



State of Utah

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Department of  
Environmental Quality

Alan Matheson  
*Executive Director*

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL  
Scott T. Anderson  
*Director*

March 7, 2016

John Tappert, Director  
Division of Decommissioning, Uranium Recovery and Waste Programs  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Mail Stop T8 F5  
Washington, DC 20555-0001

RE: Request for NRC Position on Combining Surety at *EnergySolutions*

Dear Mr. Tappert:

On July 1, 2015, the Utah Legislature passed legislation that combined the Division of Solid and Hazardous Waste and the Division of Radiation Control, creating the new Division of Waste Management and Radiation Control. This new Division now manages programs overseen by both the Environmental Protection Agency (EPA) and the Nuclear Regulatory Agency (NRC). One of the facilities that the new Division regulates is *EnergySolutions*. Some of *EnergySolutions*' activities were previously regulated by the Division of Solid and Hazardous Waste, others by the Division of Radiation Control.

*EnergySolutions* has a part B permit for storage, treatment and disposal of mixed waste; an 11e.(2) license for the receipt, storage and disposal of 11e.(2) byproduct material and a low-level radioactive waste license for the receipt, storage and disposal of radioactive material as naturally occurring accelerator produced material and low-level radioactive waste.

Prior to the creation of the new Division, *EnergySolutions* had separate surety/financial assurance for each of its licenses and permit. On November 30, 2015, *EnergySolutions* submitted a combined surety analysis/closure and post-closure cost estimate for its entire Clive facility. The combined surety estimate anticipates the closing of the entire facility at one time. The estimate takes credit for one-time mobilization, indicates that all structures will be demolished at the same time and indicates that closure and cover of all landfill cells can happen in sequence and that post-closure care can happen at the same time for each licensed and permitted facility. *EnergySolutions* believes this approach will result in savings through economy of scale and elimination of duplicative costs. With the combining of the

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surety/closure and post-closure cost estimates, there will no longer be separate closure cost estimates for each license and permit closure activity. Further, the Division anticipates that EnergySolutions will submit a single financial assurance mechanism in the future to address the surety/closure and post-closure cost estimates for all three licensed/permitted facilities at the site.

The Division is requesting NRC's position as to whether the NRC sees any regulatory issues in allowing:

- 1) a combined surety/closure and post-closure cost estimate for addressing requirements of both EPA and NRC, and
- 2) a single financial assurance mechanism covering surety/closure and post-closure cost estimates of three separate licensed and permitted facilities under programs administered by one division, under separate state statutory authorities, overseen in part by EPA and in part by NRC.

If you have any questions, please call Don Verbica at (801) 536-0206.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott T. Anderson', with a large, stylized loop at the end.

Scott T. Anderson, Director  
Division of Waste Management and Radiation Control

STA/DGV/jr

- c: Jeff Coombs, EHS, Health Officer, Tooele County Health Department  
Bryan Slade, Environmental Health Director, Tooele County Health Department  
Gregory Suber, Chief, Low-Level Waste Branch, NRC