

August 28, 2003

Craig Jones, Director
Division of Radiation Control
Department of Environmental Quality
168 North 1950 West, P.O. Box 144850
Salt Lake City, Utah 84114-4850

Dear Mr. Jones:

We have reviewed the final revisions to the Utah Administrative Code Title R313, "*Environmental Quality, Radiation Control*", received by our office on August 5, 2003. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) regulations in 10 CFR Part 20, 30, 34, 40, 70, 150 and the requirements of the four amendments identified in the enclosed States Regulation Status Data Sheet (SRS). We discussed our review of the regulations with you on August 27, 2003.

As a result of our review, we have one comment. This comment does not involve any major Health and Safety issues and can be corrected during your next regularly scheduled amendment cycle. Please provide an amended final version of your rules showing the location of any changes made, by the State, in response to our comment. If there are any comments which the State believes are in error, the State should identify the section of their regulations that meet the designated compatibility category. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are adopted, incorporating our comment and without significant change, they would meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

The SRS Data Sheet summarizes our knowledge of the status of other Utah regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the STP website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me, or John Zabko of my staff at (301)415-2308 or JGZ@NRC.GOV.

Sincerely,

/RA By J.M. Piccone/

Josephine Piccone, Deputy Director
Office of State and Tribal Programs

August 28, 2003

Craig Jones, Director
Division of Radiation Control
Department of Environmental Quality
168 North 1950 West, P.O. Box 144850
Salt Lake City, Utah 84114-4850

Dear Mr. Jones:

We have reviewed the final revisions to the Utah Administrative Code Title R313, "Environmental Quality, Radiation Control", received by our office on August 5, 2003. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) regulations in 10 CFR Part 20, 30, 34, 40, 70, 150 and the requirements of the four amendments identified in the enclosed States Regulation Status Data Sheet (SRS). We discussed our review of the regulations with you on August 27, 2003.

As a result of our review, we have one comment. This comment does not involve any major Health and Safety issues and can be corrected during your next regularly scheduled amendment cycle. Please provide an amended final version of your rules showing the location of any changes made, by the State, in response to our comment. If there are any comments which the State believes are in error, the State should identify the section of their regulations that meet the designated compatibility category. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are adopted, incorporating our comment and without significant change, they would meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

The SRS Data Sheet summarizes our knowledge of the status of other Utah regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the STP website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me, or John Zabko of my staff at (301)415-2308 or JGZ@NRC.GOV.

Sincerely,

/RA By J.M. Piccone/

Josephine Piccone, Deputy Director
Office of State and Tribal Programs
DCD (SP08)
PDR (YES_✓)

DIR RF [3-186 & 3-187]
LMclean RSAO
DSollenberger, ASPO
Utah File

Response to incoming: ML032180130

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML032400630.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	STP		STP		OGC		STP:DD	
NAME	AMcCraw		JZabko		STreby		JPiccone	
DATE	8/13/03*		8/14/03*		8/27/03*		8/28/03*	

ML032400630

OFFICIAL RECORD COPY

COMPATIBILITY COMMENTS ON UTAH'S FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	R313-19-50	§70.50	§70.50	C- paragraphs (a),(b),(c) except D - paragraph (c)(3)	<p>Reporting Requirements</p> <p>The State has omitted the Requirements of 70.50(c)(1)(iii)(a)(b) and 70.50(c)(2)(i)(ii)(iii)</p> <p>The State needs to incorporate all of the requirements of 70.50(c)(1)(iii)(a)(b) and 70.50(c)(2)(i)(ii)(iii) to achieve compatibility</p>

STATE REGULATION STATUS

State: Utah Four amendments reviewed is identified by a ★
at the beginning of each equivalent NRC regulation

Tracking Ticket Number: 3-186 & 3-187
Date: August 28, 2003

NRC Chronology Identification	FR Notice (Due Date for State Implementation)	RATS ID	Proposed (P) / Final (F) ¹ Rule / ML # ⁴	NRC Review / Y, N ² / Date / ML # ⁴	Final State Regulation ¹ (Effective Date)
★ Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F ML032180130	N 8/28/03 ML032400630	1/10/94
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required ³
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3	F	N 2/10/98	1/23/98
★ Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F ML032180130	Y 8/28/03 ML032400630	10/26/94
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	P	N 1/26/98	3/10/95
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30, 35	57 FR 45566; (none)	1992-2			Not required ³
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1	F	N 1/8/97	11/15/96
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2	F	N 6/14/00	3/10/00
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3	P	N 9/23/96	5/31/96
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618;	1994-1			Not required ³
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2	F ML023100574	N 11/22/02 ML023290240	10/7/02 ⁵
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	F	N 2/10/98	7/18/97
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767; 59 FR 65243; 60 FR 322; (1/1/98)	1995-1	F	N 2/10/98	7/18/97
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2	P	N 1/26/98	3/20/98
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3	P	N 1/26/98	1/23/98
★ Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4	F ML032180130	N 8/28/03 ML032400630	7/18/97
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	P	N 1/26/98	3/20/98

NRC Chronology Identification	FR Notice (Due Date for State Implementation)	RATS ID	Proposed (P) / Final (F) ¹ Rule / ML # ⁴	NRC Review / Y, N ² / Date / ML # ⁴	Final State Regulation ¹ (Effective Date)
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	F	N 2/10/98	7/18/97
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7	P	N 1/26/98	8/11/98
10 CFR Part 71: Compatibility with the International Atomic Energy Agency - Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1	F	N 4/16/99	3/12/99
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses- Parts 30, 40, 70	61 FR 1109; (none)	1996-2	F	N 2/10/98	Not required ³
Termination or Transfer of Licensed Activities:Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3	F Part 30	N 2/10/98	3/20/98
Resolution of Dual Regs.of Airborne Effluents of Radioactive Mats.; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1	P	N 1/26/98	3/20/98
★ Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2	F ML032180130	N 8/28/03 ML032400630	6/11/99
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	P	N 1/26/98	3/20/98
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5	F	N 4/1/98	5/15/97
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6	F	N 6/14/00	3/10/00
Exempt Distrib. of Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	F	N 4/16/99	3/12/99
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1	F ML011100015	N 7/31/01 ML012150220	1/26/01
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required ³
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	P ML010870073	N 4/27/01 ML011170330	5/11/01
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5	F ML013530478	Y 2/7/02 ML020390486	9/14/01
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	F ML013530478	N 2/7/02 ML020390486	9/14/01
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1	F ML023100574	N 11/22/02 ML023290240	10/7/02 ⁵
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2			Not required ³
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3	F ML013530478	N 2/7/02 ML020390486	9/14/01
Energy Compensation Sources for Well Logging and Other Regulatory	65 FR 20337; (5/17/03)	2000-1	F	N 12/27/01	9/14/01

NRC Chronology Identification	FR Notice (Due Date for State Implementation)	RATS ID	Proposed (P) / Final (F) ¹ Rule / ML # ⁴	NRC Review / Y, N ² / Date / ML # ⁴	Final State Regulation ¹ (Effective Date)
Clarifications-Part 39			ML012850044	ML020020182	
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	P Part 34 ML010870073	N 4/27/01 ML011170330	
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material-Parts 30, 31, and 32	65 FR 79162; (2/16/04)	2001-1			
Revision of the Skin Dose Limit-Part 20 that became effective April 5, 2002.	67 FR 16298; (4/5/05)	2002-1			
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; (4/24/05)	2002-2			

1. Or other generic Legally Binding Requirements.
2. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address. N means "No," there are no comments in the review letter
3. Not required means these regulations are not required for purposes of compatibility.
4. ADAMS ML Number
5. The regulation package contained several regulations with earlier effective dates. The uranium milling regulations are not to be implemented until the amended Agreement is signed and effective.