

December 20, 2002

Mr. John Weisheit, Chair  
Glen Canyon Group/Sierra Club  
P.O. Box 622  
Moab, UT 84532

Dear Mr. Weisheit:

I am providing an interim response to your November 26, 2002 letter in which you requested that the Nuclear Regulatory Commission (NRC) conduct public hearings (with an opportunity for written and oral comment) on the substitution of Utah Administrative Rules on Groundwater Quality Protection (R317-6) for NRC Groundwater Protection Criteria in 10 CFR Part 40, Appendix A, prior to the approval of the proposed amended Agreement by the NRC; and that one of the public hearings take place as near as possible to the White Mesa Uranium Mill (the first choice being the White Mesa Ute tribal land).

The NRC staff is evaluating the Utah proposal to substitute its existing groundwater requirements for the groundwater requirements in Appendix A to Part 40. This will include analysis of: (1) what constitutes an alternative standard under Section 274o of the Atomic Energy Act; (2) whether the Utah groundwater regulations constitute an alternative standard, and, if so; (3) what type of public hearing is appropriate to address the issue of determining whether the Utah groundwater regulations provide an equivalent or more stringent standard than the requirements in Appendix A to Part 40? The issues you raised will be considered by the staff in this process. When the staff has completed its analysis, we will provide you a final response.

The contact on my staff for the Utah Agreement amendment is Dennis Sollenberger (E-mail: [DMS4@NRC.GOV](mailto:DMS4@NRC.GOV); Phone: 301-415-3340). Please feel free to contact either one of us for information about the status of our review of the Utah Amendment request.

Sincerely,

*/RA/*

Paul H. Lohaus, Director  
Office of State and Tribal Programs

cc: W. Sinclair, Director  
Division of Radiation Control, DEQ

Mr. John Weisheit

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Response to Incoming Document: ML023450576

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