



State of Utah

SPENCER J. COX  
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Lieutenant Governor

Department of  
Environmental Quality

Kimberly D. Shelley  
Interim Executive Director

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL

Ty L. Howard  
Director

February 5, 2021

Theresa Clark, Deputy Director (Sent via Email)  
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: Final Rule Changes Associated with RATS ID 2018-2, RATS ID 2018-3, and RATS ID 2019-1

Dear Ms. Clark:

Enclosed is a copy of the final revisions to R313-36, *Special Requirements for Industrial Radiographic Operations*, and R313-37, *Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material*, of the Utah Administrative Code (Radiation Control Rules) to incorporate federal regulations associated with RATS ID 2018-2, RATS ID 2018-3, and RATS ID 2019-1. The final revisions were approved by the Utah Waste Management and Radiation Control Board on January 14, 2021 with an effective date of January 15, 2021. The final rules are identified by underline/strikeout and highlighted in yellow and correspond to the following equivalent amendments to NRC's regulations. A copy of the Notice of Effective Date from the Utah State Bulletin (Utah's analog to the Federal Register) is attached. For those state rules for which changes were unnecessary, a courtesy copy of those rules is attached to assist in the review of the final revisions. Additionally, a rule adoption crosswalk for each RATS ID is also provided.

<b><u>RATS ID</u></b>	<b><u>Title</u></b>	<b><u>State Sections</u></b>
2018-2	Miscellaneous Corrections Organizational Changes	R313-12-110, R313-12-111, R313-19-100, R313-22-34 (no changes necessary to preceding rules), R313-37-3 (final changes made)
2018-3	Miscellaneous Corrections	R313-19-100 (no change necessary), R313-36-3, R313-37-3 (final changes made)
2019-1	Miscellaneous Corrections	R313-37-3 (final changes made)

(Over)

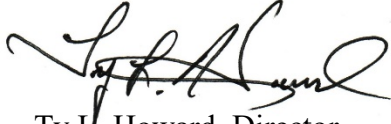
DRC-2021-001282

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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 Tom Ball by email at [tball@utah.gov](mailto:tball@utah.gov) or by phone at (801) 536-0251.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ty L. Howard', with a stylized flourish at the end.

Ty L. Howard, Director  
Division of Waste Management and Radiation Control

TLH/TIB/al

Enclosures: Final Rule R313-36 (DRC-2021-001289)  
Final Rule R313-37 (DRC-2021-001291)  
Utah State Bulletin (DRC-2021-001284)  
Courtesy Copy Rules (DRC-2021-001287)  
Rule Adoption Crosswalk (DRC-2020-021201)

c: Michelle Beardsley, NRC (Email)  
Jackie Cook, RSAO, NRC, Region IV (Email)

### **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 **19-3-103.1(1)(a)**, 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)(2020)**, 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)30.6(b)(2)**";
    - (iii) "Director, Office of **Federal and State Materials and Environmental Management ProgramsNuclear Material Safety and Safeguards**" except as used in 10 CFR 34.43(a)(1); and
    - (iv) "NRC's Office of **Federal and State Materials and Environmental Management ProgramsNuclear Material Safety and Safeguards**";
  - (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~~]

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

**Authorizing, and Implemented or Interpreted Law:** [~~19-3-103~~]19-3-103.1(1)(a); 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 19-3-103.1(1)(a), 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)](2020), 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) 30.6(b)(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]specified 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);
    - (ix) "Director, Office of Nuclear Material Safety and Safeguards in 10 CFR 37.23(b)(2)".
  - (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]~~

**Notice of Continuation:** January 17, 2017

**Authorizing, and Implemented or Interpreted Law:** 19-3-103; 19-3-104[~~19-6-104~~]

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed January 01, 2021, 12:00 a.m. through January 15, 2021, 11:59 p.m.

Number 2021-03  
February 01, 2021

Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
- I. Utah. Office of Administrative Rules.

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## NOTICES OF RULE EFFECTIVE DATES

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State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

**NOTICES OF EFFECTIVE DATE** are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

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### Administrative Services

#### Administration

No. 53213 (Amendment) R13-2: Management of Records and Access to Records  
Published: 12/01/2020  
Effective: 01/08/2021

#### Purchasing and General Services

No. 53121 (Amendment) R33-1: Utah Procurement Rules, General Procurement Provisions  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53122 (Amendment) R33-2: Rules of Procedure for Procurement Policy Board  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53123 (Amendment) R33-3: Procurement Organization  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53124 (Amendment) R33-4: Supplemental Procurement Procedures  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53125 (Amendment) R33-5: Other Standard Procurement Processes  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53126 (Amendment) R33-6: Bidding  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53127 (Amendment) R33-7: Request for Proposals  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53128 (Amendment) R33-8: Exceptions to Standard Procurement Process  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53129 (Amendment) R33-9: Cancellations, Rejections, and Debarment  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53130 (Amendment) R33-10: Preferences  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53131 (Amendment) R33-11: Form of Bonds  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53132 (Amendment) R33-12: Terms and Conditions, Contracts, Change Orders and Costs  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53133 (Amendment) R33-13: General Construction Provisions  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53134 (Amendment) R33-15: Procurement of Design Professional Services  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53135 (Amendment) R33-16: Protests  
Published: 12/15/2020  
Effective: 01/22/2021

## NOTICES OF RULE EFFECTIVE DATES

No. 53136 (Amendment) R33-19: General Provisions  
Related to Protest or Appeal  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53138 (Amendment) R33-24: Unlawful Conduct and  
Ethical Standards  
Published: 12/15/2020  
Effective: 01/22/2021

### Agriculture and Food

#### Plant Industry

No. 53205 (Amendment) R68-26: Industrial Hemp Product  
Registration and Labeling  
Published: 12/01/2020  
Effective: 01/08/2021

No. 53151 (New Rule) R68-34: Educational Event and  
Educational Material Rules  
Published: 12/01/2020  
Effective: 01/08/2021

No. 53177 (New Rule) R68-35: Academic Medical  
Cannabis Research  
Published: 12/15/2020  
Effective: 01/22/2021

### Alcoholic Beverage Control

#### Administration

No. 53233 (New Rule) R82-9: Event Permits  
Published: 12/01/2020  
Effective: 01/26/2021

### Commerce

#### Administration

No. 53220 (Amendment) R151-4: Department of  
Commerce Administrative Procedures Act Rule  
Published: 12/01/2020  
Effective: 01/08/2021

Occupational and Professional Licensing  
No. 53200 (Amendment) R156-31b: Nurse Practice Act  
Rule  
Published: 12/01/2020  
Effective: 01/08/2021

### Education

#### Administration

No. 53206 (Amendment) R277-100: Definitions for Utah  
State Board of Education (Board) Rules.  
Published: 12/01/2020  
Effective: 01/08/2021

No. 53207 (New Rule) R277-311: Specialized  
Endorsements  
Published: 12/01/2020  
Effective: 01/08/2021

No. 53037 (Amendment) R277-326: Early Learning  
Professional Learning Grant Program  
Published: 09/15/2020  
Effective: 01/05/2021

No. 53038 (Amendment) R277-327: School Leadership  
Development Grant  
Published: 09/15/2020  
Effective: 01/05/2021

No. 53208 (Amendment) R277-445: Classifying Small  
Schools as Necessarily Existent  
Published: 12/01/2020  
Effective: 01/08/2021

No. 53209 (Repeal) R277-507: Driver Education  
Endorsement  
Published: 12/01/2020  
Effective: 01/08/2021

No. 53210 (New Rule) R277-626: Special Needs  
Opportunity Scholarship Program  
Published: 12/01/2020  
Effective: 01/08/2021

No. 53221 (Amendment) R277-726: Statewide Online  
Education Program  
Published: 12/01/2020  
Effective: 01/08/2021

No. 53222 (Amendment) R277-920: School Improvement -  
Implementation of the School Turnaround and Leadership  
Development Act  
Published: 12/01/2020  
Effective: 01/08/2021

### Environmental Quality

#### Waste Management and Radiation Control, Radiation

No. 53211 (Amendment) R313-36: Special Requirements  
for Industrial Radiographic Operations  
Published: 12/01/2020  
Effective: 01/15/2021

No. 53212 (Amendment) R313-37: Physical Protection of  
Category 1 or Category 2 Quantities of Radioactive Material  
Published: 12/01/2020  
Effective: 01/15/2021

### Governor

#### Energy Development (Office of)

No. 53145 (Amendment) R362-4: High Cost Infrastructure  
Development Tax Credit Act  
Published: 11/15/2020  
Effective: 01/11/2021

Health

Health Care Financing, Coverage and Reimbursement Policy  
No. 53214 (Amendment) R414-60: Medicaid Policy for  
Pharmacy Program  
Published: 12/01/2020  
Effective: 01/12/2021

Human Services

Aging and Adult Services  
No. 53152 (Amendment) R510-200: Liability  
Published: 12/01/2020  
Effective: 01/14/2021

No. 53036 (Amendment) R510-302: Adult Protective  
Services  
Published: 10/01/2020  
Effective: 01/04/2021

Insurance

Administration  
No. 53229 (Amendment) R590-160: Adjudicative  
Proceedings  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53230 (Repeal) R590-231: Workers' Compensation  
Market of Last Resort  
Published: 12/15/2020  
Effective: 01/22/2021

No. 53218 (Amendment) R590-244: Individual and Agency  
Licensing Requirements  
Published: 12/01/2020  
Effective: 01/08/2021

Labor Commission

Industrial Accidents  
No. 53180 (Amendment) R612-100: Forms Used By  
Industrial Accidents Division  
Published: 11/15/2020  
Effective: 01/01/2021

No. 53176 (Amendment) R612-200: Reporting and  
investigating Injuries  
Published: 11/15/2020  
Effective: 01/01/2021

No. 53174 (Amendment) R612-300: Workers'  
Compensation Rules - Medical Care  
Published: 11/15/2020  
Effective: 01/01/2021

No. 53166 (Amendment) R612-400: Premium Rates for the  
Uninsured Employers' Fund and the Employers' Reinsurance  
Fund  
Published: 11/15/2020  
Effective: 01/01/2021

Natural Resources

Parks and Recreation  
No. 53117 (Amendment) R651-601: Posted  
Published: 11/15/2020  
Effective: 01/05/2021

No. 53116 (Amendment) R651-606: Camping  
Published: 11/15/2020  
Effective: 01/05/2021

Water Rights

No. 53224 (New Rule) R655-18: Public Water Supplier 40  
Year Water Requirement Plan Standards  
Published: 12/15/2020  
Effective: 01/22/2021

Wildlife Resources

No. 53119 (Amendment) R657-58: Fishing Contests and  
Clinics  
Published: 11/15/2020  
Effective: 01/07/2021

No. 53120 (Amendment) R657-62: Deployed Military  
Published: 11/15/2020  
Effective: 01/07/2021

Public Safety

Fire Marshal  
No. 53085 (Repeal) R710-10: Rules Pursuant to Fire  
Service Training, Education, and Certification  
Published: 10/15/2020  
Effective: 01/11/2021

Criminal Investigations and Technical Services, Criminal  
Identification

No. 53147 (New Rule) R722-930: Automatic Expungement  
Published: 11/15/2020  
Effective: 01/11/2021

Veterans' and Military Affairs

Administration  
No. 53203 (Amendment) R978-1: Grant Program  
Published: 12/01/2020  
Effective: 01/12/2021

**End of the Notices of Rule Effective Dates Section**

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

**R313-12. General Provisions.**

**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.**  
**R313-19. 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 (2019) 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 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 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: February 14, 2020**

**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.**

**R313-22. Specific Licenses.**

**R313-22-34. Issuance of Specific Licenses.**

(1) Upon a determination that an application meets the requirements of the Act and the rules of the Board, the Director will issue a specific license authorizing the proposed activity in a form and containing conditions and limitations as the Director deems appropriate or necessary.

(a) Specific licenses for a new license application shall have an expiration date five years from the end of the month in which it is issued.

(b) Specific licenses for a renewed license shall expire ten years after the expiration date of the previous version of the license.

(c) Notwithstanding R313-22-34(1)(b), if during the review of the license renewal application, the Director determines issues that need to be reassessed sooner than the ten year renewal interval, the Director may shorten the renewal interval on a case by case basis. Examples of issues that may result in a shortened renewal interval includes new technologies, new company management, poor regulatory compliance, or other situations that would warrant increased attention.

(2) The Director may incorporate in licenses at the time of issuance, or thereafter, additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of radioactive material subject to Rule R313-22 as the Director deems appropriate or necessary in order to:

(a) minimize danger to public health and safety or the environment;

(b) require reports and the keeping of records, and to provide for inspections of activities under the license as may be appropriate or necessary; and

(c) prevent loss or theft of material subject to Rule R313-22.

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

**Date of Enactment or Last Substantive Amendment: August 9, 2019**

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

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

**WASTE MANAGEMENT AND RADIATION CONTROL**  
**Rulemaking Crosswalk**

FEDERAL REGISTER		U.S. Code of Federal Regulations		UTAH ADMIN. CODE		RULE CHANGE
Date	Reference	Section	Title 10 Title	Section	R313 Title	SUMMARY
6/28/2018	83 FR 30285	34.101(c)	Notifications	36-3	Clarifications or Exceptions	Incorporation by reference date updated to 2020. The change in the date of the incorporation by reference to 2020 results in incorporating the applicable changes published in the 6/28/2018 <i>Federal Register</i> . Replaces reference to 30.6(a)(2) with correct reference of 30.6(b)(2).
		37.23	Access authorization program requirements	37-3	Clarifications or Exceptions	Date of the incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 6/28/2018 <i>Federal Register</i> . Adds the new sentence "Provide oath or affirmation certifications to the ATTN: Document Control Desk; Director, Office of Nuclear Material Safety and Additionally, the "Director, Office of Nuclear Materials Safety and Safeguards" is added to the list of substitutions for the Director (Utah Division of Waste Management and Radiation Control) in order for our agency Director to be designated as the appropriate recipient of the oath or affirmation certifications.
		37.43	General security program requirements	37-3	Clarifications or Exceptions	Incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 6/28/2018 <i>Federal Register</i> . Adds the phrase "the list of individuals that have been approved for unescorted access" to designated paragraphs in 10 CFR 37.43.
		37.45	LLEA Coordination	37-3	Clarifications or Exceptions	Incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 6/28/2018 <i>Federal Register</i> . Replaces reference to 30.6(a)(2) with correct reference of 30.6(b)(2).
		37.77	Advance notification of shipment of category 1 quantities of radioactive material	37-3	Clarifications or Exceptions	Incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 6/28/2018 <i>Federal Register</i> . Updates reference to the "Division of Materials Safety, Security, State, and Tribal Programs."

FEDERAL REGISTER		U.S. Code of Federal Regulations		UTAH ADMIN. CODE		RULE CHANGE
Date	Reference	Title 10		R313		SUMMARY
		Section	Title	Section	Title	
11/21/2018 83 FR 58721						
		37.77	Advance notification of shipment of category 1 quantities of radioactive material	37-3	Clarifications or Exceptions	Incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 11/21/2018 <i>Federal Register</i> . Removes "Division of Security Policy" and phrase "of Nuclear Security."
		37.81	Reporting of events	37-3	Clarifications or Exceptions	Incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 11/21/2018 <i>Federal Register</i> . Removes sentence with reference to NRC office.
11/18/2019 84 FR 63565						
		37.23	Access authorization program requirements	37-3	Clarifications or Exceptions	Incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 11/18/2019 <i>Federal Register</i> . Corrects reference to the appropriate NRC office.
		37.27	Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material	37-3	Clarifications or Exceptions	Incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 11/18/2019 <i>Federal Register</i> .  Updates references to NRC offices and associated website