



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

February 25, 2015

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal, and Rulemaking Programs
Office of Nuclear Material Safety and Safeguard
U.S. Nuclear Regulatory Commission
T8-E24
Washington, D.C. 20555-0001

Dear Ms. Henderson:

Please find enclosed a copy of two separate bills that have recently been introduced into the Utah Legislature during the 2015 General Session. Although the bills amend various sections of the Utah Code, the bills primarily revise certain sections of the Utah Radiation Control Act (UCA 19-3-101 et seq.) as well as selected sections of the Utah Solid and Hazardous Waste Act (UCA 19-6-101 et seq.). The bills are not associated with any federal statutory or regulatory requirements identified with a specific RATS ID or federal statutory provision.

We are submitting the attached bills for your awareness and review. Please note that the 2015 General Session of the Utah Legislature ends on March 12, 2015. The following provides a brief description of the two bills.

S.B. 173 Financial Assurance Determination Review Process – Requires the Utah Radiation Control Board to include certain provisions in rules for financial assurance requirements for radioactive waste land disposal facilities and

Provides for arbitration or a special adjudicative proceeding for a challenge of a financial assurance determination made by the director of the Division of Radiation Control or the director of the Division of Solid and Hazardous Waste.

We anticipate the rulemaking required by this bill will be initiated within the 180 days from the effective date of the bill, as required by Utah law (i.e., before December 31, 2015). Throughout the rulemaking process, both draft and final rules will be submitted to the NRC for review. Since this bill primarily requires rulemaking addressing financial assurance requirements for radioactive waste disposal sites, no other program resources or organization structure are affected.

Pamela J. Henderson
February 25, 2015
Page 2

S.B. 244 Department of Environmental Quality Modifications – Combines the Division of Radiation Control and the Division of Solid and Hazardous Waste (within the Department of Environmental Quality), consolidates the Radiation Control Board and the Solid and Hazardous Waste Control Board, and sets an effective date of July 1, 2015

While this bill consolidates our existing agency with the Division of Solid and Hazardous Waste, it will not result in any changes to the legal authority for our radiation control programs. In combining the two agencies, the bill eliminates the existing position of the director of the Division of Radiation Control, but does not explicitly make any other staffing changes to the radiation control programs. The director of the consolidated agency will have the same administrative authorities as the existing director of the Division of Radiation Control. The Executive Director's Office of the Department of Environmental Quality is evaluating the organizational structure of a consolidated agency. If the bill passes, a new organization will take effect on July 1, 2015 and a final organization chart will be submitted to the NRC following the legislative session as well as part of the IMPEP review scheduled for later this year for our program.

In creating a consolidated Board, the Board will be expanded from nine members to eleven, of which four positions will be specifically associated with the radiation control programs. The new Board will continue to have the same rulemaking and other administrative authorities as the existing Radiation Control Board.

We are providing you with a copy of both bills as a means to keep the NRC informed of matters that relate to Utah's radiation control programs. If you have any questions, please feel free to contact me at 801-536-4257 or lundberg@utah.gov.

Sincerely,



Rusty Lundberg
Director

Enclosures: S.B. 173 and S.B. 244 – Utah State Legislature

cc: Chris Einberg, NRC, ONMSS, DMSSTR, ASPB
Randy Fisher, NRC, Region IV
Binesh Tharakan, NRC, Region IV
Amanda Smith, DEQ, Executive Director