

Dane Finerfrock - Environmental Quality, Radiation Control R313-25-8 Technical Analysis

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Subject: Environmental Quality, Radiation Control R313-25-8 Technical Analysis
Attachments: 02-01-10_UDRC_UT Proposed DU Rule.pdf

February 1, 2010

Mr. Dane Finerfrock
Director
Utah Division of Radiation Control
P.O. Box 144850
Salt Lake City, UT 84114-4850

Subject: Notice of Proposed Rule: Environmental Quality, Radiation Control R313-25-8 Technical Analysis, DAR File No. 33267, filed December 14, 2009.

Dear Mr. Finerfrock:

On behalf of the nuclear industry, the Nuclear Energy Institute (NEI) submits the following comments in response to Utah's proposed rule regarding the land disposal of depleted uranium (DU) within the state of Utah. We trust you will find these comments useful, and we appreciate the stakeholder comment opportunity provided by the state.

We share your goal of ensuring that licensed nuclear energy activities protect public health and safety and the environment, and recognize your role as an agreement state in this regard. As such, we support Utah's expectation that low-level radioactive waste disposal practices within Utah will conform to the applicable requirements in 10 CFR Part 61 and the corresponding provisions of the Utah regulations. To this end, it is our understanding that Energy Solutions plans to submit additional site-specific information on its Clive facility to Utah for review and approval by year's end.

We support this continued site-specific work and believe that Utah's proposed rule is premature and unnecessary at this time. NEI believes that: 1) Utah can fulfill its regulatory role to ensure safety without promulgating a proposed rule at this time; 2) NRC is currently developing a proposed rule addressing the disposal of large quantities of DU; 3) Utah will need to promulgate a compatible rule once the NRC's rulemaking is complete; and 4) NRC has stated that, as currently written, the Utah proposed rule would create a conflict with the current 10 CFR Part 40 definition of DU and must be modified to be found compatible with existing NRC rules.

Ralph L. Andersen
Senior Director
Radiation Safety & Environmental Protection

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