

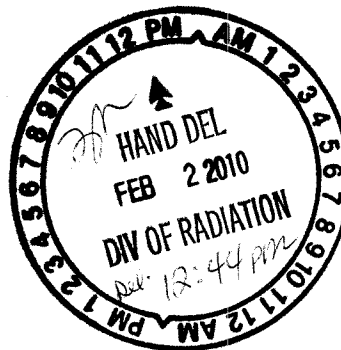
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CAVANAGH SERVICES GROUP, INC.

February 1, 2010

Utah Department of Environmental Quality
Division of Radiation Control
Attention: Mr. Dane Finerfrock
Director
168 N 1950 W
Salt Lake City, Utah 84116-3085



Dear Mr. Finerfrock:

Subject: Comments on Environmental Quality, Radiation Control Notice of Proposed Rule R313-25-8 Technical Analysis

The subject Notice of Proposed Rule was published in the Utah State Bulletin Number 2010-1 Dated January 01, 2010. The Notice provides for public review of the Proposed Rule through February 2, 2010.

The proposed rule would require facilities that wish to land dispose of DU to complete and have approved a site-specific performance assessment that demonstrates that the performance standards specified in 10 CFR Part 61 and corresponding provisions of Utah rules will be met. Therefore, the Utah Radiation Control Board, at its 12/08/2009 meeting, voted to amend Section R313-25-8 that requires EnergySolutions or any facility that land disposes significant quantities of DU to submit for review and approval a site specific performance assessment prior to disposal of significant quantities of DU.

The subject Notice of Proposed Rule contains a statement and data which is inaccurate and as such the Notice of Proposed Rule as published failed to provide to the public all necessary data and information in order to effectively permit comment.

Specifically, the Notice of Proposed Rule under the heading "Small Businesses" states: "No small business in Utah will be directly impacted. The only potential sources of substantial quantities of DU for disposal--the United States Department of Energy and

privately-held uranium enrichment facilities-- are not small businesses and are not located in Utah.”

While it is true that the only potential source of substantial quantities DU for disposal is the United States Department of Energy (US DOE), it is not true that such a rule will not impact Small Business in Utah.

Cavanagh Services Group, Inc, is a Utah based, Small Business Administration Certified 8(a), Small Disadvantaged Woman Owned, Small Business. Cavanagh Services Group is currently under contract with the US DOE for the transportation of DU from the DOE's Savannah River to Clive, Utah. This contract is a significant percentage of the Cavanagh Services business plan for 2010. Cavanagh has increased its staff by over 80% from 2008 to 2009. Delays of transporting DU will have a significant financial and personnel impact on Cavanagh. Cavanagh feels that the Notice of Proposed Rule is in error in misrepresenting the facts and as such does not accurately inform the citizens of Utah in order that they may provide related comments.

In light of the errors associated with the Notice of Proposed Rule, Cavanagh feels that the Division of Environment Quality must correct the Notice by changing the Small Business statement to include that Small Businesses in the State of Utah will be significantly impacted by this rule. Further Cavanagh requested that the Notice of Proposed Rule then be republished in the Utah State Bulletin and that the public be given additional time to consider the Proposed Rule with all of the available facts.

Regards



Susan P. Rice
President