



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

December 9, 2014 – 10:30 a.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 Craig Jones

III. Approval of the Minutes from the November 10, 2014 Board Meeting

IV. Administrative Rulemaking

a. Comment Period Extension:

- i. Proposed changes to R313-19 *Requirements of General Applicability to Licensing of Radioactive Material* and R313-37, *Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material*

b. R313-34, Requirements for Irradiators:

- i. Approve filing of five-year review
- ii. Approve filing of proposed changes and initiate a 30-day public comment period

c. Petition for rulemaking:

- i. Report from Board Subcommittee – Aribex petition to amend R313-28, *Use of X-rays in the Healing Arts*, for NOMAD MD and NOMAD 75kV X-ray sources
- ii. Approve filing of proposed changes to R313-28-31, *General and Administrative Requirements*, R313-35-2, *Definitions*, and R313-35-115, *Portable, Hand-held X-ray Systems* and initiate a 30-day public comment period

V. Information Items

a. Low-level Radioactive Waste -- Energy Solutions

- i. Depleted Uranium Performance Assessment – status update

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b. Other Items

VI. Public Comment

VII. Next Scheduled Board Meeting: Tuesday, January 13 , 2014, 1:00 p.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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Rusty Lundberg, *Executive Secretary*

**MINUTES
OF
THE UTAH RADIATION CONTROL BOARD**

November 10, 2014

Department of Environmental Quality

Multi Agency State Office Building

Conference Room 1015, 195 North 1950 West, Salt Lake City, Utah

BOARD MEMBERS PRESENT

Scott Bird
Commissioner Jerry Hurst
Brady Bradford (via phone)
Richard Codell, Ph.D. (via
phone)
Lindsey Christensen Nesbitt, Ph.D.
Amanda Smith, Executive Director DEQ
Rusty Lundberg, Executive Secretary

**BOARD MEMBERS
ABSENT/EXCUSED**

Peter Jenkins, CHP, Ph.D.
Ulrich Rassner
Matt Rydalch

**DRC STAFF/OTHER DEQ MEMBERS
PRESENT**

Craig Jones, DRC Section Manager
Phil Goble, DRC Section Manager
John Hultquist, DRC Section Manager
Laura Lockhart, AG Staff
Ryan Johnson, DRC Staff
Mike Givens, DRC Staff
Connie Rauen, DRC Staff
Spencer Wickham, DRC Staff
Scott Baird, DEQ Staff
Donna Spangler, DEQ Public Information Officer
Don Verbica, DEQ Staff

PUBLIC

Dan Shrum, EnergySolutions
Robert Sobocinski, EnergySolutions
Mark Walker, EnergySolutions
Vern Rogers, EnergySolutions
Janet Jenson, Jenson & Guelker
Gary Guelker, Jenson & Guelker
Tim Gillie, Tooele Transcript
Matt Pacenza, HEAL Utah
Rod Decker, KUTV News
Todd Dinsmore, KUTV News
Pete Deluca, Fox 13 News

I. Welcome

Mr. Scott Bird, Vice Chairman, called the meeting to order at 1:00 p.m. He welcomed the Board Members and the public.

II. Mr. Rusty Lundberg, Director, informed the Board that on October 16, 2014, the Division was notified that a nuclear density gauge had fallen off a pickup truck and was lost. Mathew Bryant and his son found the gauge and returned it to the licensee on October 17, 2014. The Division appreciates Mr. Bryant and his son returning the lost gauge and has issued them a letter of appreciation.

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

Mr. Scott Bird, Vice Chairman, asked if any members of the Board had any corrections to the minutes for the October 14, 2014 Board Meeting. None were requested.

MOTION MADE BY COMMISSIONER JERRY HURST TO APPROVE THE MINUTES OF OCTOBER 14, 2014.

SECONDED BY DR. LINDSEY NESBITT.

MOTION CARRIED AND PASSED UNANIMOUSLY.

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 - Ms. Laura Lockhart, AG Staff, presented information concerning changes to rule R313-24-1. The proposed changes went out for public comment and the public comment period closed on October 1, 2014. No comments were received regarding the proposed changes to R313-24-1. Ms. Lockhart recommended that the Board approve the changes to R313-24-1 for final adoption and set an effective date of December 30, 2014.

Ms. Lockhart also explained that comments were received for rule R313-17-4 during the public comment period that ended on October 1, 2014. Comments were received from Uranium Watch, Energy Fuels Resources Inc., and the Nuclear Regulatory Commission. As a result of the comments, additional changes are being proposed. Ms. Lockhart explained that she recommends the proposed changes be addressed through a Change in Proposed Rule. The Director recommended the Board approve filing of the Change in Proposed Rule R313-17-4 with the Division of Administrative rules for publication on December 1, 2014. The Director also recommended a 30-day comment period.

MOTION MADE BY DR. LINDSEY NESBITT TO ACCEPT R313-24-1 FOR FINAL ADOPTION WITH AN EFFECTIVE DATE OF DECEMBER 30, 2014.

SECONDED BY COMMISSIONER JERRY HURST.

MOTION CARRIED AND PASSED UNANIMOUSLY.

MOTION MADE BY DR. LINDSEY NESBITT TO ACCEPT THE DIVISION'S RECOMMENDATION TO ADOPT R313-17-4 WITH THE PROPOSED CHANGES AND SEND OUT THE RULE FOR PUBLIC COMMENT.

SECONDED BY COMMISSIONER JERRY HURST.

MOTION CARRIED AND PASSED UNANIMOUSLY.

V. Information Items

- a. Nuclear Regulatory Commission
 - i. Commission Changes - Mr. Rusty Lundberg informed the Board that two new Commissioners (Steven Burns and Jeffery Baran) have now been sworn in and confirmed, bringing the Commission to its full five members. However, the Chairman of the NRC, Allison Macfarlane, has announced that she will resign to take a teaching position at George Washington University effective January 1, 2015.
 - ii. Branch Technical Position, Concentration Averaging and Encapsulation - Mr. Rusty Lundberg gave the Board a status update on the guidance document used by generators for waste classification. The revised version is expected to be released by the end of the year.
 - iii. 10 CFR Part 61 Rulemaking - Mr. Rusty Lundberg updated the Board on the rule for low level radioactive waste disposal which is important to the State of Utah with the EnergySolutions Clive disposal facility. The NRC anticipates the final version of the proposed rule will be published in the Federal Register for public comment by February 2015.
- b. Uranium Mills
 - i. Shootaring Canyon Mill - Uranium One / Anfield Resources - Mr. John Hultquist provided an update on the transfer of control request of the Shootaring Canyon Uranium Mill to Anfield Resources. It is anticipated that this will be completed by November 30, 2014, and no later than December 31, 2014. Mr. Rusty Lundberg also added that all the transfer documents are available online.
- c. Low-level Radioactive Waste - EnergySolutions
 - i. Depleted Uranium Performance Assessment: HEAL Utah Presentation - Mr. Matt Pacenza reviewed the Board's history of involvement regarding depleted uranium. Mr. Pacenza also discussed the Division's review of the EnergySolutions Depleted Uranium Performance Assessment. He asked the Board to get involved in the decision making process when it goes out for public comment in January 2015.
- d. Other Division Items

- i. News Article - London Fog Proposal - U.S. Army Dugway Proving Grounds - Mr. Craig Jones updated the Board on a meeting he attended in Wendover, Utah on Thursday November 6, 2014 regarding proposed actions to take place at the U.S. Army Dugway Proving Ground. The purpose of the meeting was to discuss the proposed testing process to evaluate monitoring equipment. The Army plans on conducting a release of chlorine and Carbon-14. The approval for the release of chlorine is being done by the Utah Division of Air Quality. In order to release Carbon-14, the Army will require a change in their license with the Nuclear Regulatory Commission.

VI. Public Comment

Meeting Adjourned at 2:24 p.m.

- 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

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November 26, 2014

CD14-0265

Mr. Rusty Lundberg
Director
Utah Division of Radiation Control
195 North 1950 West
Salt Lake City, Utah 84114-4850

Re: Request for extension on public comment period for new proposed rule, R313-37,
"Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material"

Dear Mr. Lundberg:

EnergySolutions has considered the subject proposed rule regarding the Physical Protection of Byproduct Material and requests the Utah Radiation Control Board grant an extension of the public comment period for the proposed new rule, R313-37, from December 1, 2014 to January 12, 2015.

On June 12, 2014 the Nuclear Energy Institute (NEI) filed a petition to the U.S. Nuclear Regulatory Commission (NRC) requesting that they amend their regulations on the Physical Protection of Byproduct Material, 10 CFR 37 *et al.*, to "remove unnecessary and burdensome requirements on licensees with established physical security programs." More specifically, NEI requested that the rule be amended to clarify and expand the exemptions in 10 CFR 37.11. One specific request is to add a new exemption, §37.11(d), to include large components and material stored in robust structures, which could affect the physical protection requirements at the Clive Facility. The petition was docketed by the NRC on July 17, 2014 (Docket No. PRM-37-1) and the NRC is requesting comments on the petition for rulemaking. By extending your comment period to January 12, 2015, the Utah Radiation Control Board will align the comment period of the new proposed rule, R313-37, with the comment period for the petition for rulemaking.

EnergySolutions supports the views provided by NEI and plans to provide comments to the NRC supporting these amendments, as well as adding additional recommendations. By granting an extension to the comment period for R313-37, EnergySolutions will be able to include its comments on the petition for rulemaking, which we believe will be useful to the Utah Radiation Control Board for its rulemaking for R313-37.

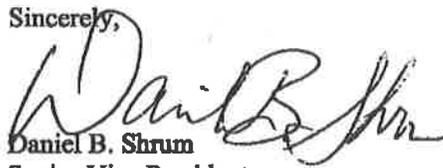
The final rulemaking for Part 37 requires Agreement States to issue compatible requirements within 3 years of the publication date of the final rule, that is, March 19, 2016. In the interim licensees will maintain secure operations through the Orders currently in place. By granting an extension of the R313-37 comment period, the Utah Radiation Control Board will remain in



compliance with the implementation timeline required by the NRC and benefit from comments on the petition for rulemaking.

We appreciate your consideration to extend the comment period. Questions regarding these comments may be directed to me at (801) 649-2109 or dshrum@energysolutions.com.

Sincerely,



Daniel B. Shrum
Senior Vice President
Regulatory Affairs



State of Utah

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Amanda Smith
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DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

December 1, 2014

Daniel B. Shrum
Senior Vice President, Regulatory Affairs
EnergySolutions, LLC
423 South 300 West, Suite 200
Salt Lake City, Utah 84101

RE: Request for Extension on Public Comment Period

Dear Mr. Shrum:

We have received and reviewed your letter (CD14-0265), dated November 26, 2014, concerning the public comment period for a new rule, R313-37, *Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material* (DAR No. 155666). You asked that the comment period be extended from December 1, 2014 to January 12, 2015 and you provided background information to support this request.

Please know that I have determined that an extension is appropriate and your request is hereby approved. However, I have determined that the comment period will close on Friday, January 9, 2015 instead of Monday, January 12, 2015. This period will allow Division of Radiation Control staff time to assemble information for the Board meeting that is scheduled for Tuesday, January 13, 2015.

If you have any questions, please call me at (801) 536-4257.

Sincerely,

Rusty Lundberg, Director

UTAH RADIATION CONTROL BOARD

BOARD ACTION

FIVE-YEAR RULE REVIEW and PROPOSED RULE AMENDMENT for R313-34, REQUIREMENTS FOR IRRADIATORS

December 9, 2014

PROCESS OVERVIEW

The Utah Administrative Rulemaking Act (Utah Code Annotated (UCA) §63G-3-305) requires an agency to review each of its administrative rules within five years of the rule's original effective date or the last five-year review. The purpose of the review is to provide agencies with an opportunity to evaluate the rule in terms of justifying its continuation. In performing a five-year review, an agency may consider the need to amend or repeal rules that are archaic in form, are no longer used, are not based on existing statutory authority, or are otherwise unnecessary.

The Radiation Control Act authorizes the Radiation Control Board to make rules (UCA §19-3-103.5 and §19-3-104). Because the Administrative Rulemaking Act's definition of "agency" includes each state board authorized or required by law to make rules, it is appropriate that the Radiation Control Board approve the five-year review of a rule.

To retain a rule as part of the *Utah Administrative Code*, a "Five-Year Notice of Review and Statement of Continuation" must be filed with the Division of Administrative Rules, before the rule's five-year anniversary date. A filing form exists and the following information must be provided:

- A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize the rule;
- A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule; and
- A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any.

Completing the form provided by the Division of Administrative Rules and filing it before the five-year review date, satisfies the provisions of the Administrative Rulemaking Act with respect to a five-year review.

During the five-year review, the DRC staff noted that section R313-34-3 cited the 2010 edition of 10 CFR to be incorporated by reference. The rule will be amended to reflect the incorporation, by reference, of the 2014 edition of 10 CFR.

ACTION

February 10, 2015 is the due date for filing the required five-year review forms for the above rules. The Board needs to approve the filing of the completed forms in order to retain the rules as part of the Utah Administrative Code.

DIRECTOR'S RECOMMENDATIONS

The Director recommends that the Board approve filing the completed Five-Year Notice of Review and Statement of Continuation form with the Division of Administrative Rules.

The Director further recommends that the Board approve the proposed rule changes 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*, in turn, notifying interested stakeholders and the public of the proposed changes and the associated public comment period.

R313. Environmental Quality, Radiation Control.**R313-34. Requirements for Irradiators.****R313-34-1. Purpose and Authority.**

(1) Rule R313-34 prescribes requirements for the issuance of licenses authorizing the use of sealed sources containing radioactive materials in irradiators used to irradiate objects or materials using gamma radiation.

(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 R313-34 are in addition to, and not in substitution for, the other requirements of these rules.

R313-34-2. Scope.

(1) Rule R313-34 shall apply to panoramic irradiators that have either dry or wet storage of the radioactive sealed sources; underwater irradiators in which both the source and the product being irradiated are under water; and irradiators whose dose rates exceed 5 grays (500 rads) per hour at 1 meter from the radioactive sealed sources in air or in water, as applicable for the irradiator type.

(2) The requirements of Rule R313-34 shall not apply to self-contained dry-source-storage irradiators in which both the source and the area subject to irradiation are contained within a device and are not accessible by personnel, medical radiology or teletherapy, the irradiation of materials for nondestructive testing purposes, gauging, or open-field agricultural irradiations.

R313-34-3. Clarifications or Exemptions.

For purposes of Rule R313-34, 10 CFR 36, 2010 ed., is incorporated by reference with the following clarifications or exceptions:

(1) The exclusion of the following 10 CFR sections: 36.1, 36.5, 36.8, 36.11, 36.17, 36.19(a), 36.91, and 36.93;

(2) The substitution of the following:

(a) Radiation Control Act for Atomic Energy Act of 1954;

(b) Utah Radiation Control Rules for the reference to NRC regulations and the Commission's regulations;

(c) The Director or the Executive Secretary's for the Commission or the Commission's, and NRC in the following 10 CFR sections: 36.13, 36.13(f), 36.15, 36.19(b), 36.53(c), 36.69, and 36.81(a), 36.81(d) and 36.81(e); and

(d) In 10 CFR 36.51(a)(1), Rule R313-15 for NRC;

(3) Appendix B of 10 CFR Part 20 refers to the 2010 ed. of 10 CFR; and

(4) The substitution of Title R313 references for the following 10 CFR references:

(a) Section R313-12-51 for reference to 10 CFR 30.51;

(b) Rule R313-15 for the reference to 10 CFR 20;

(c) Subsection R313-15-501(3) for the reference to 10 CFR 20.1501(c);

(d) Section R313-15-902 for the reference to 10 CFR 20.1902;

(e) Rule R313-18 for the reference to 10 CFR 19;

(f) Section R313-19-41 for the reference to 10 CFR 30.41;

(g) Section R313-19-50 for the reference to 10 CFR 30.50;

FIVE-YEAR REVIEW

December 2014

- (h) Section R313-22-33 for the reference to 10 CFR 30.33;
- (i) Section R313-22-210 for the reference to 10 CFR 32.210;
- (j) Section R313-22-35 for the reference to 10 CFR 30.35; and
- (k) Rule R313-70 for the reference to 10 CFR 170.31.

KEY: irradiator, survey, radiation, radiation safety

Date of Enactment or Last Substantive Amendment: April 15, 2010

Notice of Continuation: February 10, 2010

**Authorizing, and Implemented or Interpreted Law: 19-3-104(4);
19-3-104(8)**

R313. Environmental Quality, Radiation Control.

R313-34. Requirements for Irradiators.

R313-34-1. Purpose and Authority.

(1) Rule R313-34 prescribes requirements for the issuance of licenses authorizing the use of sealed sources containing radioactive materials in irradiators used to irradiate objects or materials using gamma radiation.

(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 R313-34 are in addition to, and not in substitution for, the other requirements of these rules.

R313-34-2. Scope.

(1) Rule R313-34 shall apply to panoramic irradiators that have either dry or wet storage of the radioactive sealed sources; underwater irradiators in which both the source and the product being irradiated are under water; and irradiators whose dose rates exceed 5 grays (500 rads) per hour at 1 meter from the radioactive sealed sources in air or in water, as applicable for the irradiator type.

(2) The requirements of Rule R313-34 shall not apply to self-contained dry-source-storage irradiators in which both the source and the area subject to irradiation are contained within a device and are not accessible by personnel, medical radiology or teletherapy, the irradiation of materials for nondestructive testing purposes, gauging, or open-field agricultural irradiations.

R313-34-3. Clarifications or Exemptions.

For purposes of Rule R313-34, 10 CFR 36, 20 [10] 14 ed., is incorporated by reference with the following clarifications or exceptions:

(1) The exclusion of the following 10 CFR sections: 36.1, 36.5, 36.8, 36.11, 36.17, 36.19(a), 36.91, and 36.93;

(2) The substitution of the following:

(a) Radiation Control Act for Atomic Energy Act of 1954;

(b) Utah Radiation Control Rules for the reference to NRC regulations and the Commission's regulations;

(c) The Director or the Executive Secretary's for the Commission or the Commission's, and NRC in the following 10 CFR sections: 36.13, 36.13(f), 36.15, 36.19(b), 36.53(c), 36.69, and 36.81(a), 36.81(d) and 36.81(e); and

(d) In 10 CFR 36.51(a)(1), Rule R313-15 for NRC;

(3) Appendix B of 10 CFR Part 20 refers to the 20 [10] 14 ed. of 10 CFR; and

(4) The substitution of Title R313 references for the following 10 CFR references:

(a) Section R313-12-51 for reference to 10 CFR 30.51;

(b) Rule R313-15 for the reference to 10 CFR 20;

(c) Subsection R313-15-501(3) for the reference to 10 CFR 20.1501(c);

(d) Section R313-15-902 for the reference to 10 CFR 20.1902;

(e) Rule R313-18 for the reference to 10 CFR 19;

(f) Section R313-19-41 for the reference to 10 CFR 30.41;

PROPOSED CHANGES

December 2014

- (g) Section R313-19-50 for the reference to 10 CFR 30.50;
- (h) Section R313-22-33 for the reference to 10 CFR 30.33;
- (i) Section R313-22-210 for the reference to 10 CFR 32.210;
- (j) Section R313-22-35 for the reference to 10 CFR 30.35; and
- (k) Rule R313-70 for the reference to 10 CFR 170.31.

KEY: irradiator, survey, radiation, radiation safety

Date of Enactment or Last Substantive Amendment: [~~April 15, 2010~~]

Notice of Continuation: February 10, 2010

**Authorizing, and Implemented or Interpreted Law: 19-3-104(4);
19-3-104(8)**

UTAH RADIATION CONTROL BOARD

BOARD ACTION ITEM

PROPOSED RULE CHANGES

R313-28-31, General and Administrative Requirements

R313-35, Requirements for X-ray Equipment Used for Non-Medical Applications

December 9, 2014

RULEMAKING PROCESS

In the Board meeting on October 14, 2014, Mr. Marc Burrows from Aribex presented information about the Aribex portable hand-held NOMAD MD X-ray unit and a petition for rulemaking. The Board was asked to amend R313-28-31 and R313-35 to allow the use of portable hand-held radiography X-ray units. The Board had been provided with a preliminary copy of the changes to address the petition for rulemaking. Discussion on the petition ensued and Dr. Peter Jenkins, Chair, asked the Board to consider the use of hand-held X-ray devices and the rules that apply to them by forming a subcommittee to initiate a rulemaking process. The subcommittee discussed the draft rule changes and will report its findings to the Board during the meeting on December 9, 2014.

Since the Board determined that rulemaking should be started to address the petition for rulemaking, the Board is required to initiate a rulemaking within 80 days, in accordance with UCA 63G-3-601. If approved by the Board, these proposed rules will be published in the January 15, 2015 issue of the *Utah State Bulletin* and comments will be accepted through February 17, 2015. The Division will bring a recommended final action to the Board for review during the March 2015 meeting.

DIRECTOR'S RECOMMENDATION

The Director recommends that the Board approve the proposed rules for rulemaking and public comment 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 interested stakeholders and the public of the proposed changes and the associated public comment period.



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DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

November 18, 2014

Scott Hadden
Product/Brand Manager
Aribex Inc.
744 South 400 East
Orem, Utah 84097

SUBJECT: Petition for Rulemaking – Amendments to UAC R313-28-32 and R313-35

Dear Mr. Hadden:

This letter is in response to your letter, dated September 29, 2014, requesting the Radiation Control Board (Board) initiate rulemaking proceedings for amendments to Utah Administrative Code (UAC) R313-28-31 and R313-35. In accordance with 63G-3-601, the Board placed the petition on its agenda within 45 days and actions are underway to initiate a rulemaking proceeding within the 80-day requirement.

In the Board meeting on October 14, 2014, Mr. Marc Burrows from Aribex presented information about the Aribex portable hand-held NOMAD MD X-ray unit and requested the Board amend R313-28-31 and R313-35 to allow the use of portable hand-held medical radiography X-ray units. The Board had been provided with a preliminary copy of the changes to address the petition for rulemaking. Discussion on the petition ensued and Dr. Peter Jenkins, Chair, asked the Board to consider the use of hand-held X-ray devices and the rules that apply to them by forming a subcommittee to initiate a rulemaking process. The Division of Radiation Control staff has prepared a draft rule for discussion by the subcommittee. It is anticipated that the Board will initiate the rulemaking within the 80-day limit, in accordance with 63G-3-601, during the next Board meeting on December 9, 2014.

If you have any questions concerning this letter, please feel free to contact me at 801-536-4257.

UTAH RADIATION CONTROL BOARD

Rusty Lundberg, Executive Secretary

cc: Peter A. Jenkins, Ph.D., CHP, Chair – Radiation Control Board

RL/CJ:cj

November 14, 2014

CD14-0252

Mr. Helge Gabert
Project Manager, DU Contract
Utah Division of Solid and Hazardous Waste
P.O. Box 144880
Salt Lake City, UT, 84114-4880

Subject: License No: UT2300249; RML #UT 2300249 –Condition 35 Compliance Report, **Revised Extension Request**

Dear Mr. Gabert:

On September 8, 2014, the Department approved an extension requested by EnergySolutions' for preparation of an expanded response to the SC&A and Utah Division of Radiation Control's White Paper entitled, "*Review of Deep Time Supplemental Analysis – White Paper*" (CD14-0195). While significant progress has been accomplished in preparation of the detailed response, EnergySolutions considers an expanded evaluation of the soil layer differentiation of Clive-area and regional dunes a critical component to better defining the long-term alteration of the proposed Federal Cell evapotranspirative cover system.

As such, EnergySolutions requests a revised extension in the overall review schedule to allow for implementation of the Clive area and regional dune soil layer gradation study. It is expected that this additional research will have significant impact on the confidence bounds of the Department's ultimate Safety Evaluation Report.

In order to provide sufficient time for execution of the additional study, EnergySolutions proposes delay of the schedule unit "*The DRC posts public notice, final SER and proposed Director Determination to the public via Internet. Comment period begins immediately, and ends on October 17, 2014 (EOB)*" from a previously revised date of January 12, 2015 to April 6, 2015. It is recognized that such a delay in the commencement of the Public Comment Period will result in the Comment Period ending May 22, 2015. It is recognized that the Public Meetings will require similar rescheduling.

Thank you for your support in allowing sufficient time for the additional study. Please contact me at 801-649-2000 if there are any comments or questions regarding this submittal.

Sincerely,



Vern C. Rogers
Manager, Compliance and Permitting

cc Rusty Lundberg, DRC
Don Verbica, DSHW



State of Utah

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Environmental Quality

Amanda Smith
Executive Director

DIVISION OF SOLID AND
HAZARDOUS WASTE
Scott T. Anderson
Director

Solid and Hazardous Waste Control Board
Kevin Murray, *Chair*
Dennis Riding, *Vice-Chair*
Eugene Cole, *DrPH*
Jeff Coombs, *MPH, LEHS*
Mark Franc
Brett Mickelson
Amanda Smith
Shane Whitney
Dwayne Woolley
Scott T. Anderson
Executive Secretary

November 21, 2014

Vern Rogers
Manager, Permitting and Compliance
EnergySolutions, LLC
423 South 300 West, Suite 200
Salt Lake City, Utah 84101

RE: Depleted Uranium Performance Assessment (DUPA)
Revised Extension Request
Compliance Report, Condition 35
DRC Radioactive Materials License No. 2300249

Dear Mr. Rogers:

The Department of Environmental Quality has completed its evaluation of the DUPA extension request dated November 14, 2014. It is agreed that a more thorough evaluation of an analogue, Clive or regional area dune soil layer gradation study should be beneficial and add clarity to the input parameter modeling of the proposed evapotranspirative cover and layering system of the Federal cell before the start of the public comment period. The request for extension is hereby approved.

As requested, the public comment period will start on April 6, 2015, with public meetings scheduled in Tooele and Salt Lake City during the week of May 4, 2015. However, the public comment period will end on May 29, 2015 (one week longer than requested) in order to maximize the opportunity for public input.

If you have any questions, please call me at (801) 536-0215.

Sincerely,

Helge Gabert
Project Manager, DU Contract
Division of Solid and Hazardous Waste

STA/HG/tjm

(Over)

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c: Rusty Lundberg, Director, DRC
Myron Bateman, EHS, MPA, Health Officer, Tooele County Health Department
Jeff Coombs, EHS, Environmental Health Director, Tooele County Health Department