



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.
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 CONTROL BOARD**

February 10, 2015

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

BOARD MEMBERS PRESENT

Peter Jenkins, CHP, Ph.D.
Scott Bird
Richard Codell, Ph.D
Ulrich Rassner, MD
Matt Rydalch
Brady Bradford
Lindsey Christensen Nesbitt, Ph.D.
Rusty Lundberg, Executive Secretary

**BOARD MEMBERS
ABSENT/EXCUSED**

Amanda Smith, Executive Director DEQ

**DRC STAFF/OTHER DEO MEMBERS
PRESENT**

John Hultquist, DRC Section Manager
Phil Goble, DRC Section Manager
Connie Rauen, DRC Staff
Lisa Mechem, DRC Staff
Philip Griffin, DRC Staff
Gwyn Galloway, DRC Staff
Mike Givens, DRC Staff
Karen Wehking, DRC Staff
Laura Lockhart, AG's Office DRC

PUBLIC

Karen Langley, University of Utah
Dan Shrum, EnergySolutions
Julie Felice, Intermountain Healthcare
Mike Zody, Parsons Behle & Latimer
Matt Pacenza, HEAL Utah
Gary Guelker, Jenson & Guelker

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 January 13, 2015 Board Meeting

Dr. Peter Jenkins, Chairman, asked if any members of the Board had any corrections to the minutes for the January 13, 2015 Board Meeting. None were requested.

MOTION MADE BY DR. ULRICH RASSNER TO APPROVE THE MINUTES OF JANUARY 13, 2015.

SECONDED BY DR. LINDSEY NESBITT.

MOTION CARRIED AND PASSED UNANIMOUSLY.

III. Administrative Rulemaking

a. Action Following Public Comment Period:

i. Mr. Philip Griffin, DRC Staff, reviewed the proposed changes to R313-19, Requirements of General Applicability to Licensing of Radioactive Material and R313-37, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material. He summarized the rulemaking process and steps that had been taken place since the October 2014 Board meeting. The proposed rule changes were published in the November 1, 2014 issue of the *Utah State Bulletin* for a 30-day comment period. On November 26, 2014, the Division received a letter from EnergySolutions requesting that the Division extend the public comment period to January 12, 2015. On December 1, 2014, the Director agreed to extend the public comment period for the rulemaking actions until the close of business on January 9, 2015.

By the end-of-business on January 9, 2015, the Division had received comments from EnergySolutions, the University of Utah, IHC Healthcare Services, and the Nuclear Regulatory Commission (NRC). At the February Board meeting, Board members were provided a copy of the comments received and Mr. Griffin gave a summary of the comments. The Director recommended that the Board approve the changes to R313-19-2, 19-7, & 19-100, and direct the Division staff to finalize the rulemaking action and set an effective date of February 17, 2015. The Director also recommended the Board direct Division staff to prepare a change in Proposed Rule (CPR) with the Division of Administrative Rules (DAR) to correct the errors in R313-37 identified by the NRC. The CPR is to be filed with DAR in time for the changes to the proposed rules can be published in the *Utah State Bulletin* dated March 1, 2015. Dr. Peter Jenkins, Chairman, asked Karen Langley and Julie Felice for their input on the proposed changes and effective date. Ms. Felice and Ms. Langley requested more time for an implementation date, Mr. Rusty Lundberg agreed for the need of more time.

MOTION MADE BY MR. SCOTT BIRD TO ACCEPT THE DIVISION STAFF'S RECOMMENDATION TO APPROVE THE CHANGES TO R313-19-2, 19-7, & 19-100

SETTING AN EFFECTIVE DATE OF FEBRUARY 17, 2015.

SECONDED BY DR. ULRICH RASSNER.

MOTION CARRIED AND PASSED UNANIMOUSLY.

MOTION MADE BY MR. SCOTT BIRD TO DIRECT THE DIVISION STAFF TO MAKE THE CHANGES / ERRORS IDENTIFIED BY NRC TO R313-37, WITH THE EFFECTIVE DATE OF JUNE 30, 2015, WITH THE PUBLICATION DATE IN THE UTAH STATE BULLETIN OF MARCH 1, 2015.

SECONDED BY MR. MATT RYDALCH.

MOTION CARRIED AND PASSED UNANIMOUSLY.

b. Final Adoption Following Public Comment Period:

i. Ms. Laura Lockhart, AG Staff, reviewed the proposed changes to R313-17-4, Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material, regarding public participation procedures for licensing uranium mills and radioactive byproduct material management. Public comments were received for the proposed changes to R313-17-4 during the public comment period that ended on October 1, 2014. As a result of the comments, additional changes were proposed to the rule. In the November 2014 Board Meeting, the Board approved the filing for the additional changes and sent out as a Change in Proposed Rule (CPR) with the Division of Administrative rules for publication in the December 1, 2014 *Utah State Bulletin* for a 30-day public comment period. The comments received for the CPR were reviewed during the February 2015 Board Meeting. No comments were received that specifically addressed the proposed changes; however, comments were received from Uranium Watch requesting additional changes to other parts of the rule stating that the opportunity to cross-examine should apply to more circumstances than indicated. Ms. Lockhart disagreed with the recommendation as it wasn't in the scope of the proposed rulemaking. The Director recommended that the rule be approved with the proposed changes as published in the December 15, 2014 issue of the *Utah State Bulletin*.

MOTION MADE BY DR. LINDSEY NESBITT TO ACCEPT THE DIRECTOR'S RECOMMENDATION TO APPROVE THE CHANGES PROPOSED IN THE NOVEMBER BOARD MEETING WITH THE EARLIEST EFFECTIVE DATE.

SECONDED BY DR. RICHARD CODELL.

MOTION CARRIED AND PASSED UNANIMOUSLY.

IV. Information Items

a. Nuclear Regulatory Commission (NRC) Update

i. Mr. Rusty Lundberg, Executive Secretary, gave a status update on the Nuclear Regulatory Commission's actions. He also informed the Board of the new NRC Chairman Steven Burns, who is a former NRC employee and general counsel, has been appointed by the President of the United States effective January 1, 2015. In July 2015, the NRC will be conducting an evaluation of the State of Utah agreement state program. Results of the audit are anticipated in October, 2015.

b. **Uranium Recovery Sites: White Mesa Uranium Mill** - Mr. Phil Goble, DRC Section Manager, informed the Board that a public meeting would be held in Blanding, Utah to receive comment for the Chloroform Corrective Action Plan. He also explained that the public comment period would close on Friday February 13, 2015.

c. 2015 Legislature Session

Mr. Rusty Lundberg, Executive Secretary, informed the Board of Bill H.B. 78, sponsored by Representative Brad Dee, that further clarifies the criterion to grant entities Generator Site Access Permits.

Mr. Lundberg also informed the Board of Bill SB.173 sponsored by Senator Stuart Adams. SB 173 deals with the financial assurance for the EnergySolutions Clive disposal facility for both the Division of Radiation Control and Division of Solid and Hazard Waste. If the bill passes, it will be presented to the Board for action on rulemaking.

Ms. Karen Langley and Ms. Julie Felice expressed their concerns about the lack of information and overlooking other licensees about the consolidation of the Divisions of Radiation Control and Solid and Hazard Waste.

V. Public Comment

No comments were received.

VI. Next Scheduled Board Meeting:

Tuesday, March 10, 2015, 1:00 p.m.

Multi Agency State Office Building, Board Conference Room #1015
195 North 1950 West
Salt Lake City, Utah

Meeting Adjourned 1:54 PM

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