



State of Utah

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Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Douglas J. Hansen
Director

December 21, 2023

Vern C. Rogers, Director of Regulatory Affairs
EnergySolutions, LLC
299 South Main Street, Suite 1700
Salt Lake City, UT 84111

RE: Federal Cell Facility Application Request for Information

Dear Mr. Rogers:

The Division of Waste Management and Radiation Control (Division) hereby provides Requests for Information (RFI) regarding the Federal Cell Facility Application dated August 4, 2022. Each individual paragraph in the attached document is numbered and represents an issue discovered in a review of the application.

When responding to an RFI, please use the assigned number representing the question. The Division will track all responses and provide regular updated information to the public and reviewers.

The current review does not represent a comprehensive evaluation of the Application's merit and additional RFI's will follow where appropriate.

If you have any questions regarding this letter, please call Otis Willoughby at 385-622-2213.

Sincerely,

Douglas J. Hansen, Director
Division of Waste Management and Radiation Control

DJH//OHW/al

Enclosure: Federal Cell Application Review, Request for Information or Updates to the Application

c: Jeff Coombs, EHS, Health Officer, Tooele County Health Department
Bryan Slade, Environmental Health Director, Tooele County Health Department
EnergySolutions General Correspondence Email
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DRC-2023-078516

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Federal Cell Application Review

Request for Information or Updates to the Application (RFI)

General

- Each RFI has been assigned an identifier with a numbering convention as follows:
 - Application/Appendix Section
 - Section/Appendix Subsection
 - Section/Appendix Subsection (when applicable)
 - Sequential numbering

Example: A question in Section 1, subsection 1, subsubsection 1 -The first RFI#1 would be 1.1.1-1., the next question in that section/subsection would be numbered 1.1.1-2

Please refer to the assigned RFI number when submitting a response.

Application: General

In the introduction of multiple appendices (including Appendix T, Appendix H, Appendix G, etc.), it states that "... this Application serves as the regulatory point by which EnergySolutions must demonstrate compliance with applicable rules established by the Board. EnergySolutions implements procedures as a means for establishing how it intends to comply with applicable conditions of the License." However, it continues that "Periodically, EnergySolutions' procedures may be reviewed and revised to reflect improvements or changes in Federal Cell Facility activities."

If a procedure cited in this Application to demonstrate compliance with State and Federal Regulation is revised, modified, or otherwise removed without prior approval from, or foreknowledge of the Division, it would be problematic. This process does not allow for assurance that future iterations of potentially critical procedures will continue to meet the original intent.

Please provide 1) the process for how procedures will be updated to reflect criteria that might be incorporated into the disposal facility license as Conditions and 2) provide assurance that in future potential amendments and modifications, EnergySolutions' procedures will continue to meet regulations as set forth in the application.

Appendix AC: Borrow Reclamation Plan

The application has presented the implementation of a reclamation plan for a clay Borrow Pit located in Section 29. This land reclamation plan was implemented in 2018.

Please provide an evaluation of the reclamation plan to date (successful, unsuccessful, ongoing, etc.).

Appendix P: Federal Facility Organizational Layout

- **P-1**

In the introduction of Appendix P, Federal Cell Facility Organization Layout, *EnergySolutions* states:

“Departments that support the Federal Cell Facility Management include the Federal Cell Facility Compliance and Permitting Department, Federal Cell Facility Engineering Department, Federal Cell Facility Quality Assurance and Control, Plant Administration, Federal Cell Facility Operations, Federal Cell Facility Radiation Safety, and Federal Facility Health and Safety.”

However, these Federal Cell Facilities were not listed in the facility descriptions or included in the provided organizational charts. For clarification, please provide updated descriptions of each department’s responsibilities, and an updated organizational structure chart. Additionally, please identify when these departments will be staffed by *EnergySolutions* and the expected number of staff that will be required to fill these positions.

- **P-2**

NUREG 1200 4.3.2 Operations states: “Substantive breadth and level of experience and availability of personnel exist to implement the responsibility for technical support for the operation of the facility. The need to supplement the corporate structure with additional experienced personnel for the initial years of operation will be determined on a case-by-case basis.”

Please provide how *EnergySolutions* plans to evaluate the need for additional staff in the initial years of operation.

Appendix U: Federal Cell Facility Security Procedures

- **U-1**

Examples of Federal Cell Facility Security Program and Procedures, Procedure ES-SE-PG-001 Revision 3 Section 4 General identifies the responsibilities of Business Group Leaders, Facility, and Project Managers. In reviewing Subsection 4.2 Responsibilities, it is unclear as to what role a Business Development Leader is assigned.

Please define this role’s capacity and list their responsibilities. For clarification, has this position previously been identified as a Business Development Leader? If so, please correct this for consistency.

- **U-2**

The Federal Cell Facility Site Radiological Security Plan identified in Appendix U, Section 6.2 Restricted Area Access Controls states: “Activities within the Restricted Area shall be monitored by Security, either by presence or by the use of security cameras.”

Please provide procedures or documentation which give detailed information describing the role cameras play in the overall security plan, including the operational and functional nature of the security cameras being used and a discussion of how security camera footage will be monitored.

Appendix T: Federal Cell Facility Personnel Monitoring Procedures

- **T-1**
DAQE-AN0107170019, Air Approval Order does not include consideration of a Federal Cell. Please update or provide justification.
- **T-2**
Please provide the Tooele County Conditional Use Permit (CUP) #2700-87 listed in FCF-EN-PR-011.
- **T-3**
Please provide FCF-QA-PR-015, CG-QA-PR-015, and associated appendices as referenced in FCF-QA-PN-0001.
- **T-4**
FCF-EN-PR-011 lists Reference 2.1 as the GWQDP in 3.1.24 Open Cell Time Limation; however, in section 2 References of the same document the FCF CQQA/QC Manuals are listed as 2.1 and does not list GWQDP in the reference list. Please correct.
- **T-5**
Please submit a redline strikeout version of the GWQDP for review. The hyperlinked version is the currently approved version and makes no reference to the federal cell application.