

**From:** [astringham@utah.gov](mailto:astringham@utah.gov) on behalf of [SHWGrama SHWGrama](#)  
**To:** [Phil Rutherford](#)  
**Subject:** GRAMA Records Request - Records Relating to WMRC Investigations  
**Date:** Friday, February 16, 2024 7:09:59 AM  
**Attachments:** [Fwd\\_ Radioactive Waste Allegation.pdf](#)  
[State of Utah Mail - GRAMA Records Request - Documents related to Investigation.pdf](#)  
[State of Utah Mail - Fwd\\_ GRAMA Record to review for Phil Rutherford regarding\\_ Investigation of Waste Shipments from ETEC.pdf](#)  
[Rad Incidents & Portal Monitor Log - 2022 - 23 Redacted.pdf](#)  
[Fwd\\_ Irregularities in DOE's Waste Shipments from ETEC to Energy Solutions.pdf](#)  
[DRC-2023-004115.pdf](#)  
[DRC-2023-001509.pdf](#)  
[DRC-2024-004433.pdf](#)  
[DRC-2024-004475.pdf](#)

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Dear Mr. Rutherford,

The Division of Waste Management and Radiation Control (Division) is responding to your February 9, 2024 request, received on February 12, 2024, for "Records relating to WMRC investigation resulting from my February 9, 2023 letter (DRC-2023-001509) and a follow-up investigation resulting from my May 23, 2023 telephone conversation with Mr. Otis Willoughby and Mr. Larry Kellum. Time span of the records search should be 1-1-2023 to 2-9-2024. Records should include letters, emails, records of telephone calls, records of interviews, reports and presentations, internally within WMRC, and externally with staff of EnergySolutions, the Department of Energy, North Wind Portage, California, DTSC, and the Nuclear Regulatory Commission. Note that WMRC's initial determination in its letter of May 16, 2023 failed to address any of the specific allegations in my complaint and instead addressed an irrelevant issue that was not part of my complaint. Records should include criteria and the basis by which WMRC disputed my allegations. Records should include written evidence of the 5/16/2023 letter, "The inspectors conducted interviews and reviewed documents, including waste manifests ..." "

The Division is meeting your request for an expedited response. The Division notes that you requested a fee waiver. No fee was generated in processing this records request, therefore the Division took no action regarding the fee waiver.

The Record's Officer's search included searching the Division's digital records holdings, and contacting managers and staff for more information about and assistance with the records request.

During the records search, the Records Officer identified the same records considered responsive to your GRAMA request of May 20, 2023, received on May 22, 2023. The final response and records were sent to you on June 6, 2023 and forwarded to you again on February 9, 2023. It is noted that you made an appeal (DRC-2024-004433), and the response to your appeal was sent to you on February 16, 2024 (DRC-2024-004475). All of these records are attached to this email, for your convenience.

The Division identified one record produced after the response to your 2023 GRAMA request, a listing in the Division's internal tracking "Rad Incidents & Portal Monitor Log." The relevant listing has been copied from the tracking sheet and is being provided to you in an attachment to this email. The remaining listings from this sheet are being denied to you, as they are not considered responsive to your request and may contain information protected by Utah Code 63G-2-305(10)(a), as release of the full record reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes.

The Division did not identify any records of phone conversations or meetings responsive to this request, as the Division does not typically record phone conversations and rarely records meetings. The emails that came up in searches for this request were either those previously provided to you, or regarding the process of responding to your 2023 GRAMA request. These are not considered responsive to your request for "WMRC investigation resulting from my February 9, 2023 letter (DRC-2023-001509) and a follow-up investigation resulting from my May 23, 2023 telephone conversation with Mr. Otis Willoughby and Mr. Larry Kellum..." and therefore have not been provided.

There are no other records responsive to this request. The Division considers this to be the final response and decision regarding this matter.

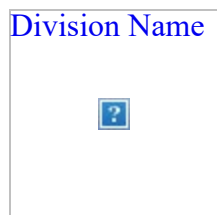
You may appeal this partial denial to the following Chief Administrative Officer for the Division:

Douglas J. Hansen, Director  
Utah Department of Environmental Quality  
Division of Waste Management and Radiation Control  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880

To appeal this determination, you must file a Notice of Appeal with the Chief Administrative Officer within 30 days of the date of this email. Your Notice of Appeal must contain your name, your mailing address, your daytime telephone number, and a statement of the relief you seek. With your Notice of Appeal, you may also file a short statement of facts, reasons, and legal authority in support of your appeal. Appeals must be submitted in writing to the Division by mail or by email to [dwmrcsubmit@utah.gov](mailto:dwmrcsubmit@utah.gov).

If you need additional information or have any questions, please feel free to contact me.

Best,



**Alyssa Stringham**

Honorific / Pronouns: Ms. / she/her

GRAMA Records Officer

Division of Waste Management and Radiation Control

P: (801) 536-0200

F: (801) 536-0222

[wasteandradiation.utah.gov](http://wasteandradiation.utah.gov)



Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

Statements made in this email do not constitute the official position of the Director of the Division of Waste

Management and Radiation Control. If you desire a statement of the Division Director's position, please [submit a written request to the Director](#), including copies of documents relevant to your request.