



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064**

October 4, 2001

Mr. William Sinclair, Director
State of Utah
Division of Radiation Control
Department of Environmental Quality
168 North 1950 West
P.O. Box 144850
Salt Lake City, UT 84114-4850

Dear Mr. Sinclair:

A periodic meeting with Utah was held on September 6, 2001. The purpose of this meeting was to review and discuss the status of Utah's Agreement State Program. The NRC was represented by Dwight Chamberlain, Russell Wise, and the undersigned from NRC's Region IV office, and Dennis Sollenberger, from NRC's Office of State and Tribal Programs.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8116 or e-mail mlm1@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Linda McLean
State Agreements Officer
Region IV

cc:
Paul Lohaus, Director,
Office of State and Tribal Programs

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DOCUMENT NAME: S:\DNMS\SAO\Periodic Meetings\Utah\UT Periodic Mtg summary

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OFFICE	RIV:SAO		D:DNMS			
NAME	MLMcLean		DDChamberlain			
	/RA/		/RA/ L. Howell for			
DATE	10/04/01		10/04/01			

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ATTENDEES:

State of Utah

William Sinclair, Director
Dane Finerfrock, Manager, Waste & Environmental Section
Craig Jones, Manager, Radioactive Materials & X-Ray Section
Julie Felice, Health Physicist
Phillip Griffin, Health Physicist
Clark Clements, Health Physicist
Gwyn Galloway, Health Physicist

NRC

Dwight Chamberlain, Director, Division of Nuclear Materials Safety, Region IV
Linda McLean, Regional State Agreements Officer, Region IV
Dennis Sollenberger, Agreement State Project Officer, OSTP
Russell Wise, Senior Allegations Coordinator, Region IV

The following is a summary of the meeting held in Salt Lake City on September 6, 2001, between representatives of the NRC and the State of Utah. During the meeting, the topics suggested in a letter dated July 3, 2001, from Mrs. McLean to Mr. Sinclair were discussed. The discussion pertaining to each topic is summarized below.

1. State action on all open IMPEP review findings that have not been recommended for closure at a previous periodic meeting.

There were no open recommendations.

2. Strengths and/or challenges of the State program as identified by the State or NRC, including identification of actions that could diminish weaknesses.

Strengths identified are the good working relationship the Division has with their licensees, and the widespread support by the legislature and the Governor. Other strengths are the stability and experience of the staff, and the good communications between the Division staff and management. The Division's new database and website were also recognized as strengths.

One challenge is the proposed change to Utah's Agreement adding the uranium mill activities to their program. The Division will be adding additional staff members to meet this challenge. The Envirocare workload was also identified as a challenge. Recently four new staff have been added because of the additions of a generator site access permit program and the receipt in the future of containerized Class A low-level radioactive waste by Envirocare. This increased workload and the training of new staff are additional challenges.

3. Feedback on NRC's program as identified by the State and including identification of any action that should be considered by NRC.

William Sinclair, Director

Some issues discussed: the time consuming update to the State Regulation Status (SRS) database requested by STP, concurrent jurisdiction of groundwater at uranium recovery facilities, the receipt of non-11(e).2 materials at uranium recovery facilities, and the pre-1978 material decision (the Division suggested that this decision be reviewed again).

4. Status of State Program or policy changes under development or recently completed including:

a. Changes in program staff

The Division has recently hired five new staff members. Four staff were hired to work in the low-level waste program. Two of the new staff were hired to administer the newly authorized generator site access permit program. Two additional staff (an engineer and health physicist) were hired to enhance the Envirocare team due to the increased workload. The fifth hire replaced a materials inspector that retired this year.

b. Legislative changes

House Bill 370 passed generator access permit authority requiring radioactive waste generators to get a permit for waste disposal in Utah. Legislation requiring Envirocare to have an after closure perpetual fund was passed, as well as a tax on all radioactive waste coming into Utah. The money derived from the tax will go to general funds.

c. Changes in program budget/funding

Four new FTE's have been added to the Division's budget. The Division's funding will be increased with the new access permit fees for radioactive waste and the State modification of Envirocare's disposal fee. The majority of the Division's budget is funded by fees. For radioactive materials, 40 per cent of the budget is funded by fees and the remainder by general funds. Envirocare activities are entirely funded by fees.

5. Status of NRC program changes (similar to those in 4) that could impact Agreement States.

Some items discussed were: the addition of two new staff members in OSTP, the Continuity of Government assignment, the IMPEP training course scheduled in January 2002, the National Materials Program and Phase II working group activities, and the IMPEP working group activities.

6. Results of any internal program audits/self assessments conducted by the State.

The Division plans to perform an IMPEP type audit prior to their next IMPEP review.

7. Status of all allegations and concerns previously referred by NRC to the Agreement State Radiation Control Program for action, and methods used to resolve allegations that have been closed.

William Sinclair, Director

No allegations were referred to the State during this period. Region IV's Senior Allegation Coordinator described NRC's allegations program.

8. Compatibility of Agreement State regulations

Based on a review of the State Regulation Status database, Utah is current on all regulations.

9. NMED reporting including event follow-up and closure information.

One staff member attended the recent NMED training. No problems were identified with event reporting.

10. Status of inspections

The Division stated that no inspections are overdue. The new database is used extensively for tracking of all inspection and licensing activities, and provides the status of these activities.

11. Schedule for the next IMPEP review

The next IMPEP Review is due in fiscal year 2002. The Division requested that the review not be scheduled in January - March or July 2002.