

Superseded 5/12/2015

19-3-104 Registration and licensing of radiation sources by department -- Assessment of fees -- Rulemaking authority and procedure -- Siting criteria.

- (1) As used in this section:
 - (a) "Decommissioning" includes financial assurance.
 - (b) "Source material" and "byproduct material" have the same definitions as in 42 U.S.C.A. 2014, Atomic Energy Act of 1954, as amended.
- (2) The division may require the registration or licensing of radiation sources that constitute a significant health hazard.
- (3) All sources of ionizing radiation, including ionizing radiation producing machines, shall be registered or licensed by the department.
- (4) The board may make rules:
 - (a) necessary for controlling exposure to sources of radiation that constitute a significant health hazard;
 - (b) to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government;
 - (c) to establish:
 - (i) board accreditation requirements and procedures for mammography facilities; and
 - (ii) certification procedure and qualifications for persons who survey mammography equipment and oversee quality assurance practices at mammography facilities; and
 - (d) as necessary regarding the possession, use, transfer, or delivery of source and byproduct material and the disposal of byproduct material to establish requirements for:
 - (i) the licensing, operation, decontamination, and decommissioning, including financial assurances; and
 - (ii) the reclamation of sites, structures, and equipment used in conjunction with the activities described in this Subsection (4).
- (5)
 - (a) On and after January 1, 2003, a fee is imposed for the regulation of source and byproduct material and the disposal of byproduct material at uranium mills or commercial waste facilities, as provided in this Subsection (5).
 - (b) On and after January 1, 2003 through March 30, 2003:
 - (i) \$6,667 per month for uranium mills or commercial sites disposing of or reprocessing byproduct material; and
 - (ii) \$4,167 per month for those uranium mills the director has determined are on standby status.
 - (c) On and after March 31, 2003 through June 30, 2003 the same fees as in Subsection (5)(b) apply, but only if the federal Nuclear Regulatory Commission grants to Utah an amendment for agreement state status for uranium recovery regulation on or before March 30, 2003.
 - (d) If the Nuclear Regulatory Commission does not grant the amendment for state agreement status on or before March 30, 2003, fees under Subsection (5)(e) do not apply and are not required to be paid until on and after the later date of:
 - (i) October 1, 2003; or
 - (ii) the date the Nuclear Regulatory Commission grants to Utah an amendment for agreement state status for uranium recovery regulation.
 - (e) For the payment periods beginning on and after July 1, 2003, the department shall establish the fees required under Subsection (5)(a) under Section 63J-1-504, subject to the restrictions under Subsection (5)(d).
 - (f) The division shall deposit fees it receives under this Subsection (5) into the Environmental Quality Restricted Account created in Section 19-1-108.

- (6)
 - (a) The division shall assess fees for registration, licensing, and inspection of radiation sources under this section.
 - (b) The division shall comply with the requirements of Section 63J-1-504 in assessing fees for licensure and registration.
- (7) The division shall coordinate its activities with the Department of Health rules made under Section 26-21a-203.
- (8)
 - (a) Except as provided in Subsection (9), the board may not adopt rules, for the purpose of the state assuming responsibilities from the United States Nuclear Regulatory Commission with respect to regulation of sources of ionizing radiation, that are more stringent than the corresponding federal regulations which address the same circumstances.
 - (b) In adopting those rules, the board may incorporate corresponding federal regulations by reference.
- (9)
 - (a) The board may adopt rules more stringent than corresponding federal regulations for the purpose described in Subsection (8) only if it makes a written finding after public comment and hearing and based on evidence in the record that corresponding federal regulations are not adequate to protect public health and the environment of the state.
 - (b) Those findings shall be accompanied by an opinion referring to and evaluating the public health and environmental information and studies contained in the record which form the basis for the board's conclusion.
- (10)
 - (a) The board shall by rule:
 - (i) authorize independent qualified experts to conduct inspections required under this chapter of x-ray facilities registered with the division; and
 - (ii) establish qualifications and certification procedures necessary for independent experts to conduct these inspections.
 - (b) Independent experts under this Subsection (10) are not considered employees or representatives of the division or the state when conducting the inspections.
- (11)
 - (a) The board may by rule establish criteria for siting commercial low-level radioactive waste treatment or disposal facilities, subject to the prohibition imposed by Section 19-3-103.7.
 - (b) Subject to Subsection 19-3-105(10), any facility under Subsection (11)(a) for which a radioactive material license is required by this section shall comply with those criteria.
 - (c) Subject to Subsection 19-3-105(10), a facility may not receive a radioactive material license until siting criteria have been established by the board. The criteria also apply to facilities that have applied for but not received a radioactive material license.
- (12) The board shall by rule establish financial assurance requirements for closure and postclosure care of radioactive waste land disposal facilities, taking into account existing financial assurance requirements.