



State of Utah

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Lieutenant Governor

Department of  
Environmental Quality

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Executive Director

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL

Douglas J. Hansen  
Director

December 15, 2022

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

RE: Final Corrections to Utah Rule R313-19-100 Based on NRC Comments dated July 11, 2022  
(ML22192A148)

Dear Ms. Clark:

Enclosed is a copy of the final, approved version of R313-19-100, *Requirements of General Applicability to Licensing of Radioactive Material*, of the Utah Administrative Code (Radiation Control Rules). This final version incorporates changes requested by the NRC in a letter to Douglas J. Hansen dated July 11, 2022 (ML22192A148). The revisions to the rule were approved by the Utah Waste Management and Radiation Control Board on November 10, 2022, with an effective date of November 14, 2022. The highlighted portion of the enclosed rule shows that reference to 10 CFR 71.19(a) and (b) have been removed from the rule. A copy of the Notice of Effective Date from the Utah State Bulletin (Utah's analog to the Federal Register) is also enclosed.

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,

Douglas J. Hansen, Director  
Division of Waste Management and Radiation Control

(Over)

DJH/TIB/wa

Enclosures: R313-019-100.Final.docx (DRC-2022-023591)  
Utah State Bulletin (DRC-2022-023582)

c: Michelle Beardsley, NRC, State Regulation Review Coordinator (Email)  
Theresa V. Clark, Deputy Director, Division of Materials Safety, Security,  
State and Tribal Programs (Email)  
Spencer Wickham, Division of Waste Management and Radiation Control, UDEQ

### **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), 71.0(d)(1), 71.1(a), 71.3, 71.4, 71.13, 71.14(a), 71.15, 71.17, 71.21 through 71.23, 71.47, 71.83, 71.85 introductory paragraph, 71.85(d), 71.87 through 71.89, 71.91(a), 71.91(c), 71.91(d), 71.97, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.103(a), 71.103(b), 71.105, 71.106, 71.127, 71.129, 71.131, 71.133, 71.135, 71.137, and Appendix A to Part 71 (2020) 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";
    - (v) "special form radioactive material", since this definition exists in Section R313-12-3; and
    - (vi) "state."
  - (b) In 10 CFR 71.91(c) and 71.91(d), the phrase "certificate holder and applicant for a COC";
  - (c) In 10 CFR 71.101(a), the sentence "Each certificate holder and applicant for a package approval is responsible for satisfying the quality assurance requirements that apply to the design, fabrication, testing, and modification of package subject to this subpart;" and
  - (d) In 10 CFR 71.101(b), each instance of "certification holder, and applicant for a COC."
- (2) The substitution of the following rule references:
  - (a) "Rule 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) "Section R313-15-502" for reference to "10 CFR 20.1502";
  - (c) "Rule 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) "Subsection R313-15-906(5)" for reference to "10 CFR 20.1906(e)";
  - (f) "Subsection R313-19-100(5)" for "Sec.71.5";
  - (g)(i) "10 CFR 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.103(a), 71.103(b), 71.105, 71.106, and 71.127 through 71.137" for "subpart H of this part" or for "subpart H";
  - (ii) "10 CFR 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.103(a), 71.103(b), 71.105, 71.106, and 71.127 through 71.137" for "this subpart" in 71.101(a) and 71.101(c)(1).
  - (h) "10 CFR 71.0(c), 71.0(d)(1), 71.1(a), 71.3, 71.4, Subsection R313-19-100(5), Sections R313-19-1 and R313-19-5, 71.83, 71.85 introductory paragraph, 71.85(d) through 71.89, 71.91(a), 71.91(c), 71.91(d), 71.97, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.103(a), 71.103(b), 71.105, 71.106, 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";
  - (j) "10 CFR 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.103(a), 71.103(b), 71.105, 71.106, and 71.127 through 71.137" for "Sec. Sec. 71.101 through 71.137." in 71.101(b) and 71.105(a);
  - (k) "10 CFR 71.85(a) through (c)" for "paragraphs (a) through (c) of this section" in 71.85(d);
  - (l) "10 CFR 73.24" for "73.24 of this chapter" in 71.88(b);
  - (m) "71.14(a)" for "71.14" in 71.91(a);
  - (n) "R313-12-110" for "Sec. 71.1(a)" and for the NRC contact information in 71.101(c)(1) and 71.106(b); and
  - (o) "10 CFR 71.111" for "Sec. 71.111" in 71.135.
- (3) The substitution of the following terms:
  - (a) "Director" for:
    - (i) "Commission" in 10 CFR 71.0(c), 71.17(a), 71.17(b), 71.21(a), 71.21(b), 71.22(a), 71.22(b), 71.23(a), 71.23(b), 71.91(c), and 71.101(c)(1);
    - (b) "Director, the U.S. Nuclear Regulatory Commission, or an Agreement State" for "Commission" in 10 CFR 71.3;
    - (c) "Specific or general" for "NRC" in 10 CFR 71.0(c);
    - (d) "The Director at the address specified in SecR313-12-110" 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);
    - (e) "Each" for "Using an appropriate method listed in Sec. 71.1(a), each" in 10 CFR 71.101(c)(1);
    - (f) "The material shall 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);
    - (g) "Licensee" for "licensee, certificate holder, and applicant for a COC"; and
    - (h) "Licensee is" for reference to "licensee, certificate holder, and applicant for a COC are."
  - (4) The insertion of "NRC-issued" in 10 CFR 71.17(c)(1) immediately before "Certificate of Compliance."
  - (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 (2014), 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 or 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 Subsection R313-19-100(5)(a) 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, shall be filed with, or made to, the Director, PO Box 144850, Salt Lake City, Utah 84114-4850.

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

**Date of Last Change: November 14, 2022**

**Notice of Continuation: April 8, 2021**

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

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed November 02, 2022, 12:00 a.m. through November 15, 2022, 11:59 p.m.

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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 Government Operations, 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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Semimonthly.

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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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### Agriculture and Food

#### Plant Industry

No. 54869 (Amendment) R68-25: Industrial Hemp Program-Cannabinoid Product Processors  
Published: 10/01/2022  
Effective: 11/22/2022

### Commerce

#### Administration

No. 54884 (Amendment) R151-3: Americans with Disabilities Act Rule  
Published: 10/15/2022  
Effective: 11/21/2022

### Education

#### Administration

No. 54885 (Amendment) R277-123: Process for Members of the Public to Report Violations of Statute and Board Rule  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54886 (Amendment) R277-324: Paraprofessional/Paraeducator Programs, Assignments, and Qualifications  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54887 (Amendment) R277-426: Definition of Private and Non-Profit Schools for Federal Program Services  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54888 (Amendment) R277-436: Gang Prevention and Intervention Programs in the Schools  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54889 (Amendment) R277-454: Construction Management of School Building Projects  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54890 (Amendment) R277-468: Parents Review of Public Education Curriculum and Review of Complaint Process  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54891 (Amendment) R277-469: Instructional Materials Commission Operating Procedures  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54892 (Amendment) R277-496: K-3 Reading Software Licenses  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54893 (Amendment) R277-614: Athletes and Students with Head Injuries  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54894 (Amendment) R277-625: Mental Health Screeners  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54895 (Amendment) R277-726: Statewide Online Education Program  
Published: 10/01/2022  
Effective: 11/07/2022

No. 54896 (New Rule) R277-728: Honors Courses  
Published: 10/01/2022  
Effective: 11/07/2022



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No. 54837 (New Rule) R309-230: Lead in School Sampling and Remediation Requirements  
Published: 09/15/2022  
Effective: 11/01/2022

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No. 54863 (Amendment) R313-19-100: Transportation  
Published: 10/01/2022  
Effective: 11/14/2022

Health and Human Services

Administration (Health)

No. 54732 (New Rule) R380-500: Agency Authority  
Published: 08/01/2022  
Effective: 11/21/2022

Higher Education (Utah Board of)

Administration

No. 54859 (New Rule) R765-901: Talent Ready Utah Program  
Published: 10/01/2022  
Effective: 11/08/2022

No. 54857 (New Rule) R765-902: Utah Works Program  
Published: 10/01/2022  
Effective: 11/08/2022

No. 54858 (New Rule) R765-1001: Utah Data Research Center  
Published: 10/01/2022  
Effective: 11/08/2022

Insurance

Administration

No. 54942 (Amendment) R590-93-4: Duties of an Insurer That Uses a Producer  
Published: 10/15/2022  
Effective: 11/22/2022

No. 54943 (Repeal) R590-232: Authorization for a Health Maintenance Organization to Provide Services as Third Party Administrator of Health Care Benefits  
Published: 10/15/2022  
Effective: 11/22/2022

No. 54944 (Amendment) R590-251: Prereed Life Insurance Minimum Standards to Determine Reserve Liabilities and Nonforfeiture Values  
Published: 10/15/2022  
Effective: 11/22/2022

No. 54945 (New Rule) R590-289: Term and Universal Life Insurance Reserve Financing  
Published: 10/15/2022  
Effective: 11/22/2022

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No. 54911 (Amendment) R651-604: Audio Devices  
Published: 10/15/2022  
Effective: 11/22/2022

No. 54933 (Repeal) R651-605: Begging and Soliciting  
Published: 10/15/2022  
Effective: 11/22/2022

No. 54914 (Repeal) R651-609: Explosives and Fireworks  
Published: 10/15/2022  
Effective: 11/22/2022

No. 54915 (Repeal) R651-617: Permit Violation  
Published: 10/15/2022  
Effective: 11/22/2022

No. 54918 (Amendment) R651-620: Protection of Resources Park System Property  
Published: 10/15/2022  
Effective: 11/22/2022

No. 54916 (Repeal) R651-622: Rock Climbing  
Published: 10/15/2022  
Effective: 11/22/2022

No. 54917 (Repeal) R651-623: Sale or Distribution of Printed Material  
Published: 10/15/2022  
Effective: 11/22/2022

Wildlife Resources

No. 54870 (Amendment) R657-28: Use of Division Lands  
Published: 10/01/2022  
Effective: 11/07/2022

Public Service Commission

Administration

No. 54832 (Amendment) R746-349: Competitive Entry and Reporting Requirements  
Published: 10/15/2022  
Effective: 11/21/2022

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No. 54829 (Amendment) R884-24P-33: 2022 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-10743  
Published: 09/15/2022  
Effective: 11/03/2022

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Employment Development

No. 54872 (Amendment) R986-300-307: Refugee Transitional Cash Assistance  
Published: 10/01/2022  
Effective: 12/01/2022