



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

Radiation Control Board

Peter A. Jenkins, CHP, Ph.D. – *Chair*
Scott Bird – *Vice Chair*
Brady Bradford
Dick Codell, Ph.D.
Jerry Hurst, Tooele County Commissioner
Lindsey Christensen Nesbitt, Ph.D.
Ulrich Rassner, M.D.
Matt W. Rydalch
Amanda Smith – *Executive Director*
Rusty Lundberg, *Executive Secretary*

**MINUTES
OF
THE UTAH RADIATION CONTROLBOARD
August 12, 2014**

Department of Environmental Quality
Multi Agency State Office Building
Conference Room 1015, 195 North 1950 West, Salt Lake City, Utah

BOARD MEMBERS PRESENT

Scott Bird
Rusty Lundberg, Executive Secretary
Commissioner Jerry Hurst
Brady Bradford (via phone)
Matt Rydalch
Peter Jenkins, CHP, Ph.D.
Richard Codell, Ph.D.

**BOARD MEMBERS
ABSENT/EXCUSED**

Lindsey Christensen Nesbitt, Ph.D.
Ulrich Rassner, M.D.
Amanda Smith, DEQ Executive Director

**DRC STAFF/OTHER DEO MEMBERS
PRESENT**

Craig Jones, DRC Section Manager
Phil Goble, DRC Section Manager
Laura Lockhart (via phone), Attorney General's Office
Lisa Mechem, DRC Staff
Spencer Wickham, DRC Staff
Ryan Johnson, DRC Staff
Connie Rauen, DRC Staff
Nicole Carrell, DRC Staff
MaryAnn Owen, DRC Staff

PUBLIC

Sean McCandless, EnergySolutions
Dan Shrum, EnergySolutions
Robert Sobocinski, EnergySolutions
Tim Orton, EnergySolutions
Gary Guelker, Jenson & Guelker
Matt Pacenza, HEAL Utah
Brian Maffly, Salt Lake Tribune

I. Welcome

Dr. Peter Jenkins, Chairman, called the meeting to order at 1:00 p.m. He welcomed the Board Members and the public.

II. Approval of the Minutes from the June 10, 2014 Board Meeting

Dr. Peter Jenkins, Chairman, asked if any of the Board members had any corrections to the minutes. None were requested.

MOTION MADE BY MR MATT RYDALCH TO APPROVE THE MINUTES FROM THE JUNE 10, 2014 BOARD MEETING.

SECONDED BY MR. SCOTT BIRD.

MOTION CARRIED AND PASSED UNANIMOUSLY.

III. Administrative Rulemaking

- a. Proposed changes to R313-17, *Administrative Procedures*, R313-24, *Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements*

Ms. Laura Lockhart, Attorney General's Office, gave the Board an overview on the procedures and statutory requirements, regarding public participation procedures for licensing uranium mills and radioactive byproduct material management, per 42 U.S.C. §2021(o)(3). Ms. Lockhart requested that the proposed changes for R313-17 and R313-24 be approved for rulemaking and public comment. Mr. Rusty Lundberg, Director, updated the Board on the time frame on filing rules with the Division of Administrative Rules and if approved the rulemaking would be published on September 1, 2014 in the *Utah State Bulletin*.

MOTION MADE BY COMMISSIONER JERRY HURST TO INITIATE RULEMAKING, WITH A 30-DAY COMMENT PERIOD FOR THE LANGUAGE PROPOSED FOR R313-17 AND R313-24.

SECONDED BY MR. BRADY BRADFORD.

MOTION CARRIED AND PASSED UNANIMOUSLY.

- b. Proposed changes to R313-26, *Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities*

Dr. Peter Jenkins, Chairman, updated the Board on the sub-committee's (Commissioner Jerry Hurst, Mr. Scott Bird, Mr. Brady Bradford, Dr. Peter Jenkins) work on the proposed changes to R313-26. Dr. Jenkins explained that several meetings were held to come up with the correct wording, language and proposed changes to R313-26 to meet the original

legislative intent. The proposed rule was also revised to address comments received during the informal public comment period. Ms. Laura Lockhart explained that some of the changes were done to address the concerns of facilities that are regulated by the NRC (e.g. nuclear reactors). Dr. Jenkins, recommended that the proposed changes to R313-26 be approved for rulemaking and public comment. Dr. Jenkins stated the intent of the sub-committee was for the proposed rule to be presented to the larger board for consideration to initiate rulemaking for a 30-day public comment period.

MOTION MADE BY MR. SCOTT BIRD TO ADOPT RULE R313-26 AS PROPOSED AND PROVIDED IN THE BOARD PACKET AND TO INITIATE THE RULEMAKING PROCESS WITH A 30-DAY COMMENT PERIOD.

SECONDED BY MR. MATT RYDALCH.

MOTION CARRIED AND PASSED UNANIMOUSLY.

c. Proposed changes to R313-70, *Payments, Categories, and Types of Fees*

Mr. Craig Jones stated the proposed rulemaking action was identified by DRC staff and it is not associated with any rulemaking actions taken by Nuclear Regulatory Commission, so there are no compatibility issues associated with the proposed changes. The proposed changes include: 1) adding rule, section and sub-section before each citation; 2) the due date for x-ray registration fees is being changed from July 30th to a date specified by the Director; 3) adding provisions for transferring delinquent accounts to the Office of State Debt Collection, as account delinquents will no longer be assessed late fees. Instead, the Office of Debt Collection will assess late fees. The proposed changes also specify the circumstances that need to be met before the Director can renew an expired radioactive materials license. The recommendation of the Director is to approve the proposed changes to R313-70 and direct the staff to file changes for rulemaking with the Division of Administrative Rules for a 30-day comment period.

MOTION MADE BY MR. SCOTT BIRD TO INITIATE RULEMAKING, WITH A 30-DAY COMMENT PERIOD FOR THE LANGUAGE PROPOSED FOR R313-70.

SECONDED BY COMMISSIONER JERRY HURST.

MOTION CARRIED AND PASSED UNANIMOUSLY.

d. Proposed changes to R313-12-3, *Definitions*, R313-22-33, *General Requirements for the Issuance of Specific Licenses*, and R313-25-2, *Definitions* (NRC RATS ID – 2011-2)

Mr. Craig Jones explained that this proposed rulemaking is being performed to meet compatibility requirements with the Nuclear Regulatory Commission (NRC). Specifically, the NRC has modified its definition for “construction” and “commencement of construction.” These definitions will be revised in or added to rules R313-12, R313-22,

and R313-25. These compatibility requirements are described in NRC RATS ID – 2011-2. As an Agreement State with the NRC, Utah is required to adopt these requirements by November 14, 2014.

MOTION MADE BY MR. BRADY BRADFORD TO ACCEPT THE DIVISION'S RECOMMENDATIONS AND TO PROCEED WITH RULEMAKING IN ORDER TO BE COMPATIBLE WITH NUCLEAR REGULATORY COMMISSION'S REQUIREMENTS.

SECONDED BY MR. SCOTT BIRD.

MOTION CARRIED AND PASSED UNANIMOUSLY.

IV. Mammography Imaging Medical Physicist – Request for approval of Kyle Siwek (UCA 19-3-103.5(f))

Dr. Lisa Mechem, informed the Board of the application received in July 2014 from Mr. Kyle Siwek. The application was reviewed by DRC staff and Director's recommendation is for the Board to approve Mr. Kyle Siwek as a Mammography Imaging Medical Physicist for the State of Utah.

MOTION MADE BY DR. DICK CODELL TO APPROVE MR. KYLE SIWEK AS MAMMOGRAPHY IMAGING MEDICAL PHYSICIST.

SECONDED BY MR. BRADY BRADFORD.

MOTION CARRIED AND PASSED UNANIMOUSLY.

IV. Information Items

a. Nuclear Regulatory Commission – activity update – Mr. Rusty Lundberg informed the Board that there will be a change in NRC Commissioners as Commissioner Magwood resigned and Commissioner Apostolakis was not reappointed by Pres. Obama. New nominees are awaiting confirmation by the U.S. Senate.

b. Uranium Mills

i. Energy Fuels Resources – White Mesa Mill – Mr. Phil Goble described that the License Renewal will be exposed to public comment early next year. On July 11, 2014 an amendment request for the Mill to receive alternate feed from the Dawn Mining Midnite Mine was signed. On August 11, 2014 the DRC received a Request for Agency Action for the amendment from the Ute Mountain Tribe. Mr. Goble also stated that the Chloroform Corrective Action Plan and Groundwater Permit Renewal will go out for public comments in the near future.

Mr. Scott Bird asked for an update on Shootaring Canyon Mill – Mr. Phil Goble and Mr. Rusty Lundberg informed the Board that a new request for transfer of control had been

received from Anfield Resources. The request is currently under DRC review and a decision is expected by October 31, 2014.

c. Low-level Radioactive Waste - Energy Solutions

i. Mr. Phil Goble explained that the EnergySolutions' Ground Water Discharge Permit Renewal and a revision to the Environmental Monitoring Plan are currently out for public comment. Public comment will be accepted until September 22, 2014. A public meeting will be held on September 17, 2014.

ii. Depleted Uranium Performance Assessment update – Mr. Rusty Lundberg, gave an update to the Board on the review of the Depleted Uranium Performance Assessment. Mr. Lundberg explained that all updates on the Depleted Uranium Performance review are available on the DRC website. The Public comment period will begin on September 8, 2014 and end on October 24, 2014. Comments received will be evaluated and a final decision on the Depleted Uranium Performance Assessment is expected in December.

d. Other Items

i. Second Quarter 2014 Activities Report

Mr. Peter Jenkins, Chairman, asked if any of the Board members had questions on the Second Quarter 2014 Activities Report. Mr. Jenkins had a question on the NOV's mentioned in the report. Mr. Phil Goble gave a brief update on the NOV's and offered to bring detailed information at the next meeting, if requested by the Board; however, no such request was made.

V. Public Comment

Adjourned 1:35 PM

Next Scheduled Board Meeting: Tuesday, October 14, 2014, 1:00 p.m.

Multi Agency State Office Building, Board Conference Room #1015

195 North 1950 West, Salt Lake City, Utah 84116

For those individuals needing special assistance in accordance with the Americans with Disabilities Act, please contact Dana Powers at the Utah Department of Environmental Quality, at 195 North 1950 West, Salt Lake City, UT 84116, Office of Human Resources at (801) 536-4412, TDD (801) 536-4414, or by email at: dpowers@utah.gov.