

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

QUESTIONNAIRE

Utah

Reporting Period: June 28, 2003 to June 15, 2007

Note: If there has been no change in the response to a specific question since the last IMPEP questionnaire, the State or Region may copy the previous answer if appropriate.

A. COMMON PERFORMANCE INDICATORS

I. Technical Staffing and Training

1. Please provide the following organization charts, including names and positions:

- (a) A chart showing positions from Governor down to Radiation Control Program Director;
- (b) A chart showing positions of current radiation control program including management; and
- (c) Equivalent charts for sealed source and device, low level radioactive waste and uranium recovery programs, if applicable

2. Please provide a staffing plan, or complete a listing using the suggested format below, of the professional (technical) person-years of effort applied to the agreement or radioactive material program by individual. Include the name, position, and, for Agreement States, the fraction of time spent in the following areas: administration, materials licensing & compliance, emergency response, LLW, U-mills, other. If these regulatory responsibilities are divided between offices, the table should be consolidated to include all personnel contributing to the radioactive materials program. Include all vacancies and identify all senior personnel assigned to monitor work of junior personnel. If consultants were used to carry out the program's radioactive materials responsibilities, include their efforts. The table heading should be:

<u>Name</u>	<u>Position</u>	<u>Area of Effort</u>	<u>FTE%</u>
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¹ Estimated burden per response to comply with this voluntary collection request: 53 hours. Forward comments regarding burden estimate to the Records Management Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0183), Office of Management and Budget, Washington, DC 20503. If an information collection does not display a currently valid OMB control number, NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

NAME	POSITION	AREA OF EFFORT	FTE%
Bettolo, Mario	Environmental Scientist II	Radioactive materials inspection/licensing	1
Galloway, Gwyn	Environmental Scientist III	Radioactive materials inspection/licensing	1
Griffin, Philip	Environmental Scientist III	Radioactive materials inspection/licensing	1
Hogge, David	Environmental Scientist II	Radioactive materials inspection/licensing	1

Giddings, Susan	Environmental Scientist III	X-ray	1
Sanborn, Richard	Environmental Scientist III	X-ray	1
Wehking, Karen	Environmental Scientist III	X-ray	1
Wong, Doug	Environmental Scientist III	X-ray	1

Cook, Johnathan	Environmental Engineer III	Low-level waste	.9
		Uranium mills	<u>.1</u> 1
Esser, David	Environmental Engineer III	Low-level waste	1
Rushing, Tom	Environmental Scientist II	Low-level waste	.1
		Radioactive materials licensing support (groundwater)	.1
		U mills - Title I (groundwater)	<u>.8</u> 1

Hamos, Brian	Environmental Scientist III	Low-level waste	1
Henderson, Dean	Environmental Scientist III	Low-level waste	.1
		Uranium Mills	$\frac{.9}{1.0}$
Imai, Boyd	Environmental Scientist III	Low-level waste	1.0
Nelson, Raymond	Environmental Scientist III	Low-level waste	.25
		Uranium mills	$\frac{.75}{1.0}$
Rupp, David	Environmental Engineer III	Uranium Mills	1.0
Goble, Phillip	Environmental Scientist II	Low-level Waste	.8
		Uranium Mills	.1
		U mills - Title I	$\frac{.1}{1}$
		(groundwater)	1
Carney, Kevin	Environmental Scientist III	Low-level waste	.2
		Uranium Mills	$\frac{.8}{1}$
Craig, Bill	Environmental Scientist III	Low-level waste	.7
		Instrument calibration and repair	$\frac{.3}{1}$
Barker, Edith	Environmental Program Coordinator	Generator site access	1
Fausto, Jule	Environmental Scientist III	Generator site access	1
Neville, David	Information Specialist II	Radon	.5

Finerfrock, Dane	Environmental Manager III	Low-level waste	.33
		Radioactive materials	.33
		X-Ray	<u>.33</u> 1
Jones, Craig	Environmental Manager II	Radioactive materials licensing/inspection	.5
		X-ray	<u>.5</u> 1
Morton, Loren	Environmental Manager I	Low-level waste	0.75
		Uranium Mills	<u>0.25</u> 1
Hultquist, John	Environmental Manager I	Low-level waste	.65
		Uranium mills	.25
		Radon	<u>.1</u> 1

Consultants have provided technical assistance to the Division of Radiation Control staff for various license renewal or amendment application reviews involving EnergySolutions LLC, Denison Mines (formerly International Uranium Corporation), Uranium One Utah Inc. (formerly Plateau Resources Inc.), and Brush Resources.

<u>Year</u>	<u>Consultant Hours</u>
2003	146
2004	3001
2005	6643
2006	3292
2007	600 (to date)

3. Please provide a listing of all new professional personnel hired since the last review, indicate the degree(s) they received, if applicable, and additional training and years of experience in health physics, or other disciplines, if appropriate.

David Hogge, BS: Physics, MS Health Physics (no thesis), UNLV. He has accumulated over 10 years in a variety of health physics disciplines including radioanalytical chemist, count-room technician, HP technician, and interim RSO for an academic Broad scope institution. Training included: radiation safety, dental x-ray machines, radioactive waste disposal, transportation of radioactive materials, and instrumentation calibration and use. He completed a 40 hour preparation course for the NRRPT exam.

Mario Bettolo, BS: Physics, MS: Physics; University of Utah. He has three years work experience with the University of Utah as a Radiation Analyst. Training included: radiation safety principles, use of sealed and unsealed sources, radioactive waste and disposal techniques, instrument calibration and use, radiation generating machine

operations (x-ray units and cyclotron), self-shielded irradiators, nuclear medicine procedures and transportation of RAM.

4. Please list all professional staff who have not yet met the qualification requirements of license reviewer/materials inspection staff (for NRC, Inspection Manual Chapter (IMC) 1246; for Agreement States, please enclose a copy of your qualification and training procedure. If you do not have a written procedure please describe your qualifications requirements for materials license reviewers and inspectors). For each, list the courses or equivalent training/experience they need to attend and a tentative schedule for completion of these requirements. Mario Bettolo has attended the following courses since he has been hired:

H-122: Basic Health Physics
G-109: Licensing Procedures
G-108: Inspection Procedures
H-308: Transportation of Radioactive Materials

He has applied for and is tentatively scheduled for:

H-314: Well Logging 11/5-9/07
H-304: Nuclear Medicine (time and date to be determined)
H-305: Industrial radiography (time and date to be determined)

5. Please identify the technical staff who left the Agreement State/Regional DNMS program during this period.

Clark Clements left the Agreement State program a week before the June 2003 IMPEP. Ross Anderson, Woodrow Campbell, Julie Felice, Robert Herbert, and Steve Palmer left the Agreement State program. Johnathan Cook left and returned during the period of review. Molly Gregersen and Christine Hiaring were hired and left during the review period.

6. List the vacant positions in each program, the length of time each position has been vacant, and a brief summary of efforts to fill the vacancy.

No current vacancies exist.

7. Does the Agreement State program have an oversight board or committee which provides direction to the program and is composed of licensees and other members of the public? If so, please describe the procedures used to avoid a conflict of interest.

In accordance with Section 19-3-103 of the *Utah Code Annotated* (UCA), there is an oversight board. The Radiation Control Board is appointed by the governor with the consent of the Utah Senate. The board is made up of 13 members, one of whom is the Department of Environmental Quality Executive Director. Upon accepting an appointment to the Board and pursuant to Utah Public Officers' and Employees' Ethics Act, (UCA Sections 67-16-1 through 14), a member must complete a Disclosure Statement.

On March 3, 1995, the Board adopted a Conflict of Interest Policy. Radiation Control Board members who have a conflict of interest or may have a potential conflict of interest in any issue before the Board should declare the conflict, verbally, prior to entering into a discussion of the issue. Board members who have an actual conflict of interest in a motion to be voted on by the Board should abstain from voting on the motion. Upon appointment to the Radiation Control Board, each Board member should complete a written Conflict of Interest statement, or if the Board member does not have any conflicts of interest, a statement to that effect. The statement is to be updated as needed.

II. Status of Materials Inspection Program

8. Please identify individual licensees or categories of licensees the State/Region is inspecting more or less frequently than called for in IMC 2800 and state the reason for the difference.

Please see the file titled 2007 IMPEP Question Eight.pdf

9. Please provide for the review period, the number of Priority 1, 2, and 3 inspections as identified in IMC 2800 that were completed and the number of initial inspections that were completed.

Priority 1: 41

Priority 2: 30

Priority 3: 61

Initial: 31

10. Please submit a table, or a computer printout, that identifies inspections of Priority 1, 2, and 3 licensees, and initial inspections that are presently overdue or which were conducted at intervals that exceed the IMC 2800 frequencies over the course of the entire review period. (See STP Procedure SA-101, *Reviewing the Common Performance Indicator, Status of Materials Inspection Program*, for detailed guidance in preparing this information).

At a minimum, the list should include the following information for each inspection that is overdue or conducted overdue during the review period:

- (1) Licensee Name
- (2) License Number
- (3) Priority
- (4) Last inspection date or license issued date if initial inspection
- (5) Date Due
- (6) Date Performed
- (7) Amount of Time Overdue
- (8) Date inspection findings issued

Licensee	License #	NRC Priority	Last inspection date or license issued date	Date Due	Date Performed	Days Overdue	Findings issued
Universal Testing LLC	UT 060012 5	1	2/1/2002	5/1/2004	6/8/2004	38	8/6/2004
<i>Note: (Extended because of good performance to 2yr + 3mo allowance.) Attempts were made to conduct the field inspection first. Attempts were made at regular field clients' facilities on 4/8/2004, 4/9/2004, 4/22/2004, 5/7/2004, 5/13/2004, 6/04/2004. We had not made contact with the clients because we felt they may alert the licensee that we were coming. Since we were unable to do the field inspection after the many attempts, we began an office inspection.</i>							
Janx Integrity Group DBA Janx Jan X-Ray Service	UT 060047 2	1	11/23/2005	2/23/2007	3/7/2007	12	3/7/2007
<i>Note: Attempted 2/21/2007. Licensee has no RAM and has never used RAM in the state of UT. Verified by speaking with corporate RSO, John Newland. Licensee terminated license 3/7/2007.</i>							
GammaWest Brachytherapy	UT 270048 8	3	12/19/2005	12/19/2006	TBD*	150	
<i>Note: The State due date for an initial inspection is 6 months after license issue date while the NRC due date is 1 year. A DRC inspector has repeatedly contacted the licensee and as of 3/15/2007 no material use had been conducted at this facility. The principal use of material involves an HDR afterloader and as of 5/18/2007, no installation had occurred. *TBD means to be determined.</i>							

11. If you have any overdue inspections, do you have an action plan for completing them? If so, please describe the plan or provide a written copy with your response to this questionnaire.

A computerized tracking system for inspections calculates and lists the date by which an inspection is overdue by greater than 25% of the Agreement State inspection frequency. Since our inspection frequencies are less than the IMC 2800 frequency for the majority of license categories, we generally do not have overdue inspections. However, if an inspection should become overdue by the IMPEP standard, it is conducted on the first possible date after the discovery of the overdue inspection.

12. Please provide the number of reciprocity licensees that were candidates for inspection per year as described in NRC IMC 1220 and the number of candidate reciprocity inspections that were completed each year during the review period.

During 2003, 4 inspections completed out of 13 candidates = 38%.
 During 2004, 1 inspection completed out of 5 candidates = 20%.
 During 2005, 1 inspection completed out of 3 candidates = 33%.
 During 2006, 3 inspections completed out of 13 candidates = 31%.
 So far, during 2007, 1 inspection completed out of 6 candidates = 17%.

III. Technical Quality of Inspections

13. What, if any, changes were made to your written inspection procedures during the reporting period?

The written inspection procedures were revised to contain a statement about the procedures for conducting supervisory accompaniments of inspectors. The inspection procedures were also revised to address the procedures for assigning the frequency and inspection of licensees possessing radionuclides of concern in quantities at or above the Table 1 values.

14. Prepare a table showing the number and types of supervisory accompaniments made during the review period. Include:

Supervisory Accompaniments 2003 – 2006

Inspector	Supervisor	License Category	Date
Julie Felice	Craig Jones	3-1.1	12/17/2003
Julie Felice	Craig Jones	3-k.0	11/30/2004
Julie Felice	Craig Jones	3-m.4	12/07/2005
Gwyn Galloway	Craig Jones	3-1.1	12/11/2003
Gwyn Galloway	Craig Jones	3-d.2	11/19/2004
Gwyn Galloway	Craig Jones	3-d.2	11/07 & 09/2005
Gwyn Galloway	Craig Jones	3-d.3	12/15/2006
Philip Griffin	Craig Jones	3-d.2	12/10/2003
Philip Griffin	Craig Jones	3-fii	11/16/2004
Philip Griffin	Craig Jones	7-b.2A	09/15/2005
Philip Griffin	Craig Jones	7-b.2A	12/19/2006
David Hogge	Craig Jones	3-1.1	08/12/2004
David Hogge	Craig Jones	3-d.3	11/29/2004 & 02/03/2005
David Hogge	Craig Jones	3-d.2	11/23/2005
David Hogge	Craig Jones	7-b.2A	12/27/2006

Notes: Clark Clements left the Division just before the previous IMPEP. David Hogge began performing inspections in 2004. Julie Felice left the Division in July 2006.

15. Describe internal procedures for conducting supervisory accompaniments of inspectors in the field.

It is the responsibility of the radioactive materials supervisor to oversee the inspection activities of the technical staff. The supervisor is to accompany all inspectors who have been assigned to perform inspections of specific licensees. The accompaniments are to occur at least once each year and the purpose is to evaluate the inspector's performance on health and safety issues.

To fulfill this responsibility, the supervisor randomly selects an inspection for supervisory accompaniment. The selection comes from the regular notifications of inspection work scheduled by the materials inspectors. The supervisor will coordinate the time and scope of the accompaniment to evaluate the inspector's ability to assess a licensee's health and safety program. An evaluation form is provided to the inspector, the contents are discussed, and the role of the supervisor is also discussed. After the

inspection, the supervisor provides feedback to the inspector and a copy of the evaluation to the individual.

16. Describe or provide an update on your instrumentation, methods of calibration and laboratory capabilities. Are all instruments properly calibrated at the present time? Were there sufficient calibrated instruments available through the review period?

Exposure rate instruments and dosimeters are calibrated using a one-curie cesium-137 source. The calculated source intensity is adjusted for decay prior to each calibration session. Each instrument is placed on a small table at a specified distance from the source to evaluate the desired reading on multiple scales or decades.

Contamination instruments are calibrated using a variety of beta or alpha sources. Sources are chosen based on energy and activity. Ratemeters or scalers are calibrated with specific probes. An electronic pulser is also used to check high voltage settings, threshold settings, instrument linearity, and digital displays.

All instruments currently used by inspectors are properly calibrated and there were sufficient calibrated instruments available through the review period.

IV. Technical Quality of Licensing Actions

17. How many specific radioactive material licenses does the Program regulate at this time?

As of May 25, 2007, there are 192 active specific radioactive material licensees.

18. Please identify any major, unusual, or complex licenses which were issued, received a major amendment, were terminated, decommissioned, submitted a bankruptcy notification or renewed in this period. Also identify any new or amended licenses that now require emergency plans.

Licenses Issued

UT 2700464	Nuclear Apothecary	06/18/2003
UT 1800494	Intermountain Medical Center	05/25/2007

Licenses that Received a Major Amendment

UT 0300159	Utah State University
UT 1800001	University of Utah Radiological Health Department
UT 1800102	LDS Hospital
UT 1800145	University of Utah Radiological Health Department
UT 1800225	Pharmaceutical and Diagnostic Services, Inc.
UT 1800308	RWM-Utah, Inc.
UT 1800416	Ballard Medical Products
UT 1800458	University of Utah Radiological Health Department
UT 2500081	Brigham Young University
UT 2700464	Nuclear Apothecary, Inc.
UT 2900149	Weber State University

UT 2500418 Arlington Scientific, Inc.

Terminated Licenses

UT 2500418 Arlington Scientific, Inc. 5/31/2006

Decommissioned

None

Bankruptcy

None

19. Discuss any variances in licensing policies and procedures or exemptions from the regulations granted during the review period.

October 2006: Exemption granted to R313-32 [incorporating 10 CFR 35.51(b)(1) by reference]. The exemption applied to the following licenses:

UT 2900449 amendment number 14, GammaWest Brachytherapy
UT 2500453 amendment number 14, GammaWest Brachytherapy
UT 1800165 amendment number 58, Salt Lake Regional Medical Center, Inc.

On twenty-two occasions during the period of this review, the radiation control program advised a licensee that their renewal application would be treated as if it had been filed in a timely manner. This was generally limited to circumstances where the licensee could justify that there would be an adverse consequence if the Executive Secretary decided to suspend licensed operations until program staff processed the renewal.

20. What, if any, changes were made in your written licensing procedures (new procedures, updates, policy memoranda, etc.) during the reporting period?

The following changes have been made to the written licensing procedures:

- updates due to personnel changes;
- modifications due to changes in 10 CFR 35 regarding approvals for authorized medical physicists, authorized nuclear pharmacists, and authorized users;
- modifications made to include those reviews and procedures required for the new increased security requirements; and
- updates made regarding the ability of alternate signatures on actions when the Executive Secretary is not available.

21. Identify by licensee name, license number and type, any renewal applications that have been pending for one year or more. Please indicate why these reviews have been delayed.

UT 1800048 Hexcel Corporation Salt Lake City 3-n.1
UT 0600189 Harrison R. Cooper Systems, Inc. 3-1.7
UT 2900016 Westinghouse Electric Company, LLC 3-d.1
UT 2400126 Pipe Renewal Services, Inc. 3-1.1
UT 0600109 Holly Refining & Marketing Company 3-1.2A

For each licensee named above, the licensing review work has been on-going for one year or more and the causes are similar for each licensee. The delays include poor quality or incomplete submissions from the applicant, the personnel performing the license reviews are not experienced/senior staff members, and there have been competing work priorities.

V. Responses to Incidents and Allegations

22. For Agreement States, please provide a list of any reportable incidents not previously submitted to NRC (See STP Procedure SA-300, Reporting Material Events for additional guidance, OMB clearance number 3150-0178). The list should be in the following format:

<u>Licensee Name</u>	<u>License #</u>	<u>Date of Incident/Report</u>	<u>Type of Incident</u>
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All incidents that were reportable have been reported to NRC.

23. During this review period, did any incidents occur that involved equipment or source failure or approved operating procedures that were deficient? If so, how and when were other State/NRC licensees who might be affected notified? For States, was timely notification made to NRC? For Regions, was an appropriate and timely PN generated? For Agreement States, was information on the incident provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency? Please provide details for each case.

UT-06-0001 Alpha Testing Laboratories Incident – apparent failure of a crimped fitting on the crank cable housing. Immediately upon failure of the equipment, it was tagged out and operations were stopped. The equipment was sent back to the manufacturer. The event was first reported to NRC within 2 days of the licensee's report to the DRC. Notification to other States and NRC was made through the Nuclear Material Events Database (NMED).

UT-07-0001 Shaw Pipeline Services Incident – apparent excessive wear of control adaptor which contributed to the "misconnect" of a source. The source was not appropriately connected to the drive cable. The control adaptor should have prevented the source from being cranked out if not properly connected. The control adaptor was not available for examination, since it was inadvertently left in the field after the source was retrieved. The manufacturer examined the other components of the device and equipment, but found no defects. The manufacturer indicated that there may have been excessive wear to the control adaptor. The source event was reported to the NRC within 24 hours of receipt of the licensee's report. Notification to other States and NRC was made through the NMED.

24. Identify any changes to your procedures for handling allegations that occurred during the period of this review.

The procedure for handling allegations did not change during the period of this review.

VI. General

25. Please prepare a summary of the status of the State's or Region's actions taken in response to the comments and recommendations following the last review. Provide the results of any program audits (including self audits) completed during the review period.

The recommendation from the 20003 program review: "Inspectors receive annual supervisory accompaniments." Accompaniments have been performed.

26. Provide a brief description of your program's strengths and weaknesses. These strengths and weaknesses should be supported by examples of successes, new initiatives, problems or difficulties which occurred during this review period.

Program Strengths

With low rates of staff turnover, and no turnover within management (last 4 years), the Division has significant man-years of experience to draw on in the radioactive material programs.

As the Division has accepted additional regulatory roles, for example the uranium mills, support from the Department Director's office has been more than adequate. As workload increased beyond that expected for Uranium Mill Agreement Status staffing, additional staff positions have been authorized.

Program Weaknesses: N/A

B. NON-COMMON PERFORMANCE INDICATORS

I. Legislation and Program Elements Required for Compatibility

27. Please list all currently effective legislation that affects the radiation control program.

- *Utah Code Annotated* (UCA) Section 63-55-219 repeals the Radiation Control Act (UCA Section 19-3) on July 1, 2012, unless the legislature determines that the public interest requires the continued existence of the statute or agency (see UCA 63-55-106).
- UCA 19-1: Environmental Quality Code
- UCA 19-3: Radiation Control Act
- UCA 19-5: Water Quality Act
- UCA 19-7: Environmental Self-Evaluation Act
- UCA 19-10: Environmental Institutional Control Act
- UCA 52-4: Open and Public Meetings
- UCA 63-2: Government Records Access and Management Act
- UCA 63-46a: Utah Administrative Rulemaking Act
- UCA 63-46b: Administrative Procedures Act

- UCA 67-16: Utah Public Officers' & Employees' Ethics Act

28. Are your regulations subject to a "Sunset" or equivalent law? If so, explain and include the next expiration date for your regulations.

The *Utah Code Annotated* provides that all administrative rules in effect on February 28 expire on May 1 each year unless reauthorized by the legislature. During each general session, the Administrative Rules Review Committee files a bill reauthorizing all rules except any listed as "not reauthorized." The bill may except for reauthorization an entire rule, a single section of a rule, or any complete paragraph of a rule. Agencies whose rules are listed as not reauthorized have the opportunity to respond before passage of the bill. If the reauthorization bill fails to pass, the governor may reauthorize all rules by publishing a notice in the *Bulletin*. (In effect, the governor may override the legislature's veto of a rule!)

Exempted from the May 1 expiration are all rules explicitly mandated by federal law or regulation, or rules founded on a provision of Utah's Constitution that vests the agency with specific constitutional authority to regulate. This reauthorization scheme has been controversial, but it has not been constitutionally tested in the courts. Nonetheless, it stands in Utah law as a modest form of legislative veto of executive branch rulemaking.

The Rulemaking Act also requires an agency to review each of its administrative rules within five years of the rule's original effective date or last five-year review. To retain a rule as part of the *Utah Administrative Code*, an agency must also file a "Five-Year Notice of Review and Statement of Continuation" before the rule's anniversary date. The purpose of the review is to remind agencies to amend or repeal rules that are archaic in form, are no longer used, for which statutory authority no longer exists, or are otherwise unnecessary. A summary of the status for the five-year review of radiation control rules is available.

29. Please review and verify that the information in the current Utah State Regulation Status sheet (see http://nrc-stp.ornl.gov/special/reggs/ut_srschart.pdf) is correct. For those regulations that have not been adopted by the State, explain why they were not adopted, and discuss actions being taken to adopt them.

The Utah State Regulation Status sheet, dated March 20, 2007, was reviewed and the information in the column titled "Final Status Regulation (Effective Date)" is correct. There are some regulations that have not been adopted by the State and the regulations are tracked by the following RATS ID numbers: 2004-1, 2006-1, 2006-2, and 2006-3. The Radiation Control Board will meet on June 1, 2007 and the agenda includes a discussion and approval of a rulemaking for RATS ID 2004-1. The process to obtain Board approval of rules that pertain to the National Source Tracking System will begin after the IMPEP review and the rules should be effective by November 15, 2007.

If legally binding requirements were used in lieu of regulations, please describe their use.

The State has used legally binding requirements in lieu of regulations in one case and it was for RATS ID 2005-3, Increased Controls for Risk-Significant Radioactive Sources.

30. If you have not adopted all amendments within three years from the date of NRC rule promulgation, briefly describe your State's procedures for amending regulations in order to maintain compatibility with the NRC, showing the normal length of time anticipated to complete each step.

It appears that all amendments, since the last IMPEP review, have been adopted within three years from the date of the NRC rule promulgation. The Division of Radiation Control expects to maintain this status for future amendments made by the NRC.

II. Sealed Source and Device Program

31. Prepare a table listing new and amended (including transfers to inactive status) SS&D registrations of sealed sources and devices issued during the review period. The table heading should be:

<u>SS&D Registry Number</u>	<u>Manufacturer, Distributor or Custom User</u>	<u>Product Type or Use</u>	<u>Date Issued</u>	<u>Type of Action</u>
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A response is not provided, because the question is not applicable to the Utah Radiation Control Program. On January 16, 1996, Utah's Governor Leavitt requested to relinquish to the NRC Utah's authority to evaluate sealed source and device applications. After reviewing the request and the staff's analysis, the Commission decided to reassume regulatory authority for sealed source and device evaluations in the State of Utah, effective June 1, 1996.

32. What guides, standards and procedures are used to evaluate registry applications?
33. Please include information on the following questions in Section A, as they apply to the Sealed Source and Device Program:

Technical Staffing and Training - Questions 1-7
 Technical Quality of Licensing Actions - Questions 17-21
 Responses to Incidents and Allegations - Questions 22-24

III. Low-Level Radioactive Waste Disposal Program

34. Please include information on the following questions in Section A, as they apply to the Low-Level Radioactive Waste Disposal Program:

Technical Staffing and Training - Questions 1-7
 Status of Materials Inspection Program - Questions 8-11
 Technical Quality of Inspections - Questions 13-16
 Technical Quality of Licensing Actions - Questions 17-21
 Responses to Incidents and Allegations - Questions 22-24

Technical Staffing and Training - Questions 1-7

1. See attached organization charts.
2. See response to question 2 in the "Common Performance Indicators" above.
3. Phillip Goble; Education: Bachelor of Science – Earth Science, Utah Valley State College. Experience: Two years experience in environmental consulting including groundwater and soil sampling, site investigations, and environmental assessments.
4. N/A
5. See response to question 5 in the "Common Performance Indicators" above.
6. No vacant positions.
7. Yes, see answer to number 7 in the "Common Performance Indicators" above.

Status of Materials Inspection Program - Questions 8-11

8. EnergySolutions UT 2300249 4-b (more frequent)
The agency conducts module inspections of radiation safety, engineering, and groundwater. There are around 45 individual modules developed for this licensee.
9. Radiation safety inspectors conducted approximately 49 module inspections over the review period. 45 groundwater inspection modules and 35 engineering inspections were conducted from February 2005 through May 2007. In total, there were more than 130 inspections conducting during the review period.
10. The low level waste facility is a Priority 1 licensee, and is currently inspected on a modular basis. There are approximately 118 different inspection modules that are conducted throughout the year. These inspections are set up at the beginning of the year by management and appropriate staff members.
11. If inspection modules do not get completed during the year, then they are typically conducted during the 1 or 2 quarter of the following year. Management reviews the yearly inspection plan and coordinates with staff regarding the date the inspection will be conducted.
12. N/A

Technical Quality of Inspections - Questions 13-16

13. See response to question 13 in the "Common Performance Indicators" above.

14. Prepare a table showing the number and types of supervisory accompaniments made during the review period:

<u>Inspector</u>	<u>Supervisor</u>	<u>License Category</u>	<u>Date</u>
Jule Fausto	John Hultquist	GSA*/4-a	10/25/2005
Bill Craig	John Hultquist	4-a	12/02/2005
Ray Nelson	John Hultquist	4-a	12/09/2005
Boyd Imai	John Hultquist	4-a	06/08/2006
Jule Fausto	John Hultquist	GSA*/4-a	05/23/2006
Bill Craig	John Hultquist	GSA*/4-a	06/20/2006
Dean Henderson	Loren Morton	4-a	11/29/2005
Woody Campbell	Loren Morton	4-a	11/30/2005
Woody Campbell	Loren Morton	4-a	06/09/2006
Steve Palmer	Loren Morton	4-a	11/01/2005
Molly Gregersen	Loren Morton	4-a	12/22/2005
Brian Hamos	Loren Morton	4-a	12/16/2005

* GSA means Generator Site Access

15. Once the inspection schedule is set with dates for the year, the supervisor reviews the schedule and picks inspections for each staff person. A week or so prior to the inspection, management informs the inspector of the accompaniment and gives the forms to the inspector and will discuss the objectives of the accompaniment. Afterward, the manager and employee discuss the results of the accompaniment and a form is completed.
16. See response to question 16 in the "Common Performance Indicators" above.

Technical Quality of Licensing Actions - Questions 17-21

17. One, License number UT2300249
18. License renewal, which started July of 2003. In addition, several major amendments were completed during the review period (see response to question 21 below).
19. None.
20. See response to question 20 in the "Common Performance Indicators" above.
21.

<u>Licensee</u>	<u>License #</u>	<u>Action</u>	<u>Date</u>
EnergySolutions	UT 2300249	Renewal	07/02/2003

The Licensee had other priorities that the agency took into consideration and allowed license amendments for capitol improvements at the facility to be put ahead of renewal.

Responses to Incidents and Allegations - Questions 22-24

22. See response to question 22 in the "Common Performance Indicators" above.
23. See response to question 23 in the "Common Performance Indicators" above.
24. See response to question 24 in the "Common Performance Indicators" above.

IV. Uranium Recovery Program

35. Please include information on the following questions in Section A, as they apply to the Uranium Recovery Program:

Technical Staffing and Training - Questions 1-7
Status of Materials Inspection Program - Questions 8-11
Technical Quality of Inspections - Questions 13-16
Technical Quality of Licensing Actions - Questions 17-21
Responses to Incidents and Allegations - Questions 22-24

Technical Staffing and Training - Questions 1-7

1. See attached organization charts.
2. See response question 2 in the "Common Performance Indicators" above.
3. Christine Hiaring; Education: Bachelor of Science – Geology, Idaho State University; Graduate classes in Environmental Science and Project Management. Experience: Staff Project Manager/High level Waste construction – Idaho Nuclear Technology and Engineering Center (INTEC) March 2003 – September 2003. Project Manager INEEL April 2000 – March 2003; WAG 5 Project Lead/Scientist October 1995 – April 2000.

Kevin Carney; Education: Islip High School, Islip New York, DOE RCT certified as per 10 CFR 835, Hazwoper certified as per 29 CFR 1910.120, and Certified NRRPT (2002). Experience: Health Physics Specialist III, EnergySolutions May 2000 – March 2007. Radiological Control Technician BAT Associates Fernald, Ohio Site, Feb 2000 – May 2000. Radiological Control Technician, Brookhaven National Laboratory, July 1990 to Oct 1997. Ten years ANSI 3.1 Senior Technician with various contract Health Physics Companies from Sept 1979 to May 1990.

Dean Henderson; Education: Bachelor of Science – Geology, Utah State University. Experience: 14 years experience in environmental consulting including geologic and hydrogeologic site investigations, groundwater and soil sampling, aquifer testing, and groundwater remediation.

Molly Gregersen; Education: Bachelor of Science – Geology, University of Utah. Experience: 7 years experience in environmental consulting including air

soil and groundwater sampling, environmental audits, site assessments, and subsurface investigations.

Johnathan Cook; Education: Bachelor of Science and Masters of Engineering, University of Utah. Experience: 8 years experience in construction management, design of water/sewer systems, industrial wastewater systems, drainage and run off systems, roadway and rail systems; and construction cost estimation.

Tom Rushing; Education: Bachelor of Science – Geology, Tulane University plus graduate studies in hydrogeology, University of Montana. Experience: 15 years experience in industrial, storm water, municipal, CAFO wastewater permitting and compliance; groundwater and surface water sampling; and wastewater analysis.

David Rupp; Education: Bachelor of Science – Civil Engineering, University of Utah plus graduate studies in engineering administration, University of Utah. Experience: 22 years experience in construction, environmental engineering, wastewater system design and permitting (municipal, agricultural, mining, and industrial facilities), roadways, buildings, utilities, pipelines, and construction management.

4. Kevin Carney, This person will be required to attend the following NRC core courses: G108 Inspection Procedures and G109 Licensing procedures. Schedule: September 2007 either one or both courses.
5. See response to question 5 in the "Common Performance Indicators" above.
6. No vacant positions.
7. Yes, see answer to question 7 in the "Common Performance Indicators" above.

Status of Materials Inspection Program - Questions 8-11

8.	EnergySolutions (11e.(2) disposal) UT 2300478	2-b	(more frequent)
	Rio Algom Mining UT1000481	2-b	(less frequent)
	Denison Mines UT1900479	2-b	(more frequent)
	Uranium One Utah, Inc. UT0900480	2-b	(more frequent)

The agency conducts module inspections of radiation safety, groundwater, and engineering. There are 3 radiation safety modules, around 23 individual groundwater modules, and approximately 28 engineering modules regarding the four licensees.

9. Four radiation safety inspections, 18 groundwater inspections and 17 engineering inspections were conducted from 2005 through May 2007. In total there were approximately 40 inspections conducting during the review period.

10. None. Inspection modules are set up at the beginning of the year by management and appropriate staff members.
11. If inspections do not get completed during the year, then they are typically conducted during the 1 or 2 quarter of the following year. Management reviews the yearly inspection plan and coordinates with staff regarding the date the inspection will be conducted.

Technical Quality of Inspections - Questions 13-16

13. See response to question 13 in the "Common Performance Indicators" above.
14. Prepare a table showing the number and types of supervisory accompaniments made during the review period:

<u>Inspector</u>	<u>Supervisor</u>	<u>License Category</u>	<u>Date</u>
Christine Hiaring	John Hultquist	2-b	09/19/2005
Ray Nelson	John Hultquist	2-b	12/13/2006
Johnathan Cook	Loren Morton	2-b	12/02/2005*
Dean Henderson	Loren Morton	2-b	01/06/2006
David Rupp	Loren Morton	2-b	12/4-5/2006

*Accompaniment performed by John Hultquist

15. Once the inspection schedule is set with dates for the year, the supervisor reviews the schedule and picks inspections for each staff person. A week or so prior to the inspection, management informs the inspector of the accompaniment and gives the forms to the inspector and will discuss the objectives of the accompaniment. Afterward, the manager and employee discuss the results of the accompaniment and a form is completed.
16. See response to question 16 in the "Common Performance Indicators" above.

Technical Quality of Licensing Actions - Questions 17-21

17. Four licenses issued

UT 2300478	EnergySolutions LLC	02/04/2005
UT 0900480	Uranium One Utah, Inc.	02/08/2005
UT 1000481	Rio Algom Mining	02/10/2005
UT 1900479	Denison Mines	02/18/2005
18. License renewal for EnergySolutions, UT 2300459, started May of 2003. Several major amendments competed for staff resources. The license renewal was not finished because some amendments were completed during the review period for the 11e.(2) disposal license.
19. None

20. See response to question 20 "common performance indicators" above.

21.	<u>Licensee</u>	<u>License #</u>	<u>Action</u>	<u>Date</u>
	EnergySolutions	UT 2300459	Renewal	05/02/2003

Responses to Incidents and Allegations - Questions 22-24

22. See response to question 22 in the "Common Performance Indicators" above.

23. See response to question 23 in the "Common Performance Indicators" above.

24. See response to question 24 in the "Common Performance Indicators" above.

MATERIALS REQUESTED TO BE AVAILABLE FOR THE ONSITE PORTION OF AN IMPEP REVIEW

Please have the following information available for use by the IMPEP review team when they arrive at your office:

- List of open license cases, with date of original request, and dates of follow up actions
- List of licenses terminated during review period.
- Copy of current log or other document used to track licensing actions
- Copy of current log or other document used to track inspections
- List of Inspection frequency by license type
- List of all allegations occurring during the review period. Show whether the allegation is open or closed and whether it was referred by NRC

ALSO, PLEASE HAVE THE FOLLOWING DOCUMENTS AVAILABLE:

- | | |
|--|--|
| <input type="checkbox"/> All State regulations | <input type="checkbox"/> Records of results of supervisory |
| <input type="checkbox"/> Statutes affecting the regulatory authority of the state program | accompaniments of inspectors |
| <input type="checkbox"/> Standard license conditions | <input type="checkbox"/> Emergency plan and |
| <input type="checkbox"/> Technical procedures for licensing, model licenses, review guides | communications list |
| <input type="checkbox"/> SS&D review procedures | <input type="checkbox"/> Procedures for investigating |
| <input type="checkbox"/> Instrument calibration records | allegations |
| <input type="checkbox"/> Inspection procedures and guides | <input type="checkbox"/> Procedures for investigating |
| <input type="checkbox"/> Inspection report forms | incidents |
| | <input type="checkbox"/> Enforcement procedures, including |
| | procedures for escalated |
| | enforcement, severity levels, civil |
| | penalties (as applicable) |
| | <input type="checkbox"/> Job descriptions |