

December 22, 2010

Rusty Lundberg, Director
Utah Division of Radiation Control
195 North 1950 West
Salt Lake City, UT 84116

Dear Mr. Lundberg;

We have reviewed the proposed changes to the Utah regulations R313-25-8, received by our office on December 8, 2010. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Part 61. We discussed our review of the regulations with John Hultquist on December 20, 2010.

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 and the identification of program elements that create conflicts, duplications or gaps in the orderly pattern of regulations on a nationwide basis (See the 1997 Policy Statement on Adequacy and Compatibility of Agreement State Programs). Under our current procedure, a finding that the Utah's regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final Utah regulations. However, we have determined that if your proposed regulations were adopted, without other significant change, they would 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.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight any final changes, and provide a copy to Division of Materials Safety and State Agreements, FSME.

The State Regulation Status (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://nrc-stp.ornl.gov/rulemaking.html>.

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If you have any questions regarding the review, 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 (kathleen.schneider@nrc.gov) or Dennis Sollenberger at 301-415-2819 (dennis.sollenberger@nrc.gov).

Sincerely,

/RA/

Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:
As stated

[CONCURRENCE PAGE]

Enclosures: As stated

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