



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 25, 2015

Mr. Scott Anderson, Director
Division of Waste Management and Radiation Control
Utah Department of Environmental Quality
195 North 1950 West
P.O. Box 14485
Salt Lake City, UT 84116

Dear Mr. Anderson:

We have reviewed your letter dated October 21, 2015, responding to the U.S. Nuclear Regulatory Commission (NRC) comments contained in the letter dated March 18, 2015 (ML15068A249) which resulted from our review of the amendments to the Utah bills S.B. 173: Financial Assurance Determination Review Process and S.B. 244: Department of Environmental Quality Modifications. The Utah Legislature enacted the bills during the 2015 General Session to amend various sections of the Utah Code. We discussed the results of our review with you on November 23, 2015.

Regarding your responses to Comments #1 and #2 regarding S.B. 173, we appreciate your acknowledgement of the NRC's concerns and the State's commitment to work with the NRC to address these issues. Please keep us informed of your activities and contact the NRC if you require additional assistance.

Regarding your response to Comment #3 regarding S.B. 244, we have the following comment:

In your response to our comment included in your October 21, 2015, letter you noted that the director's inspection authority for radioactive materials, as amended by S.B. 244, is found in paragraph 19-6-107(3)(i) and "properly authorizes inspections of radioactive materials in Utah." Your response also implied that 19-6-107(2)(i) only applies to inspections for solid and hazardous waste, not radioactive materials. The NRC's concern is that the State's legislation could be interpreted to allow inspections of facilities beyond Utah's 274b authority. As such, your response does not explain whether or not Utah has plans to conduct waste verification inspections at facilities under the NRC or Agreement State regulatory jurisdictions, or specifically clarify how the State interprets these provisions to prohibit these actions.

Utah needs to provide an Attorney General opinion specifically stating whether the legislation limits the inspection authority to exclude inspections of facilities under the regulatory jurisdiction of the NRC or other Agreement States.

S. Anderson

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The State Regulation Status (SRS) Data Sheet summarizes our knowledge of the status of other Utah regulations and legally binding requirements, 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 Office of Nuclear Material Safety and Safeguards Web site: <http://nrc-stp.ornl.gov/rulemaking.html>.

If you have any questions regarding the comments, please contact Michelle Beardsley, State Regulation Review Coordinator at (610) 337-6942.

Sincerely,

/RA Lisa Dimmick for/

Josephine M. Piccone, Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Utah SRS Data Sheet

STATE REGULATION STATUS

State: Utah

Tracking Ticket Number: 16-12

Date: November 25, 2015

[# 1 amendment(s) reviewed identified by a * at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5)	01/10/1994	Final ML032180130	No Comments 08/28/2003 ML032400630	Utah has adopted Final Regulations Equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Not Required	Not Required	Utah has adopted Final Regulations Equivalent to RATS ID: 1997-5.
1991-3	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	01/01/1994	Final	No Comments 02/10/1998	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980	10/15/1994	Final ML032180130	No Comments 08/28/2003 ML032400630	See correction to SRS sheet submitted in ML14303A210
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995	Not Required	Not Required	Utah has adopted Final Regulations Equivalent to RATS ID: 2002-2.

Enclosure

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1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final	No Comments 01/08/1997	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final	No Comments 06/14/2000	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Final ML071990559	No Comments 09/04/2007 ML072470237	
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Final ML023100574	No Comments 11/22/2002 ML023290240	

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1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final	No Comments 02/10/1998	
1995-1	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	01/01/1998	Final	No Comments 02/10/1998	
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final ML071990559	No Comments 09/04/2007 ML072470237	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	Final ML071990559	No Comments 09/04/2007 ML072470237	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final ML032180130	No Comments 08/28/2003 ML032400630	Utah has adopted Final Regulations Equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	Final ML071990559	No Comments 09/04/2007 ML072470237	

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1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final	No Comments 02/10/1998	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998	Not Required	Not Required	Utah has adopted Final Regulations Equivalent to RATS IDs: 2002-2 and 2005-2.
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999	Final	No Comments 04/16/1999	
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999	Final	No Comments 02/10/1998	Part 30 only
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML071990559	No Comments 09/04/2007 ML072470237	

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1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML032180130	No Comments 08/28/2003 ML032400630	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000	Final ML071990559	No Comments 09/04/2007 ML072470237	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Final	No Comments 04/01/1998	
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000	Final	No Comments 06/14/2000	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final	No Comments 04/16/1999	

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1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML011100015	No Comments 07/31/2001 ML012150220	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superseded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Utah has adopted Final Regulation equivalent to RATS ID: 2002-2.
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML071990559	No Comments 09/04/2007 ML072470237	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML032510947	No Comments 09/16/2003 ML032730694	
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML013530478	No Comments 02/07/2002 ML020390486	

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1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Final ML023100574	No Comments 11/22/2002 ML023290240	
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML013530478	No Comments 02/07/2002 ML020390486	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML012850044	No Comments 12/27/2001 ML020020182	
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004	Final ML052850130	No Comments 10/20/2005 ML052940121	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	Final ML040580276	No Comments 03/08/2004 ML040690493	

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2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML052640263	No Comments 10/18/2005 ML052930360	
2002-2	Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249	10/24/2005	Final ML052640263	No Comments 10/18/2005 ML052930360	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006	Final ML062910213	No Comments 11/09/2006 ML063130115	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML080350285	No Comments 02/26/2008 ML080560403	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML070370332	No Comments 03/06/2007 ML0706050102	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML062000081	No Comments 08/02/2006 ML062150142	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML052920243	No Comments 10/20/2005 ML052940078	

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2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Final ML091540302	No Comments 07/02/2009 ML091730130	
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Final ML080370626	No Comments 02/28/2008 ML080590006	
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Final ML080370626	No Comments 02/28/2008 ML080590006	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML091540302	No Comments 07/02/2009 ML091730130	
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010	Final ML110120370	No Comments 02/23/2011 ML110250295	
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010	Final ML120790065	No Comments 04/17/2012 ML120930319	

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2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML080980588	No Comments 05/01/2008 ML081220351	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	02/15/2011	Final ML110120370	No Comments 02/23/2011 ML110250295	
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML110120370	No Comments 02/23/2011 ML110250295	
2011-1	Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512	12/17/2015			
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	Proposed ML1423A425 Final ML15223B281	No Comments 10/10/2014 ML14232A322 No Comments 10/15/2015 ML15223B269	
2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Final ML14303A327	No Comments 12/03/2014 ML14303A210	

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2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Final ML15098A613	No Comments 05/07/2015 ML15098A595	
2012-3	Technical Corrections Part 30, 34, 40 and 71 77 FR 39899	08/06/2015	Final ML15197A182	No Comments 08/14/2015 ML15197A173	
2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015			
2013-1	Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922	03/19/2016	Proposed ML14276A635 Final ML15098A618	Comments 12/16/2014 ML14273A445 No Comments 05/07/2015 ML15098A595	
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, 10 CFR Parts 30, 40, and 70 78 FR 32310	08/27/2016			

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2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018			
2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865	01/28/2018			
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018			
2015-4	Miscellaneous Corrections, Parts 37 and 40 80 FR 45841	09/02/2018			
N/A	10 CFR 61.13 and 40.13	N/A	Final ML102000008	No Comments 08/06/2010 ML102090537	
N/A	10 CFR 61.13, Technical analyses	N/A	Final ML110730004	No Comments 04/05/2011 ML110800571	
N/A	10 CFR Part 34, not associate with a specific RATS ID	N/A	Final ML120790065	Comments 04/17/2012 ML120930319	

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N/A	Enabling Legislation	N/A	ML12255A021	No Comments 10/25/2012 ML12289A098	Radiation Control Agency only
N/A	Radiation Control Amendments to Enabling Legislation	N/A	Final ML13051A474	No Comments 08/29/2013 ML13091A047	
N/A	10 CFR Parts 30, 39 and 61, not associated with a specific RATS ID	N/A	Final and License Condition ML14126A497 Revised Final ML15113B137	Comments 07/24/2014 ML14126A095 No Comments 05/15/2015 ML15113B128	
*N/A	10 CFR 150.31 not associated with a specific RATS	11/14/2014	Proposed ML1423A425 Final ML15222A410	Comments 10/15/2014 ML14232A322 No Comments 10/15/2015 ML15222A346	

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*N/A	Amendments to Legislation regarding the Radiation Control Agency	N/A	Proposed ML15058A267 Response ML15302A240	Comments 03/18/2015 ML15058A256 Comments 11/25/2015 ML15302A236	
*N/A	Medical Use of Advisory Committee	N/A	Final ML15231A193	No Comments 10/19/2015 MI15231A195	