

WASTE MANAGEMENT AND RADIATION CONTROL BOARD

Executive Summary

Five-Year Review for Radiation Rules R313-12, R313-14, R313-16, R313-17,
R313-18, R313-19, R313-22, R313-25, R313-28,
R313-32, R313-36, and R313-70

June 9, 2016

What is the issue before the Board?	<p>This is a request for Board approval to file with the Division of Administrative Rules, a Notice of Continuation (five-year review) for the following Radiation Control Rules:</p> <p>R313-12 General Provisions; R313-14 Violations and Escalated Enforcement, R313-16 General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines; R313-17 Administrative Procedures; R313-18 Notices, Instructions, Reports to Workers by Licensees or Registrants; R313-19 Requirements of General Applicability to Licensing of Radioactive Materials; R313-22 Specific Licenses; R313-25 License Requirements for Land Disposal of Radioactive Waste; R313-28 Use of X-Rays in the Healing Arts; R313-32 Medical Use of Radioactive Material; R313-36 Special Requirements for Industrial Radiographic Operations; and R313-70 Payments, Categories and Types of Fees. The rules can be viewed at http://www.rules.utah.gov/publicat/code/r313/r313.htm</p>
What is the historical background or context for this issue?	<p>The Utah Administrative Rulemaking Act (Utah Code Annotated (UCA) §63G-3-305) requires state agencies to review each of their administrative rules within five years of the rule’s original effective date or the last five-year review. The purpose of the review is to provide agencies with an opportunity to evaluate the rules to assess if the rules should be continued.</p> <p>In performing a five-year review, an agency may consider the need to amend or repeal rules that are archaic in form, are no longer used, are not based on existing statutory authority or are otherwise unnecessary.</p> <p>The Radiation Control Act authorizes the Waste Management and Radiation Control Board to make rules governing the radiation control program (UCA §19-3-104). Because the Administrative Rulemaking Act’s definition of “agency” includes each state board authorized or required by law to make rules, it is appropriate that the Board approve a five-year review of a rule.</p> <p>To retain a rule as part of the Utah Administrative Code, a “Five-Year Notice of Review and Statement of Continuation” must be filed with the Division of Administrative Rules before the rule’s five-year anniversary date.</p> <p>A filing form with the following information must be provided:</p> <ol style="list-style-type: none">1. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize the rule;

	<p>2. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule; and,</p> <p>3. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any.</p> <p>Completing the form provided by the Division of Administrative Rules and filing it before the five-year review date satisfies the provisions of the Administrative Rulemaking Act with respect to a five-year review.</p>
<p>What is the governing statutory or regulatory citation?</p>	<p>Utah Code Annotated (UCA) §63G-3-305 and §19-6-104</p>
<p>Is Board action required?</p>	<p>Yes.</p>
<p>What is the Division Director's recommendation?</p>	<p>The Division Director recommends the Board approve filing the completed Five-Year Notice of Review and Statement of Continuation forms for Radiation Rules R313-12, R313-14, R313-16, R313-17, R313-18, R313-19, R313-22, R313-25, R313-28, R313 32, R313 36, and R313-70 with the Division of Administrative Rules.</p>
<p>Where can more information be obtained?</p>	<p>For further information, please contact Rusty Lundberg at (801) 536-4257 or Ralph Bohn at (801) 536-0212.</p>

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information				
DAR file no:	Date filed:			
State Admin Rule Filing Key: 157543				
Utah Admin. Code ref. (R no.): R313-12				
Agency Information				
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation			
Room no.:	Third Floor			
Building:				
Street address 1:	195 N 1950 W			
Street address 2:				
City, state, zip:	SALT LAKE CITY UT 84116-3085			
Mailing address 1:	PO BOX 144850			
Mailing address 2:				
City, state, zip:	SALT LAKE CITY UT 84114-4850			
Contact person(s):				
Name:	Phone:	Fax:	E-mail:	Remove:
Rusty Lundberg	801-536-4257	801-533-4097	rlundberg@utah.gov	
(Interested persons may inspect this filing at the above address or at DAR during business hours)				
Rule Title				
2. Title of rule or section (catchline):				
General Provisions				
Rule Provisions				
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:				
UCA Section 19-1-106 establishes the Waste Management and Radiation Control Board. The Board is authorized to make rules under Section 19-3-104 that are necessary for protecting the environment and controlling human exposure to sources of radiation that constitute a significant health hazard. Additionally, under section 19-6-104, the Board is authorized to make rules necessary to maintain program primacy from the federal government for the radiation control program. As part of state primacy of the radiation control program, the definitions and other general provisions in R313-12 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.				
Comment Summary				
4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:				
There have been no comments specifically supporting or opposing the rule. However, since the last five-year review in 2011, three substantive amendments have been made to the rule (Utah State Bulletin, Numbers 2015-9 (DAR No. 39277), 2014-17 (DAR No. 38752), and 2013-3 (DAR No. 37189)). During the rulemaking action for DAR No. 37189, one comment was received that noted an incorrect statutory citation in the definition for "Board" in Section R313-12-3. A nonsubstantive rule change was filed to make the necessary correction.				
Justification Information				
5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:				
This rule is necessary because it lays the foundation for establishing radiation safety and protection and, as an Agreement State, maintains the appropriate regulatory compatibility with the NRC. There have been no opposing comments to the rule since the last five-year review in 2011.				
Indexing Information				
6. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):				
Definitions, Inspections, Exemptions				
File Information				

7. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency
Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization
Agency head or designee, and title: Brad Johnson Deputy Director Date (mm/dd/yyyy):

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information				
DAR file no:	Date filed:			
State Admin Rule Filing Key: 157544				
Utah Admin. Code ref. (R no.): R313-14				
Agency Information				
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation			
Room no.:	Third Floor			
Building:				
Street address 1:	195 N 1950 W			
Street address 2:				
City, state, zip:	SALT LAKE CITY UT 84116-3085			
Mailing address 1:	PO BOX 144850			
Mailing address 2:				
City, state, zip:	SALT LAKE CITY UT 84114-4850			
Contact person(s):				
Name:	Phone:	Fax:	E-mail:	Remove:
Rusty Lundberg	801-536-4257	801-533-4097	rlundberg@utah.gov	
(Interested persons may inspect this filing at the above address or at DAR during business hours)				
Rule Title				
2. Title of rule or section (catchline):	Violations and Escalated Enforcement			
Rule Provisions				
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:	UCA Section 19-1-106 establishes the Waste Management and Radiation Control Board. The Board is authorized to make rules under Section 19-3-104 that are necessary for protecting the environment and controlling human exposure to sources of radiation that constitute a significant health hazard. Additionally, under section 19-6-104, the Board is authorized to make rules necessary to maintain program primacy from the federal government for the radiation control program. As part of state primacy of the radiation control program, the requirements in R313-14 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.			
Comment Summary				
4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:	There have been no comments specifically supporting or opposing the rule. However, since the last five-year review in 2011, two substantive amendments have been made to the rule (Utah State Bulletin Numbers 2013-22 (DAR No. 38076) and 2013-3 (DAR No. 37190)). During the rulemaking action for DAR No. 38076, comments were submitted addressing the proposed changes to the civil penalty amounts for the different severity categories as well as the civil penalty amount associated with repeat violations and the time associated with correcting violations. The increase in the severity category penalty amounts were made by the Radiation Control Board to incorporate changes enacted during the 2013 General Session of the Legislature to increase the maximum civil penalty authorized by the Utah Radiation Control Act (19-3-109). The comments suggested the Radiation Control Board revise the rule by (1) designating the severity categories as a range rather than retain a single penalty amount for each category, (2) retaining the existing multiplier for repeated violation, and (3) further clarifying the time period for correcting violations. No comments were received for the rule changes made under DAR No. 37190.			
Justification Information				
5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:	This rule is necessary because it establishes actions that may be taken for noncompliance with existing radiation control laws and rules and, as an Agreement State, maintains the appropriate regulatory compatibility with the NRC. This includes setting violation severity levels, enforcement sanctions, and assessment of civil penalties. There have been no comments opposing the rule since the last five-year review in 2011.			
Indexing Information				
6. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):				

Violations, Penalties, Enforcement

File Information

7. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title: Brad Johnson Deputy Director Date (mm/dd/yyyy):

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information	
DAR file no:	Date filed:
State Admin Rule Filing Key: 157545	
Utah Admin. Code ref. (R no.): R313-16	
Agency Information	
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation
Room no.:	Third Floor
Building:	
Street address 1:	195 N 1950 W
Street address 2:	
City, state, zip:	SALT LAKE CITY UT 84116-3085
Mailing address 1:	PO BOX 144850
Mailing address 2:	
City, state, zip:	SALT LAKE CITY UT 84114-4850
Contact person(s):	
Name:	Phone:
	Fax:
	E-mail:
	Remove:
(Interested persons may inspect this filing at the above address or at DAR during business hours)	
Rule Title	
2. Title of rule or section (catchline):	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines
Rule Provisions	
3.	A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: UCA Section 19-1-106 establishes the Waste Management and Radiation Control Board. The Board is authorized to make rules under Section 19-3-104 that are necessary for protecting the environment and controlling human exposure to sources of radiation that constitute a significant health hazard. Additionally, under section 19-6-104, the Board is authorized to make rules necessary to maintain program primacy from the federal government for the radiation control program. As part of state primacy of the radiation control program, the appropriate requirements in R313-16 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.
Comment Summary	
4.	A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: There have been no comments specifically supporting or opposing the rule. No substantive changes have been made to the rule since the last five-year review in 2011.
Justification Information	
5.	A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: Continuation of this rule is necessary because it prescribes requirements governing the installation, registration, inspection, and use of sources of electronically produced ionizing radiation as a means to protect human health and the environment. The prolific use of such machines is not only very common among the healing arts professions for critical diagnostic and therapeutic applications, they also provide key functions in veterinarian, academic, industrial, and other professional applications.
Indexing Information	
6.	Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")): X-ray, Inspections, Exposure, Protection
File Information	
7.	Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title:

Brad Johnson
Deputy Director

Date (mm/dd/yyyy):

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 157546
 Utah Admin. Code ref. (R no.): R313-17

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation
 Room no.: Third Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144850
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4850

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Rusty Lundberg	801-536-4257	801-533-4097	rlundberg@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Administrative Procedures

Rule Provisions

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
 UCA Section 19-1-106 establishes the Waste Management and Radiation Control Board. The Board is authorized to make rules under Section 19-3-104 that are necessary for protecting the environment and controlling human exposure to sources of radiation that constitute a significant health hazard. Additionally, under section 19-6-104, the Board is authorized to make rules necessary to maintain program primacy from the federal government for the radiation control program. As part of state primacy of the radiation control program, the applicable requirements in R313-17 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.

Comment Summary

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:
 There have been no comments specifically supporting or opposing the rule. However, since the last five-year review in 2011, four substantive amendments have been made to the rule (Utah State Bulletin Numbers 2014-17, including 2014-24 as a change in a proposed rule (both DAR No. 38770), 2013-3 (DAR No. 37192), and 2011-23 (DAR No. 35416)). During the rulemaking action for DAR No. 38770, comments were submitted addressing the proposed changes to incorporate public hearing procedures required by federal law for 11e.(2) radioactive byproduct material licensing actions. The majority of the comments suggested the Radiation Control Board revise the rule to (1) be more specific about a citation to federal law, (2) eliminate some confusing and duplicative language, (3) specify that the director of the Division of Radiation Control shall not be the hearing officer for the question and answer hearings established in the rule, and (4) clarify that administrative remedies through the question and answer hearing process must be exhausted in order to obtain review on appeal. During the rulemaking for DAR No. 35146, ten comments were received. The majority of the comments addressed clarifying, refining, and expanding the list of examples of major radioactive materials licensing actions. No comments were received for the rule changes made under DAR No. 37192.

Justification Information

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:
 This rule is necessary because it establishes the requirements for conducting public hearings for various radioactive materials licensing actions, including those that are required by federal law for 11e.(2) byproduct material licensing actions. As an Agreement State, the rule also is necessary for maintaining the appropriate regulatory compatibility with the NRC. There have been no comments opposing the rule since the last five-year review in 2011.

Indexing Information

6. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms)

(e.g., "GRAMA") or proper nouns (e.g., "Medicaid");
Administrative Procedures, Public Hearings, Public Comment

File Information

7. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title:	Brad Johnson Deputy Director	Date (mm/dd/yyyy):
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information				
DAR file no:	Date filed:			
State Admin Rule Filing Key: 157547				
Utah Admin. Code ref. (R no.): R313-18				
Agency Information				
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation			
Room no.:	Third Floor			
Building:				
Street address 1:	195 N 1950 W			
Street address 2:				
City, state, zip:	SALT LAKE CITY UT 84116-3085			
Mailing address 1:	PO BOX 144850			
Mailing address 2:				
City, state, zip:	SALT LAKE CITY UT 84114-4850			
Contact person(s):				
Name:	Phone:	Fax:	E-mail:	Remove:
Rusty Lundberg	\$01-536-4257	\$01-533-4097	rlundberg@utah.gov	
(Interested persons may inspect this filing at the above address or at DAR during business hours)				
Rule Title				
2. Title of rule or section (catchline):	Notices, Instructions and Reports to Workers by Licensees or Registrants--Inspections			
Rule Provisions				
3.	A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: UCA Section 19-1-106 establishes the Waste Management and Radiation Control Board. The Board is authorized to make rules under Section 19-3-104 that are necessary for protecting the environment and controlling human exposure to sources of radiation that constitute a significant health hazard. Additionally, under section 19-6-104, the Board is authorized to make rules necessary to maintain program primacy from the federal government for the radiation control program. As part of state primacy of the radiation control program, the appropriate requirements in R313-18 have been reviewed by the U.S. Nuclear Regulatory Commission (NRC) and have been determined to be compatible with the corresponding federal radiation protection regulations.			
Comment Summary				
4.	A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: There have been no comments specifically supporting or opposing the rule. However, since the last five-year review in 2011, one substantive amendment has been made to the rule Utah State Bulletin Number 2013-3 (DAR No. 37193). No comments were received for this rule change.			
Justification Information				
5.	A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: Continuation of this rule is necessary because it specifies the training and notification requirements by employers for workers that use radioactive materials. The rule also provides the basis for worker protection and safety requirements and, as an Agreement State, maintains the appropriate regulatory compatibility with the NRC.			
Indexing Information				
6.	Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")): Radioactive Materials, Radiation Safety, Inspections, Licensing			
File Information				
7.	Attach an RTF document containing the text of this rule change (filename):			

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and
title:

Brad Johnson
Deputy Director

Date (mm/dd/yyyy):

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information				
DAR file no:	Date filed:			
State Admin Rule Filing Key:	157539			
Utah Admin. Code ref. (R no.):	R313-19			
Agency Information				
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation			
Room no.:	Third Floor			
Building:				
Street address 1:	195 N 1950 W			
Street address 2:				
City, state, zip:	SALT LAKE CITY UT 84116-3085			
Mailing address 1:	PO BOX 144850			
Mailing address 2:				
City, state, zip:	SALT LAKE CITY UT 84114-4850			
Contact person(s):				
Name:	Phone:	Fax:	E-mail:	Remove:
Ralph Bohn	801-536-0212	801-536-0222	rbohn@utah.gov	
(Interested persons may inspect this filing at the above address or at DAR during business hours)				
Rule Title				
2. Title of rule or section (catchline):	Requirements of General Applicability to Licensing of Radioactive Material			
Rule Provisions				
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:	Section 19-1-106 establishes the Waste Management and Radiation Control Board within the Department of Environmental Quality. In accordance with Section 19-3-104, the Board is authorized to make rules that are necessary for controlling exposures to sources of radiation that constitute a significant health hazard.			
Comment Summary				
4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:	During the period from the previous five year review six substantive modifications to R313-19 were made. Comments were made that related to the specific language proposed in some of the modifications. No comments were received expressing support or opposition to the R313-19 since the last five year review.			
Justification Information				
5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:	It is necessary to continue this rule because it prescribes requirements governing the licensing of radioactive material. This rule also needs to be continued to ensure that the state's rules are adequate to protect public health and safety, and meet compatibility requirements of the U. S. Nuclear Regulatory Commission's program. The rule identifies certain concentrations or quantities of radioactive material which are exempt from licensing. The rule also establishes the conditions for safe transportation of radioactive material, provides for reciprocal recognition of out-of-state licenses, and identifies terms and conditions of licenses. No opposing comments have been received.			
Indexing Information				
6. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):	Licenses, transportation, reciprocity, exemptions			
File Information				
7. Attach an RTF document containing the text of this rule change (filename):	There is a document associated with this rule filing.			

To the Agency

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and
title: Brad Johnson
Deputy Director

Date (mm/dd/yyyy): 05/19/2016

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information				
DAR file no:	Date filed:			
State Admin Rule Filing Key: 157536				
Utah Admin. Code ref. (R no.): R313-22				
Agency Information				
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation			
Room no.:	Third Floor			
Building:				
Street address 1:	195 N 1950 W			
Street address 2:				
City, state, zip:	SALT LAKE CITY UT 84116-3085			
Mailing address 1:	PO BOX 144850			
Mailing address 2:				
City, state, zip:	SALT LAKE CITY UT 84114-4850			
Contact person(s):				
Name:	Phone:	Fax:	E-mail:	Remove:
Ralph Bohn	801-536-0212	801-536-0222	rbohn@utah.gov	
(Interested persons may inspect this filing at the above address or at DAR during business hours)				
Rule Title				
2. Title of rule or section (catchline):	Specific Licenses			
Rule Provisions				
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:	Section 19-1-106 establishes the Waste Management and Radiation Control Board within the Department of Environmental Quality. In accordance with Section 19-3-104, the Board is authorized to make rules that are necessary for controlling exposures to sources of radiation that constitute a significant health hazard.			
Comment Summary				
4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:	During the period from the previous five year review eight substantive modifications to R313-22 were made. The comments related to the specific language proposed in the modifications. No comments were received expressing support or opposition to the R313-22 since the last five year review.			
Justification Information				
5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:	It is necessary to continue this rule because it prescribes requirements for the issuance of "specific licenses" for control of radioactive material. This rule also needs to be continued to ensure that the state's rules are adequate to protect public health and safety, and meet compatibility requirements of the U. S. Nuclear Regulatory Commission's program. The rule prescribes procedures for filing an application, assuring financial surety for decommissioning facilities where radioactive materials are used, and requirements for "specific licenses" of broad scope. The requirements for issuance of "specific licenses" help ensure protection of public health and safety or property. No opposing comments have been received.			
Indexing Information				
6. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):	specific licenses, decommissioning, board scop, radioactive materials			
File Information				
7. Attach an RTF document containing the text of this rule change (filename):				

There is a document associated with this rule filing.		
To the Agency		
Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.		
Agency Authorization		
Agency head or designee, and title:	Brad Johnson Deputy Director	Date (mm/dd/yyyy): 05/19/2016

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information	
DAR file no:	Date filed:
State Admin Rule Filing Key: 157535	
Utah Admin. Code ref. (R no.): R313-25	

Agency Information				
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation			
Room no.:	Third Floor			
Building:				
Street address 1:	195 N 1950 W			
Street address 2:				
City, state, zip:	SALT LAKE CITY UT 84116-3085			
Mailing address 1:	PO BOX 144850			
Mailing address 2:				
City, state, zip:	SALT LAKE CITY UT 84114-4850			
Contact person(s):				
Name:	Phone:	Fax:	E-mail:	Remove:
Ralph Bohn	\$01-536-0212	\$01-536-0222	rbohn@utah.gov	
(Interested persons may inspect this filing at the above address or at DAR during business hours)				

Rule Title	
2. Title of rule or section (catchline):	License Requirements for Land Disposal of Radioactive Waste - General Provisions

Rule Provisions	
3.	A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: Section 19-1-106 establishes the Waste Management and Radiation Control Board within the Department of Environmental Quality. In accordance with Section 19-3-104, the Board is authorized to make rules that are necessary for controlling exposures to sources of radiation that constitute a significant health hazard.

Comment Summary	
4.	A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: During the period from the previous five year review two substantive modifications to R313-25 were made. The comments related to the specific language proposed in the modifications. No comments were received expressing support or opposition to the R313-25 since the last five year review.

Justification Information	
5.	A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: This rule establishes the procedures, criteria, and terms and conditions upon which a license may be issued for the land disposal of radioactive wastes. It is necessary to continue this rule because of the presence of an active low-level radioactive waste disposal facility in the State of Utah. This rule also needs to be continued to ensure that the State's rules are adequate to protect public health and safety, and meet compatibility requirements of the U. S. Nuclear Regulatory Commission's program.

Indexing Information	
6.	Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")): radiation, depleted uranium, radioactive waste disposal

File Information	
7.	Attach an RTF document containing the text of this rule change (filename): There is a document associated with this rule filing.

To the Agency	
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Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title: Brad Johnson
Deputy Director Date (mm/dd/yyyy): 05/19/2016

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information				
DAR file no:	Date filed:			
State Admin Rule Filing Key:	157533			
Utah Admin. Code ref. (R no.):	R313-28			
Agency Information				
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation			
Room no.:	Third Floor			
Building:				
Street address 1:	195 N 1950 W			
Street address 2:				
City, state, zip:	SALT LAKE CITY UT 84116-3085			
Mailing address 1:	PO BOX 144850			
Mailing address 2:				
City, state, zip:	SALT LAKE CITY UT 84114-4850			
Contact person(s):				
Name:	Phone:	Fax:	E-mail:	Remove:
Ralph Bohn	801-536-0212	801-536-0222	rbohn@utah.gov	
(Interested persons may inspect this filing at the above address or at DAR during business hours)				
Rule Title				
2. Title of rule or section (catchline):	Use of X-Rays in the Healing Arts			
Rule Provisions				
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:	Section 19-1-106 establishes the Waste Management and Radiation Control Board within the Department of Environmental Quality. In accordance with Section 19-3-104, the Board is authorized to make rules that are necessary for controlling exposures to sources of radiation that constitute a significant health hazard.			
Comment Summary				
4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:	During the period from the previous five year review two substantive modifications to R313-28 were made. The comments related to the specific language proposed in the modifications. No comments were received expressing support or opposition to the R313-28 since the last five year review.			
Justification Information				
5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:	It is necessary to continue this rule because it prescribes the requirements for the use of X-rays in the healing arts. The rule establishes X-ray machine parameters for limiting the size of the X-ray beam, controlling radiation exposure, maintaining accuracy and linearity, and defining performance of mammography X-ray systems. No opposing comments have been received.			
Indexing Information				
6. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):	dental, x-ray, mammography, beam limitation			
File Information				
7. Attach an RTF document containing the text of this rule change (filename):	There is a document associated with this rule filing.			
To the Agency				

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Agency Authorization

Agency head or designee, and title:

Brad Johnson
Deputy Director

Date (mm/dd/yyyy): 05/19/2016

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information				
DAR file no:	Date filed:			
State Admin Rule Filing Key: 157532				
Utah Admin. Code ref. (R no.): R313-32				
Agency Information				
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation			
Room no.:	Third Floor			
Building:				
Street address 1:	195 N 1950 W			
Street address 2:				
City, state, zip:	SALT LAKE CITY UT 84116-3085			
Mailing address 1:	PO BOX 144850			
Mailing address 2:				
City, state, zip:	SALT LAKE CITY UT 84114-4850			
Contact person(s):				
Name:	Phone:	Fax:	E-mail:	Remove:
Ralph Bohn	\$01-536-0212	\$01-536-0222	rbohn@utah.gov	
(Interested persons may inspect this filing at the above address or at DAR during business hours)				
Rule Title				
2. Title of rule or section (catchline):	Medical Use of Radioactive Material			
Rule Provisions				
3.	A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: Section 19-1-106 establishes the Waste Management and Radiation Control Board within the Department of Environmental Quality. In accordance with Section 19-3-104, the Board is authorized to make rules that are necessary for controlling exposures to sources of radiation that constitute a significant health hazard.			
Comment Summary				
4.	A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: During the period from the previous five year review no substantive modifications to R313-32 were made. No comments were received expressing support or opposition to the R313-32 since the last five year review.			
Justification Information				
5.	A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: It is necessary to continue this rule because it establishes the requirements for the medical use of radiation and radioactive material. This rule also needs to be continued to ensure that the state's rules are adequate to protect public health and safety, and meet compatibility requirements of the U. S. Nuclear Regulatory Commission's program. The rule provides for protection of the public health and safety by controlling the internal or external administration of radioactive material to humans. The rule also establishes training requirements for individuals who are authorized to use radioactive material in the practice of medicine.			
Indexing Information				
6.	Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")): radioactive materials, radiopharmaceutical, brachytherapy, nuclear medicine			
File Information				
7.	Attach an RTF document containing the text of this rule change (filename): There is a document associated with this rule filing.			
To the Agency				

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title:	Brad Johnson Deputy Director	Date (mm/dd/yyyy): 05/19/2016
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information				
DAR file no:	Date filed:			
State Admin Rule Filing Key: 157531				
Utah Admin. Code ref. (R no.): R313-36				
Agency Information				
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation			
Room no.:	Third Floor			
Building:				
Street address 1:	195 N 1950 W			
Street address 2:				
City, state, zip:	SALT LAKE CITY UT 84116-3085			
Mailing address 1:	PO BOX 144850			
Mailing address 2:				
City, state, zip:	SALT LAKE CITY UT 84114-4850			
Contact person(s):				
Name:	Phone:	Fax:	E-mail:	Remove:
(Interested persons may inspect this filing at the above address or at DAR during business hours)				
Rule Title				
2. Title of rule or section (catchline):	Special Requirements for Industrial Radiographic Operations			
Rule Provisions				
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:	Section 19-1-106 establishes the Waste Management and Radiation Control Board within the Department of Environmental Quality. In accordance with Section 19-3-104, the Board is authorized to make rules that are necessary for controlling exposures to sources of radiation that constitute a significant health hazard.			
Comment Summary				
4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:	During the period from the previous five year review two substantive modifications to R313-36 were made. No comments were received on these modifications. No comments were received expressing support or opposition to the R313-36 since the last five year review.			
Justification Information				
5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:	It is necessary to continue this rule because it establishes the radiation safety requirements for persons who use radioactive material to examine the macroscopic structure of materials. This rule also needs to be continued to ensure that the state's rules are adequate to protect public health and safety, and meet compatibility requirements of the U. S. Nuclear Regulatory Commission's program. The rule establishes the training criteria a person must meet to utilize a radiographic exposure device in the industrial setting. The rule is also needed to meet the requirements of federal law relating to radiation control. No opposing comments have been received.			
Indexing Information				
6. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):	industry, radioactive material, surveys, licensing			
File Information				
7. Attach an RTF document containing the text of this rule change (filename):	There is a document associated with this rule filing.			
To the Agency				

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title:	Brad Johnson Deputy Director	Date (mm/dd/yyyy): 05/19/2016
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information				
DAR file no:	Date filed:			
State Admin Rule Filing Key: 157530				
Utah Admin. Code ref. (R no.): R313-70				
Agency Information				
1. Agency:	ENVIRONMENTAL QUALITY - Waste Management and Radiation Control, Radiation			
Room no.:	Third Floor			
Building:				
Street address 1:	195 N 1950 W			
Street address 2:				
City, state, zip:	SALT LAKE CITY UT 84116-3085			
Mailing address 1:	PO BOX 144850			
Mailing address 2:				
City, state, zip:	SALT LAKE CITY UT 84114-4850			
Contact person(s):				
Name:	Phone:	Fax:	E-mail:	Remove:
Ralph Bohn	801-536-0212	801-536-0222	rbohn@utah.gov	
(Interested persons may inspect this filing at the above address or at DAR during business hours)				
Rule Title				
2. Title of rule or section (catchline):	Payments, Categories and Types of Fees			
Rule Provisions				
3.	A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: Section 19-1-106 establishes the Waste Management and Radiation Control Board within the Department of Environmental Quality. In accordance with Section 19-3-104, the Board is authorized to make rules and the Division may require licensing of radiation sources. Under Section 19-3-104 a fee may be required licensure and registration.			
Comment Summary				
4.	A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: During the period from the previous five year review two substantive modifications to R313-70 were made. No comments were received on these modifications. No comments were received expressing support or opposition to the R313-70.			
Justification Information				
5.	A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: It is necessary to continue this rule because it establishes the requirements for payment of fees for the registration or licensing of sources of radiation. The rule identifies registration or license categories, the time period that a license is valid, and the types of fees the Agency has established pursuant to the Legislative Appropriation Act.			
Indexing Information				
6.	Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")): radioactive materials, x-rays, fees, registration			
File Information				
7.	Attach an RTF document containing the text of this rule change (filename): There is a document associated with this rule filing.			
To the Agency				
Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for				

completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and
title:

Brad Johnson
Deputy Director

Date (mm/dd/yyyy): 05/19/2016