



Douglas A. Ducey
Governor

Aubrey V. Godwin
Director

April 19, 2016

Pamela J. Henderson, Deputy Director
Division Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001

Dear Ms. Henderson:

Enclosed is a copy of the final and approved revisions to the Arizona Regulations in Title 12: Natural Resources, Chapter 1: Radiation Regulatory Agency. The final rules are identified by line in/line out text (or similar identification) and correspond to the following equivalent amendments to NRC's regulations.

<u>Rats ID</u>	<u>Title</u>
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment
2011-1	Decommissioning Planning, Parts 20, 30, 40, and 70
2011-2	Licenses, Certifications, and Approvals for Materials Licensees
2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 in the Withdrawal of Proposed Rule and Closure of Petition For Rulemaking: Organization of Agreement States and Florida Department of Health, Bureau of Radiation Control
2012-2	Advance Notification to Native American tribes of Transportation of Certain Types of Nuclear Waste
2012-3	Technical Corrections – Parts 30, 34, 40, and 71
2012-4	Requirements for Distribution of Byproduct Material, Parts 30, 31, 32, 40, and 70
2013-1	Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, 51, 71 and 73

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

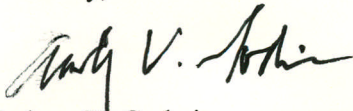
Please note that the Secretary of State's Office in Arizona is behind in consolidating the Arizona Administrative Code. However, the final rules are published in the Arizona Administrative Register March 18, 2016 under Volume 22 issue 12 page 603 through 647, and are legally enforceable as of February 2, 2016.

Comment number 1 issued in the letter from the NRC dated November 6, 2015 had not been addressed as it was substantive and would require an additional notice to the public so will be addressed in a future rulemaking. The

portion of comment number 3 related to plutonium and uranium enrichment facility licenses was not adopted at this time as Arizona does not have a licensed facility that would use the rules nor does it have other rules related to these types of licenses. Additionally, Arizona does not have any licenses of large industrial irradiators under its jurisdiction so comment number 4 was not adopted at this time until such time as the Agency receives a request for this type of license. Comment number 5 would require revisions to Article 17 that were not covered in this rulemaking package so it will be addressed in a later rulemaking package. Comment number 6 relates to certificates issued to entities on the sealed source device registry and Arizona does not have multiple entities of this type licensed at this time. Upon application of this type of license the Agency would adopt this verbiage related to financial assurance. The seventh comment asked the Agency to define "carriers" as listed in 10 CFR 30.13. However, 10 CFR 30.13 does not define "carriers" and the Agency had already proposed that "carriers be defined in R12-1-1905. Because the term is also used in R12-1-103, the Radiation Regulatory Hearing Board requested that the term be defined under R12-1-012 as it applies to the Chapter rather than just one Article. This was done in this rulemaking package and should satisfy the intent of the seventh comment. The eighth comment relates to notification of reactor fuel transport across the state of Arizona and would require the amendment of R12-1-1512. The Agency believes this will require notification of the change to this rules that was not done in this package so it will need to be addressed in a future rulemaking. The tenth comment was to update the federal mail stop address which does not appear to differ from what was noticed in the proposal so no action was taken. All other comments were evaluated and modifications were made as suggested.

If you have any questions, please feel free to contact me at 602-255-4822 or Jerry Perkins of my staff at 602-255-4833 or jperkins@azrra.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Aubrey V. Godwin".

Aubrey V. Godwin
Director

Enclosures:
As stated.