



State of Utah

GARY R. HERBERT  
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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 CONTROL BOARD**

**January 14, 2014**

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.  
Rusty Lundberg, Executive Secretary  
Commissioner Jerry Hurst  
Matt Rydalch (via phone)  
Brady Bradford (via phone)  
Lindsey Christensen Nesbitt, Ph.D.  
Amanda Smith, Executive Director DEQ  
Ulrich Rassner, M.D.

**BOARD MEMBERS  
ABSENT/EXCUSED**

None

**DRC STAFF/OTHER DEQ MEMBERS  
PRESENT**

Craig Jones, DRC Section Manager  
Ryan Johnson, DRC Staff  
Gwyn Galloway, DRC Staff  
Phil Goble, DRC Section Manager  
John Hultquist, DRC Section Manager  
Loren Morton, DRC Program Manager  
Laura Lockhart, AG Staff  
Boyd Imai, DRC Staff  
Connie Rauen, DRC Staff  
Eleanor Divver, DRC Staff

**PUBLIC**

Dan Shrum, EnergySolutions  
Mark Ledoux, EnergySolutions  
David Mooedputzer, Ute Mountain  
Ute Tribe  
Gary Guelker, Jenson & Guelker  
Kelly Duffin, IMC Healthcare  
Madani Salem, IMC Healthcare  
William T. Sause, M.D., IMC  
Healthcare  
Grant Hunter, M.D., IMC HealthCare  
Keith Welsh, Ph.D, IMC Healthcare  
Julie Felice, IMC Healthcare

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 November 12, 2013 Board Meeting

Dr. Peter Jenkins, Chairman, asked if any of the Board members had any corrections to the minutes. Dr. Richard Codell stated he was not in attendance at the meeting and was marked present in error. No other corrections were requested.

**MOTION MADE TO APPROVE THE NOVEMBER 12, 2013, MINUTES WITH THE INDICATED CHANGE BY MR. SCOTT BIRD, VICE CHAIRMAN.**

**SECONDED BY COMMISSIONER JERRY HURST.**

**MOTION CARRIED AND PASSED UNANIMOUSLY.**

III. Radon Action Month

- a. Mr. John Hultquist gave an update to the Board about January being Radon Action Month and the National and Utah Radon Poster Contest winners. He also informed the Board that the winners would be recognized by the Governor. Mr. Hultquist also introduced Ms. Eleanor Divver as the new Indoor Radon Program Coordinator.

IV. Administrative Rulemaking

- a. Final Adoption of proposed changes to R313-14, Violations and Escalated Enforcement

Dr. Peter Jenkins, Chairman, asked Mr. Rusty Lundberg to review the administrative rule making procedures. Dr. Jenkins brought up the comments received and the recommendations from the Division regarding changing the penalty amount for violations. Ms. Laura Lockhart, clarified a motion does not need to be made on all individual recommendations.

Dr. Peter Jenkins, Chairman, discussed EnergySolutions' recommendation to set a range for the penalty amount for each level of violation rather than a set amount currently found in the table at R313-14-15(2)(b) . The Division recommended that a range was appropriate but suggested a revised range different from EnergySolutions. Mr. Phil Goble was asked questions by members of the Board about violation examples for penalty amounts and severity levels.

**MOTION MADE BY DR. LINDSEY NESBITT TO LEAVE THE TABLE AS PROPOSED IN CURRENT PROPOSED RULE.**

**SECONDED BY MR. MATT RYDALCH.**

**MOTION CARRIED AND PASSED WITH ONE BOARD MEMBER  
DISSENTING.**

In their comments, EnergySolutions also recommended additional language be added at R313-14-15(1)(c)(iv). They requested that “or other period approved by the Director” be added after “within 90 days”. Division recommendation to the Board was to accept the suggested change. The Board discussed the request.

**MOTION MADE BY DR. RICHARD CODELL TO ACCEPT THE CLAUSE “OR  
ANOTHER PERIOD APPROVED BY DIRECTOR”.**

**SECONDED BY MR. MATT RYDALCH.**

**MOTION CARRIED AND PASSED UNANIMOUSLY.**

In their comments, EnergySolutions requested that the proposed change from 25% to 50% for repeat violations be kept at 25%. Division recommendation to the Board was to retain the proposed language. The Board discussed the request.

**MOTION MADE BY MR. SCOTT BIRD TO RETAIN THE PROPOSED  
LANGUAGE WHICH INCREASES REPEAT VIOLATIONS FROM 25% UP TO  
50%.**

**SECOND BY DR. ULRICH RASSNER.**

**MOTION CARRIED AND PASSED WITH ONE BOARD MEMBER  
DISSENTING.**

**MOTION MADE BY DR. LINDSEY NESBITT TO APPROVE R313-14, AS  
PROPOSED WITH THE CHANGES MADE BY THE BOARD, AND BE SENT  
FOR FINAL RULE MAKING.**

**SECOND BY COMMISSIONER JERRY HURST.**

**MOTION CARRIED AND PASSED UNANIMOUSLY.**

- b. Final Adoption of proposed changes to R313-25, License Requirements for Land Disposal of Radioactive Waste – General Provisions

Dr. Peter Jenkins, Chairman, discussed the EnergySolutions request to re-insert the words “generally” and “frequent” as removing these words, the rule would be more stringent than its federal counterpart. Ms. Laura Lockhart agreed that the original wording should be re-inserted and stated there was a process for Board to go through if they would like to set rules more stringent than the Nuclear Regulatory Commission (NRC). Dr. Ulrich Rassner

questioned the language and meaning. Ms. Laura Lockhart asked the rule be re-visited and further evaluated at a later date. Dr. Peter Jenkins, Chairman suggested the wording be re-inserted for practical purposes and have the Division make recommendations for further discussion. The Board further exchanged dialogue on the importance of changing the wording.

**MOTION MADE BY DR. RICHARD CODELL TO ACCEPT THE DIVISION STAFF’S RECOMMENDATION TO RE-INSERT THE WORDS “GENERALLY” AND “FREQUENT”.**

**SECONDED BY DR. ULRICH RASSNER.**

**MOTION CARRIED AND PASSED WITH ONE BOARD MEMBER DISSENTING.**

**MOTION MADE BY MR. SCOTT BIRD TO APPROVE R313-25, AS PROPOSED WITH THE CHANGES MADE BY THE BOARD, AND BE SENT FOR FINAL RULE MAKING.**

**SECOND BY DR. RICHARD CODELL.**

**MOTION CARRIED AND PASSED WITH ONE BOARD MEMBER DISSENTING.**

## V. Radioactive Materials

- a. Intermountain Medical Center – Mr. Craig Jones, discussed the request for an exemption by Intermountain Medical Center (IMC) from some of the requirements of R313-32 [incorporating 10 CFR 35.615(f)(3) by reference] and the NRC definition of “physical presence” as per NRC Regulatory Issue Summary 2005-23. NRC requires physicians to be present during the procedure due to the risk associated with it. Intermountain Medical Center requested that physicians to be able to walk away from the patient and be within audible range of a loud voice. Dr. William Sause gave an explanation and reasoning for their request for exemption using diagrams of their facility. Dr. Peter Jenkins, Chairman questioned the “physically present” definition and the care given to patients. Ms. Amanda Smith addressed the Board of her concerns and the reasons given by the physicians are not sufficient enough to grant the exemption and requested that IM C provide the Board with additional information.

Ms. Julie Felice, IMC Radiation Safety Officer, invited the Board to visit the facility and offered to host a future Board meeting at the hospital.

No Motion was made by the Board regarding this request.

## Administrative Rulemaking - Continued

Mr. Craig Jones gave a status update to the Board on proposed changes on R313-22-34 for specific licenses and R313-38-3.

Ms. Phil Goble gave the Board an update on R313-26 and the status of the informal public comment period.

## VI. Information Items

- a. Qualified Experts – Certificate Renewal – Mr. Craig Jones gave a brief update on the Utah code to authorize individuals to be certified to perform radiation safety inspections of an X-ray Registrant.
- b. Uranium Mills
  - i. Energy Fuels Resources – White Mesa Mill – A status update was provided by Mr. John Hultquist.
  - ii. Uranium One – Shootaring Canyon – A status update, on the interest by Black Range Minerals to purchase the Shootaring Canyon Uranium Mill, was provided by Mr. Phil Goble.
- c. Low-level Radioactive Waste
  - i. Depleted Uranium Performance Assessment update – This item was not discussed.
- d. Other Division Items
  - i. Division Quarterly Activities Report – Fourth Quarter 2013 – The Board received an update from Craig Jones.

VII. Election of Chair and Vice Chair [per UCA 19-3-103(8)] – Dr. Peter Jenkins was re-elected as Chairman and Mr. Scott Bird as Vice Chairman unanimously

VIII. Public Comment – None

Meeting Adjourned at 3:27 p.m.

## IX. Next Scheduled Board Meeting: Tuesday, February 11, 2014, 1:00 p.m.

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

For those individuals needing special assistance in accordance with the Americans with Disabilities Act, please contact Brooke Baker Garrett 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: [bbaker@utah.gov](mailto:bbaker@utah.gov).