



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

February 7, 2017

Ms. Sarah Fields
Program Director
Uranium Watch
P. O. Box 344
Moab, Utah 84532

Dear Ms. Fields:

In your e-mail dated September 9, 2016, you requested to know if the U.S. Nuclear Regulatory Commission (NRC) staff had made a determination on the compliance of two Agreement States with several requirements of the Atomic Energy Act of 1954, as amended. Specifically, you requested whether the NRC staff had made a determination that the States of Texas and Washington comply with the provisions in 42 U.S.C. 2021(o)(A), (C), and (D) of the Atomic Energy Act¹ and to be provided with the specific State regulations that demonstrate compliance. You also inquired whether it was necessary to submit a formal allegation to the NRC if it was determined that a State did not have the required provisions regarding “the opportunity for comment, a hearing (with an opportunity for cross examination), and a written environmental analysis—prior to the issuance of a new license or significant license amendment.”

The NRC staff reviews Agreement State statutes, regulations, and other legally binding requirements to ensure they are adequate to protect public health and safety, and compatible with the NRC’s program for the regulation of materials covered under a State’s Agreement. The NRC staff has conducted a review based on your request and has determined that Texas and Washington both have adequate and compatible legislation and/or regulations to implement the provisions in 42 USC 2021(o)(3)(A), (C), and (D). The following tables provide specific references to the Texas and Washington legislation and/or regulations that demonstrate compliance.

TEXAS	
42 USC 2021(o)(3)(A)	Texas Radiation Control Act: Section 401.264 (5 HSC 401.264)
42 USC 2021(o)(3)(C)	Texas Radiation Control Act: Section 401.263 (5 HSC 401.263)
42 USC 2021(o)(3)(D)	Texas Radiation Control Act: Section 401.263 (5 HSC 401.263)

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42 USC 2021(o)(3)(A)	RCW 70.121.030
42 USC 2021(o)(3)(C)	WAC 246-235-086
42 USC 2021(o)(3)(D)	WAC 246-235-086

¹ The provisions of 42 USC 2021(o) are also referred to as Subsection 274o. of the Atomic Energy Act of 1954, as amended.

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Thank you for your engagement on the Agreement State program. Since we have determined that both Agreement State programs have adequate and compatible legislation and/or regulations to implement the provisions in 42 USC 2021(o)(3)(A), (C), and (D), you do not need to submit a formal allegation or Agreement State Performance Concern at this time.

If you have any questions regarding the results of this review, please contact me at (301) 415-5949, or Lisa Dimmick at (301) 415-0694 or Lisa.Dimmick@nrc.gov.

Sincerely,

/RA Paul Michalak for/

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

cc: David Jansen, WA DOH
Charlotte Sullivan, TX DSHS
Charles Maguire, TCEQ

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cc: David Jansen, WA DOH
Charlotte Sullivan, TX DSHS
Charles Maguire, TCEQ

OFFICE	ASPB/MSTR	OGC	ASPB/MSTR	MSTR
NAME	DSpackman	Jolmstead	PMichalak	PMichalak for PHenderson
DATE	12/20/16	1/19/17	2/7/17	2/7/17

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