



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

Radiation Control Board
Peter A. Jenkins, Ph.D., CHP – *Chair*
Scott Bird – *Vice Chair*
Brady Bradford
Dick Codell, Ph.D.
Jerry Hurst, Tooele County Commissioner
Lindsey Christensen Nesbitt, Ph.D.
Ulrich Rassner, M.D.
Matt W. Rydalch
Amanda Smith – *DEQ Executive Director*

Rusty Lundberg, *Executive Secretary*

RADIATION CONTROL BOARD MEETING

November 10, 2014 – 1:00 p.m.

**Conference Room #1015, DEQ Board Room, First Floor
Multi Agency State Office Building (MASOB)
195 North 1950 West, Salt Lake City, Utah**

(One or more members of the Board may participate telephonically)
(Access Number: 1-877-820-7831 Passcode: 396230#)

TENTATIVE AGENDA

I. Welcome

II. Recognition of Matthew Bryant for personal effort to recover and return an industrial gauge containing radioactive material

III. Approval of the **Minutes from the October 14, 2014 Board Meeting**

IV. Administrative Rulemaking

- a. **Final adoption of proposed changes to R313-24-1 and Approval of filing a change in proposed rule for R313-17-4:**
 - i. Proposed changes to **R313-17**, *Administrative Procedures*, **R313-24**, *Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements*, regarding public participation procedures for licensing uranium mills and radioactive byproduct material management per 42 U.S.C. §2021(o)(3)

V. Information Items

- a. **Nuclear Regulatory Commission** – activity update
 - i. Commission Changes
 - ii. Branch Technical Position – Concentration Averaging and Encapsulation
 - iii. 10 CFR Part 61 Rulemaking
- b. **Uranium Mills**
 - i. **Shootaring Canyon Mill – Uranium One / Anfield Resources** – Transfer of control
- c. **Low-level Radioactive Waste** -- *EnergySolutions*
 - i. Depleted Uranium Performance Assessment

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1. HEAL Utah Presentation
- d. **Other Items**
 - i. **News Article – London Fog Proposal** – U.S. Army Dugway Proving Ground

VI. Public Comment

- VII. Next Scheduled Board Meeting: Tuesday, December 9, 2014, 10:30 a.m.**
Multi Agency State Office Building, Board Conference Room #1015
195 North 1950 West
Salt Lake City, Utah

For those individuals needing special assistance in accordance with the Americans with Disabilities Act, please contact Dana Powers at the Utah Department of Environmental Quality, at 195 North 1950 West, Salt Lake City, UT 84116, Office of Human Resources at (801) 536-4412, TDD (801) 536-4414, or by email at: dpowers@utah.gov.



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**MINUTES
OF
THE UTAH RADIATION CONTROL BOARD**

October 14, 2014

Department of Environmental Quality
Multi Agency State Office Building
Conference Room 1015, 195 North 1950 West, Salt Lake City, Utah

BOARD MEMBERS PRESENT

Peter Jenkins, CHP, Ph.D.
Scott Bird
Commissioner Jerry Hurst
Brady Bradford
Ulrich Rassner, M.D.
Lindsey Christensen Nesbitt, Ph.D.
(In person & via phone)
Amanda Smith, Executive Director DEQ
Rusty Lundberg, Executive Secretary

**BOARD MEMBERS
ABSENT/EXCUSED**

Richard Codell, Ph.D.
Matt Rydalch

**DRC STAFF/OTHER DEO MEMBERS
PRESENT**

Craig Jones, DRC Section Manager
Phil Goble, DRC Section Manager
Loren Morton, DRC Program Manager
Laura Lockhart, AG Staff
Philip Griffin, DRC Staff
Mike Givens, DRC Staff
Connie Rauen, DRC Staff
Eric Boone, DRC Staff
Spencer Wickham, DRC Staff

PUBLIC

Dan Shrum, EnergySolutions
Marc Burrow, Aribex, Inc.
Vern Rogers, EnergySolutions
Janet Jenson, Jenson & Guelker
Scott Kirk, WES
Gary Guelker, Jenson & Guelker
Robert Sobonscki, EnergySolutions
Autumn Szabo, University of Colorado

I. Welcome

Dr. Peter Jenkins, Chairman, called the meeting to order at 1:00 p.m. He welcomed the Board Members and the public.

II. Approval of the Minutes from the August 12, 2014 Board Meetings

Dr. Peter Jenkins, Chairman asked if any of the Board members had any corrections to the minutes. None were requested.

MOTION MADE BY MR. BRADY BRADFORD TO APPROVE THE MINUTES OF AUGUST 12, 2014.

SECONDED BY COMMISSIONER JERRY HURST

MOTION CARRIED AND PASSED UNANIMOUSLY

III. Administrative Rulemaking

a. Review of public comments

- i. Proposed changes to R313-26, *Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities* - Mr. Rusty Lundberg, Director, discussed the status of the proposed changes to R313-26 and the steps the rule had gone through for approval; a subcommittee was formed to review the proposed changes to the rule, and the rule also went out for public comments. Typically at this point in the process, a motion with an effective date is made and published in the Utah State Bulletin; however, based on Representative Brad Dee's comments and request, the Division's recommendation to the Board was to honor Representative Dee's request and wait until after the 2015 General Session of the Legislature to act on the proposed changes to R313-26. After an in-depth discussion amongst the Board members, Ms. Laura Lockhart and Mr. Phil Goble, Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions and wanted a motion to accept or reject the Division's recommendation.

MOTION MADE BY DR. ULRICH RASSNER TO REJECT THE DIVISION'S RECOMMENDATION TO TAKE NO ACTION ON R313-26.

MOTION WAS DENIED BASED ON A 3 to 2 MAJORITY VOTE BY BOARD MEMBERS.

MOTION MADE BY MR. SCOTT BIRD TO ACCEPT THE DIVISION'S RECOMMENDATION TO TAKE NO ACTION ON R313-26.

SECONDED BY COMMISSIONER JERRY HURST.

MOTION CARRIED AND PASSED BASED ON MAJORITY VOTES FROM BOARD MEMBERS.

- ii. Proposed changes to R313-17, *Administrative Procedures*, R313-24, *Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements* - Ms. Laura Lockhart reviewed the administrative procedures being proposed to ensure there is opportunity for questions and answers at proceedings required by Federal law for 11e.(2) licensing actions. New rules are required and R313-17 has gone out for formal comments where comments were received from Uranium Watch and EnergySolutions. Ms. Lockhart is in the process of addressing the comments and expects to present a change in proposed rule for the November Board Meeting. Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were offered. No motion was required at this time.
- b. Approve for final adoption:
 - i. Mr. Craig Jones reviewed proposed changes to R313-70 (Payments, Categories, and Types of Fees) that were discussed during the August 2014 meeting. Changes proposed addressed technical corrections in the rule, were meant to provide clarity, or specify circumstances whereby the director may renew an expired license. In the August 2014 Board Meeting, the Board approved the proposed revision for R313-70 to go out for public comment. No comments were received and it was the Director's recommendation to the Board to approve R313-70 for final adoption with the changes that were proposed with the effective date of October 21, 2014. Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were offered.

MOTION MADE BY COMMISSIONER JERRY HURST TO ACCEPT THE DIVISION'S RECOMMENDATION TO APPROVE CHANGES TO R313-70 FOR THE FINAL ADOPTION WITH THE EFFECTIVE DATE OF OCTOBER 21, 2014.

SECONDED BY DR. ULRICH RASSNER

MOTION CARRIED AND PASSED UNANIMOUSLY

- ii. Mr. Mike Givens reviewed the proposed changes and requested approval for final adoption to R313-12-3, Definitions; R313-22-33, General Requirements for the Issuance of Specific Licenses; and R313-25-2, Definitions. Changes involved implementation and revision of definitions regarding "construction" that had been made by the NRC. The rules discussed by Mr. Givens also went out for public comment and no comments were received by the Division. Mr. Givens requested that the Board approve changes with an effective date of October 21, 2014. Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were offered.

MOTION MADE BY MR. BRADY BRADFORD TO ACCEPT THE DIVISION'S RECOMMENDATION TO APPROVE CHANGES TO THE R313-12-33, R313-22-33, AND R313-25-2 FOR FINAL ADOPTION WITH THE EFFECTIVE DATE OF OCTOBER 21, 2014.

SECONDED BY MR. SCOTT BIRD.

MOTION CARRIED AND PASSED UNANIMOUSLY

- c. Approve for rulemaking and public comment:
 - i. Mr. Phil Griffin reviewed proposed changes to R313-19 and R313-37. The NRC published its final rule in March 2013 regarding increased controls and the rulemaking action created a new Part 37 in 10 CFR. The new 10 CFR 37 required changes in Parts 20, 30, 32, 33, 34, 35, 36, 39, 51, 71 and 73. The NRC has established compatibility categories for each of the rules adopted. As a result, Division staff determined that changes need to be made to R313-19 and a new rule R313-37 needs to be created. The Director recommends that the Board approve the proposed rule and instruct the Division to initiate the rulemaking process and a 30-day public comment period by filing the proposed rule changes with the Division of Administrative Rules for publication in the Utah State Bulletin and, in turn, notifying stakeholders and the public of the proposed changes. Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were offered.

MOTION MADE BY MR. SCOTT BIRD TO ACCEPT THE RECOMMENDATION OF THE DIVISION STAFF AND TO INITIATE RULEMAKING PROCESS AND PUBLISH R313-19 AND R313-37 ON NOVEMBER 1, 2014 WITH A 30-DAY COMMENT PERIOD.

SECONDED BY MR BRADY BRADFORD

MOTION CARRIED AND PASSED UNANIMOUSLY

- d. Petition for rulemaking:
 - i. Mr. Marc Burrows from Aribex presented the Aribex Portable hand-held NOMAD MD X-Ray Unit and requested the Board amend R313-28-31 and R313-28-52 to allow the use of portable hand -held medical radiography X-ray units. Dr. Peter Jenkins, Chairman, asked for further clarification on their request. Aribex clarified their request asking the Board to consider the language in their letter for rulemaking and if the Board accepts their request the Division staff would present a rule to the Board for approval to go out for public comment. Dr. Peter Jenkins, Chairman asked the Board to consider the use of hand-held x-ray devices and the rules that apply to them in general for Utah by forming a subcommittee to initiate a rule making process. Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions, none were offered. A subcommittee was formed with Dr. Jenkins, Dr. Rassner, and Dr. Nesbitt to consider the request.

MOTION MADE BY DR.ULRICH RASSNER TO ACCEPT ARIBEX PETITION TO INITIATE RULEMAKING FOR HAND HELD DEVICES IN UTAH.

SECONDED BY MR SCOTT BIRD.

MOTION CARRIED AND PASSED UNANIMOUSLY

IV. Information Items

a. Nuclear Regulatory Commission – activity update – Mr. Rusty Lundberg informed the Board that there are now two new Commissioners that have been confirmed, Steven Burns and Jeffery Baran bringing the Commission to its full five members. Also, effective October 5, 2014 there has been reorganization in NRC to manage the work load; a new office has been formed. A organization chart of the reorganization was provided to the Board.

b. Uranium Mills

i. White Mesa Mill—Energy Fuels Resources – status update - Mr. Phil Goble updated the Board on the license and permit renewal. Public comment is anticipated to begin in January 2015 for both actions. The Division is also planning to go out for public comment on the Chloroform Corrective Action Plan later this fall after meeting with the Ute Mountain Tribe.

ii. Shootaring Canyon Mill—Uranium One /Anfield Resources - Mr. Phil Goble updated the Board on Anfield Resources interest in the Shootaring Canyon Uranium Mill. On October 17, 2014, the Director concurred with the change of control and ownership of the Mill from Uranium One Americas, Inc to Anfield Resources Holding Corp.

c. Low-level Radioactive Waste—*EnergySolutions*

i. Sealed Source Variance – Mr. Rusty Lundberg informed the Board of the request and response to extend the Variance to receive and dispose sealed sources through the end of the year.

ii. *ResinSolutions* (Erwin, TN) - Mr. Dan Schrum, presented and gave an update on the existing SEMPRASAFE/ Erwin *ResinSolutions* operations, and the performance assessment submitted to DRC for review.

iii. Depleted Uranium Performance Assessment- Mr. Rusty Lundberg informed the Board of the of the request received from *EnergySolutions* to delay the comment period to avoid the holiday season; therefore, the public comment period is anticipated to begin in January.

d. Other Items

i. 3rd Quarter Activity Report - Activity report was included in the Board packet. Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were offered.

ii. Introduction of new staff – Mr. Eric Boone, a new engineer with the DRC, introduced himself to the Board and gave personal and professional background information.

V.Public Comment

Adjourned 3:28 PM

Next Scheduled Board Meeting: Monday, November 10, 2014, 1:00 p.m.

Multi Agency State Office Building, Board Conference Room #1015
195 North 1950 West
Salt Lake City, Utah

UTAH RADIATION CONTROL BOARD

November 10, 2014

**ADMINISTRATIVE RULEMAKING
RECOMMENDATION FOR FINAL ADOPTION**

**R313-24. Uranium Mills and Source Material Mill Tailings
Disposal Facility Requirements
R313-24-1. Purpose and Authority**

RULEMAKING PROCESS

At the August 12, 2014 Board meeting, Ms. Laura Lockhart presented information concerning changes to R313-24-1 that reference procedures and statutory requirements, regarding public participation procedures for licensing uranium mills and radioactive byproduct material management, per 42 U.S.C. §2021(o)(3). Ms. Lockhart requested that the proposed changes to R313-24-1 be approved for rulemaking and public comment. She explained that the changes in this rule make reference to procedures found in rule R313-17-4 regarding public participation for uranium mills and byproduct material disposal licensees. The Board approved the filing of this rule with the Division of Administrative rules and directed staff to give notice to the public for a 30-day comment period. The proposed rule changes were published in the September 1, 2014 issue of the *Utah State Bulletin*.

On September 2, 2014, Division staff issued a List Server notice that invited the Public to submit comments on R313-24-1 from September 2, 2014 through October 1, 2014. Additional information about the opportunity to submit comments was provided on the Division's website.

COMMENTS RECEIVED

No comments were submitted regarding the proposed changes to R313-24-1.

RECOMMENDATION

Although the proposed changes to R313-24-1 are a companion rulemaking with the proposed changes for R313-17-4 and in light of no comments were submitted regarding R313-24-1, the Director recommends that the Board approve the proposed changes to R313-24-1 for final adoption and set an effective date of December 30, 2014. Please note that a description of the recommended action for the proposed changes to R313-17-4 is found in a separate written summary.

R313. Environmental Quality, Radiation Control.

R313-24. Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements.

R313-24-1. Purpose and Authority.

(1) The purpose of this rule is to prescribe requirements for possession and use of source material in milling operations such as conventional milling, in-situ leaching, or heap-leaching. The rule includes requirements for the possession of byproduct material, as defined in Section R313-12-3 (see "byproduct material" definition (b)), from source material milling operations, as well as, possession and maintenance of a facility in standby mode. In addition, requirements are prescribed for the receipt of byproduct material from other persons for possession and disposal. The rule also prescribes requirements for receipt of byproduct material from other persons for possession and disposal incidental to the byproduct material generated by the licensee's source material milling operations.

(2) The rules set forth herein are adopted pursuant to the provisions of Subsections 19-3-104(4) and 19-3-104(8).

(3) The requirements of Rule R313-24 are in addition to, and not substitution for, the other applicable requirements of Title R313. In particular, the provisions of Rules R313-12, R313-15, R313-18, R313-19, R313-21, R313-22, and R313-70 apply to applicants and licensees subject to Rule R313-24.

(4) See R313-17-4 for special procedures for decisions associated with licenses for activity which results in the production of byproduct material.

**KEY: environmental analysis, uranium mills, tailings, monitoring
Date of Enactment or Last Substantive Amendment: [~~March 19, 2013~~]2014
Notice of Continuation: May 24, 2012
Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-3-108**

UTAH RADIATION CONTROL BOARD

November 10, 2014

ADMINISTRATIVE RULEMAKING RECOMMENDATION FOR A CHANGE IN A PROPOSED RULE AND ADDITIONAL PUBLIC COMMENT

R313-17-4 Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material

RULEMAKING PROCESS

At the August 12, 2014 Board meeting, Ms. Laura Lockhart presented information concerning substantive changes regarding public participation procedures for licensing uranium mills and radioactive byproduct material management, per 42 U.S.C. §2021(o)(3). Ms. Lockhart requested that the proposed changes to R313-17-4 be approved for rulemaking and public comment. She explained that the proposed rule describes procedures regarding public participation for uranium mills and disposal of byproduct material licensees. The Board approved the filing of this rule with the Division of Administrative rules and directed staff to give notice to the public for a 30-day comment period. The proposed rule changes were published in the September 1, 2014 issue of the *Utah State Bulletin*.

On September 2, 2014, Division of Radiation Control staff issued a List Server notice that invited the public to submit comments on R313-70 from September 2, 2014 through October 1, 2014. Additional information about the opportunity to submit comments was provided on the Division's website.

COMMENTS RECEIVED

Comments from two commenters were submitted and received during the public comment period. The U.S. Nuclear Regulatory Commission (NRC) also submitted a written comment that was received after the public comment period closed. However, the Division Director considers the NRC's comments to be particularly relevant and important to the proposed rulemaking and should therefore be considered part of the rulemaking record. Such consideration is in keeping with our agreement with the NRC.

Comments and responses to the comments are included in the meeting packet for the Board's consideration. As a result of the comments, as well as further agency review and evaluation related to the comments, changes to the draft rule are being proposed. The Division Director recommends that these changes be sent out for additional public comment because they were not part of the originally proposed rule change published in the September 1, 2014 issue of the *Utah State Bulletin*.

RECOMMENDATION

Based on the comments received and upon further review by the agency related to the comments, the Director recommends that the Board approve filing a change in a proposed rule with the Division of Administrative Rules for publication in the December 1, 2014 issue of the *Utah State Bulletin*. Publication in that issue of the Bulletin will initiate a public comment period that will conclude on January 5, 2015. The text of the new proposed rule follows this summary and shows the changes

from the proposed rule as published in the September 1, 2014 issue of the Bulletin. In approving the filing of a change in a proposed rule, the Division Director also recommends that the Board approve the previously published proposed changes for which no comments were received.

Final action by the Board for all proposed changes to R313-17-4 is expected to occur at the January 13, 2015 Board meeting.

RULEMAKING PROCESS – CHANGE IN PROPOSED RULE

Given the recommendation to approve and file a change in a proposed rule, further description of the rulemaking process for a change in a proposed may be helpful. The following description is taken from portions of the introductory section of the *Utah State Bulletin* regarding a change in a proposed rule.

After an agency has published a Proposed Rule in the *Utah State Bulletin*, it may receive public comment that requires the Proposed Rule to be altered before it goes into effect. A Change in Proposed Rule allows an agency to respond to comments it receives.

While the law does not designate a comment period for a Change in Proposed Rule, it does provide for a 30-day waiting period. An agency may accept additional comments during this period, and, at its option, may designate a comment period or may hold a public hearing.

Following the Rule Analysis, the text of the Change in Proposed Rule is usually printed. **The text shows only those changes made since the Proposed Rule was published in an earlier edition of the *Utah State Bulletin*.** (Emphasis added)

R313. Environmental Quality, Radiation Control.

R313-17. Administrative Procedures.

R313-17-4. Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material.

(1) Definitions. For purposes of this rule:

(a) "Byproduct material" has the same meaning as defined in 42 U.S.C. Section 2014(e) [\(2\)](#);

(b) "License" means a radioactive materials license for a uranium mill or disposal of byproduct material, including any ground water discharge permit incorporated in a license; and

(c) "Question and answer hearing" means the informal hearing described in paragraphs (3) through (5) held for the purpose of responding to questions from the public.

(2) Scope. This rule R313-17-4 applies only to licensing activities that meet both of the following criteria:

(a) they are licensing activities described in R313-17-2(a) (i) (A) through (I); and

(b) they are for licenses or license amendments for uranium mills and disposal of byproduct materials.

(3) Opportunity for Question and Answer Hearing Prior to Director's Decision.

(a) For licensing actions that are subject to the scope of this rule, the division may, at its discretion, schedule a question and answer hearing at the time it proposes the action.

(b) If the division does not choose to schedule a question and answer [hearing\[session\]](#) at the time it proposes a licensing action, it shall provide notice to the public of an opportunity to request a question and answer [hearing\[session\]](#), and it shall schedule and hold a [hearing\[session\]](#) if there is a request from a member of the public.

(c) Notice of a hearing or an opportunity to request a hearing under this rule shall be made as provided in R313-17-3(5). Members of the public shall be given at least ten days to request a hearing.

(d) The division may combine the question and answer hearing with a licensing hearing held for the purpose of taking public comment on a proposed licensing action.

(4) Procedures Prior to Question and Answer Hearing.

(a) The division shall provide a notice of the question and answer hearing at least 30 days before the hearing. The notice shall also summarize the applicable procedures, including the obligation to provide questions in advance of the hearing.

(b) Any person who proposes to ask questions during the question and answer hearing shall submit the questions to the division. Questions must be received by the division by the deadline specified in the public notice, which shall be no fewer than 15 days after the notice of the question and answer hearing is posted. If a question relies on information that is not included in the licensing record, that information shall be submitted with the questions. The relevance of and the relevant portions of any supporting materials shall be described with reasonable specificity. Information submitted in accordance with this paragraph will become part of the record.

(c) If the Director determines that any of the questions submitted will not be answered during the question and answer hearing, as provided in paragraph (5) (f), the Director shall notify the person

who submitted the questions prior to the hearing. Notification shall include a statement about the Director's reasons for the determination.

(5) Procedures for Question and Answer Hearing.

(a) The question and answer hearing shall ordinarily be held in the Department of Environmental Quality offices. Unless the question and answer hearing is held in a place near the proposed facility, the division shall provide an opportunity for the public to participate by telephone or other electronic means.

(b) The question and answer hearing [session] will not ordinarily be scheduled for longer than three hours. The division may allocate time to those who have submitted questions after considering the number and nature of the questions submitted.

(c) A hearing officer who is not the director or a member of the director's staff shall manage the question and answer hearing. Representatives of the licensee and division staff shall attend the hearing.

(d) The question and answer hearing shall be recorded and transcribed. Alternatively, the division may elect to have a court reporter record and transcribe the hearing.

(e) The Director shall determine whether the initial and follow-up question will be answered by the applicant, by division staff, or by both. Notwithstanding the Director's decision, the applicant may choose to respond to any question. After the response to a question, the person who submitted the question shall be allowed to follow up with additional questions based on the response provided.

(f) Appropriate questions are those that seek specific factual information about the license application, or about other documents created during the licensing process. The following kinds of questions do not require a response during a question and answer hearing[session]:

- (i) Questions that are not relevant to the licensing action;
- (ii) Questions that are based on information that is not in the record;
- (iii) Questions that are vague;
- (iv) Questions that require speculation;
- (v) Questions that seek legal conclusions;
- (vi) Questions that have been previously answered;
- (vii) Questions that are more appropriately characterized as comments; and
- (viii) Questions that would not have to be answered during a trial-type hearing.

(g) Either the agency or the applicant may elect to answer a question even if it is a question that does not require a response under paragraph (f). No waiver will result from answering a question that does not require a response.

(h) Questions requesting information that is clear in the record may be answered by referring the questioner to the record.

(i) In the event that a questioner or the applicant disagrees with the Director's determinations under paragraphs (4)(c), (5)(b), or (5)(e), it may request a determination by the hearing officer. If the hearing officer disagrees with the Director's determination, the division or, as appropriate, the applicant may then:

- (i) comply with the hearing officer's determination during the

question and answer hearing;

(ii) comply with the hearing officer's determination by responding to the question in writing no fewer than 10 days before the end of the comment period; or

(iii) notify the questioner or applicant that it contests the determination, and provide information to the questioner about the procedures available to it under paragraph (5) (j).

(j) If a decision of the hearing officer is contested as described in paragraph (5) (i) (iii), the person who asked the question may challenge that failure to comply with the hearing officer's decision on appeal. If the hearing officer's determination is upheld on appeal, the record on appeal shall be supplemented as described in paragraph (6) and R305-7-607.

(6) Formal Questioning During Appeal.

If no opportunity for a question and answer hearing is provided, or if an opportunity that was provided is found by the ALJ to have been deficient, an opportunity for questions and answers shall be provided on appeal as described in R305-7-607. This opportunity for questions and answers on appeal shall be available only to a petitioner who has exhausted procedures and remedies available under paragraphs R313-17-4(1) through R313-17-4(5). The scope of questions and answers on appeal shall be limited by the scope of the deficiency. [If the procedures in paragraphs (2) through (5) are not used before the Director's final determination, an opportunity for questioning shall be provided on appeal as described in R305-7-607.]

KEY: administrative procedures, comment, hearings, adjudicative proceedings

Date of Enactment or Last Substantive Amendment: [March 13, 2013] 2014

Notice of Continuation: July 7, 2011

Authorizing, and Implemented or Interpreted Law: 19-3-104(4); 19-1-301 and 19-1-301.5

(Because the Department, and not the Radiation Control Board, has the authority to make rules governing administrative procedures for appealing a license, the following is provided for informational purposes only. The Executive Director will determine whether the following recommended change should be proposed.)

R305-7-607. Matters Governed by the Radiation Control Act, Title 19, Chapter 3, but not Including Section 19-3-109.

(1) Paragraph (2) of this subsection R305-7-607 applies to all matters governed by the Radiation Control Act, Title 19, Chapter 3, but not including Section 19-3-109.

(2) Definitions.

"Director" means the Director of the Division of Radiation Control.

(3) This paragraph (3) applies to proceedings to which R313-17-4(6) applies.

(a) A hearing shall be conducted by the ALJ for the limited

purposes of:

- (i) allowing the petitioner to ask questions; and
 - (ii) allowing follow-up questions of the witnesses or other witnesses, including those representing the petitioner, by any party.
- (b) Questioning under this paragraph shall be consistent with the standards specified R313-17-4(f) and (h) and the limitations in paragraph (6).
 - (c) The ALJ shall determine whether the petitioner's questions shall be answered by the division staff, by the applicant, or by both.
 - (d) The procedures in R305-7, Part 3 shall govern the hearing as appropriate for the limited scope of the hearing.
 - (e) The transcript of the hearing will be part of the record on appeal, as authorized in 19-1-301.5(8)(c)(vi).

Uranium Watch

76 South Main Street, # 7 | P.O. Box 344
Moab, Utah 84532
435-260-8384

October 1, 2014

via electronic mail

Rusty Lundberg
Director
Utah Division of Radiation Control
P.O. Box 144850
Salt Lake City, Utah 84114-4850
rlundberg@utah.gov

Re: Comments on: Department of Environmental Quality, Division of Radiation Control, Notice of Propose Rule. DAR FILE NO.: 38770. Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material, Utah Administrative Code R313-17-4. *UTAH STATE BULLETIN*, September 01, 2014, Vol. 2014, No. 17, page 95.

Dear Mr. Lundberg:

Herein please find comments by Uranium Watch regarding proposed changes to Utah Administrative Code R313-17-4.

Below is the proposed rule with suggested changes in bold, with additional comments in brackets:

R313. Environmental Quality, Radiation Control.

R313-17. Administrative Procedures.

R313-17-4. Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material.

(1) Definitions. For purposes of this rule:

(a) "Byproduct material" has the same meaning as defined in 42 U.S.C. Section 2014(e);

(b) "License" means a radioactive materials license for a uranium mill or disposal of byproduct material, including any ground water discharge permit

incorporated in a license; and

(c) "Question and answer hearing" means the informal hearing described in paragraphs (3) through (5) held for the purpose of responding to questions from the public.

(d) "Written environmental analysis" means a written analysis of the impact of such license, including any activities conducted pursuant thereto, on the environment.

[This definition is in 42 U.S.C. § 2021(o)(3)(C).]

(2) Scope. This rule R313-17-4 applies only to licensing activities that meet both of the following criteria:

(a) they are licensing activities described in R313-17-2(a)(i) (A) through (I); and

(b) they are for licenses or license amendments for uranium mills and disposal of byproduct materials.

(3) Opportunity for Question and Answer Hearing Prior to Director's Decision.

(a) For licensing actions that are subject to the scope of this rule, the division may, at its discretion, schedule a question and answer hearing at the time it proposes the action.

(b) If the division does not choose to schedule a question and answer session at the time it proposes a licensing action, it shall provide notice to the public of an opportunity to request a question and answer session, and it shall schedule and hold a session if there is a request from a member of the public.

(c) Notice of a hearing or an opportunity to request a hearing under this rule shall be made as provided in R313-17-3(5). Member of the public shall be given at least ten days to request a hearing.

(d) The Division may combine the question and answer hearing with a licensing hearing held for the purpose of taking public comment on a proposed licensing action.

(4) Procedures Prior to Question and Answer Hearing.

(a) The division shall provide a notice of the question and answer hearing at least 30 days before the hearing. The Notice shall also summarize the applicable procedures, including the obligation to provide questions in advance of the hearing.

(b) The written environmental analysis of the licensing action shall be available to the public before the notice of commencement of the public comment period and question and answer hearing opportunity.

[This is a requirement of 42 U.S.C. § 2021(o)(3)(C).]

(c) Any person who proposed to ask questions during the question and answer hearing shall submit questions to the division. Questions must be received by the division by the deadline specified in the public notice, which shall be no fewer than 15 days after the notice of the question and answer hearing is posted. If a question relies on information that is not included in the licensing record, that information shall be

submitted with the questions. The relevance of the and the relevant portions of any supporting materials shall be described with reasonable specificity. Information submitted in accordance with this paragraph will become part of the record.

(d) If the Director determines that any of the questions submitted will not be answered during the question and answer hearing, as provided in paragraph (5)(f), the Director shall notify the person who submitted the questions prior to the hearing. Notification shall include a statement about the Director's reasons for the determination.

(5) Procedures for Question and Answer Hearing.

(a) The question and answer hearing shall ordinarily be held in the Department of Environmental Quality offices. Unless the question and answer hearing is held in a place near the proposed facility, the division shall provide an opportunity for the public to participate by telephone or other electronic means.

(b) The question and answer hearing session will not ordinarily be scheduled for longer than three hours. The division may allocate time to those who have submitted questions after considering the number and nature of the questions submitted.

(c) A hearing officer shall manage the question and answer hearing. Representatives of the licensee and division staff shall attend the hearing.

(d) The question and answer hearing shall be recorded and transcribed. Alternatively, the division may elect to have a court reporter record and transcribe the hearing.

(e) The Director shall determine whether the initial and follow-up question will be answered by the applicant, by division staff, or by both. Notwithstanding the Director's decision, the applicant may choose to respond to any question. After the response to a question, the person who submitted the question shall be allowed to follow up with additional questions based on the response provided.

(f) Appropriate questions are those that seek specific factual information about the license application, or about other documents created during the licensing process. The following kinds of questions do not require a response during a question and answer session:

- (i) Questions that are not relevant to the licensing action;*
- (ii) Questions that are based on information that is not in the record;*
- (iii) Questions that are vague;*
- (iv) Questions that require speculation;*
- (v) Questions that seek legal conclusions;*
- (vi) Questions that have been previously answered;*
- (vii) Questions that are more appropriately characterized as comments;*
- and*
- (viii) Questions that would not have to be answered during a trial-type hearing.*

(g) Either the agency or the applicant may elect to answer a question even if it is a question that does not require a response under paragraph (f). No waiver will result

from answering a question that does not require a response.

(f). No waiver will result from answering a question that does not require a response.

(h) Questions requesting information that is clear in the record may be answered by referring the questioner to the record.

(i) In the event that a questioner or the applicant disagrees with the Director's determinations under paragraphs (4)(c), (5)(b), or (5)(e), it may request a determination by the hearing officer. If the hearing officer disagrees with the Director's determination, the division or, as appropriate, the applicant may then:

(i) comply with the hearing officer's determination during the question and answer hearing;

(ii) comply with the hearing officer's determination by responding to the question in writing no fewer than 10 days before the end of the comment period; or

(iii) notify the questioner or applicant that it contests the determination, and provide information to the questioner about the procedures available to it under paragraph (5)(j).

(j) If a decision of the hearing officer is contested as described in paragraph (5)(i)(iii), the person who asked the question may challenge that failure to comply with the hearing officer's decision on appeal. If the hearing officer's determination is upheld on appeal, the record on appeal shall be supplemented as described in paragraph (6) and R305-7-607.

(6) Formal Questioning During Appeal.

If the procedures in paragraphs (2) through (5) are not used before the Director's final determination, an opportunity for questioning shall be provided on appeal as described in R305-7-607.

(7) Construction cannot commence until the issuance of a written environmental analysis and the proceeding outlined in R313-17-4.

[This is a requirement of 42 U.S.C. § 2021(o)(3)(D).]

Thank you for providing this opportunity to submit comments on the draft DRC rule.

Sincerely,

Sarah M. Fields
Program Director
sarah@uraniumwatch.org

cc: John Hultquist, DRC

Uranium Watch

76 South Main Street, # 7 | P.O. Box 344
Moab, Utah 84532
435-260-8384

October 1, 2014

via electronic mail

Laura Lockhart
Utah Office of the Attorney General
Environmental Division
195 N 1950 W Fl South # 2
Salt Lake City, UT 84116
llockhart@utah.gov

Re: Comments on: Department of Environmental Quality, Division of Radiation Control, Notice of Propose Rule. DAR FILE NO.: 38753. Amendments to Utah Administrative Code R305-7-607; Matters Governed by the Radiation Control Act, Title 19, Chapter 3, but not Including Section 19-3-109, *UTAH STATE BULLETIN*, September 01, 2014, Vol. 2014, No. 17, page 59.

Dear Ms. Lockhart:

Below please find comments by Uranium Watch regarding proposed changes to Utah Administrative Code R305-7-607.

The Proposed Rule R305-7-607 at (3)(a) states:

- (3) This paragraph (3) applies to proceedings under R313-17-4(6).*
- (a) A hearing shall be conducted by the ALJ for the limited purposes of:*
- (i) allowing the petitioner to ask questions; and*
 - (ii) allowing follow-up questions of the witnesses or other witnesses, including those representing the petitioner, by any party.*
- (b) Questioning under this paragraph shall be consistent with the standards specified R313-17-4(f) and (h).*
- (c) The ALJ shall determine whether the petitioner's questions shall be answered by the division staff, by the applicant, or by both.*
- (d) The procedures in R305-7, Part 3 shall govern the hearing as appropriate for the limited scope of the hearing.*

(e) The transcript of the hearing will be part of the record on appeal, as authorized in 19-1-301.5(8)(c)(vi).

This Proposed Rule refers to hearing on licensing actions (permit orders) for uranium mills and 11e.(2) byproduct material that are required under the Atomic Energy Act (42 U.S.C. § 2021(o)(3)(A)). The pertinent AEA section reads:

In the licensing and regulation of byproduct material, as defined in section 2014 (e)(2) of this title, or of any activity which results in the production of byproduct material as so defined under an agreement entered into pursuant to subsection (b) of this section, a State shall require—

(3) procedures which—

(A) in the case of licenses, provide procedures under State law which include—

(i) an opportunity, after public notice, for written comments and a public hearing, with a transcript,

(ii) an opportunity for cross examination, and

(iii) a written determination which is based upon findings included in such determination and upon the evidence presented during the public comment period and which is subject to judicial review;

COMMENT

The Proposed Rule fails to state that one of the purposes of the hearing is to receive public comments and evidence. The comments, questions, responses, and other evidence presented during the question and answer hearing and comment period are part of the record that the Division of Radiation Control must review and take into consideration when making a determination with respect a licensing action.

Therefore, the Rule should read (proposed language in bold):

(3) This paragraph (3) applies to proceedings under R313-17-4(6).

(a) A hearing shall be conducted by the ALJ for the purposes of:

(i) Taking public comments and evidence;

(ii) allowing the petitioner to ask questions; and

(iii) allowing follow-up questions of the witnesses or other witnesses, including those representing the petitioner, by any party.

(b) Questioning under this paragraph shall be consistent with the standards specified R313-17-4(f) and (h).

(c) The ALJ shall determine whether the petitioner's questions shall be answered by the division staff, by the applicant, or by both.

Laura Lockhart/OAG
October 1, 2014

3

(d) The procedures in R305-7, Part 3 shall govern the hearing as appropriate for the limited scope of the hearing.

(e) The Director shall take the public comments and evidence from the hearing into consideration in the determination on the licensing action.

(f) The transcript of the hearing will be part of the record on appeal, as authorized in 19-1-301.5(8)(c)(vi).

Thank you for providing this opportunity to comment.

Sincerely,

Sarah Fields
Program Director
sarah@uraniumwatch.org

cc: Rusty Lundberg, Director, Division of Radiation Control
(electronic mail)



Energy Fuels Resources (USA) Inc.
225 Union Blvd. Suite 600
Lakewood, CO, US, 80228
303 974 2140
www.energyfuels.com

October 1, 2014

John Hultquist
Utah Division of Radiation Control
195 N. 1950 W.
Salt Lake City, UT 84116

Re: Comments on R313-17-4: Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material

Dear Mr. Hultquist:

Energy Fuels Resources (USA) Inc. submits comments on proposed rule R313-17-4, entitled Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material. Energy Fuels submits the following comments.

With regard to Paragraph (6), the phrase “are not used” is potentially too broad and arguably would allow the procedures to be invoked on appeal, even by a petitioner that did not use the procedures by their own inaction. For this reason, the language of paragraph (6) should be revised to make clear that if a petitioner fails to invoke or use the procedures in paragraphs (2) through (5) prior to taking an appeal, the petitioner is not entitled to invoke those procedures on appeal. One way the agency could consider accomplishing this is to revise paragraph (6) to add an additional sentence which reads: “However, this opportunity for questioning on appeal shall not be provided to a petitioner that fails to invoke or use the procedures in paragraphs (2) through (5) prior to taking the appeal.”

Best Regards,


ENERGY FUELS RESOURCES (USA) INC.
David C. Frydenlund
Senior Vice President, General Counsel and Corp Secretary

cc: Laura Lockhart (llockhart@utah.gov)



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



October 15, 2014

Mr. Rusty Lundberg, Director
Division of Radiation Control
Department of Environmental Quality
195 North 1950 West
Salt Lake City, UT 84116

DRC-2014-006301

Dear Mr. Lundberg:

We have reviewed the proposed changes to the Utah Radiation Control Rules received by our office on August 18, 2014. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on October 10, 2014.

The NRC only reviewed those proposed regulations related to 10 CFR 150.31 that were submitted. However, this did not include review of Utah equivalent regulation to 10 CFR 150.31(b)(3)(i)(C) since that was not included in your submittal. As a result of our review, we have four comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that the Utah regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final Utah regulations. However, we have determined that if your proposed regulations were adopted, incorporating our comments and without other significant change and assuming we received the equivalent regulation for 10 CFR 150.31(b)(3)(i)(C), they would meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to the Division of Material Safety, State, Tribal and Rulemaking Programs.

The SRS Data Sheet summarizes our knowledge of the status of other Utah regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS website: <http://nrc-stp.ornl.gov/rulemaking.html>.

R. Lundberg

-2-

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Ms. Kathleen Schneider, State Regulation Review Coordinator, at (301) 415-2320 (Kathleen.Schneider@nrc.gov) or Mr. Stephen Poy at (301) 415-7135 (Stephen.Poy@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "S. Abraham", with a long horizontal flourish extending to the right.

Susan Abraham, Acting Deputy Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. Utah SRS Data Sheet

COMPATIBILITY COMMENTS ON UTAH PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	R313-17-4	§150.31	N/A	C	<p>Requirements for Agreement State regulation of byproduct material</p> <p>Utah needs to do the following:</p> <ul style="list-style-type: none"> a. In R313-17-4 (1)(a) under the definition of byproduct material, it states, "Byproduct material" has the same meaning as defined in 42 U.S.C. Section 2014(e);" The reference in the statement should be changed so that it states, "Byproduct material" has the same meaning as defined in 42 U.S.C. Section 2014(e)(2)." b. In R313-17-4, the term "Question and Answer Hearing" is defined. Within the section the term "question and answer session" is also used. Both of these terms are used inconsistently. Utah needs to define and clarify these terms and use them consistently. c. In R313-17-4(4), Utah indicates that both the Director and a hearing officer are involved during the Question and Answer Hearing. Utah needs to clearly identify what the positions and roles of the Director and the hearing officer are during the Question and Answer Hearing. d. Utah did not submit their equivalent regulation to 10

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>CFR 150.31(b)(3)(i)(C) for review.</p> <p>Utah needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 150.31.</p>

COMMENTS ON PROPOSED R313-17-4

Comments from Uranium Watch (by Sarah Fields)

Comment No. 1: New provisions should be added requiring a written environmental analysis, as required by 42 USC § 2021(o)(3)(C). The commenter proposes a definition in new R313-17-4(1) and a substantive requirement in R313-17-4(4).

Response to Comment No. 1: This comment is beyond the scope of this rulemaking, which was to address DRC's authority for assuring that the cross-examination requirements of 42 USC § 2021(o)(3)(A)(ii) would be met. That requirement had previously been met through the adjudicative process defined by the Utah Administrative Procedures Act, but with the enactment of the record review procedures in Utah Code Ann. § 19-1-301.5, DRC's governing laws became deficient because they no longer gave the opportunity for cross-examination that was required of Agreement States. This rulemaking addresses only that deficiency.

All of the other requirements in §2021 are addressed in rules that were prepared by DRC for the purpose of becoming an Agreement State. These rules were reviewed by NRC for compatibility at that time, and were not affected by the enactment of the record review procedures in Utah Code Ann. § 19-1-301.5.

Comment No. 2: A new paragraph (7) should be added as proposed R313-17-4(7) prohibiting the commencement of construction until the completion of the written environmental analysis and the question and answer hearing.

Response to Comment No. 2: See response to Comment No. 1.

Comments from Energy Fuels (by David C. Frydenlund):

Comment No. 3:

With regard to Paragraph (6), the phrase “are not used” is potentially too broad and arguably would allow the procedures to be invoked on appeal, even by a petitioner that did not use the procedures by their own inaction. For this reason, the language of paragraph (6) should be revised to make clear that if a petitioner fails to invoke or use the procedures in paragraphs (2) through (5) prior to taking an appeal, the petitioner is not entitled to invoke those procedures on appeal. One way the agency could consider accomplishing this is to revise paragraph (6) to add an additional sentence which reads: “However, this opportunity for questioning on appeal shall not be provided to a petitioner that fails to invoke or use the procedures in paragraphs (2) through (5) prior to taking the appeal.”

Response to Comment No. 3: A change has been proposed to the rule to address this comment. Because the change could be considered to be beyond what was being considered with the original proposed rule, the change will go back for public comment.

COMMENTS FROM NRC

Comment No. 4: In R313-17-4 (1)(a) under the definition of byproduct material, it states, ""Byproduct material" has the same meaning as defined in 42 U.S.C. Section 2014(e);" The reference in the statement should be changed so that it states, ""Byproduct material" has the same meaning as defined in 42 U.S.C. Section 2014(e)(2);"

Response to Comment No. 4: The suggested change will be proposed as part of a change in proposed rule.

Comment No. 5: In R313-17-4, the term "Question and Answer Hearing" is defined. Within the section the term "question and answer session" is also used. Both of these terms are used inconsistently. Utah needs to define and clarify these terms and use them consistently.

Response to Comment No. 5: DRC agrees with this comment, and the term "session" is proposed to be removed from the rule as part of a change in proposed rule.

Comment No. 6: In R313-17-4(4), Utah indicates that both the Director and a hearing officer are involved during the Question and Answer Hearing. Utah needs to clearly identify what the positions and roles of the Director and the hearing officer are during the Question and Answer Hearing.

Response to Comment No. 6: It appears that this comment is directed at proposed R313-17-4(5). Because the specific responsibilities of the hearing officer and the director are specified in the rule, DRC contacted NRC by telephone and determined that the addition of the following language in R313-17-4(5)(c) would meet its concerns: A hearing officer who is not the director or a member of the director's staff shall manage the question and answer hearing.

Comment No. 7: Utah did not submit their equivalent regulation to 10 CFR 150.31 (b)(3)(i)(C) for review. Utah needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 150.31.

Response to Comment No. 7: The purpose of this rulemaking was to address the loss of the opportunity to cross-examine witnesses that occurred when Utah Code Ann. § 19-1-301.5 was passed. The requested change is outside of the scope of this rulemaking, however DRC agreed with NRC that the issue would be addressed separately in the near future.

COMMENTS ON PROPOSED R305-7-607

Comments from Uranium Watch (by Sarah Fields):

The Proposed Rule fails to state that one of the purposes of the hearing is to receive public comments and evidence. The comments, questions, responses, and other evidence presented during the question and answer hearing and comment period are part of the record that the Division of Radiation Control must review and take into consideration when making a determination with respect a licensing action.

Therefore, the Rule should read (proposed language in bold):

(3) This paragraph (3) applies to proceedings under R313- 17-4(6).

(a) A hearing shall be conducted by the ALJ for the purposes of:

(i) Taking public comments and evidence;

(ii) allowing the petitioner to ask questions; and

(ii) allowing follow-up questions of the witnesses or other witnesses, including those representing the petitioner, by any party.

(b) Questioning under this paragraph shall be consistent with the standards specified R313-17-4(f) and (h).

(c) The ALJ shall determine whether the petitioner's questions shall be answered by the division staff, by the applicant, or by both.

(d) The procedures in R305-7, Part 3 shall govern the hearing as appropriate for the limited scope of the hearing.

(e) The Director shall take the public comments and evidence from the hearing into consideration in the determination on the licensing action.

(f) The transcript of the hearing will be part of the record on appeal, as authorized in 19-1-301.5(8)(c)(vi).

Response to Comment: This proposed rule amendment addresses only the permit appeals process. Comments are not taken during the appeals process, but are taken when the matter is still before the division director.

August 15, 2014

DRC-2014-004922

VIA EMAIL AND HAND-DELIVERY

Rusty Lundberg
Utah Department of Environmental Quality
Division of Radiation Control
State of Utah Office Park
195 North 1950 West
Salt Lake City, UT 84116
rlundberg@utah.gov

RECEIVED
AUG 15 2014
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Re: Shootaring Canyon Uranium Milling Facility
Radioactive Materials License UT 0900480
Ground Water Quality Discharge Permit UGW170003

Dear Mr. Lundberg:

Pursuant to Utah Administrative Code R313-19-34(2), Uranium One Americas, Inc. ("U1 Americas") and Anfield Resources Holding Corp. ("Anfield") submit the enclosed Notice of Change of Control and Ownership Information relating to the Shootaring Canyon Uranium Mill and Radioactive Material License UT 0900480 and Ground Water Quality Discharge Permit UGW170003 (collectively the "Mill Permits") for your approval. Pursuant to an Asset Purchase Agreement, dated August 14, 2014, Anfield has agreed to purchase all of U1 Americas' assets relating to the Shootaring Canyon Uranium Mill, including the Mill Permits ("Proposed Transaction").

The approval by the Director of the Utah Division of Radiation Control (the "Director") of the transfer of the Mill Permits from U1 Americas to Anfield is a precondition to the closing of the Proposed Transaction. For this reason we request that the Director approve the transfer of the Mill Permits from U1 Americas to Anfield conditioned upon the closing of the Proposed Transaction. U1 Americas and Anfield currently plan to close the Proposed Transaction during the fourth calendar quarter of 2014.

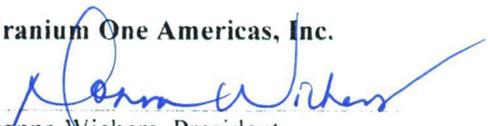
Please note that Anfield intends a portion of the submitted application to be confidential as set forth in the Utah Government Records Access and Management Act, Title 63G, Chapter 2. The confidential portions, Exhibit 4 – Anfield Resources Inc.'s Investor Presentation and Exhibit 9 – Anfield Resources Inc.'s Economic Model for Resuming Operation of the Shootaring Mill, are labeled as such, and are submitted in a separate envelope to ensure the confidential status. We advise you that Anfield claims business confidentiality for the material contained in Exhibit 4 and Exhibit 9 based on the commercially sensitive business information contained therein, as we believe it to be a trade secret as defined in Utah Code 13-24-2 and protected commercial information under Utah Code 63G-2-305(2).

We also note that on April 15, 2014 Radioactive Material License UT 0900480 was extended until October 31, 2014. U1 Americas hereby requests that the Mill Permits be extended up to and until the closing of the Proposed Transaction, which will likely occur after the current October 31, 2014 expiration date under Radioactive Material License UT 0900480. Furthermore, Anfield has entered into the Proposed Transaction with the express intention of recommencing operations at the Shootaring Canyon Uranium Mill in the near to medium term. As such U1 Americas and Anfield request that concurrent with the Director's approval of the transfer of the Mill Permits from U1 Americas to Anfield, that the

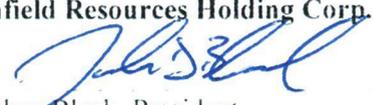
Director also approve the extension of the Mill Permits for a further 12 months from and after the closing of the Proposed Transaction, to allow Anfield sufficient time to prepare a formal license renewal application and the related documentation required to recommence operations at the Shootaring Canyon Uranium Mill. We understand that the approval of such an extension may be dependent on the potential economic viability of the recommencement of operations at the Shootaring Canyon Uranium Mill. In a separate letter, Anfield's parent company, Anfield Resources Inc., will submit its proposed strategy and timelines for the development of its uranium assets in the U.S., which includes the recommencement of operations at the Shootaring Canyon Uranium Mill.

Thank you for your assistance with the Proposed Transaction. We look forward to working with the Division of Radiation Control to achieve approval of the transfer of the Mill Permits. If any additional information is needed, please do not hesitate to contact us.

Uranium One Americas, Inc.


Donna Wichers, President
Phone: (307) 234-8235, ext. 333
Email: Donna.Wichers@uranium1.com

Anfield Resources Holding Corp.


Joshua Bleak, President
Phone: (480) 288-6530
E-mail: jbleak@mjiresources.com

Enclosures



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

September 16, 2014

Donna Wichers, President
Uranium One Americas, Inc.
907 North Poplar, Suite 260
Casper, Wyoming 82601

Joshua Bleak, President
Anfield Resources Holding Corporation
3346 West Guadalupe Road
Apache Junction, Arizona 85120

RE: Radioactive Material License Number UT 0900480; Request for Additional Information for Transfer of Control from Uranium One Americas, Inc. to Anfield Resources Holding Corporation

Dear Ms. Wichers and Mr. Bleak:

On August 15, 2014, Uranium One Americas, Inc. (Uranium One) and Anfield Resources Holding Corporation (Anfield) submitted a request by electronic mail to transfer control of Radioactive Materials License (RML) No. UT0900480 and Groundwater Discharge Permit No. UGW170003 from Uranium One to Anfield Resources Holding Corporation.

The Utah Division of Radiation Control has reviewed the information provided in the above referenced submittal and has determined additional information is required. The review was completed using the United States Nuclear Regulatory Commission's NUREG 1556, Volume 15, "Consolidated Guidance about Materials Licenses: Guidance about Changes of Control and about Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses," as guidance. The requested information is stated below in bold. The result of the review of each item follows the stated information. If necessary, additional information is requested.

- 1. Provide a complete description of the transaction (transfer of stocks or assets, or merger). Indicate whether the name has changed and include the new name. Include the name and telephone number of a licensee contact who DRC may contact if more information is needed.**

Please confirm that the new name for the proposed licensee is Anfield Resources Holding Corporation. Additionally, please provide contact information including the name and telephone numbers of the person(s) responsible for the Mill oversight, engineering, groundwater compliance and Radiation Safety oversight. Also include the mailing address

and telephone number for the proposed licensee if these items are to be modified.

2. **Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for new personnel.**

License Condition 9.10 of UT 0900480 specifies that the CRSO shall have training as specified in the United States Regulatory Commission's Regulatory Guide 8.31 (Reg Guide 8.31). Since Ms. Garling served as the Radiation Safety Officer to support a Casper branch of a US NRC license, please provide the license number under which Ms. Garling was named as the RSO. Alternatively, if a license number cannot be provided, since the information provided did not specify experience directly related to working with radiation detection and measurement equipment, please provide information regarding this experience. In addition, if a license number cannot be provided, Reg Guide 8.31 states that the RSO should have at least 4 weeks of specialized classroom training in health physics specifically applicable to uranium recovery, please provide the name and an outline of the training course taken to meet specified four weeks training.

According to the information provided, Ms. Garling has not served as an RSO since 2008, therefore please provide information on the refresher training on uranium recovery (UR) facility health physics within the past two years. In accordance with Reg Guide 8.31, the RSO must have a thorough knowledge of the proper application and use of all health physics equipment used in the UR facility, the chemical and analytical procedures used for radiological sampling and monitoring, methodologies used to calculate personnel exposure to uranium and its daughters, and a thorough understanding of the UR process and equipment used in the facility and how the hazards are generated and controlled during the UR process. Although Ms. Garling may have this knowledge, it is not clearly stated in the resume and there are no course certificates and course outlines to verify that Ms. Garling has received the training required by License Condition 9.10.

The request for transfer of control shows that the CRSO and the ARSO will be consultants. Please note that hiring a Consultant Radiation Safety Officer (Consultant - RSO) does not relieve the licensee from the responsibility of maintaining compliance with DRC Rules, the conditions of the license, and all other requirements related to the operations conducted under the license (duties may be delegated, but responsibilities cannot be delegated). For facilities with Consultants serving as Radiation Safety Officers, the DRC requests additional information. Please provide the additional information requested below:

- A. Describe the control over the radiation safety program that will be delegated so that the Consultant - RSO will be able to exercise his/her authority over facility employees when confronted with radiation safety problems that require implementation of corrective actions.
- B. Describe the relationship that will exist between the Consultant - RSO and the licensee's institutional management regarding expenditure of funds to facilitate the

objectives of the licensee's radiation safety program and related regulatory requirements.

- C. Identify other commitments of the Consultant - RSO for other NRC or Agreement State licensed facilities (identify if the Consultant -RSO is currently named as RSOs on or provides consulting services for other radioactive material licensees), and describe how the Consultant - RSO will allocate time to permit the performance of the duties of the RSO as described in the regulations or license application. State the Consultant - RSO's minimum amount of onsite time (approximate hours per week).
- D. Appoint a licensee representative who will serve as the point of contact during the Consultant RSO's absence. It may be prudent to appoint a representative of executive management who speaks with authority when interacting with the regulatory agency, has the authority to act on the Consultant-RSO's findings, and is allowed to assist the Consultant - RSO who has limited authority.
- E. Describe the overall availability of the Consultant - RSO to respond to questions or operational issues that arise during the conduct of the licensee's radiation safety program and related regulatory requirements. What is the maximum amount of time that it will take the Consultant - RSO to arrive at the facility in the event of an emergency that requires his/her presence?

3. **Describe any changes in the organization, location, facilities, equipment or procedures that relate to the licensed program.**

At this time, you have committed to making no changes regarding the location, facilities, equipment or procedures that relate to the licensed program and you have provided information regarding changes that will be made to the organization. Since you plan to rebuild the mill to operational status in the future, please note that any changes to the facilities, equipment, or procedures (with the exception of changing the licensee's name, address, letterhead, etc. due to the transfer of control) related to the licensed program, or any additional personnel changes will need to be addressed within your application for a license renewal. No additional information regarding this item is necessary at this time.

4. **Describe the status of the surveillance program (surveys, wipe tests, quality control) at the present time and the expected status at the time that control is to be transferred.**

The information submitted in letter dated August 15, 2014 states that the proposed licensee has reviewed all required surveillance for the Shootaring Mill to their knowledge. Please have Uranium One confirm that all required surveillance records were given to Anfield for their review. Additionally, please confirm that on the date of transfer all surveillance will be current.

5. **Confirm that all records concerning the safe and effective decommissioning of the facility will be transferred to the transferee (proposed licensee). These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.**

In the response to this item, under Item 1, "Records Transfer," it states that all records related to the Shootaring Mill and Mill Permits, including all documentation of surveys of ambient radiation levels and fixed and/or removable contamination will be delivered to Anfield at the closing of the Transaction. For clarification, please confirm that Uranium One and Anfield understand that this includes all records concerning the safe and effective decommissioning of the facility and the methods and sensitivities for all measurements necessary to document the safe and effective decommissioning of the facility.

Anfield has committed to following the present constraints, conditions, requirements, and commitments made by Uranium One, please note that this includes the currently approved Tailings Reclamation and Decommissioning Plan for the Shootaring Canyon facility. Additionally, Anfield has indicated that Anfield will assume full responsibility for the decommissioning of the Shootaring Mill and all associated facilities and equipment. Please note that this includes all areas used or contaminated by licensed operations under the Mill Permits.

6. **Confirm that the transferee will abide by all constraints, conditions, requirements and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.**

Anfield has agreed to abide by all constraints, conditions, requirements, and commitments made by Uranium One for the Mill Permits. Therefore, no additional information is necessary for this item.

7. **Surety requirements including financial surety arrangements**

Prior to final approval of the transferred Mill Permits, Anfield is required to provide an acceptable method to secure the financial resources that DRC has determined are necessary for the decommissioning of all locations affected by operations authorized by the Mill Permits.

The Mill Permits will not be signed until the financial surety mechanism has been reviewed and approved by the DRC. Therefore, Anfield will need to submit a financial mechanism that secures the funds necessary for decommissioning the Shootaring Mill. In accordance with R313-22-35(3)(g), all documents submitted by the licensee to the Director for the purpose of demonstrating compliance with financial assurance and recordkeeping requirements must meet the applicable criteria contained in the Nuclear Regulatory Commission's document NUREG-1757, Volume 3, "Consolidated NMSS Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness" (9/2003)

Upon receipt of the requested information above, the DRC will continue review of your application. If the Director concurs with the Mill Permits transfer of control from Uranium One to Anfield, Anfield will be responsible for submitting a license renewal application. In regards to the license renewal application, Uranium One was granted an extension to submit a license renewal application no later than October 31, 2014. In the letter dated August 15, 2014 (received by electronic mail on August 15, 2014), Anfield acknowledges the extension deadline given to Uranium One and states that the Proposed Transaction for transfer of control is not likely to be completed by this date. Therefore, Anfield has requested an additional extension of 12 months if the Director concurs with the Proposed Transaction. The license renewal application must be submitted, reviewed, and approved prior to Anfield changing the present facilities or equipment at the Shootaring Mill. Shootaring Mill is presently in standby status and will need to be modified to best available technology prior to beginning operations; therefore, an extension of 12 months for the submission of the license renewal application is reasonable for Anfield to determine necessary modifications to the facilities and equipment. Please note that this does not include the time necessary for the review and approval or denial of the license renewal application by the Director. Taking the review and approval of the license renewal application by the Director into consideration, it would benefit Anfield to submit a complete license renewal application as soon as possible after the Proposed Transaction is completed. The following license condition would be added to the license regarding the renewal application:

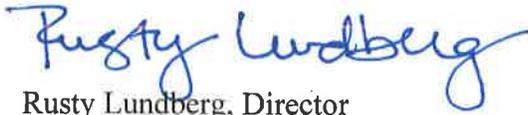
New License Condition 9.12:

- 9.12 Anfield Resources Holding Corporation must submit a complete license renewal application (renewal application) on or before October 31, 2015.
- A. The renewal application must include an operational feasibility study for the Shootaring Canyon Uranium Mill. The licensee shall use IAEA document "Guidebook on the development of projects for uranium mining and ore processing" (IAEA-TECDOC-595) as guidance when performing this analysis.
 - B. The renewal application shall have a complete description of all renovations and improvements to the Shootaring Canyon Mill necessary to return the Mill to operational status.
 - 1) All renovations and improvements must be constructed with Best Available Technology (BAT) and shall be approved by the Director prior to recommencing mill operations.
 - 2) Financial surety must be adjusted and approved accordingly for the renovations before operations commence, in accordance with 10 CFR 40 Appendix A Criterion 9(f).
 - C. The renewal application shall complete an environmental analysis in accordance with R313-24-3 to include all license activities to be conducted under Mill Permits.

Uranium One and Anfield Resources
September 16, 2014
Page 6

If you have any questions regarding this letter please contact Gwyn Galloway at 801-536-4250 or by electronic mail at ggalloway@utah.gov.

Sincerely,



Rusty Lundberg, Director

RL:GG/gg

Cc: Wells Parker, D O R S E Y & W H I T N E Y L L P

DRC-2014-005722

September 29, 2014

VIA EMAIL AND HAND-DELIVERY

Rusty Lundberg
Utah Department of Environmental Quality
Division of Radiation Control
State of Utah Office Park
195 North 1950 West
Salt Lake City, UT 84116
rlundberg@utah.gov



RECEIVED
SEP 29 2014
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Re: **RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION**
Shooting Canyon Uranium Milling Facility
Radioactive Materials License UT 0900480
Ground Water Quality Discharge Permit UGW170003

Dear Mr. Lundberg:

By letter dated September 16, 2014, the Department of Environmental Quality, Division of Radiation Control ("DRC") provided Uranium One Americas, Inc. ("Uranium One") and Anfield Resources Holding Corp. ("Anfield," and together with Uranium One, the "Applicants") with a Request for Additional Information ("RAI") concerning the transfer of control of the above referenced Radioactive Materials License and Ground Water Quality Discharge Permit. The Applicants' responses to the RAI are addressed below and are numbered according to the numbering in the RAI.

RAI 1: Provide a complete description of the transaction (transfer of stocks or assets, or merger). Indicate whether the name has changed and include the new name. Include the name and telephone number of a licensee contact who DRC may contact if more information is needed.

(a) Confirm new name of proposed licensee: Anfield Resources Holding Corp.

The name of the proposed licensee is Anfield Resources Holding Corp.

(b) Provide contact information including the name and telephone numbers of the person(s) responsible for the Mill oversight, engineering, groundwater compliance and Radiation Safety oversight.

Corporate oversight for the Mill will be provided by Mr. Joshua Bleak, President of Anfield Resources Holding Corp. Contact information for Mr. Bleak is:

Anfield Resources Holding Corp.
3346 W. Guadalupe Rd.
Apache Junction, AZ 85120
Phone: (480) 288-6530

Engineering, groundwater compliance, and Radiation Safety oversight will be provided by Ms. Sheryl Garling and Mr. Roger Garling of R and D Enterprises, Inc.

R and D Enterprises, Inc.
4495 Squaw Creek Road (82604)
P.O. Box 3321
Casper, WY 82602
Phone: (307) 277-3861

(c) Include the mailing address and telephone number for the proposed licensee if these items are to be modified

Anfield's address and telephone contact information is:

Anfield Resources Holding Corp.
3346 W Guadalupe Rd.
Apache Junction, AZ 85120
Phone Number: (480) 288-6530

RAI 2: Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for new personnel.

All information requested under RAI 2 is attached hereto as Schedule A.

RAI 3: Describe any changes in the organization, location, facilities, equipment or procedure that relate to the licensed program.

No additional information required.

RAI 4: Describe the status of the surveillance program (surveys, wipe tests, quality control) at the present time and the expected status at the time that control is to be transferred.

(a) Have Uranium One confirm all required surveillance records were given to Anfield for their review

Uranium One confirms that all required surveillance records were given to Anfield for Anfield's review.

(b) Please confirm that on the date of transfer all surveillance will be current

The Applicants confirm that on the date of transfer all surveillance will be current.

RAI 5: Confirm that all records concerning the safe and effective decommissioning of the facility will be transferred to the transferee (proposed licensee). These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.

(a) Please confirm that Uranium One and Anfield understand that the records transfer requirement includes all records concerning the safe and effective decommissioning of the facility and the methods and sensitivities for all measurements necessary to document the safe and effective decommissioning of the facility.

The Applicants confirm their understanding that the records transfer requirement includes all records concerning the safe and effective decommissioning of the facility and the methods and sensitivities for all measurements necessary to document the safe and effective decommissioning of the facility.

RAI 6: Confirm that the transferee will abide by all constraints, conditions, requirements and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.

No additional information required.

RAI 7: Surety requirements including financial surety arrangements.

(a) Anfield must submit a financial mechanism that secures the funds necessary for decommissioning the Shootaring Mill.

Anfield confirms that it will submit a financial mechanism that will adequately secure the funds necessary for decommissioning the Shootaring Mill. Anfield is in the process of obtaining a new Letter of Credit from the Bank of Montreal in the same form as the current Letter of Credit (LOC BMCH388139OS) for the Radioactive Materials License and in the amount of the recently approved decommissioning estimate of \$9,346,014.00. Anfield will file the new Letter of Credit with the DRC on or before the closing of the proposed transaction between Uranium One and Anfield.

If you have any questions about the enclosed responses, please contact the officers of the Applicants named below.

Uranium One Americas, Inc.



Donna Wichers, President
Phone: (307) 234-8235, ext. 333
Email: Donna.Wichers@uranium1.com

Anfield Resources Holding Corp.



Joshua Bleak, President
Phone: (480) 288-6530
E-mail: jbleak@mjiresources.com

Enclosures

Schedule A

Information Requested by RAI 2

1. The DRC has requested a US NRC license number under which Ms. Garling was named as the RSO. Below is a table of US NRC or agreement state licensed facilities at which Ms. Garling has recently served as the RSO or performed other radiation safety or environmental work.

License Number	Licensee	Activity
USNRC 49-29405-01	Inter-Mountain Laboratories, Inc., Sheridan, WY	2010-2012 Contract Radiation Safety Officer; Currently, consult with staff on USNRC regulatory criteria
TCEQ R03626	Uranium Energy Corporation/ South Texas Mining Venture Hobson Facility, Texas	2012-current Provide license required ALARA and Environmental audit services and reports; DOT Hazmat and RAM training
TCEQ R06062	Uranium Energy Corporation/ South Texas Mining Venture LaPalangana, Texas	2012-current Provide license required ALARA and Environmental audit services and reports; DOT Hazmat and RAM training
USNRC SUA-1534	CAMECO Resources Crow Butte Resources, Nebraska	2011-current Provide license required ALARA audit service and report; DOT Hazmat and RAM training
USNRC SUA-1341	Uranium One Americas, Inc. Wyoming	2012 Provided license required ALARA audit service and report
USNRC 49-26846-01	Energy Laboratories, Inc., Casper, WY	1990-02/25/2008 Contract and employee Radiation Safety Officer

2. The DRC has requested information on the refresher training on uranium recovery facility health physics within the past two years. Both Mr. and Ms. Garling attended a training course in February 2014. Certificates evidencing this training are enclosed herewith.

Ms. Garling has worked for domestic uranium (UR) recovery facilities in the following areas: baseline sampling, environmental and process analytical chemistry support, radiation safety officer, decommissioning and decontamination, and technical support. Ms. Garling's training and work experience includes the following:

- The proper application and use of portable, laboratory and passive monitoring and detection devices and instrumentation to measure and detect alpha, beta and gamma radiation at UR facilities;

- Perform field and laboratory analytical measurements, field sampling, process sampling, and proper collection, handling, and preserving samples to support compliance monitoring programs for operational, environmental and occupational exposure;
 - Perform manual and electronic calculations to assess occupational exposure for total effective dose equivalent using TLD/OSL gamma dosimeters, radon daughters, air particulate and bioassay analytical results;
 - Design, construction, operation, baseline sampling, and decommissioning activities for uranium recovery ISR research and development facilities, commercial ISR, and conventional mining operations;
 - Provide thorough hands-on experience to identify radiation exposure hazards, controls and monitoring required for uranium recovery processes.
3. Because Anfield has indicated that the Radiation Safety Officer will be a consultant, the UDRC has requested additional information. Anfield responds as follows:

- a. Describe the control over the radiation safety program that will be delegated so that the Consultant – RSO will be able to exercise his/her authority over facility employees when confronted with radiation safety problems that require implementation of corrective actions.*

Anfield will delegate authority to the RSO such that the RSO will have the responsibility for development and implementation of the radiation protection program with the goal of maintaining occupational exposures as low as reasonably achievable (ALARA). The RSO will have the authority to comply with regulatory requirements and enforce policies that could impact the radiation protection program. The RSO will have the primary responsibility for the technical adequacy of the radiation program and the implementation of the ALARA program. The RSO will prescribe adequate equipment and facilities to monitor radiation exposures for the attainment of the ALARA goal. The RSO will review and approve plans and changes in operating procedures to ensure adequate radiation protection and meet the goals of the ALARA program. The RSO will have the responsibility for the periodic audit of procedures to meet ALARA objectives.

- b. Describe the relationship that will exist between the Consultant – RSO and the licensee's institutional management regarding expenditure of funds to facilitate the objectives of the licensee's radiation safety program and related regulatory requirements.*

Anfield management will financially support the implementation of the radiation protection and ALARA programs to comply with regulatory requirements. Anfield will allocate adequate funds as requested by the RSO to implement these programs. The RSO will submit budgets to Anfield management that will reflect anticipated expenditures to support the radiation protection and ALARA programs.

- c Identify other commitments of the Consultant – RSO for other NRC or Agreement State licensed facilities (identify if the Consultant – RSO is currently named as RSOs on or provides consulting services for other radioactive material licensees), and describe how the Consultant-RSO will allocate time to permit the performance of the duties of the RSO as described in the regulations or license application. State the Consultant – RSO's minimum amount of onsite time (approximate hours per week)*

Approximately 30% of R and D enterprises, Inc.'s current commitments encompass technical consultation services for a variety of uranium recovery and O&G operations. These commitments are shown in the table above where "current" is indicated in the right-hand column. R and D Enterprises, Inc's commitment to other NRC or Agreement State operations includes technical support services for baseline monitoring, generating environment effluent monitoring reports, locating radiation monitoring and analytical instrumentation and equipment, ALARA, environmental and laboratory audits, commercial analytical laboratory consulting, data validation, and radiation safety. R and D Enterprises, Inc will fulfill the duties as RSO in accordance with the current practices approved by the State of Utah for Uranium One Americas, Inc. Anfield does not foresee any changes in the current approved practices until license renewal and modification. The RSO will be able to allocate the necessary time to comply with current license conditions. Anfield is committed to providing RSO coverage appropriate to site conditions.

- d Appoint a licensee representative who will serve as the point of contact during the RSO's absence. It may be prudent to appoint a representative of executive management who speaks with authority when interacting with the regulatory agency, has the authority to act on the Consultant's findings, and is allowed to assist the Consultant-RSO who has limited authority*

Anfield's representative that will serve as the point of contact during the RSO's absence will be Mr. Roy Fuller, VP of Regulatory Affairs of Anfield, who will have the authority to act on all of the Consultant-RSO's findings.

- e Describe the overall availability of the Consultant – RSO to respond to questions or operational issues that arise during the conduct of the licensee's radiation safety program and related regulatory requirements. What is the maximum amount of time that it will take the Consultant –RSO to arrive at the facility in the event of an emergency that requires his/her presence?*

The Consultant-RSO will be available via phone or email to respond to questions or operational issues that arise on an ongoing basis. The Mill is currently on stand-by status, and site activities include general maintenance, inspections, and overall site security. The Consultant-RSO is located in Casper, Wyoming. In the event that the RSO's presence is required it will take approximately 6-10 hours to arrive on site.

Radiation Safety & Control Services, Inc.

Awards this certificate to

Roger Garling

in recognition of satisfactory completion of a 40 hour course in

Radiation Safety Officer Training

Orlando, FL

February 17- 21, 2014




Jennifer A. Collins - Enrolled Training Manager

Course Instructors:

This course has been approved for 40, Category A, CE credits (reference number NHZ0183001) by the ASRT and 32 CE credits by the AAHP (ID number 2013-00-002).

NOTE: This class satisfies the Department of Transportation requirements listed in Title 49 CFR, parts 172 subpart H, (a) (1), (3), and (4) and expires three years from the date listed above. Note that the employer must provide any function-specific training required to meet all of subpart H requirements.

Radiation Safety & Control Services, Inc.

Awards this certificate to

Sheryl Garling

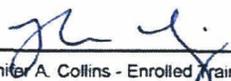
in recognition of satisfactory completion of a 40 hour course in

Radiation Safety Officer Training

Orlando, FL

February 17- 21, 2014




Jennifer A. Collins - Enrolled Training Manager

Course Instructors:

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Donna Wichers and Joshua Bleak

October 17, 2014

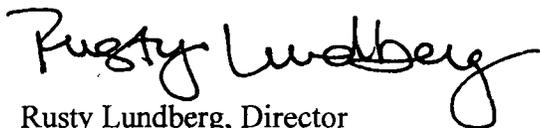
Page 2

The Utah Administrative Code, Subsection R313-19-34(2), states that licenses or rights granted by a license cannot be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of a license to a person unless the Director gives written consent. The Director concurs with staff's determination that adequate documentation meeting the NRC's guidance has been submitted. Therefore, in accordance with R313-19-34(2), the Director of the Division of Radiation Control concurs with and consents to the Proposed Transaction.

Since the Director concurs with the Proposed Transaction in accordance with UAC R313-19-34(2), when the Proposed Transaction is completed, Anfield will be responsible for providing an amendment request to modify the name of both the RML and Permit. This amendment will require a minimum 30-day public comment with an opportunity for a public hearing. If a public hearing is requested an appropriate representative for Anfield must be present. In addition, Anfield will be responsible for submitting a license renewal application. As requested, the date for submitting the license renewal application will be extended to October 31, 2015. A license renewal application must be submitted, reviewed, and approved prior to changing the present facilities and operations at the Shootaring Mill. Shootaring Mill is presently in standby status and will need to be modified to best available technologies prior to beginning operations; therefore, an extension of 12 months for the submission of the license renewal application is reasonable for Anfield to determine necessary modifications to the facilities and operations. Please note that this does not include the time necessary for the review and approval or denial of the license renewal application by the DRC.

If you have any questions, please contact John Hultquist or Gwyn Galloway at (801) 536-4250.

Sincerely,

A handwritten signature in black ink that reads "Rusty Lundberg". The signature is written in a cursive, flowing style.

Rusty Lundberg, Director

RL/GG:gg

Radioactive gas, chlorine to be released on Army's Utah testing range

BY NATE CARLISLE

THE SALT LAKE TRIBUNE

PUBLISHED: OCTOBER 26, 2014 06:33PM

UPDATED: OCTOBER 26, 2014 06:34PM

Tooele • The U.S. Army's Dugway Proving Ground plans to release radioactive gas and chlorine next year in separate tests.

The radioactive-gas releases are supposed to roughly equal the exposure a person would receive from some X-rays or body scans, according to a presentation given here Thursday. The radiation then is expected to dissipate below naturally occurring levels within 3 miles.

As part of the chlorine tests, the Utah Division of Air Quality (DAQ) is requiring Dugway to install monitors ensuring that any chlorine that escapes the proving ground is two magnitudes lower than would be dangerous to humans.

Dugway is accepting public comment regarding the radiological test while DAQ is taking comment on the chlorine test.

No groups have announced opposition to either test. However, Utah Physicians for a Healthy Environment are studying the radiation proposal and forming an opinion, said Brian Moench, the group's president.

"If this proposal involves exposing Utah residents to radiation, even in very small amounts, UPHE would not only be opposed to it, we would work to stop it," Moench



Chris Detrick | The Salt Lake Tribune
"London Fog" Program Manager David Blanchard speaks during a public comment meeting at the Tooele County Emergency Management Building Thursday October 23, 2014. Dugway Proving Ground plans to test radiological sensors in 2015 by releasing Carbon-14 gas.

said in an email to The Tribune.

If approval is granted from the necessary military and civilian agencies, both tests would occur sometime in late summer or early fall 2015 when wind and weather at Dugway are most predictable.

At a public hearing on the radiation tests Thursday in Tooele, officials from Dugway emphasized the low level of radiation planned for release and the safety protocols, but they also acknowledged concerns Utahns have when they hear of planned radiation and chemical releases.

In mid-March 1968, as Dugway was in the midst of open-air testing of the nerve gas VX, thousands of Utah sheep in Tooele County's Skull Valley began dying. A 1970 report by researchers at the Army's Edgewood Arsenal in Maryland said there was "incontrovertible" evidence that a nerve gas killed the sheep, but the Army never has acknowledged that it or the Dugway testing was responsible.

Thousands of Utahns also believe they or their loved ones contracted cancer or other maladies as a result of nuclear bomb detonations in Nevada.

As is typical in military operations, the two experiments planned for 2015 have received monikers. The radiation tests are being called London Fog. The chlorine testing is titled the Jack Rabbit Research and Development Program.

In London Fog, Dugway is helping the U.S. Navy test a new sensor designed to detect "ultra-low levels" of radiation, according to the presentation given Thursday in Tooele by David Blanchard, program manager for London Fog.

The proving ground intends to release gas containing Carbon-14, a naturally occurring radioactive isotope that can be measured as a means for dating archaeological and biological remains.

Blanchard said each test will release radiation between 10 millicurie (mci) — about that of a full dental X-ray — and 90 mci — what one might receive from a full body scan.

The gas will be deployed remotely, he explained, while personnel remain outside a 5-kilometer safety zone.

As another precaution, the gas will be deployed in a southeastern zone of Dugway at a time when winds are expected to blow toward the northwest. So if any radiation were to escape the safety zone, it still would have to travel diagonally across Dugway's 800,000 acres — and then across much of Utah's west desert — before reaching any populated areas.

Blanchard expects the radiation to quickly dissipate, but said the sensors, if they work properly, will be stationed to detect the low levels. The sensors, he said, are supposed to be more sensitive than any existing radiation sensors.

"We're hoping that by increasing the sensitivity, we can increase the warning for our soldiers," said Blanchard, adding that he does not know how the Navy intends to use the sensors.

Another public hearing on London Fog is scheduled for Nov. 6 in Wendover. Comment will be used to draft an environmental assessment, which will be made public before final approval is given to London Fog.

In Jack Rabbit, scientists are seeking to determine what would happen if a rail car or other large receptacle were to emit pressurized, poisonous gas in an urban setting.

The tests are in cooperation with the U.S. Department of Homeland Security, and planning documents suggest it and the Army intend to place cars and structures in the test zone to see whether the chlorine penetrates them.

Dugway personnel were not available for questions Thursday or Friday.

According to DAQ, the current proposal calls for Dugway to release up to 10 tons of chlorine per test in 2015. The amount could increase to 90 tons of chlorine per test in 2016 if Dugway can demonstrate that only minimal amounts of chlorine escaped its boundaries in previous tests.

The amount of chlorine allowed to escape Dugway boundaries must be two magnitudes less than what is typically harmful to humans. Any DAQ permit would specify the weather conditions under which the chlorine could be deployed, including wind speeds between 2 and 6 meters per second.

"We've got a lot of conservatism built in to make sure this is safe," said Marty Gray, permit manager at DAQ.

An earlier version of Jack Rabbit was conducted at Dugway in April and May 2010. In those tests, scientists wanted to learn how clouds of chlorine and anhydrous ammonia move.

Dugway dug a hole 2.2 meters deep and 27 yards in radius, moved personnel back at least 1.5 miles and remotely deployed the gases in the hole.

The proving ground conducted five such tests with chlorine and five with anhydrous ammonia. The experiments released a total of 9 tons of chlorine and 9 tons of anhydrous ammonia.

Dugway submitted its application for the new Jack Rabbit tests a year ago. Gray said DAQ reviewed the application and requested data showing the testing plan was feasible.

"We had a lot of debate," Gray said of the division's interaction with Dugway. He declined to elaborate.

No public hearings are scheduled for Jack Rabbit, but the division will schedule one

if requested.

Both London Fog and Jack Rabbit are to be conducted in locations on Dugway with little vegetation or trees that would attract birds. Dugway plans to use noisemakers and other methods to remove any animals from the area before conducting the tests.

ncarlisle@sltrib.com

Twitter: @natecarlisle

—

How to comment

London Fog

- Another public hearing will be held at 5:30 p.m. Nov. 6 at the Wendover City Offices, 920 E. Wendover Blvd.
- Public comment also can be emailed to Bonnie Robinson at bonnie.a.robinson@mail.mil.

Jack Rabbit Research and Development Program

- Comment can be mailed to Utah Division of Air Quality, P.O. Box 144820, Salt Lake City, UT 84114-4820
- Comment can be emailed to Marty Gray at martygray@utah.gov or Nando Meli Jr. at nmeli@utah.gov.
- The comment period ends Nov. 14.

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