

September 4, 2007

Dane L. Finnerfrock, 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. Finnerfrock:

We have reviewed the final revision to the Utah regulations R313-12 "General Provisions," R313-15 "Standards for Protection Against Radiation," R313-18 "Notices, Instructions and Reports to Workers By Licensees or Registrants - inspections," R313-25 "License Requirements for Land Disposal of Radioactive Waste - General Provisions," R313-32 "Medical Use of Radioactive Material," and R313-36 "Special Requirements for Industrial Radiographic Operations," received by our office on July 13, 2007. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 19, 20, 34, 35, and 61 and the requirements of the seven amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Mr. Craig Jones on August 28, 2007.

As a result of our review, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that the regulations, as adopted, meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) 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 FSME website: <http://www.hsrdoornl.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 Kathleen Schneider, State Regulation Review Coordinator, at 301-415-2320 (kxs@nrc.gov) or Kim Lukes at 301-415-6701 (kxk2@nrc.gov).

Sincerely,

RA By ADW For

Robert J. Lewis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

cc: Craig Jones
Radioactive Materials Licensing &
X-Ray Registration Section
Enclosure: As stated

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OFFICE	SAIS		SAIS		OGC		SAIS:BC	MSSA:DD
NAME	KLukes		KSchneider		FCameron		DWhite	RLewis
DATE	08/09/07*		08/09/07*		08/22/07*		09/04/07*	09/04/07*

STATE REGULATION STATUS

State: Utah

**7 Amendments reviewed are identified by a ★
at the beginning of the equivalent NRC requirement**

**Tracking Ticket Number: 7-58
Date: September 4, 2007**

Regulation Identification	FR Notice (Due Date for State Implementation)	RATS ID	Proposed (P) /Final (F) ⁱ Rule / License Condition (LC) ML # ⁴	NRC Review / Y, N ⁱⁱ / Date / ML # ⁴	Final State Regulation ¹ (Effective Date)
Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F ML032180130	N 8/28/03 ML032400630	1/10/94
Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required ³
Rules 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
Reporting of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F ML 032180130	Y 8/28/03 ML 032400630	10/26/94
Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1			superceded by 2002-2
Meeting the Recordkeeping Requirements for Departures from Operator's Instructions-Parts 30, 35	57 FR 45566; (none)	1992-2			Not required ³
Decommissioning Recordkeeping and License Termination: Notification 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
Design and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2	F	N 6/14/00	3/10/00
Control of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3	F ML071990559	N 9/04/07 ML07	5/31/96
Warranty as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618;	1994-1			Not required ³
Mill Tailings Regulations: Conforming NRC Requirements to EPA Requirements-Part 40	59 FR 28220; (7/1/97)	1994-2	F ML023100574	N 11/22/02 ML023290240	10/7/02 ⁵
Standards in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	F	N 2/10/98	7/18/97
Production, Transfer for Commercial Distribution, and Use of Byproduct 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
Accuracy of Medical Examinations for Use of Respiratory Protection Equipment- Part 20	60 FR 7900; (3/13/98)	1995-2	F ML071990559	N 9/04/07 ML07	3/20/98
Level Waste Shipment Manifest Information and Reporting-Parts 20, 30, 32, 35	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3	F ML071990559	N 9/04/07 ML07	1/23/98
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4	F	N 8/28/03	7/18/97

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			ML032180130	ML032400630	
on Protection Requirements: Amended Definitions and Criteria-20	60 FR 36038; (8/14/98)	1995-5	F ML071990559	N 9/04/07 ML07	3/20/98
ion of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	F	N 2/10/98	7/18/97
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
Part 71: Compatibility with the International Atomic Energy Agency -	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1	F	N 4/16/99	3/12/99
Extension of Certain Byproduct, Source and Special Nuclear Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2			Not required ³
ion 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
tion of Dual Regs.of Airborne Effluents of Radioactive Mats.; Clean Part 20	61 FR 65120; (1/9/00)	1997-1	F ML071990559	N 9/04/07 ML07	3/20/98
ion of Agreement State Licenses in Areas Under Exclusive Federal Control Within an Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2	F ML032180130	N 8/28/03 ML032400630	6/11/99
for the Release of Individuals Administered Radioactive Material-35	62 FR 4120; (5/29/00)	1997-3	F ML071990559	N 9/04/07 ML07	3/20/98
aterial Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required ³
for Industrial Radiography and Radiation Safety Requirements for Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5	F	N 4/1/98	5/15/97
ical 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
Distrib. of Radioactive Drug Containing One Microcurie of Carbon-Part 30	62 FR 63634; (1/02/01)	1997-7	F	N 4/16/99	3/12/99
ie 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
arranty of Decommissioning Funding by Nonprofit and Non-Bond-licensees- Parts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required ³
Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required ³
es for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	F ML071990559	N 9/04/07 ML07	5/11/01
rrrections, Clarifying Changes, and a Minor Policy Change-Parts 6	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5	F ML032510947	N 9/16/03 ML032730694	9/14/01
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

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Technical Criteria for License Termination of Uranium Recovery -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
Source Material 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
Compensation Sources for Well Logging and Other Regulatory Activities-Part 39	65 FR 20337; (5/17/03)	2000-1	F ML012850044	N 12/27/01 ML020020182	9/14/01
Well Logging Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	F ML052850130	N 10/20/05 ML052940121	9/14/01
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material-Parts 30, 31, and 32	65 FR 79162; (2/16/04)	2001-1	F ML040580276	N 3/8/04 ML040690493	12/12/03
Control of the Skin Dose Limit-Part 20	67 FR 16298; (4/5/05)	2002-1	F ML052640263	N 10/18/05 ML052930360	5/13/05
Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; (4/24/05)	2002-2	F ML052640263	N 10/18/05 ML052930360	5/13/05
Assurance for Materials Licensees - Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1	F ML062910213	N 11/09/06 ML063130115	10/20/06
Consistency With IAEA Transportation Safety Standards and Other Transportation Safety Amendments - Part 71.	69 FR 3697; (10/01/07)	2004-1			
Requirements for Portable Gauges Containing Byproduct Material -	70 FR 2001; (7/11/08)	2005-1	F ML070370332	N 03/06/07 ML0706050102	8/11/06
Use of Byproduct Material - Recognition of Specialty Boards - Part	70 FR 16336; 71 FR 1926 (4/29/08)	2005-2	F ML062000081	N 08/02/06 ML062150142	5/10/06
Additional Controls for Risk-Significant Radioactive Sources (NRC Order 30) ⁶	70 FR 72128; (12/1/05)	2005-3	LC ML052920243	N 10/20/05 ML052940078	11/14/05

Minor Amendments-Part 20, 30, 32, 35, 40 and 70	71FR15005 (3/27/2009)	2006-1			
National Source Tracking System - Serialization Requirements - Part 32 with reference to Part 20 Appendix E	71 FR 65685 (2/6/07)	2006-2			
National Source Tracking System - Part 20	71 FR 65865 (11/15/07) & (11/30/07)	2006-3 ⁷			

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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. A State need not adopt a specific regulation if the State has no licensees that would be subject to the regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1.Time From For Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
 5. ADAMS ML Number.
 6. By letter dated September 2, 2005, from Paul H. Lohaus, Director, Office of State and Tribal Programs, Agreement States were given 90 days to issue legally binding requirements satisfying the requirements of NRC Order EA-05-090.
 7. RATS ID 2006-3 will not be considered under the Non-Common Performance Indicator "Compatibility Requirements" for IMPEP reviews until such time as the National Source Tracking System is ready for use Revisions in the implementation date for Agreement States will be provided to the States under separate correspondence and the SRS sheet will be revised as appropriate.