



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Ty L. Howard
Director

September 30, 2020

Jacob Zimmerman, Acting 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: Proposed Rule Changes Associated with RATS ID 2018-2, 2018-3, and 2019-1

Dear Mr. Zimmerman:

Enclosed is a copy of the proposed revisions to R313, Radiation Control Rules, Utah Administrative Code, to incorporate federal regulations associated with RATS ID 2018-2, RATS ID 2018-3, and RATS ID 2019-1. Following the NRC's review, the proposed rule changes will be presented to the Utah Waste Management and Radiation Control Board at its November 12, 2020 meeting for approval to initiate the formal rulemaking process by filing the proposed rulemaking action for publication in the *Utah State Bulletin*, Utah's analog to the *Federal Register*. Publication in the Bulletin begins the 30-day public comment period. The Utah Waste Management and Radiation Control Board has state statutory authority for all administrative rulemaking for our agency.

The proposed rule changes are identified by underline/strikeout and highlighted in yellow and correspond to the following equivalent amendments to NRC's regulations. Additionally, to assist in the review of the proposed rule changes, Enclosure 1 is associated with RATS ID 2018-2, Enclosure 2 with RATS ID 2018-3, and Enclosure 3 with RATS ID 2019-1.

<u>RATS ID</u>	<u>Title</u>	<u>State Sections</u>
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 (proposed change)
2018-3	Miscellaneous Corrections	R313-19-100 (no change necessary), R313-36-3, R313-37-3 (proposed changes)
2019-1	Miscellaneous Corrections	R313-37-3 (proposed change)

(Over)

DRC-2020-016134

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We believe the adoption of these proposed 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 email Rusty Lundberg at rlundberg@utah.gov or by phone at (801) 536-4257.

Sincerely,


Ty L. Howard, Director

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

TLH/RL/al

Enclosures: Enclosure 1 – Proposed Utah Rules and Rule Adoption Crosswalk
RATS ID 2018-2 (DRC-2020-016136)
Enclosure 2 – Proposed Utah Rules and Rule Adoption Crosswalk
RATS ID 2018-3 (DRC-2020-016138)
Enclosure 3 – Proposed Utah Rules and Rule Adoption Crosswalk
RATS ID 2019-1 (DRC-2020-016140)

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

UTAH DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL
RATS ID 2018-2
(83 FR 57231, Published November 21, 2018)
Miscellaneous Corrections -- Organizational Changes
10 CFR Parts 37, 40, 70, and 71
Rule Adoption Crosswalk

Code of Federal Regulations		Utah Administrative Code*		
TITLE	10 CFR	R313-	COMPATIBILITY	NOTES
Communications	§37.7(a)	37-3 Introductory paragraph incorporates various sections of Part 37 by reference, but does not include 37.7	D	No changes to the Utah Radiation Control rules are necessary. However, R313-12-110 and R313-12-111 of the Utah rules designates the Director of our agency as the official recipient of information from licensees, similar to 10 CFR 37.7. A courtesy copy of those sections of the Utah rules is provided.
Advance notification of shipment of category 1 quantities of radioactive material	§37.77	37-3 Introductory paragraph incorporates 37.77 by reference	B 37.77(a)-(d) C 37.77(e) and (f)	Date of the incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 11/21/2018 <i>Federal Register</i> .
Reporting of events	§37.81(g)	37-3 Introductory paragraph incorporates 37.81 by reference	C	Date of the incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 11/21/2018 <i>Federal Register</i> .
General license for carriers of transient shipments of natural U other than in the form of ore or ore residue	§40.23 (b)(1) (b)(2)(IX) (c) (d)	N/A	NRC	
Reports	§40.64	N/A	NRC	
Requirements for advance notice of export shipments of natural U	§40.66 (a) (b)(5) (c)	N/A	NRC	
Requirements for advance notice of importation of natural U from countries not party to the CPPNM	§40.67 (a) (c) (d)	N/A	NRC	

Code of Federal Regulations		Utah Administrative Code*		
TITLE	10 CFR	R313-	COMPATIBILITY	NOTES
Communications	§70.5	R313-12-110, R323-12-111	D	No changes to the Utah Radiation Control rules are necessary. However, R313-12-110 and R313-12-111 of the Utah rules designates the Director of our agency as the official recipient of information from licensees, similar to 10 CFR 70.5. A courtesy copy of those sections of the Utah rules is provided.
General license for carriers of transient shipments of formula quantities of strategic SNM, SNM of moderate strategic significance, SNM of low strategic significance, and irradiated reactor fuel	§70.20b	N/A	NRC	
Conditions of licenses	§70.32	N/A 19-34(1)-(3) 19-34(5) 22-34(2)(a)&(b)	NRC (a)(1), (a)(4)-(a)(7), (b)(1), (b)(3), (b)(4)(c)-(k) C (a)(2), (a)(3), (a)(8) H&S (a)(9) D (b)(2), (b)(5)	N/A --- The revised text only changes paragraphs designated as compatibility category NRC [(c)(2), (d), (e), and (i)]. The revised text does not affect the paragraphs designated as compatibility C, H&S, and D categories and uniquely applies to the NRC and does not exist in Utah's equivalent text in R313-19-34 and R313-22-34. Consequently, no changes to the Utah rule are necessary. A courtesy copy of Utah's rules (R313-19-34 and R313-22-34) is provided.
Advance notification of shipment irradiated reactor fuel and nuclear waste	§71.97(c)(3)(iii)	19-100 Introductory paragraph incorporates 71.97 by reference	B	Incorporation by reference date updated to 2019 with RATS ID 2015-5 rulemaking. This previous rulemaking resulted in incorporating the applicable changes published in the 11/21/2018 <i>Federal Register</i> . Consequently, no additional rulemaking is necessary.

* Official version (effective as of 1/1/20) of the Utah Radiation Control Rules can be obtained online at <https://rules.utah.gov/publicat/code/r313/r313.htm>.

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.
R313-19-1. Purpose and Authority.

R313-19-34. Terms and Conditions of Licenses.

(1) Licenses issued pursuant to Rule R313-19 shall be subject to provisions of the Act, now or hereafter in effect, and to all rules, and orders of the Director.

(2)(a) Licenses issued or granted under Rules R313-21 and R313-22 and rights to possess or utilize radioactive material granted by a license issued pursuant to Rules R313-21 and R313-22 shall not be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of a license to a person unless the Director shall, after securing full information find that the transfer is in accordance with the provisions of the Act now or hereafter in effect, and to all rules, and orders of the Director, and shall give his consent in writing.

(b) An application for transfer of license shall include:

(i) The identity, technical and financial qualifications of the proposed transferee; and

(ii) Financial assurance for decommissioning information required by R313-22-35.

(3) Persons licensed by the Director pursuant to Rules R313-21 and R313-22 shall confine use and possession of the material licensed to the locations and purposes authorized in the license.

(4) Licensees shall notify the Director in writing and request termination of the license when the licensee decides to terminate activities involving materials authorized under the license.

(5) Licensees shall notify the Director in writing immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11, Bankruptcy, of the United States Code by or against:

(a) the licensee;

(b) an entity, as that term is defined in 11 USC 101(15), controlling the licensee or listing the license or licensee as property of the estate; or

(c) an affiliate, as that term is defined in 11 USC 101(2), of the licensee.

(6) The notification specified in Subsection R313-19-34(5) shall indicate:

(a) the bankruptcy court in which the petition for bankruptcy was filed; and

(b) the date of the filing of the petition.

(7) Licensees required to submit emergency plans pursuant to Subsection R313-22-32(8) shall follow the emergency plan approved by the Director. The licensee may change the approved plan without the Director's approval only if the changes do not decrease the effectiveness of the plan. The licensee shall furnish the change to the Director and to affected off-site response organizations within six months after the change is made. Proposed changes that decrease, or potentially decrease, the effectiveness of the approved emergency plan may not be implemented without prior application to and prior approval by the Director.

(8) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85 contamination, respectively, in accordance with Rule R313-32 (incorporating 10 CFR 35.204 by

reference). The licensee shall record the results of each test and retain each record for three years after the record is made. The licensee shall report the results of each test that exceeds the permissible concentration listed in R313-32 (incorporating 10 CFR 35.204(a)) at the time of generator elution, in accordance with R313-32 (incorporating 10 CFR 35.3204).

(9) Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

(10)(a) Authorization under Subsection R313-22-32(9) to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to medical use licensees in its consortium does not relieve the licensee from complying with applicable FDA, other Federal, and State requirements governing radioactive drugs.

(b) A licensee authorized under Subsection R313-22-32(9) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall:

(i) Satisfy the labeling requirements in Subsection R313-22-75(9)(a)(iv) for each PET radioactive drug transport radiation shield and each syringe, vial, or other container used to hold a PET radioactive drug intended for noncommercial distribution to members of its consortium.

(ii) Possess and use instrumentation to measure the radioactivity of the PET radioactive drugs intended for noncommercial distribution to members of its consortium and meet the procedural, radioactivity measurement, instrument test, instrument check, and instrument adjustment requirements in Subsection R313-22-75(9)(c).

(c) A licensee that is a pharmacy authorized under Subsection R313-22-32(9) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall require that any individual that prepares PET radioactive drugs shall be:

(i) an authorized nuclear pharmacist that meets the requirements in Subsection R313-22-75(9)(b)(ii); or

(ii) an individual under the supervision of an authorized nuclear pharmacist as specified in Rule R313-32 (incorporating 10 CFR 35.27 by reference).

(d) A pharmacy authorized under Subsection R313-22-32(9) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium that allows an individual to work as an authorized nuclear pharmacist, shall meet the requirements of Subsection R313-22-75(9)(b)(v).

KEY: licenses, reciprocity, transportation, exemptions

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

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

Utah Administrative Code – Effective Feb. 14, 2020
(Final Rule Changes - RATS ID 2015-5, No changes necessary under RATS ID 2018-2)

"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: August 9, 2019

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

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)](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) 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);
- (x) "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: 19-3-104; 19-6-104



UTAH DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL

RATS ID 2018-3

(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*		
TITLE	10 CFR	R313-	COMPATIBILITY	NOTES
Notifications	§34.101(c)	36-3 Introductory paragraph incorporates by reference 34.101	C	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> .
Access authorization program requirements	§37.23(b)(2)	37-3 Introductory paragraph incorporates 37.23 by reference 37-3(2)(c)(x) adds "Director, Office of Nuclear Materials Safety and Safeguards" to list of substitutions	B	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> . 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.
General security program requirements Protection of	§37.43(d)(2) §37.43(d)(3) introductory text §37.43(d)(3)(i) §37.43(d)(5) through (d)(7) §37.43(d)(8)(ii)	37-3 Introductory paragraph incorporates 37.43 by reference	C C C C	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> .
LLEA coordination	§37.45(b)	37-3 Introductory paragraph incorporates 37.45 by reference	B	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> .

Code of Federal Regulations		Utah Administrative Code*		
TITLE	10 CFR	R313-	COMPATIBILITY	NOTES
Advance notification of shipment of category 1 quantities of radioactive material	§37.77(a)(1)	37-3 Introductory paragraph incorporates 37.77 by reference	B	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> .
Advance notification of shipment irradiated reactor fuel and nuclear waste	§71.97(c)(3)(iii)	19-100 Introductory paragraph incorporates 71.97 by reference	B	Incorporation by reference date updated to 2019 with RATS ID 2015-5 rulemaking. This previous rulemaking resulted in incorporating the applicable changes published in the 6/28/2018 <i>Federal Register</i> . Consequently, no additional rulemaking is necessary.

* Official version of the Utah Radiation Control Rules can be obtained online at <https://rules.utah.gov/publicat/code/r313/r313.htm>.

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: August 9, 2019

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)](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)";

(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

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)](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) 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);
- (x) "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: 19-3-104; 19-6-104



UTAH DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL

RATS ID 2019-1

(84 FR 63565, Published November 18, 2019)

Miscellaneous Corrections

10 CFR Parts 2, 21, 37, 50, 52, 73, and 110

[Rule Adoption Crosswalk](#)

Code of Federal Regulations		Utah Administrative Code*		
TITLE	10 CFR	R313-	COMPATIBILITY	NOTES
Access authorization program requirements	§37.23(b)(2)	37-3 Introductory paragraph incorporates 37.23 by reference	B	Date of the incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 11/18/2019 <i>Federal Register</i> .
Requirements for criminal history records checks of individuals granted unescorted access to category 1 and category 2 quantities of radioactive material	§37.27(c)(1) and (c)(2)	37-3 Introductory paragraph incorporates 37.27 by reference	B	Date of the incorporation by reference is updated to 2020. This results in incorporating the applicable changes published in the 11/18/2019 <i>Federal Register</i> .

* Official version (effective as of 1/1/20) of the Utah Radiation Control Rules can be obtained online at <https://rules.utah.gov/publicat/code/r313/r313.htm>.

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)](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) 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);
- (x) "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

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