



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

August 1, 2019

Ty Howard, Director
Division of Waste Management and
Radiation Control
Utah Dept. of Environmental Quality
P.O. Box 144880
Salt Lake City, UT 84114-4880

Dear Mr. Howard:

We have reviewed the proposed revisions to the Utah regulations R313-19-34, *Terms and Conditions of Licenses*, R313-22-75, *Special Requirements for a Specific License to Manufacturer, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material*, and R313-32, *Medical Use of Radioactive Material*, received by our office on June 20, 2019. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of Regulation Amendment Tracking System Identification Number (RATS ID) 2018-1 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed the results of the review with Gwyn Galloway on July 29, 2019.

As a result of our review, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that the regulations, as proposed, meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements." We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight any final changes and provide a copy to Division of Materials Safety, Security, State, and Tribal Programs, NMSS.

The SRS Data Sheet summarizes our knowledge of the status of other Utah regulations, 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 NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

If you have any questions regarding the review, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at 301-415-0275 (Michelle.Beardsley@nrc.gov) or Jacqueline D. Cook, Regional State Agreements Officer, at 817-200-1132 (Jackie.Cook@nrc.gov).

Sincerely,

/RA Paul Michalak for/

Kevin Williams, Deputy Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Utah SRS Data Sheet

SUBJECT: UTAH PROPOSED REGULATIONS TO RATS ID 2018-1

DISTRIBUTION: SP 08
DIR RF 19-36
JDCook, RSAO
Utah File

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|--------|--------------|---------|------------------|-----------|-----------------------------|
| OFFICE | RIV:DNMS:MIB | SALB | OGC | SALB:BC | MSTR:DD |
| NAME | JDCook | JO'Hara | JEzell via email | PMichalak | PMichalak for: KWilliams |
| DATE | 7/18/19 | 7/19/19 | 7/29/19 | 8/1/19 | 8/1/19 |

ML19212A644 (Letter)

OFFICIAL RECORD COPY

Package ML19183A076

STATE REGULATION STATUS

State: Utah

Tracking Ticket Number: 19-36

Date: 08/01/2019

[# 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 and 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. |

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|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------|------------------------------------------|----------------------------------------------------------------------------------------|
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 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 and 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 and 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 | |
| 1994-3 | Timeliness in Decommissioning Material Facilities Parts 30, 40 and 70 59 FR 36026 | 08/15/1997 | Final | No Comments 02/10/1998 | |

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| 1995-1 | Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32 and 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 and 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 (Superseded 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 and 20 60 FR 36038 | 08/14/1998 | Final ML071990559 | No Comments 09/04/2007 ML072470237 | |
| 1995-6 | Clarification of Decommissioning Funding Requirements Parts 30, 40 and 70 60 FR 38235 | 11/24/1998 | Final | No Comments 02/10/1998 | |

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| 1995-7 | Medical Administration of Radiation and Radioactive Materials Parts 20 and 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 and 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 and 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 | |
| 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 | |

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|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------|
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 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 and 150 62 FR 28947 | 06/27/2000 | Final | No Comments 04/01/1998 | |
| 1997-6 | Radiological Criteria for License Termination Parts 20, 30, 40 and 70 62 FR 39057 | 08/20/2000 | Final | No Comments 06/14/2000 | |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea Part 30 62 FR 63634 | 01/02/2001 | Final | No Comments 04/16/1999 | |
| 1998-1 | Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71 and 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 and 70 63 FR 29535 | 07/01/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |

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| 1998-3 | License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded 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 and 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 | |
| 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. |

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| 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 and 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 and 32 65 FR 79162 | 02/16/2004 | Final ML040580276 | No Comments 03/08/2004 ML040690493 | |
| 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 and 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 and 70 68 FR 57327 | 12/03/2006 | Final ML062910213 | No Comments 11/09/2006 ML063130115 | |

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| 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 | |
| 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 | |

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| 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 and 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 and 150 72 FR 55864 | 11/30/2010 | Final ML120790065 | No Comments 04/17/2012 ML120930319 | |
| 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 and 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 | |

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| 2011-1 | Decommissioning Planning Parts 20, 30, 40 and 70 76 FR 35512 | 12/17/2015 | Proposed ML16014A720 Final ML16145A321 | Comment 02/08/16 ML16014A719 No Comments 06/22/2016 ML16145A315 | |
| 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 Parts 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 | |
| 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 Parts 30, 34, 40 and 71 77 FR 39899 | 08/06/2015 | Final ML15197A182 | No Comments 08/14/2015 ML15197A173 | |

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| 2012-4 | Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666 | 10/23/2015 | Final ML15267A376 Revised Final ML16247A487 | Comments 11/13/2015 ML15267A359 No Comments 08/15/2016 ML16247A486 | |
| 2013-1 | Physical Protection of Byproduct Material, 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, Parts 30, 40 and 70 78 FR 32310 | 08/27/2016 | Proposed ML16363A224 Final ML17339A952 | Comment 03/07/2017 ML16363A219 Comments 01/16/2018 ML17339A950 | |
| 2015-1 | Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143 | 01/26/2018 | Final ML17360A133 | No Comments 01/09/2018 ML17360A131 | |

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| 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 | Final ML18353B542 | No Comments 02/04/2019 ML18353B541 | |
| 2015-3 | Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987 | 07/13/2018 *extended to 08/15/2020 See STC 17-060 | | | |
| 2015-4 | Miscellaneous Corrections, Parts 37 and 40 80 FR 45841 | 09/02/2018 | Final ML18353B542 | No Comments 02/04/2019 ML18353B541 | |
| 2015-5 | Miscellaneous Corrections, Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150 80 FR 74974 | 12/31/2018 | Proposed ML18353B542 | No Comments 02/04/2019 ML18353B541 | |
| *2018-1 | Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments, 10 CFR Parts 30, 32 and 35 | 01/14/2022 | Proposed ML19183A115 | No Comments 08/01/2019 ML19183A076 | |
| 2018-2 | Miscellaneous Corrections - Organizational Changes 10 CFR Parts 37, 40. 70 and 71 | 12/21/2021 | | | |
| N/A | 10 CFR 61.13 and 40.13 | N/A | Final ML102000008 | No Comments 08/06/2010 ML102090537 | |

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|---------|-----------------------------------------------------------------------------|-----------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------|
| 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 | |
| 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 | 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 | Minor editorial revisions to Part 40 not associated with a specific RATS ID | N/A | Proposed ML16363A224 Final ML17339A952 | No Comments 03/07/2017 ML16363A219 No Comments 01/16/2018 ML17339A950 | |

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|---------|------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------|
| N/A | Part 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 | |
| N/A | Amendments to Legislation regarding the Radiation Control Agency | N/A | Proposed ML15058A267 Response ML15302A240 Response ML18019A129 | Comments 03/18/2015 ML15058A256 Comments 11/25/2015 ML15302A236 No Comments 02/16/2018 ML18019A108 | |
| N/A | Medical Use Advisory Committee | N/A | Final ML15231A193 | No Comments 10/19/2015 MI15231A195 | |

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| N/A | Legislation | N/A | Proposed ML16061A069 Revised ML17013A559 Revised ML17131A350 | Comment 03/09/16 ML16061A068 Comments 02/14/2017 ML17013A556 No Comments 06/27/2017 ML17131A348 | Response to final 2015 IMPEP Report findings/recommendations (ML15306A357) |
| N/A | Legislation: House Bill 220, 4 th Substitute | N/A | Proposed ML19057A375 | No Comments 03/14/2019 ML19057A373 | |