



State of Utah

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GREG BELL  
*Lieutenant Governor*

Department of  
Environmental Quality

Amanda Smith  
*Executive Director*

DIVISION OF RADIATION CONTROL  
Rusty Lundberg  
*Director*

August 10, 2010

Terrence Reis, Deputy Director  
Division of Materials Safety and State Agreements (DMSSA)  
Office of Federal and State Materials and Environmental Management Programs (FSME)  
U.S. Nuclear Regulatory Commission (NRC)  
Washington, DC 20555-0001

Dear Mr. Reis:

Enclosed is a copy of the proposed revisions to the Utah Radiation Control Rules. The proposed revisions will be made available for comment on September 1, 2010, with public comment closing on October 4, 2010. The proposed regulations are identified by line-in/line-out text and correspond to the following equivalent amendments to NRC's regulations:

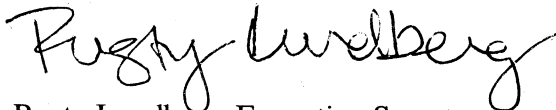
1. RATS ID # 2007-3

- a. Naturally occurring and accelerator produced radioactive materials (NARM) have been regulated in the State of Utah (State) in the same manner as byproduct materials for over 20 years. Because regulations for NARM have been in place in Utah for some time, the NRC's regulations regarding the need to amend licenses to add NARM are not necessary. Therefore, the requirements of 10 CFR 30.3(c) were not adopted. Since 10 CFR 30.3(b) was assigned a compatibility category of "NRC" and it was not necessary to adopt the requirements of 10 CFR 30.3(c); references to 10 CFR 30.3 (b) and (c) were not added to R313-19-2(1) which is equivalent to 10 CFR 30.3(a).
- b. The NRC resumed authority from the State for the Sealed Source and Device Registry Evaluations on June 1, 1996. Since the State no longer has authority to conduct safety evaluations under provisions equivalent to 10 CFR 32.210, requests for these evaluations must be made to the Office of Federal and State Materials and Environmental Management Programs. NRC's proposed regulations in 10 CFR 30.32(g)(2) and (3) would require the licensee to submit the information required by 10 CFR 32.210 to the State; however, the State would be unable to perform the required evaluation. Therefore, the requirements of 10 CFR 30.32(g)(2) and (3) were not adopted by the State. R313-22-32(6) incorporates equivalent requirements to 10 CFR 30.32 (g)(1) which requires the licensee to provide the manufacturer and model number of devices that are registered under 10 CFR

- 32.210 or by another State under provisions comparable to 10 CFR 32.210.
- c. The requirements of 10 CFR 32.58 and 32.59 are not written out in the States requirements; however, R313-22-75(6) requires that the provisions of the two referenced sections be met.
  - d. The requirements of 10 CFR 32.102 must be met in accordance with the provisions of R313-22-75(6).
- 2. RATS ID # 2008-1
  - 3. RATS ID # 2009-1
  - 3. RATS ID # 2007-2 (10 CFR 30.14, 10 CFR 32.11, and 10 CFR 32.12, addressing comments in NRC's letter dated June 3, 2010.)

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in STP Procedure SA-200. If you have any questions, please feel free to contact me or Gwyn Galloway of my staff at (801) 536-4250 or by e-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov) or [ggalloway@utah.gov](mailto:ggalloway@utah.gov) respectively.

Sincerely,



Rusty Lundberg, Executive Secretary  
Utah Radiation Control Board

Enclosures:  
As stated