



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

January 13, 2015 – 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 Commissioner Jerry Hurst

III. Approval of the **Minutes from the December 9, 2014 Board Meeting**

IV. Indoor Radon – Radon Action Month / Public Outreach and Awareness

- a. 2014 Poster Contest Winners
- b. Outreach efforts

V. Administrative Rulemaking

- a. **Comments Received:**
 - 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. **Approve for Rulemaking and Public Comment**
 - i. Proposed changes to **R313-15**, *Standards for Protection Against Radiation*, and **R313-38-3**, *Clarifications or Exceptions*, in response to NRC requested changes

VI. Information Items

- a. **Uranium Recovery Sites**
 - i. Energy Fuels Resources / White Mesa Mill – Ground Water Corrective Action Plan for Chloroform – public comment period – status update
- b. **2014 4th Quarter Activities Report**

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Radiation Control Board – Tentative Agenda

January 13, 2015

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- c. **2015 Legislature -- Update**
- d. **Online availability of DRC documents** – status update

VII. Public Comment

VIII. Election of Chair and Vice Chair

IX. Next Scheduled Board Meeting: Tuesday, February 10 , 2015, 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**

December 9, 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.
Ulrich Rassner, MD
Matt Rydalch
Scott Bird
Commissioner Jerry Hurst
Brady Bradford
Lindsey Christensen Nesbitt, Ph.D.
Rusty Lundberg, Executive Secretary

**BOARD MEMBERS
ABSENT/EXCUSED**

Richard Codell, Ph.D.
Amanda Smith, Executive Director DEQ

**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
Scott Anderson, DSHW Director
Lisa Mechem, DRC Staff
Eric Boone, DRC Staff
Deborah Nq, DSHW Section Manager

PUBLIC

Dan Shrum, EnergySolutions
Scott Hadden, Aribex
Laura Love, Public
Neil Love, Public

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I. Welcome

Dr. Peter Jenkins, Chairman, called the meeting to order at 10:30a.m. He welcomed the Board Members and the public.

II. Approval of the Minutes from the December 9, 2014 Board Meeting

Dr. Peter Jenkins, Chairman, asked if any members of the Board had any corrections to the minutes for the December 9, 2014 Board Meeting. None were requested.

MOTION MADE BY MR. BRADY BRADFORD TO APPROVE THE MINUTES OF DECEMBER 9, 2014.

SECONDED BY MR. MATT RYDALCH .

MOTION CARRIED AND PASSED UNANIMOUSLY.

III. Administrative Rulemaking

a. Comment Period Extension:

i. Mr. Rusty Lundberg, Executive Secretary, informed the Board of the request received from EnergySolutions to extend the comment period for R313-19 and R313-37. These rule changes adopt and implement federal requirements regarding protection of Category 1 and Category 2 sources of Radioactive material. The comment period was to end by December 1, 2014, but due to a petition for rulemaking that was submitted to the Nuclear Regulatory Commission (NRC) by the Nuclear Energy Institute regarding 10 CFR 37 and its relevance to this rulemaking, the extension was granted in a letter dated January 9, 2015.

b. R313-34, Requirements for Irradiators:

i. Mr. Mike Givens reviewed the rulemaking actions for R313-34, Requirements for Irradiators, and requested the Board approve filing the required five-year review as well as an amendment to incorporate the proposed changes to update existing references to 10 CFR to the most current edition and initiate a 30-day public comment period for the proposed rule changes. Mr. Rusty Lundberg, Executive Secretary, further explained the Utah requirements and reason for filing the five-year review in order to keep the rule in place. Failing to file the five-year review causes the rule to expire and requires rulemaking to reinstate the rule and to justify the rationale for reinstating after failing to file the five-year review with the Division of Administrative Rules.

MOTION MADE BY MR. MATT RYDALCH TO ACCEPT THE DIVISION'S RECOMMENDATION AND TO APPROVE THE FILING OF THE FIVE-YEAR REVIEW AND A SEPARATE FILING OF THE PROPOSED CHANGES WITH A 30-DAY COMMENT PERIOD.

SECONDED BY DR. LINDSEY NESBITT

MOTION CARRIED AND PASSED UNANIMOUSLY.

c. Petition for rulemaking:

- i. Dr. Peter Jenkins, Chairman, informed the Board on the report from the Board Subcommittee which consisted of Dr. Peter Jenkins, Dr. Ulrich Rassner and Dr. Lindsey Nesbitt. He addressed Aribex petition to amend R313-28, Use of X-rays in the Healing Arts, for their NOMAD MD and NOMAD 75kV X-ray sources and expressed the subcommittee's concern to try and come up with a general rule that would cover all devices that fall under the same category. In their recommendation, the subcommittee changed the dose equivalent to exposure unit to facilitate the use of the machine by the operator to ensure members of the public are protected. The subcommittee supported the suggested new definition for Hand-held X-ray systems being added at R313-35-2, *Definitions*, and a new section being added to R313-35 as R313-35-115, *Portable, Hand-held X-ray Systems*. The subcommittee recommended that the Board to approve the petition for rulemaking with the additional changes proposed by the subcommittee. Dr. Jenkins asked Mr. Scott Hadden, Aribex, if he was in agreement with the recommendations made by the subcommittee. Mr. Hadden confirmed their request had been addressed and thanked the Board for taking the time to review their request.

MOTION MADE BY DR. LINDSEY NESBITT TO ACCEPT THE SUBCOMMITTEE'S RECOMMENDATION TO ADOPT THE PROPOSED CHANGES TO THE PETITION AND TO FILE FOR A PUBLIC COMMENT 30-DAY PERIOD

SECONDED BY DR. ULRICH RASSNER

MOTION CARRIED AND PASSED UNANIMOUSLY.

IV. Information Items

a. **Low-level Radioactive Waste - EnergySolutions**

- i. Depleted Uranium Performance Assessment – Mr. Rusty Lundberg, gave a status update and informed the Board of the request received from EnergySolutions that the start of the public comment period be delayed until April 2015. The public comment period that was expected to begin in January will now be held April to May 2015.

- V. **Recognition of Craig Jones** – Dr. Peter Jenkins, Chairman presented an award and recognized Mr. Craig Jones for his outstanding service and commitment to the Division of Radiation Control and the Utah Radiation Control Board. Mr. Jones is retiring after working 30 years with the State of Utah.

VI. Public Comment

No comment was received.

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

Meeting Adjourned 11:05 AM

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UTAH RADIATION CONTROL BOARD

BOARD ACTION ITEM

PROPOSED RULE AMENDMENTS

for

**R313-15-1208, REPORTS OF LEAKING OR CONTAMINATED SEALED
SOURCES**

and

R313-38-3, CLARIFICATIONS OR EXCEPTIONS

Background

In the November 12, 2013, Board meeting, a Notice of Proposed Rule Amendment for Section R313-38-3, *Clarifications or Exceptions* was discussed. The Board approved the proposed changes, and directed staff to file the proposed changes with the Division of Administrative Rules for publication in the Utah State Bulletin. A thirty-day public comment period began on December 01, 2013, and ended on December 31, 2013.

During the public comment period, the Nuclear Regulatory Commission (NRC) submitted comments in a letter dated December 23, 2013 (attached), regarding the proposed rule changes and raised compatibility issues pertaining to some substitutions and citations that existed in R313-15 and R313-38. Four of the five comments made by the NRC were addressed in a prior Board meeting. In a subsequent letter dated July 24, 2014 (attached), the NRC informed the Division that one previously identified compatibility item still needs to be addressed.

To resolve the NRC's comments, changes to the proposed rules are required to meet Compatibility Requirements for Agreement States. The filing of a change in Proposed Rule is the appropriate mechanism to address the NRC's comments.

Recommendation

The Director recommends the Board initiate rulemaking by approving the filing of the proposed rule changes to R313-15-1208 and R313-38-3 with the Division of Administrative Rules. The proposed rule changes will be published in a subsequent issue of the *Utah State Bulletin*, notifying interested stakeholders and the public of the proposed changes and initiating a 30-day comment period.

R313. Environmental Quality, Radiation Control.
R313-15. Standards for Protection Against Radiation.

~~[R313-15-1208. Reports of Leaking or Contaminated Sealed Sources.
If the test for leakage or contamination required pursuant to
Section R313-15-1401 indicates a sealed source is leaking or
contaminated, a report of the test shall be filed within five days
with the Director describing the equipment involved, the test results
and the corrective action taken.]~~

KEY: radioactive material, contamination, waste disposal, safety
Date of Enactment or Last Substantive Amendment: ~~[March 19, 2011]~~
Notice of Continuation: December 3, 2012
Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-3-108

R313. Environmental Quality, Radiation Control.

R313-38. Licenses and Radiation Safety Requirements for Well Logging.

R313-38-3. Clarifications or Exceptions.

For purposes of Rule R313-38, 10 CFR 39 (2013), is incorporated by reference with the following clarifications or exceptions:

(1) The exclusion of the following 10 CFR sections: 39.1, 39.5, 39.8, 39.11, 39.101, and 39.103;

(2) The exclusion of the following 10 CFR references within 10 CFR 39: Sec. 40.32, and Sec. 70.23;

(3) The exclusion of "licensed material" in 10 CFR 39.2 definitions;

(4) The substitution of the following wording:

(a) License for reference to NRC license;

(b) Utah Radiation Control Rules for the references to:

(i) The Commission's regulations;

(ii) The NRC regulations;

(iii) NRC regulations; and

(iv) Pertinent Federal regulations;

(c) Director for reference to Commission, except as stated in Subsection R313-38-3(4) (d);

(d) Representatives of the Director for the references to the Commission in:

(i) 10 CFR 39.33(d);

(ii) 10 CFR 39.35(a);

(iii) 10 CFR 39.37;

(iv) 10 CFR 39.39(b); and

(v) 10 CFR 39.67(f);

(e) Director [~~or the Director~~] for references to:

(i) NRC in:

(A) 10 CFR 39.63(1);

(B) 10 CFR 39.77(c) (1) (i) and (ii); and

(C) 10 CFR 39.77(d) (9); and

(ii) Appropriate NRC Regional Office in:

(A) 10 CFR 39.77(a);

(B) 10 CFR 39.77(c) (1); and

(C) 10 CFR 39.77(d);

(iii) Appropriate NRC Regional Office listed in appendix D of part 20 of this chapter in:

(A) 10 CFR 39.35(d) (2)

(f) Director, the U.S. Nuclear Regulatory Commission or an Agreement State for the references to:

(i) Commission or an Agreement State in:

(A) 10 CFR 39.35(b); and

(B) 10 CFR 39.43(d) and (e); and

(ii) Commission pursuant to Sec. 39.13(c) or by an Agreement State in:

(A) 10 CFR 39.43(c); and

(B) 10 CFR 39.51;

(g) In 10 CFR 39.35(d) (1), persons specifically licensed by the Director, the U.S. Nuclear Regulatory Commission, or an Agreement State for the reference to an NRC or Agreement State licensee that is authorized; ~~and~~

~~(h) In 10 CFR 39.35(d)(2), reports of test results for leaking or contaminated sealed sources shall be made pursuant to Section R313-15-1208, for the reference to the following statement:~~

~~(i) The licensee shall submit a report to the appropriate NRC Regional Office listed in appendix D of part 20 of this chapter, within 5 days of receiving the test results. The report must describe the equipment involved in the leak, the test results, any contamination which resulted from the leaking source, and the corrective actions taken up to the time the report is made; and]~~

~~[-(i)] (h) In 10 CFR 39.75(e), a U.S. Nuclear Regulatory Commission or an Agreement State for the reference to the Agreement State;~~

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

(a) Section R313-12-3 for the reference to Sec. 20.1003 of this chapter;

(b) Section R313-12-54 for the reference to 10 CFR 39.17;

(c) Subsection R313-12-55(1) for the reference to 10 CFR 39.91;

(d) Rule R313-15 for references to:

(i) Part 20; and

(ii) Part 20 of this chapter;

(e) Subsection R313-15-901(1) for the reference to Sec. 20.1901(a);

(f) Section R313-15-906 for the reference to Sec. 20.1906 of this chapter;

(g) Sections R313-15-1201 through R313-15-1203 for the references to:

(i) Secs. 20.2201-20.2202; and

(ii) Sec. 20.2203;

(h) Rule R313-18 for the reference to part 19;

(i) Section R313-19-30 for the reference to Sec. 150.20 of this chapter;

(j) Section R313-19-50 for the references to:

(i) Sec. 30.50; and

(ii) Part 21 of this chapter;

(k) Section R313-19-71 for the reference to Sec. 30.71;

(l) Section R313-19-100 for the references to:

(i) 10 CFR Part 71; and

(ii) Sec. 71.5 of this chapter; and

(m) Section R313-22-33 for the reference to 10 CFR 30.33;

(n) Rules R313-15, R313-18, and R313-38 for corresponding references to:

(i) Parts 19, 20, and 39 of this chapter;

(ii) A copy of parts 19, 20, and 39 of NRC regulations.

KEY: radioactive materials, well logging, surveys, subsurface tracer studies

Date of Enactment or Last Substantive Amendment: [April 7, 2014]

Notice of Continuation: October 7, 2013

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-3-108



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



December 23, 2013

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

DRC-2014-001361

Dear Mr. Lundberg:

We have reviewed the proposed changes to the Utah regulations R313-14, R313-22-34, R313-25, R313-38-3, and R313-70-5, received by our office on November 19, 2013. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 30, 39 and 61. We discussed our review of the regulations with you on December 20, 2013.

As a result of our review, we have five 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, 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 Division of Materials Safety and State Agreements, FSME.

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 FSME website: <http://nrc-stp.ornl.gov/rulemaking.html>.

R. Lundberg

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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 Kathleen Schneider, State Regulation Review Coordinator, at (301) 415-2320 (kathleen.schneider@nrc.gov) or David Spackman at (310) 415-6389 (david.spackman@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "P. Henderson", with a stylized flourish at the end.

Pamela J. Henderson, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

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	313-38-3(2)	39.13(a)	N/A	H&S	<p>Specific licenses for well logging.</p> <p>The exclusion of 10 CFR 70.33 in R-313-38-3(2) refers to the wrong section. The correct reference to exclude from 10 CFR 39.13(a) is 10 CFR. 70.23, since 10 CFR. 70.33 is not referenced in Part 39.</p> <p>Utah needs to make the above change in order to meet the Category H&S designation assigned to 10 CFR 39.13(a).</p>
2	R313-38-3(4)(h) R313-15-1208	39.35	N/A	C	<p>Leak testing of sealed sources.</p> <p>Utah substitutes their own section for 10 CFR 39.35(d)(2). The substituted wording is located in Section R313-15-1208 which provides the reporting requirements for a leaking or contaminated sealed source. R313-15-1208 contains a reference to R313-15-1401 which does not exist in the Utah regulations. Utah needs to revise R313-15-1208 to replace the incorrect reference to R313-15-1401.</p> <p>Utah needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 39.35.</p>
3	R313-38-3(5)	39.61	N/A	B	<p>Training.</p> <p>10 CFR 39.61(a)(2)(i) contains references to Parts 19, 20, and 39. Utah needs to add a new provision to R313-38-3(5) as follows:</p> <p style="padding-left: 40px;">Section 313-38 for reference to Part 39 in 39.61(a)(2)(i).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					Utah needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 39.61.
4	R313-38-3(5)(f)	39.63	N/A	C	<p>Operating & Emergency procedures.</p> <p>In R313-38-3(5)(f), the reference that reads "Sec. 20.2[05]106" is incorrect. Utah needs to change the reference to read "Sec. 20.1906", which is the NRC procedure for receiving and opening packages.</p> <p>Utah needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 39.63.</p>
5	R313-38-3(5)	39.73	N/A	C	<p>Documents & records required at field stations.</p> <p>10 CFR 39.73(a) contains references to Parts 19, 20, and 39. 10 CFR 39.73(a) contains references to Parts 19, 20, and 39. Utah needs to add a new provision to R313-38-3(5) as follows:</p> <p style="padding-left: 40px;">Section 313-38 for reference to Part 39 in 39.73(a).</p> <p>Utah needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 39.73.</p>



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



July 24, 2014

DRC-2014-004642

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

Dear Mr. Lundberg:

We have reviewed the final revisions to the Utah regulations R313-14, R313-22-34, R313-25, R313-38-3, and R313-70-5, and a license condition received by our office on May 2, 2014, and May 14, 2014 respectively. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 30, 39 and 61 and the requirements identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on July 21, 2014.

As a result of our review, we have one comment identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations or license condition are revised, incorporating our comment and without other significant change, 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 you revise your regulations or license condition to address our comment, 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 location of any changes made by Utah, in response to our comments, and provide a copy to Division of Materials Safety and State Agreements, FSME.

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 FSME 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 (Kathleen Schneider) State Regulation Review Coordinator, at 301-415-2320 (Kathleen.Schneider@nrc.gov) or Stephen Poy at 301-415-7135 (Stephen.Poy@nrc.gov).

Sincerely,

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

Susan Abraham, Acting Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. Compatibility Comments
2. Utah SRS Data Sheet

COMPATIBILITY COMMENTS ON UTAH FINAL REGULATIONS

STATE	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	R313-38-3(4)(h) R313-15-1208	39.35	N/A	<p>Leak testing of sealed sources.</p> <p>Utah substitutes their own section for 10 CFR 39.35(d)(2). The substituted wording is located in Section R313-15-1208 which provides the reporting requirements for a leaking or contaminated sealed source. R313-15-1208 contains a reference to R313-15-1401 which does not exist in the Utah regulations. Utah needs to revise R313-15-1208 to replace the incorrect reference to R313-15-1401.</p> <p>Comment Stands.</p> <p>The license condition submitted to address the previous comment also cites R313-15-1208 which contains the reference to R313-15-1401 which does not exist in the Utah regulations</p> <p>Utah needs to make the above changes in order to meet the Compatibility Category C designation assigned to 10 CFR 39.35.</p>

UTAH RADIATION CONTROL BOARD

January 13, 2015

Division of Radiation Control Activities Report Summary

4th Quarter (October – December) 2014

Radioactive Materials Program

Stericycle – The Department of Environmental Quality (DEQ) completed its investigation into allegations of mismanagement at Stericycle and in November submitted its investigation report summary to the Governor's Office. The DRC participated in the on-site inspections of the facility and provided information regarding matters associated with radiation safety as part of DEQ's investigation. The Department found no evidence to support the source's allegations regarding improper operating practices at Stericycle in matters over which the Department has regulatory jurisdiction.

Project Engineering Consultants (PEC) – On October 16, 2014 the DRC was notified by PEC that a radioactive moisture density gauge had been lost. A PEC technician did not properly secure the device in the back of his pickup truck before leaving a temporary job site located in Murray City. The portable gauging device fell onto the roadway from the open bed of the pickup truck. On the evening of October 17, 2014, PEC left a message for the DRC that the lost gauge had been recovered and was back in their possession. The licensee reported the gauge to be undamaged and conducted some testing to ensure proper functioning of the gauge. DRC staff conducted an on-site inspection to confirm the condition of the gauge and to ensure the source was properly shielded.

Violations assigned a Severity Level I, II, or III, or where a monetary Penalty has been proposed.

During the 4th quarter of 2014, there were no licensees with inspection findings that met the reporting criteria.

Number of current licenses 191 representing 180 licensees

Radioactive Material Inspections 17

Number of new licenses issued 1

Number of licenses renewed 1

Number of licenses amended 14

Number of licenses terminated 1

X-Ray Program

Number of current registrations 2751, an increase of 79 from the previous quarter

Number of Inspections conducted by DRC staff 120

Number of Inspections conducted by Qualified Experts 53

Low-Level Radioactive Waste

EnergySolutions

Number of HP Inspections conducted 12
Number of Eng. Inspections 3
Number of GW Inspections 3
Number of license amendments performed 0

On August 13, 2014 EnergySolutions was cited in a DRC NOV for a violation identified during DRC Heath Physics Module 18 (Materials Equipment and Conveyance Surveys) inspection. EnergySolutions was also issued a Civil Penalty of \$5,000 for the violation. On September 26, 2014 the DRC received payment of the monetary penalty and the NOV was closed out on October 10, 2014.

Generator Site Access Program

Number of incoming shipments that were inspected, GSA program 463
Number of Notices of Enforcement Discretion (NOED's), Notices of Deficiency (NOD's), and Notices of Violation (NOV's) that were issued 0 NOED, 1 NOD, and 4 NOV's

Uranium Mills Program

Number of HP Inspections Energy Fuels 2 Uranium One 0 Rio Algom 1
Number of Eng. Inspections Energy Fuels 3 Uranium One 0 Rio Algom 0
Number of GW Inspections Energy Fuels 2 Uranium One 1 Rio Algom 0
Number of license amendments performed 0

Indoor Radon Program

Radon tests conducted - 800
Radon mitigations - 250
Radon Resistant New Construction - 6
RRNC classes - 0
Real Estate classes - 2
Exhibits/Trade Shows - 0
Local Health District Visits - 20
Press Releases - 12

1 **GENERATOR SITE ACCESS PERMITS AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brad L. Dee**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions of the Environmental Quality Code related to radioactive
10 materials.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ modifies the criteria under which the director of the Division of Environmental
14 Quality may grant a generator site access permit.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **19-3-106.4**, as last amended by Laws of Utah 2013, Chapter 330

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **19-3-106.4** is amended to read:

25 **19-3-106.4. Generator site access permits.**

26 (1) A generator or broker may not transfer radioactive waste to a commercial
27 radioactive waste treatment or disposal facility in the state without first obtaining a generator



28 site access permit from the director.

29 (2) The director may [~~not~~] grant a generator site access permit to a generator or broker
30 [~~unless~~] if:

31 (a) the Nuclear Regulatory Commission or the agreement state where the generator's or
32 broker's facility is located has the jurisdiction to regulate the generator's or broker's handling,
33 packaging, or transporting of radioactive materials; or

34 (b) the generator or broker agrees to grant the division reasonable access to its facilities
35 for the inspection and verification of radioactive waste using Nuclear Regulatory Commission
36 approved accountability guidelines.

37 (3) The board may make rules in accordance with Title 63G, Chapter 3, Utah
38 Administrative Rulemaking Act, governing a generator site access permit program.

39 (4) (a) Except as provided in Subsection (4)(b), the division shall establish fees for
40 generator site access permits in accordance with Section 63J-1-504.

41 (b) On and after July 1, 2001 through June 30, 2002, the fees are:

42 (i) \$1,300 for generators transferring 1,000 or more cubic feet of radioactive waste per
43 year;

44 (ii) \$500 for generators transferring less than 1,000 cubic feet of radioactive waste per
45 year; and

46 (iii) \$5,000 for brokers.

47 (c) The division shall deposit fees received under this section into the Environmental
48 Quality Restricted Account created in Section 19-1-108.

49 (5) This section does not apply to a generator or broker transferring radioactive waste
50 to a uranium mill licensed under 10 C.F.R. Part 40, Domestic Licensing of Source Material.

Legislative Review Note
as of 12-22-14 12:30 PM

Office of Legislative Research and General Counsel