuclear Regulatory Commission or Agreement State as specified in Rule R313-32 (incorporating 10 CFR 35.55(a) by reference) with the written attestation signed by a preceptor as required by Rule R313-32 (incorporating 10 CFR 35.55(b)(2) by reference); or

(B) the Nuclear Regulatory Commission or Agreement State license; or

(C) the permit issued by a licensee or Commission master materials permittee of broad scope or the authorization from a commercial nuclear pharmacy authorized to list its own authorized nuclear pharmacist; or

(D) the permit issued by a U.S. Nuclear Commission master materials licensee; or

(E) documentation that only accelerator produced radioactive

materials were used in the practice of nuclear pharmacy at a Government agency or Federally recognized Indian Tribe before November 30, 2007 or at all other locations of use before August 8, 2009, or an earlier date as noticed by the NRC; and

(F) a copy of the state pharmacy licensure or registration, no later than 30 days after the date that the licensee allows, pursuant to Subsections R313-22-75(9)(b)(ii)(A) and R313-22-75(9)(b)(ii)(C), the individual to work as an authorized nuclear pharmacist.

(c) A licensee shall possess and use instrumentation to measure the radioactivity of radioactive drugs. The licensee shall have procedures for use of the instrumentation. The licensee shall measure, by direct measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radioactive drugs prior to transfer for commercial distribution. In addition, the licensee shall:

(i) perform tests before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument; and make adjustments when necessary; and

(ii) check each instrument for constancy and proper operation at the beginning of each day of use.

(d) Nothing in Subsection R313-22-75(9) relieves the licensee from complying with applicable FDA, or Federal, and State requirements governing radioactive drugs.

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**KEY: specific licenses, decommissioning, broad scope, radioactive materials**

**Date of Enactment or Last Substantive Amendment: October 13, 2017**

**Notice of Continuation: July 1, 2016**

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

**R313. Environmental Quality, Radiation Control.**

**R313-36. Special Requirements for Industrial Radiographic Operations.**

**R313-36-1. Purpose and Authority.**

(1) The rules in R313-36 prescribe requirements for the issuance of licenses and establish radiation safety requirements for persons utilizing sources of radiation for industrial radiography.

(2) The rules set forth herein are adopted pursuant to the provisions of Subsections 19-3-104(4) and 19-3-104(7).

(3) The requirements of R313-36 are in addition to, and not in substitution for, the other requirements of these rules.

**R313-36-2. Scope.**

(1) The requirements of R313-36 shall apply to licensees using radioactive materials to perform industrial radiography.

(2) The requirements of R313-36 shall not apply to persons using electronic sources of radiation to conduct industrial radiography.

**R313-36-3. Clarifications or Exceptions.**

For purposes of R313-36, 10 CFR 34.3; 34.13; 34.20(a)(1); 34.20(b) through 34.41(b); 34.42(a) through 34.42(c); 34.43(a)(1); 34.43(b) through 34.45(a)(8); 34.45(a)(10) through 34.101 ~~[(2015)]~~ (2018), as amended by the June 28, 2018 Federal Register (83 FR 30285), are incorporated by reference with the following clarifications or exceptions:

(1) The exclusion of the following:

(a) In 10 CFR 34.3, exclude definitions for "Lay-barge radiography," "Offshore platform radiography," and "Underwater radiography";

(b) In 10 CFR 34.27(d), exclude "A copy of the report must be sent to the Administrator of the appropriate Nuclear Regulatory Commission's Regional Office listed in appendix D of 10 CFR part 20 of this chapter "Standards for Protection Against Radiation.""; and

(c) In 10 CFR 34.27(e), exclude "Licensees will have until June 27, 1998, to comply with the DU leak-testing requirements of this paragraph."

(2) The substitution of the following wording:

(a) "radioactive materials" for references to "byproduct materials";

(b) "Utah Radiation Control Rules" for references to:

(i) "Commission's regulations";

(ii) "Federal regulations";

(iii) "NRC regulations"; and

(iv) "Commission regulations.";

(c) "Director" for references to:

(i) "Commission";

(ii) "appropriate NRC regional office listed in Section 30.6(a)(2)";

(iii) "Director, Office of Federal and State Materials and Environmental Management Programs" except as used in 10 CFR 34.43(a)(1); and

(iv) "NRC's Office of Federal and State Materials and Environmental Management Programs";

- (d) "Director, the U.S. Nuclear Regulatory Commission, or an Agreement State" for references to:
- (i) "NRC or an Agreement State"; and
  - (ii) "Commission or an Agreement State";
- (e) "Director, the U.S. Nuclear Regulatory Commission, or by an Agreement State" for references to "Commission or by an Agreement State";
- (f) "License(s)" for references to "NRC license(s)";
- (g) "NRC or Agreement State License" for references to "Agreement State license"; and
- (h) "the Utah Radiation Control Rules" for references to "this chapter, such as Section 21.21."
- (3) The substitution of the following rule references:
- (a) In 10 CFR 34.51, "R313-12" for references to "10 CFR part 20 of this chapter";
  - (b) "R313-15" for references to "10 CFR part 20" and "10 CFR part 20 of this chapter" except as found in 10 CFR 34.51;
  - (c) "R313-15-601(1)(a)" for references to "Section 20.1601(a)(1) of this chapter";
  - (d) "R313-15-902(1) and (2)" for references to "10 CFR 20.1902(a) and (b) of this chapter";
  - (e) "R313-15-903" for references to "Section 20.1903 of this chapter";
  - (f) "R313-15-1203" for references to "10 CFR 20.2203" and "Section 20.2203 of this chapter";
  - (g) "R313-12-110" for references to "Section 30.6(a) of this chapter" except as used in 10 CFR 34.43(a)(1);
  - (h) "R313-19-30" for references to "Section 150.20 of this chapter";
  - (i) "R313-19-50" for references to "Section 30.50";
  - (j) "R313-19-100" for references to "10 CFR part 71", and "49 CFR parts 171 - 173";
  - (k) "R313-22-33" for references to "Section 30.33 of this chapter";
  - (l) "R313-36" for references to "NRC regulations contained in this part";
  - (m) "R313-19-100(5)" for references to "Section 71.5 of this chapter";
  - (n) "R313-19-5" for references to "Sections 30.7, 30.9, and 30.10 of this chapter."

**KEY: industry, radioactive material, licensing, surveys**

**Date of Enactment or Last Substantive Amendment:** ~~[June 16, 2015]~~ 2019

**Notice of Continuation:** July 1, 2016

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

**R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**

**R313-37. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.**

**R313-37-1. Purpose and Authority.**

(1) The rules in R313-37 prescribe requirements for the physical protection program for a licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material.

(2) The rules set forth herein are adopted pursuant to the provisions of Subsections 19-3-104(4) and 19-3-104(7).

(3) The requirements of R313-37 are in addition to, and not in substitution for, the other requirements of these rules.

**R313-37-2. Scope.**

These requirements provide reasonable assurance of the security of category 1 and category 2 quantities of radioactive material by protecting these materials from theft or diversion. Specific requirements for access to material, and use, transfer, and transportation of material are included.

**R313-37-3. Clarifications or Exceptions.**

For purposes of R313-37, 10 CFR 37.5, 37.11(c), 37.21 through 37.43(d)(8), 37.45 through 37.103, and Appendix A to 10 CFR 37 (2017), as amended by the June 28, 2018 Federal Register (83 FR 30285), are incorporated by reference with the following clarifications or exceptions:

(1) The exclusion of the following:

(a) In 10 CFR 37.5, exclude definitions for "Act", "Agreement State", "Becquerel", "Byproduct Material", "Commission", "Curie", "Government Agency", "License", "License issuing authority", "Lost or missing licensed material", "Person", "State", and "United States";

(b) In 10 CFR 37.77(a)(1), exclude the wording "Notifications to the NRC must be to the NRC's Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The notification to the NRC may be made by email to RAMQC\_SHIPMENTS@nrc.gov or by fax to 301-816-5151."; and

(c) In 10 CFR 37.81(g), exclude the wording "In addition, the licensee shall provide one copy of the written report addressed to the Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.".

(2) The substitution of the following wording:

(a) "Utah Radiation Control Rule" for references to:

(i) "Commission regulation" in 10 CFR 37.101; and

(ii) "regulation" in 10 CFR 37.103;

(b) "Utah Radiation Control Rules" for reference to:

(i) "regulations and laws" in 10 CFR 37.31(d);

(ii) "Commission requirements" in 10 CFR 37.43(a)(3) and 37.43(c)(1)(ii); and

(iii) "regulations in this part" in 10 CFR 37.103;

(c) "Director" for references to:

(i) "appropriate NRC regional office listed in Section



- 30.6(a)(2) of this Chapter" in 10 CFR 37.45(b);
- (ii) "Commission" in 10 CFR 37.103;
  - (iii) "NRC" in 10 CFR 37.31(d), 37.43(c)(3)(iii), 37.57(a) (second instance of NRC) and (c), 37.77, and 37.77(a)(1) (first instance) and (3), and 37.81(g);
  - (iv) "NRC's Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 29555-0001" in 10 CFR 37.77(c)(2) and 37.77(d);
  - (v) "NRC's Director of Nuclear Security, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 29555-0001" in 10 CFR 37.77(c)(1) (second instance);
  - (vi) "NRC's Operations Center" in 10 CFR 37.81(a) and (b);
  - (vii) "NRC's Operations Center (301-816-5100)" in 10 CFR 37.57(a) and (b) and 37.81(a) through (f);
  - (viii) "NRC regional office listed in section 30.6(a)(2) of this chapter" in 10 CFR 37.41.(a)(3); and
  - (ix) "NRC regional office specified in section 30.6 of this chapter" in 10 CFR 37.41(a)(3);
- (d) "Director, the U.S. Nuclear Regulatory Commission, or an Agreement State" for references to "Commission or an Agreement State" in 10 CFR 37.71 and 37.71(a) and (b);
- (e) "U.S. Nuclear Regulatory Commission's Security Orders or the legally binding requirement issued by Agreement States" for references to "Security Orders" in 10 CFR 37.21(a)(3), 37.25(b)(2), and 37.41(a)(3);
- (f) "mail, hand delivery, or electronic submission" for references to "an appropriate method listed in section 37.7" in 10 CFR 37.57(c) and 37.81(g); and
- (g) "shall, by mail, hand delivery, or electronic submission," for reference to "shall use an appropriate method listed in section 37.7 to" in 10 CFR 37.27(c).
- (3) The substitution of the following rule references:
- (a) "R313-19-41(4)" for reference to "section 30.41(d) of this chapter." In 10 CFR 37.71;
  - (b) "R313-19-100 (incorporating 10 CFR 71.97 by reference)" for reference to "section 71.97 of this chapter" in 10 CFR 37.73(b);
  - (c) "R313-19-100 (incorporating 10 CFR 71.97(b) by reference)" for reference to "section 71.97(b) of this chapter" in 10 CFR 37.73(b); and
  - (d) "10 CFR 73" for references to "part 73 of this chapter" in 10 CFR 37.21(c)(4), 37.25(b)2), and 37.27(a)(4).

**KEY:**           radioactive       materials,       security,       fingerprinting,       transportation

**Date of Enactment or Last Substantive Amendment:** ~~[July 13, 2018]~~2019

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**UTAH DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL**  
**RATS ID 2015-5**  
**( 80 FR 74974, Published December 1, 2015)**  
**Miscellaneous Corrections**  
**10 CFR Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150**  
**Rule Adoption Crosswalk**

Code of Federal Regulations		Utah Administrative Code*		
TITLE	10 CFR	R313-	COMPATIBILITY	NOTES
Inspections not Warranted; Informal Review	§19.17(a)	18-17(1)	C	The revised text uniquely applies to the NRC and does not exist in Utah's equivalent text in R313-18-17(1). Consequently, no changes are necessary. A courtesy copy of the current Utah rule is provided.
Standards for Protection Against Radiation	10 CFR Part 20	12-110; 12-111 15-1203 15-1006 Introductory Paragraph -- incorporation by reference	C: §20.1007 D: §20.2203(d) B: App. G, I. Manifest	The revised text uniquely applies to the NRC and does not exist in Utah's equivalent text in R313-12-110, R313-111, and R313-15-1203. Consequently, no changes are necessary for those sections of the Utah radiation control rules. However, for compatibility purposes, the proposed change in R313-15-1006 updates the date of the incorporation by reference of 10 CFR Part 20, Appendix G from 2010 to 2018.
Communications	§30.6(a)(3)	12-110, 12-111	D	The revised text uniquely applies to the NRC and does not exist in Utah's equivalent text in R313-12-110. Consequently, no change to R313-12-110 of the Utah rules is necessary. A courtesy copy of the current Utah rule is provided.
Purpose and Scope	§32.1(c)(1)	N/A	NRC	N/A

Code of Federal Regulations		Utah Administrative Code*		
TITLE	10 CFR	R313-	COMPATIBILITY	NOTES
Physical Protection of Category 1 & Category 2 Quantities of RAM	10 CFR Part 37	37-3 Introductory Paragraph -- Incorporation by reference	D: §37.7(c) B: §37.27 (c)(1)	The appropriate sections of 10 CFR Part 37 are incorporated by reference in Utah's equivalent rules in R313-37. Although the revised text uniquely applies to the NRC, Utah's current date of incorporation is 2017 (effective date 7/13/2018) as part of the rule changes for RATS ID 2015-2 and RATS ID 2015-4, resulting in including the changes published in the 12/1/2015 <i>Federal Register</i> (80 FR 74974). Consequently, no other changes are necessary. However, proposed changes are provided related to the non-RATS ID changes published in the June 28, 2018 <i>Federal Register</i> (83 FR 30285) and are described under a separate rule adoption crosswalk.
Advance Notification of Shipment of Category 1 Quantities of RAM	§37.77(a)(1)	37-3 Introductory Paragraph -- Incorporation by reference	B	Incorporation by reference date updated to 2017 with the change made with RATS-ID 2015-2 and RATS-ID 2015-4. This results in incorporating the changes published in the 12/1/2015 <i>Federal Register</i> (80 FR 74974). Consequently, no other changes are necessary. However, proposed changes are provided related to the non-RATS ID changes published in the June 28, 2018 Federal Register (83 FR 30285) and are described under a separate rule adoption crosswalk.
Domestic Licensing of Source Material	10 CFR Part 40	Various	NRC: App. A, Criterion 11(F) §40.27(b)(1)	N/A "Tribe" appears twice in R313-22-75 (R313-22-75(9)(b)) of the Utah rules and in both instances is already capitalized. Consequently, no change is necessary. A courtesy copy of the current Utah rule is provided.
Communications	§40.5(a)(3)	12-110	D	The revised text uniquely applies to the NRC and does not exist in Utah's equivalent text in R313-12-110. Consequently, no change is necessary. A courtesy copy of the current Utah rule is provided.

Code of Federal Regulations		Utah Administrative Code*		
TITLE	10 CFR	R313-	COMPATIBILITY	NOTES
Licensing Requirements for Land Disposal of Radioactive Waste	10 CFR Part 61	25	H&S: §61.7(c) D: §61.2 §61.25(c) §§61.70 - 61.73	The revised text does not exist in Utah's equivalent text in R313-25. Consequently, no change is necessary.
Communications	§61.4	12-110	D	The revised text uniquely applies to the NRC and does not exist in Utah's equivalent text in R313-12-110. Consequently, no change is necessary. A courtesy copy of the current Utah rule is provided.
Communications	§70.5(a)(3)	12-110	D	The revised text uniquely applies to the NRC and does not exist in Utah's equivalent text in R313-12-110. Consequently, no change is necessary. A courtesy copy of the current Utah rule is provided.
Communications & Records	§71.1(a)	12-110	D	The revised text uniquely applies to the NRC and does not exist in Utah's equivalent text in R313-12-110. Consequently, no change is necessary. A courtesy copy of the current Utah rule is provided.
Definitions	§71.4	19-100 Introductory Paragraph -- Incorporation by reference	B	Proposed change to update Incorporation by reference date to 2018.
Advance Notification of Shipment of Irradiated Reactor Fuel ...	§71.97(c)(3)(ii)	19-100 Introductory Paragraph -- Incorporation by reference	B	Proposed change to update Incorporation by reference date to 2018.
Communications	§150.4	12-110	D	The revised text uniquely applies to the NRC and does not exist in Utah's equivalent text in R313-12-110. Consequently, no change is necessary. A courtesy copy of the current Utah rule is provided.
Continued Commission Authority Pertaining to Byproduct Material	§150.15a(b)(6)	N/A	NRC	N/A

\*NOTE: The Utah Administrative Code is available online at <https://rules.utah.gov/publications/utah-adm-code/>.

**UTAH DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL**  
**NON-RATS ID**  
**( 83 FR 30285, Published June 28, 2018)**  
**Miscellaneous Corrections**  
**10 CFR Parts 1, 2, 34, 37, 50, 71, 73, and 140**  
**Rule Adoption Crosswalk**

Code of Federal Regulations		Utah Administrative Code	COMPATIBILITY	NOTES
TITLE	10 CFR	R313-		
Notification	§34.101	36-3 Introductory Paragraph -- Incorporation by reference	C	Incorporation by reference date updated to 2018 and to include a specific reference to 6/28/2018 <i>Federal Register</i> .
Access authorization program requirements	§37.23(b)(2)	37-3 Introductory Paragraph -- Incorporation by reference	B	Incorporation by reference updated to include a specific reference to 6/28/2018 <i>Federal Register</i> .
General security program requirements	§37.43(d)(2) §37.43(3) §37.43(5)-(8)	37-3 Introductory Paragraph -- Incorporation by reference	C	Incorporation by reference updated to include a specific reference to 6/28/2018 <i>Federal Register</i> .
LLEA coordination	§37.45(b)	37-3 Introductory Paragraph -- Incorporation by reference	B	Incorporation by reference updated to include a specific reference to 6/28/2018 <i>Federal Register</i> .
Advance notification of shipment of category 1 and category 2 quantities of radioactive material	§37.77(a)(1)	37-3 Introductory Paragraph -- Incorporation by reference	B	Incorporation by reference updated to include a specific reference to 6/28/2018 <i>Federal Register</i> .
Advance notification of shipment of irradiated reactor fuel and nuclear waste	§71.97(c)(3)(iii)	19-100 Introductory Paragraph -- Incorporation by reference	B	Incorporation by reference date updated to 2018 and include a specific reference to 6/28/2018 <i>Federal Register</i> .

\*NOTE: The Utah Administrative Code is available online at <https://rules.utah.gov/publications/utah-adm-code/>.