



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF RADIATION CONTROL

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July 17, 2001

Paul Lohaus, Director
Office of State and Tribal Programs
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Lohaus:

The purpose of this correspondence is to relay concern regarding public participation in a recent NRC action as expressed at a recent meeting of the Utah Radiation Control Board by a citizen. This citizen expressed concern over the lack of public involvement in recent discussions regarding the potential for new rulemaking for uranium recovery facilities, referred to often as "Part 41 rulemaking." The concerns of the citizen were broad in scope such as:

- (1) Failure to have an initial scoping meeting for the rulemaking in Utah (Denver, Colorado was the nearest site)
- (2) Modification of uranium recovery guidance documents without public purview
- (3) Discussion of the options for new Part 41 rulemaking without meaningful public involvement.

In addition, the State of Utah expressed concern over lack of direct state participation at a recent briefing before the Commission as they were considering options relating to Part 41 rulemaking. Although the NRC had solicited comments from states and those were summarized and presented by NRC staff to the Commission, we believe that states should have had the opportunity to participate in the discussion with other stakeholders who were invited to the briefing. It is my understanding that the NRC has decided not to pursue Part 41 rulemaking any further. However, the review of the process to date serves as a good reminder of the need for stakeholder involvement in significant regulatory activities of the agency. It has been my observation that the NRC has made great strides in accomplishing this objective over the past few years.

If you have any questions, please do not hesitate to contact me.;

UTAH RADIATION CONTROL BOARD


William J. Sinclair, Executive Secretary

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