



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

Department of
Environmental Quality

William J. Sinclair
Acting Executive Director

DIVISION OF RADIATION CONTROL
Dane L. Finerfrock
Director

February 3, 2009

Terrance Reis, Deputy Director
Division Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Reis:

Enclosed is a copy of revisions to the Utah Radiation Control Rules R313-15, R313-22 and R313-32. The changes to these rules were made available for public comment on January 1, 2009. We request NRC's comments by March 31, 2009. Enclosed are copies of documents with the changes to Utah Rules that are identified by underline/strike out text and correspond to the following equivalent amendments to NRC's regulations. Also enclosed is the final rule for R313-15 that shows 10 CFR Part 20, 2007 has been incorporated by reference.

	<u>Rats ID</u>	<u>Title</u>	<u>State Section</u>
•	2006-01	Specific Licenses	R313-22 (10 CFR 32)
		Medical Use of Byproduct Material	R313-32 (10 CFR 35)
		Standards for Protection Against Radiation	R313-15 (10 CFR 20)
•	2007-01	Medical Use of Byproduct Material	R313-32 (10 CFR 35)
		Specific Licenses	R313-22 (10 CFR 32)

Part of RATS ID 2006-01 included a correction in Appendix B to 10 CFR Part 20, "Lists of Elements," "Thallium," Atomic Number 69, to be changed to read "Thulium." This change to R313-15 occurred when R313-15 was updated on March 17, 2008 which incorporated the 2007 edition of 10 CFR Part 20 by reference. 10 CFR Part 40 and 10 CFR Part 70 are compatibility category "D", and no changes to the Utah Radiation Control Rules were made.

Furthermore, the State Regulation Status Tracking Sheet for Utah, last updated on November 17, 2008 indicates that Utah has not yet adopted Final Regulations equivalent to RATS ID 2004-1 (which superseded RATS 1996-1.) However, Utah submitted its package for RATS ID 2004-1 on January 30, 2008 (ADAMS Ascension Number: ML080350285) and received approval by the Nuclear Regulatory Commission in a letter dated February 26, 2008 (ADAMS Ascension Number: ML08050403.) Please correct the Utah SRS to reflect this.

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200 for these amendments.

If you have any questions or comments, please contact either David Hogge or myself at (801) 536-4250.

Sincerely,



Dane L. Finerfrock, Director
Utah Division of Radiation Control

Attachments

cc: Kathleen Schneider, State Regulation Review Coordinator