

July 17, 2003

Mr. Dennis Sollenberger
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington D.C., 20555-0001

RE: State of Utah Amended Agreement State Amendment Application

Dear Mr. Sollenberger:

On October 25, 1991, the Nuclear Regulatory Commission (NRC) published a notice in the Federal Register (56 Fed. Reg. 55432-55435) announcing a proposed rulemaking. This FRN contained a copy of a Memorandum of Understanding (MOU)¹ between the Environmental Protection Agency, the NRC, and affected NRC Agreement States. To the best of my knowledge, the MOU is still operable. The MOU stated the general goal of the agreement:

EPA, NRC and affected Agreement States are entering into this MOU to ensure that owners and operators of existing uranium mill tailings disposal sites licensed by the NRC, or the affected Agreement States, who have ceased operations and those owners and operators that will in the future cease operation, affect emplacement of a final earthen cover to limit radon emissions to a flux of no more than 20 pCi/m²/s as expeditiously as practicable considering technological feasibility.

There is no mention in Utah's Final Application or in any of the correspondence between the NRC and the State regarding the applicability of the 1991 MOU to the uranium mills in the State of Utah once regulatory responsibility is transferred to the State.

There is no mention in the application of any other MOU signed by the NRC and Agreement States that might be applicable to Utah when it becomes an Agreement State for 11e.(2) byproduct material.

I would like to know how the provisions of the MOU would apply to the State of Utah when the State of Utah becomes an Agreement State for uranium and thorium mills and 11e.(2) byproduct material.

¹ Memorandum of Understanding Between EPA, NRC, and The State of Colorado, Texas, and Washington Concerning Clean Air Act Standards for Radon Releases From Uranium Mill Tailings, Subparts T and W, 40 C.R.R. Part 61, October 25, 1991, 56 Fed. Reg. 55432, 55434-55435.

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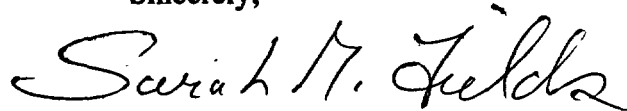
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Would the NRC require the State of Utah to sign on to the 1991 MOU? If so, has the State of Utah been informed of this requirement and agreed to implement provisions of the MOU?

Are there other applicable MOUs between the NRC, affected Agreement States, and other entities that might apply to Utah when its Agreement State arrangement is amended to include responsibility for uranium and thorium mills and 11e.(2) byproduct material?

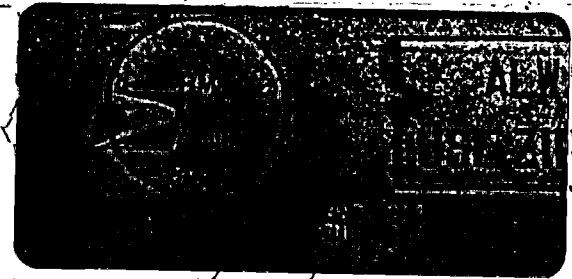
Sincerely,

A handwritten signature in cursive script that reads "Sarah M. Fields". The signature is written in dark ink and is positioned above the printed name.

Sarah Fields

cc: William J. Sinclair (e-mail)

S. Fields
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84532



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