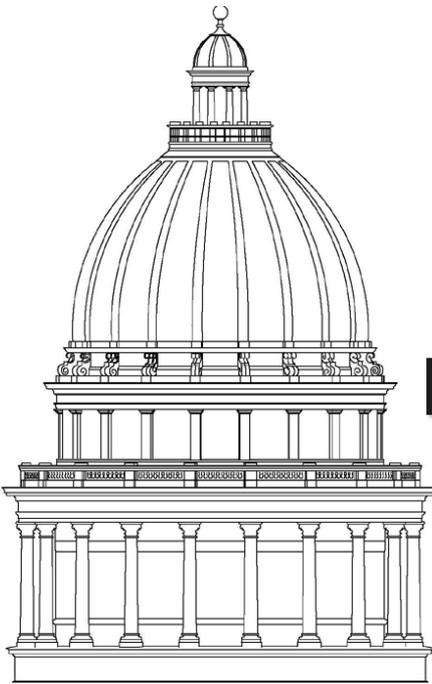


A Performance Audit of The Division of Radiation Control



Utah Legislative Auditor General

Report to:

Natural Resources, Agriculture, and
Environment Interim Committee

November 14, 2012

Utah Is Unique In Radioactive Waste Disposal

- Prohibition on Class B and C Waste
- Privately Owned Site
- Outside Waste Accepted
- **Therefore, Utah Requires
Greater Independent Oversight**

FOR MORE INFORMATION

See Chapter I, Pages 6 to 8

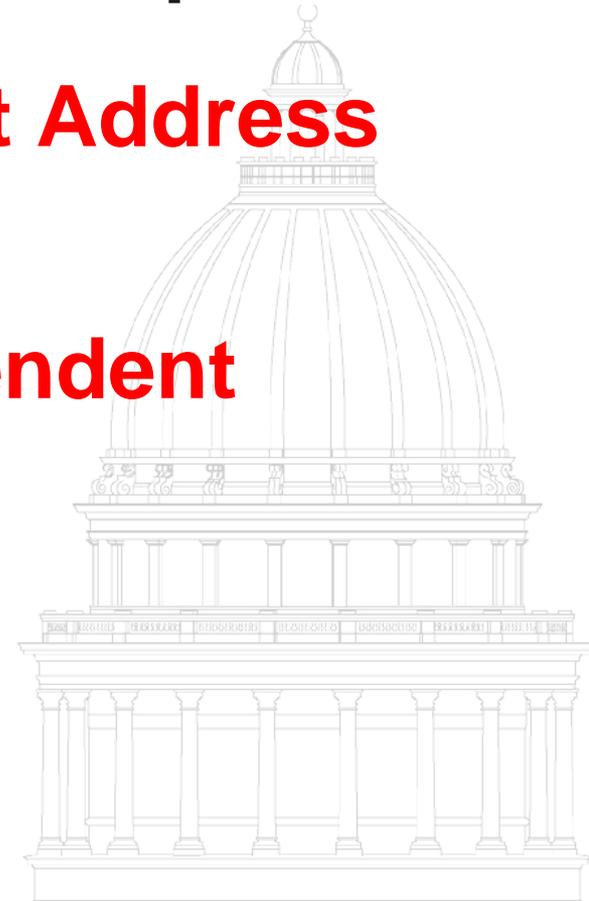


DRC Allows Self-Policing

- **Energy Solutions Self-Reports Compliance**
- **Self-Policing Model Does Not Address Utah's Unique Provisions**
- **DRC Should Enhance Independent Oversight**

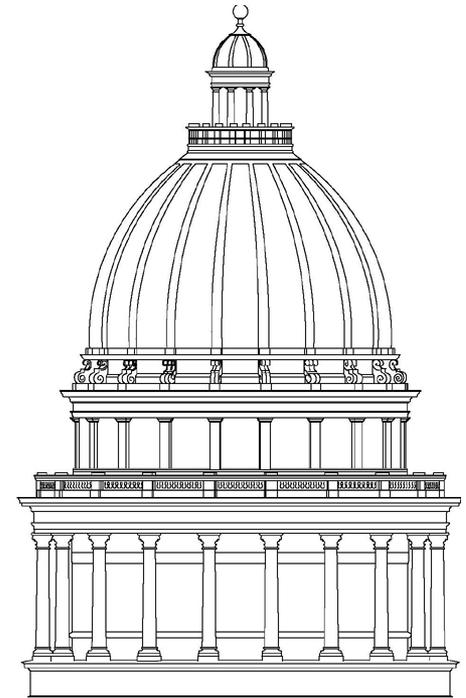
FOR MORE INFORMATION

See Chapter II, Pages 16 to 17



Chapter II

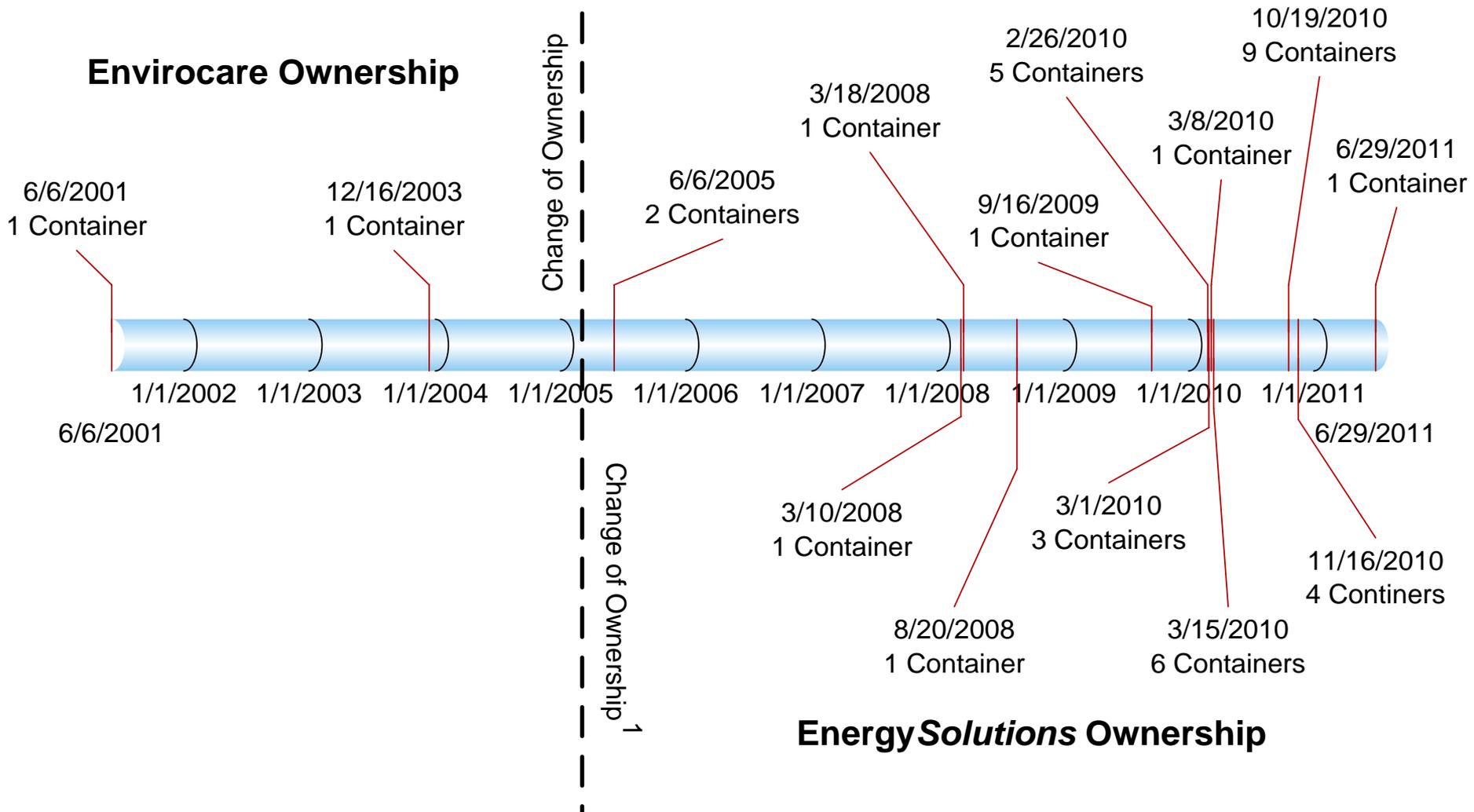
Current Radioactive Waste Disposal Controls Are Not Sufficient



FOR MORE INFORMATION

See Chapter II, Pages 11 to 29

Prohibited Waste Has Come to Utah



Overview: Current Controls Not Adequate

1. **EnergySolutions Self-Polices**
2. **No independent Controls over Containerized Waste**
3. **DRC Does Not Verify Waste Classification**
4. **Vertical Integration/Reattribution Conceals Waste Origins**
5. **DRC's Permit Program Lacks Independent Review**



Shipment at Clive, UT

FOR MORE INFORMATION

See Chapter II, Pages 15

EnergySolutions Polices Its Own Waste Disposal Operations

- DRC is Not Involved In Waste Classification Verification
- ES Performs Waste Classification Verification (on bulk waste), but it is Not Independent
- All Waste Classification Violations = Self-Reported

Figure 2.3

Violation Type for 2011	EnergySolutions Self-Reported	DRC Detected	Total
Greater than Class A	7	0	7
EnergySolutions' Noncompliance with Clive Responsibilities	4	5	9

FOR MORE INFORMATION

See Chapter II, Pages 17 to 19

DRC Has No Independent Controls Over the Classification of Containerized Waste

- **No Physical Sample of Containerized Waste**
 - DRC stated health risks associated with containerized waste:
- **DRC and ES Do Not Independently Know Contents of containerized Waste**



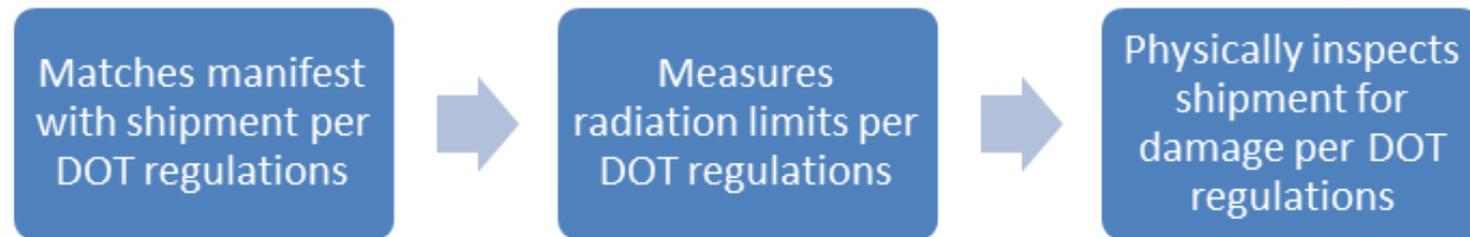
Containerized Waste, Clive UT

FOR MORE INFORMATION

See Chapter II, Pages 17 to 19

DRC Predisposal Checks Do Not Include Waste Classification Oversight

- **DRC Predisposal Checks Only = Transportation Safety**

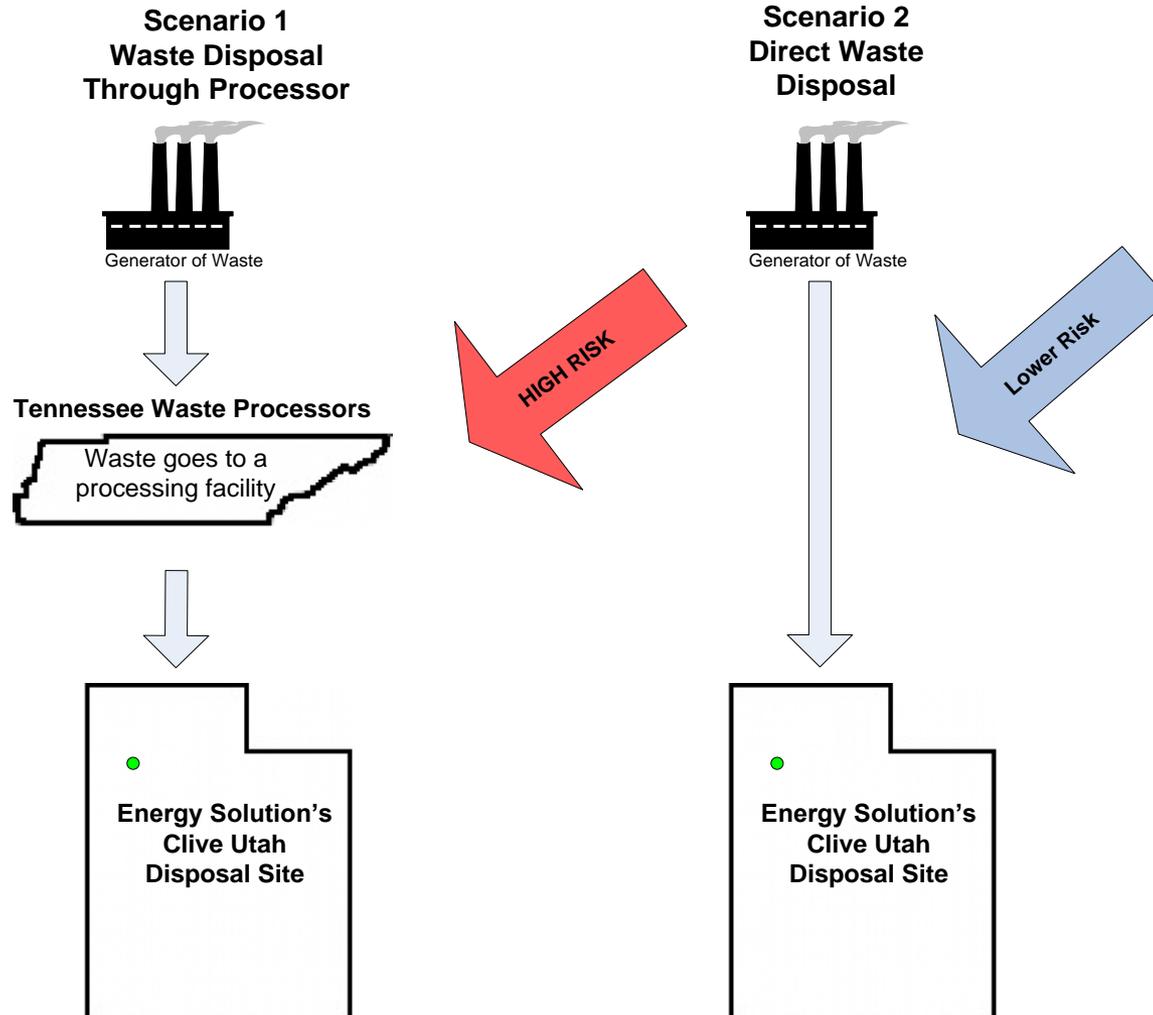


- **Containers Reviewed for Transportation Safety but Banned Waste Was Not Detected by DRC**

FOR MORE INFORMATION

See Chapter II, Pages 22 to 23

Vertical Integration and Reattribution of Waste Conceals Origins of Waste

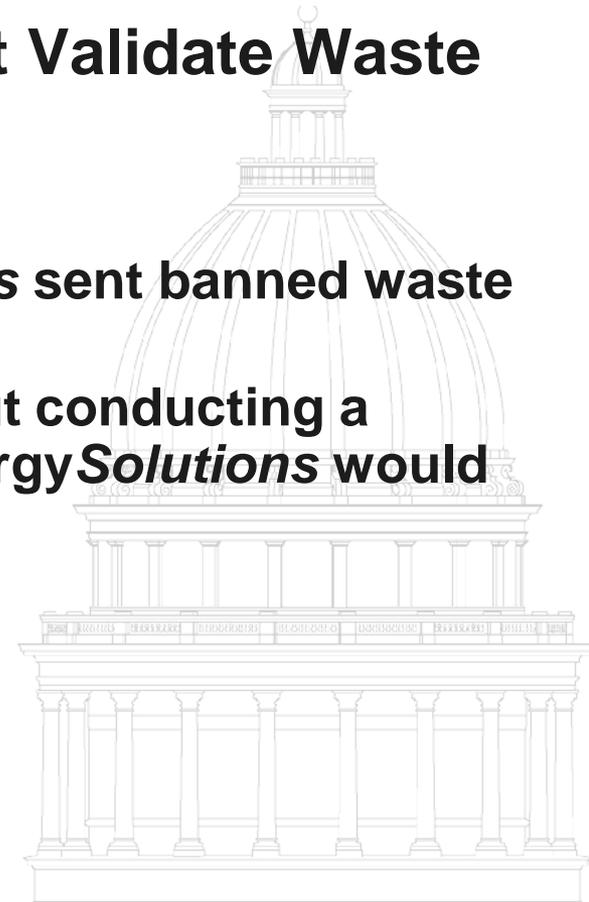


DRC's Disposal Permit Program Lacks Independent Review of Waste Generators

- **Generators or Waste Brokers May Not Validate Waste Classification Before Shipment**
 - Acting as a waste broker, *EnergySolutions* sent banned waste to Utah.
 - A generator shipped waste to Utah without conducting a waste classification review, believing *EnergySolutions* would detect any issues.

FOR MORE INFORMATION

See Chapter II, Pages 28

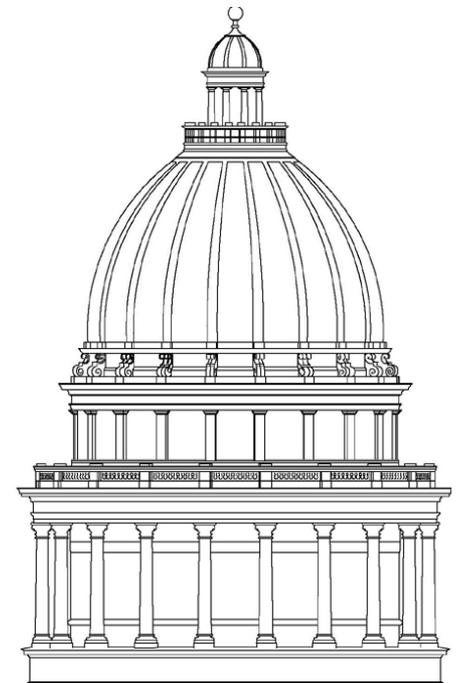


Chapter III

DRC Should Focus More On Predisposal Waste Controls

FOR MORE INFORMATION

See Chapter III, Pages 31 to 45



Chapter III Recommendations

- **DRC Should Perform Verification of Waste Classification**
- **Containerized Waste Risks Should Be Addressed**
- **DRC Should Focus More on Predisposal Oversight**
- **Better Reporting of Foreign Waste Should Be Required**
- **Permit Program Fees Use Should be Reviewed**

FOR MORE INFORMATION

See Chapter III, Pages 31

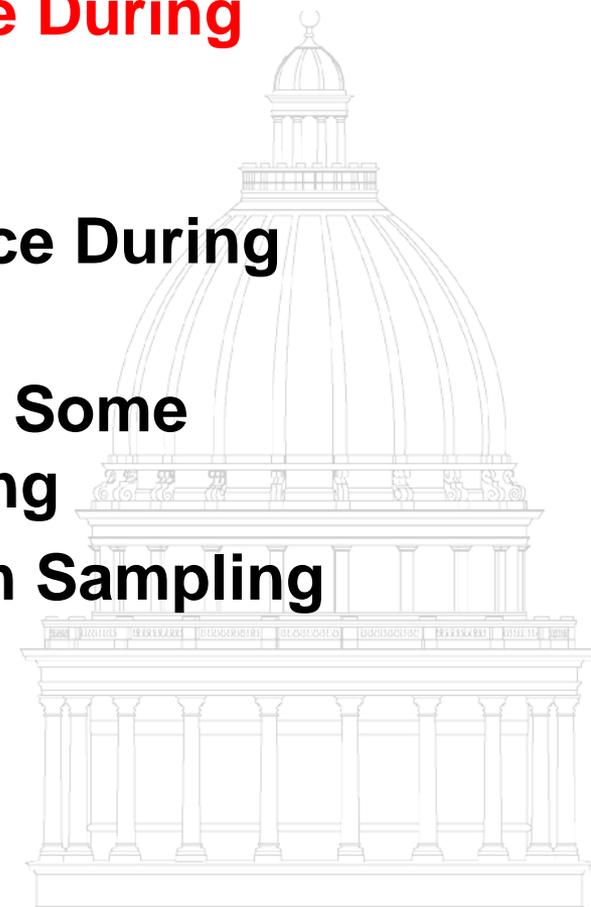


DRC Should Perform Physical Verification of Waste Classification

- **Current:** **DRC Has No Presence During Sampling**
- **Good Oversight:** **Some Visible Presence During Sample**
- **Better Oversight:** **Visible Presence and Some Independent Sampling**
- **Best Oversight:** **Independent Random Sampling**

FOR MORE INFORMATION

See Chapter III, Pages 33



Containerized Waste Risks Should Be Addressed By DRC Through Program Changes

The DRC, Should Require Generator Approval of On-Site Containerized Waste Sampling to Verify Classification.

FOR MORE INFORMATION

See Chapter III, Page 34



Containerized Waste, Clive UT

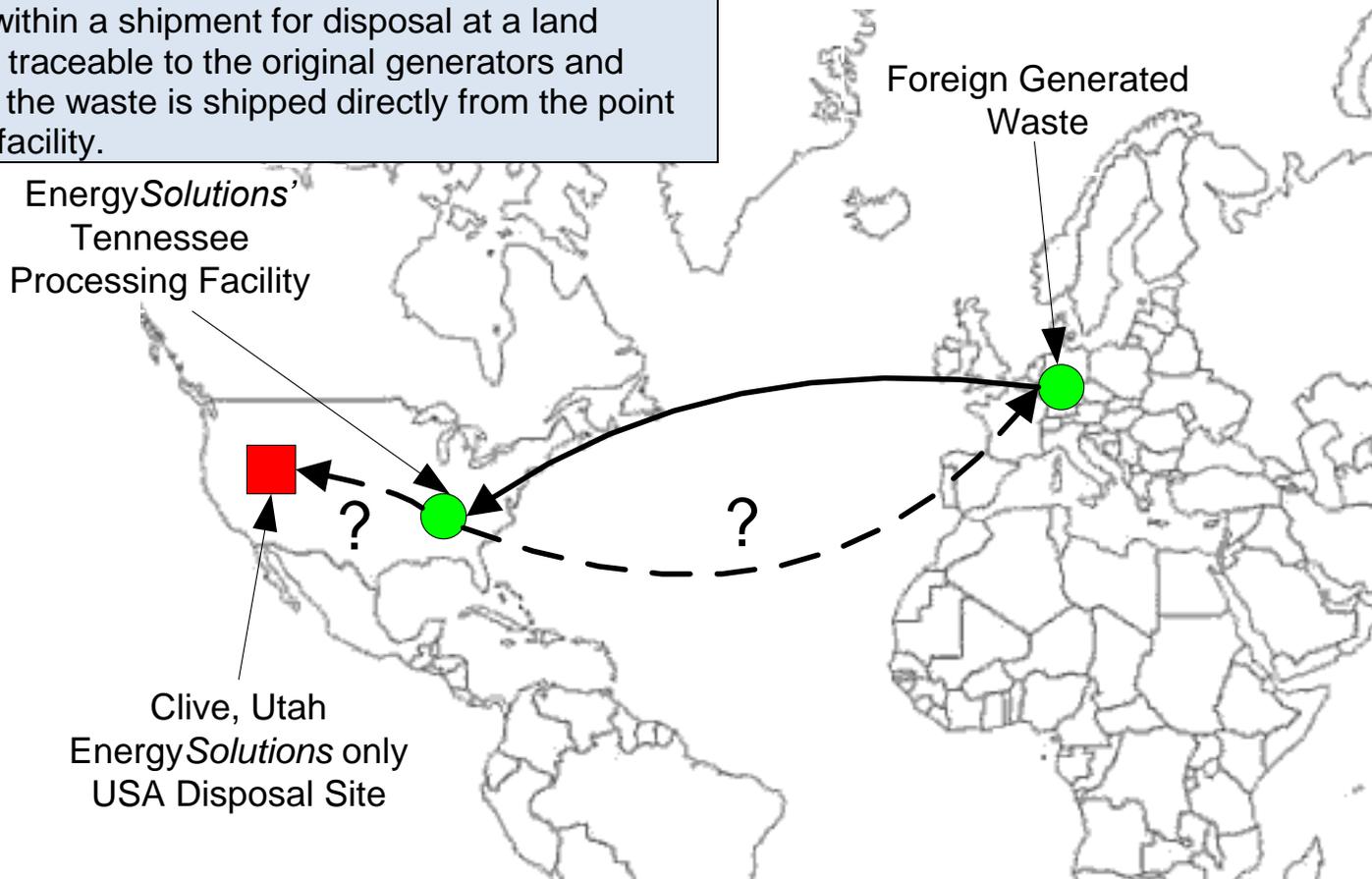
DRC Should Require Better Reporting Regarding Foreign Waste to Ensure It Is Not Coming to Utah

Utah Administrative Code R313-26-4(4)

A Waste Collector, Waste Processor, or Waste Generator shall ensure all radioactive waste contained within a shipment for disposal at a land disposal facility in the state is traceable to the original generators and states, regardless of whether the waste is shipped directly from the point of generation to the disposal facility.

EnergySolutions'
Tennessee
Processing Facility

Foreign Generated
Waste



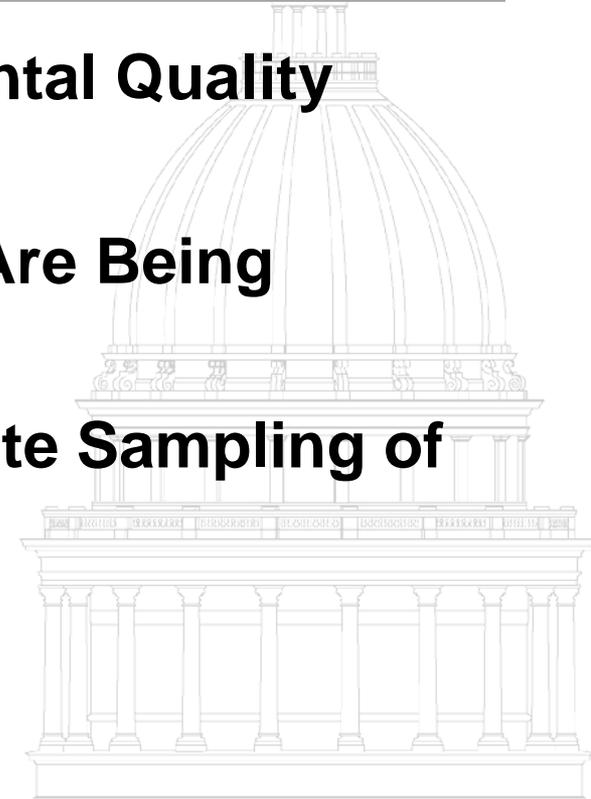
Permit Program Fees Should Be Used to Fund DRC Predisposal Oversight

	2009	2010	2011
GSAP Fees Received	\$267,394	\$460,000	\$497,497

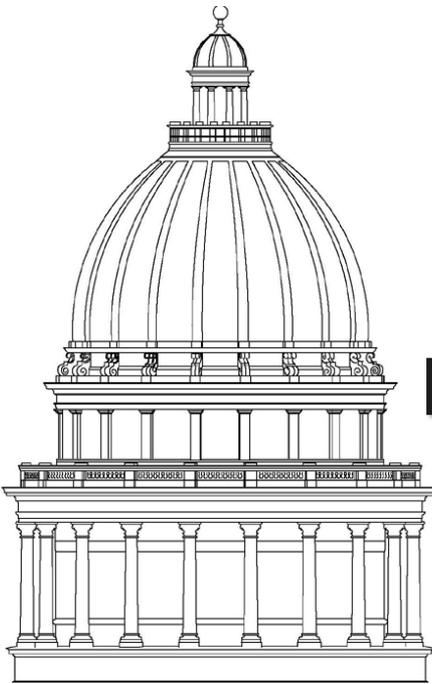
- **Revenues Maintained in the Environmental Quality Restricted Account (EQRA)**
- **We are Concerned Program Revenues Are Being Reallocated to Unrelated Programs**
- **Program Fees Could Be Used For On-Site Sampling of Containerized Waste.**

FOR MORE INFORMATION

See Chapter III, Page 42



A Performance Audit of The Division of Radiation Control



Utah Legislative Auditor General

Report to:

Natural Resources, Agriculture, and
Environment Interim Committee

November 14, 2012