



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 2, 2017

Harold Cuthair, Chairman  
Ute Mountain Ute Tribe  
P.O. Box 248  
Towaoc, CO 81334-0248

Dear Chairman Cuthair:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your July 6, 2017, letter requesting government-to-government consultation, in order for the NRC to fully understand your concerns regarding the relicensing of the White Mesa Uranium Mill located south of Blanding, Utah.

The NRC Policy is to consult on a government-to-government basis with Tribal governments as soon as practicable on NRC regulatory actions with Tribal implications; however, the State of Utah has entered into an Agreement with the NRC under Section 274 of the Atomic Energy Act to, among other things, assume regulatory authority for activities related to uranium and thorium milling (also known as uranium recovery). As such, regulatory authority for relicensing of the White Mesa Uranium Mill rests with the State of Utah and not the NRC. Because the State of Utah is the cognizant regulatory authority for these activities, the NRC cannot consult on this matter. Therefore, if you have concerns regarding the licensee for the White Mesa Uranium Mill, please contact the State directly.<sup>1</sup>

However, if your concerns relate to the State's program for relicensing, the NRC has an Agreement State performance concerns process<sup>2</sup> that ensures that concerns involving Agreement State programs and employees are properly and expeditiously addressed. The NRC welcomes the opportunity to communicate with the Ute Mountain Ute Tribe through this process to fully understand any concerns you may have about the Agreement State's programmatic activities related to the relicensing of the White Mesa Mill. The NRC staff is committed to working closely with you to ensure that your concerns are appropriately addressed.

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<sup>1</sup> The process for contacting an Agreement State regarding concerns involving the violation of requirements and wrongdoing by individuals or organizations involving an area for which an Agreement State has assumed regulatory authority is described on the NRC's public Web site at <https://scp.nrc.gov/allegations.html>.

<sup>2</sup> The process for reporting concerns involving Agreement State programs and employees is described on the NRC's public Web site at [https://scp.nrc.gov/procedures/sa400\\_fin.pdf](https://scp.nrc.gov/procedures/sa400_fin.pdf).

We recognize that you addressed your letter to the Department of the Interior and the Environmental Protection Agency, as well as the NRC. This response reflects solely the NRC's role and jurisdiction related to the relicensing of the White Mesa Uranium Mill. In addition to this letter, Stuart Easson from the NRC's Tribal Liaison staff will be contacting you so that we can learn more about your concerns. Please feel free to contact Stuart, via phone (301) 415-5134, or e-mail at [Stuart.Easson@nrc.gov](mailto:Stuart.Easson@nrc.gov).

Sincerely,



Kristine L. Svinicki

cc: The Honorable Orrin Hatch  
The Honorable Mike Lee  
Mr. Scott Anderson  
Ms. Shirlee Silversmith