



State of Utah

GARY R. HERBERT  
Governor

GREG BELL  
Lieutenant Governor

Department of  
Environmental Quality

Amanda Smith  
Executive Director

DIVISION OF RADIATION CONTROL  
Rusty Lundberg  
Director

December 20, 2011

Brian McDermott, Director  
Division of Materials Safety and State Agreements  
Office Federal and State Materials and Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852-2738

Dear Mr. McDermott:

The Utah Division of Radiation Control (DRC) requests Routine Technical Assistance (B) from the Nuclear Regulatory Commission (NRC), as described in the Technical Assistance To Agreement States - Handbook 5.7.

Earlier this year, the DRC took an enforcement action against EnergySolutions Clive Facility for receiving and disposing of a select number of waste shipments of low level radioactive waste that exceeded Class A limits.

Because these shipments covered an extended period of time, the waste was placed in different lifts in the embankment, making the recovery and removal of the waste essentially impossible. In response to our enforcement action, EnergySolutions prepared a report assessing the feasibility to remove the wastes from the embankment. We have reviewed that report and prepared a response. (Both are attached.)

As you may remember, in an August 4, 2011 e-mail, the DRC requested that the NRC perform a cursory review of the attached two documents. Mr. Dennis Sollenberger responded in a September 27, 2011 e-mail, with an attached letter, which described that the initial request could fall into one of two categories, Request for Routine Technical Assistance or Request for Special Technical expertise Assistance. He also described what would be conducted under each option.

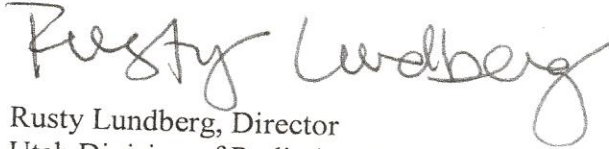
After considering the options, we believe Routine Technical Assistance is what we require. We request that the NRC review and comment on both the attached EnergySolutions report and the DRC response. Specifically, we are requesting NRC comment on EnergySolutions' position and DRC concurrence of that position. According to the letter attached to the September 27, 2011 e-mail, because this type of review is part of the NRC working relationship with Agreement States, it is not cost reimbursable.

Brian McDermott

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We appreciate NRC's support and willingness to assist us in this matter. If you or your staff have any questions about the attached documents or want to discuss a timeline when the NRC would be able to provide comment, please feel free to contact us.

Sincerely,

A handwritten signature in dark ink, reading "Rusty Lundberg". The signature is fluid and cursive, with the first name "Rusty" and last name "Lundberg" clearly distinguishable.

Rusty Lundberg, Director  
Utah Division of Radiation Control

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