

NUCLEAR REGULATORY COMMISSION

State of Utah: Discontinuance of Certain Regulatory Authority and
Responsibility Within the State

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of amended agreement with the State of Utah.

SUMMARY: Notice is hereby given that the Honorable Kenneth M. Carr, Chairman of the U.S. Nuclear Regulatory Commission, and the Honorable Norman H. Bangerter, Governor of the State of Utah, signed an Amendment to the existing section 274b Agreement between NRC and the State of Utah pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The amendment permits the State to regulate the land disposal of source, byproduct, and special nuclear materials received from other persons.

The proposed Amendment to the existing section 274b Agreement was published in the Federal Register for public comment for four consecutive weeks beginning November 15, 1989 (54 FR 47617).

The Amendment is published in accordance with the requirements of Public Law 86-373. A copy of the consolidated version of the Agreement is available at the Office of Governmental and Public Affairs, State Programs.

FOR FURTHER INFORMATION CONTACT:

Vandy L. Miller, State Programs, U.S. Nuclear Regulatory Commission,
Washington, DC 20555, 301-492-0326.

SUPPLEMENTARY INFORMATION

Public Comments: Three written comments on the proposed amendment and NRC staff assessment were received prior to the end of the

comment period on December 15, 1989. One comment was received from David G. Culberson, Manager, Technical Control, Babcock and Wilcox, Pennsylvania Nuclear Service Operations, Apollo, Pennsylvania. One comment was received from Donald A. Flater, Chief, Bureau of Radiological Health, Iowa Department of Public Health, Des Moines, Iowa. One comment was received from David C. Kremmer, Radiation Safety Officer, Rhone-Poulenc, Inc., Specialty Chemicals Group, Freeport, Texas. These comments supported the proposed amendment to the Agreement and were carefully considered by the Commission in its deliberations on the Utah request. The comments are available in the Commission's Public Document room at 2120 L Street, NW., Washington, DC.

Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Utah for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Whereas, the United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of March 29, 1984) with the State of Utah under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on April 1, 1984, and provided for discontinuance of the regulatory authority of the Commission with the State under chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Utah is authorized under Utah

Code Annotated 26-1-29 to enter into this amendment to the Agreement of March 29, 1984, between the Commission and State of Utah; and

Whereas, the Governor of the State of Utah has requested this amendment in accordance with section 274 of the Act certifying on July 17, 1989 that the State of Utah has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the land disposal within the State of source, byproduct and special nuclear material received from other persons and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on April 30, 1990 that the program of the State for the regulation of materials, covered by this amendment is in accordance with the requirements of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety, and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that the State and Commission programs for protection against hazards radiation will be coordinated and compatible; and

Whereas, this amendment to the Agreement of March 29, 1984, is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended.

Now, Therefore, it is hereby agreed ween the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement March 29, 1984, is amended by deleting "and" at the end of paragraph B., by adding “; and,” after the words

critical mass" in paragraph C., and by inserting the following new paragraph immediately after paragraph C.:

D. The land disposal of source, byproduct and special nuclear material received from other persons.

Section 2. Article II of the Agreement March 29,1984, is amended by deleting paragraph E. and by redesignating paragraph F. as paragraph E.

This amendment shall become effective on May 9,1990, and shall remain in effect unless and until such as it is terminated pursuant to Article VIII of the Agreement of March 1984.

Done at Salt Lake City, Utah. in triplicate, this 8th day of May, 1990.

For the United States Nuclear Regulatory Commission.

Kenneth M. Carr,

Chairman.

Norman H. Bangerter,

Governor.

Dated at Rockville, this 21st day of May, 1990.

For the United States Nuclear Regulatory Commission.

Carlton Kammerer,

Director State Program, Office of Governmental and Public Affairs.

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