



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

May 20, 2013

Ms. Sarah Fields
76 South Main #7
P.O. Box 344
Moab, Utah 84532

SUBJECT: THE CONCERNS YOU RAISED TO THE U.S. NUCLEAR REGULATORY COMMISSION REGARDING THE UTAH AGREEMENT STATE PROGRAM'S ADMINISTRATIVE PROCEDURES - FSME-2013-AS-0001 and FSME-2013-AS-0003

Dear Ms. Fields:

The U.S. Nuclear Regulatory Commission (NRC) has concluded its inquiry into the concern you raised in your e-mails dated December 5, 2012 and January 8, 2013, and in your letter dated February 26, 2013 to Mr. Duncan White, regarding the Utah Division of Radiation Control's (DRC's) Agreement State Program. In particular, your concern was that the State of Utah did not have any statute or regulation that designates procedures for a hearing required by 42 U.S.C. §2021(o)(3)(A) prior to 11e.(2) byproduct material licensing actions.

We have been in discussions with the DRC since you initially provided these concerns. The DRC understands the concerns over whether the Utah regulations are vague about their requirements for written comments and notice and opportunity for a hearing. The DRC is in the process of drafting a procedure to address these issues. After implementing this procedure on a current licensing action, the DRC plans to codify these procedures in a rulemaking process.

Thank you for informing us of your concerns. We believe that our actions in this matter have been responsive. Please keep in mind that closure of an Agreement State concern does not prevent us from revisiting it, especially if we obtain new information. The NRC will continue to evaluate Utah's regulatory program through the NRC's Integrated Materials Performance Evaluation Process (IMPEP).

The NRC Agreement State Performance Concern process is an important source of information in support of the NRC's safety mission. The NRC staff takes its safety responsibility to the public seriously and will continue to do so within the bounds of our lawful authority. Unless the NRC receives additional information that suggests that our conclusions should be altered, we plan no further action on this matter.

CERTIFIED MAIL 7006 0810 0005 9659 6552
RETURN RECEIPT REQUESTED

S. Fields

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FSME-2013-AS-0001
FSME-2013-AS-0003

Should you have any additional questions, or need further assistance in this matter, please contact Mr. Duncan White at (301) 415-2598 or email duncan.white@nrc.gov.

Sincerely,



Deborah A. Jackson, Deputy Director
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

