



State of Utah

GARY R. HERBERT  
Governor

GREG BELL  
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**

**September 10, 2013**

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

**BOARD MEMBERS PRESENT**

Brady Bradford  
Richard Codell, Ph.D.  
Commissioner Jerry Hurst  
Peter Jenkins, CHP, Ph.D.  
Rusty Lundberg, Executive Secretary  
Lindsey Christensen Nesbitt, Ph.D.  
Ulrich Rassner, M.D.

**BOARD MEMBERS  
ABSENT/EXCUSED**

Scott Bird  
Matt Rydalch  
Amanda Smith, Executive Director DEQ

**DRC STAFF/OTHER DEQ MEMBERS  
PRESENT**

Craig Jones, DRC Section Manager  
Ryan Johnson, DRC Staff  
Lisa Mechem, DRC Staff  
Gwyn Galloway, DRC Staff  
Connie Rauen, DRC Staff  
Phil Goble, DRC Section Manager  
Mike Givens, DRC Staff  
Spencer Wickham, DRC Staff  
Loren Morton, DRC Program Manager  
Laura Lockhart, AG Staff

**PUBLIC**

Dan Shrum, EnergySolutions  
Sean McCandless, EnergySolutions  
Matt Pacenza, Heal Utah  
Janet Jensen

**GREETINGS/MEETING CALLED TO ORDER**

Dr. Peter Jenkins, Chairman, called the meeting to order at 1:02 p.m. He welcomed the Board members and the public.

I. Minutes

- a. Approval of the Minutes from the July 9, 2013 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 COMMISSIONER JERRY HURST TO APPROVE THE MINUTES OF JULY 9, 2013.**

**SECONDED BY DR. ULRICH RASSNER**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

- II. Mr. Craig Jones proposed that Mr. Stephen P. Henry be approved for certification as a Mammography Imaging Medical Physicist (MIMP). The application was reviewed by Dr. Lisa Mechem and is recommended for approval by the Division of Radiation Control.

Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were requested.

**MOTION MADE BY MR. BRADY BRADFORD FOR THE RECOMMENDATION TO APPROVE MR. STEPHEN P. HENRY AS A MAMMOGRAPHY IMAGING MEDICAL PHYSICIST (MIMP), EFFECTIVE SEPTEMBER 10, 2013 THROUGH MAY 31, 2014.**

**SECONDED BY DR. LINDSEY NESBITT**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

III. Administrative Rules

- a. 5-year Review Approval

Mr. Craig Jones, gave an overview of the Utah Administrative Rulemaking Act (Utah Code Annotated (UCA) §63G-3-305) that requires an agency review each of its administrative rules within five years of the rule's original effective date or last the five - year review period. The purpose of the review is to provide agencies with an opportunity to evaluate the rule in terms of justifying its continuation. Mr. Mike Givens, Mr. Spencer Wickham, and Mr. Craig Jones each gave a brief explanation stating that no changes were made to rule R313-21, R313-30 and R313-38. They reported that the Director recommends

the Board approved filing the completed Five-Year Notice of Review and Statement of Continuation

Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions.

**MOTION MADE BY MR. BRADY BRADFORD, TO ACCEPT THE RECOMMENDATION FROM THE DIRECTOR, THAT RULES R313-21, R313-30 AND R313-38 BE APPROVED FOR FILING FOR THE FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION WITH THE DIVISION OF ADMINISTRATIVE RULES.**

**SECONDED BY DR. LINDSEY NESBITT**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

b. H.B. 124 Rulemaking

- i. Review and discussion of comments from informal/scoping comment period of preliminary draft proposed rule changes.

Dr. Lindsey Nesbitt suggested that the Board review the comments received from the public and revise the proposed rules, as necessary. Dr. Peter Jenkins, Chairman clarified that the Board will address the comments made in regards to the changes suggested. Mr. Rusty Lundberg briefly explained the categories for R313-25. Ms. Laura Lockhart addressed questions regarding the categories.

Mr. Matt Pacenza added a statement addressing his written comments, and suggested that the Board offer additional discretion to the rules and categories.

c. Petition for Rulemaking to R313-25-8

Mr. Rusty Lundberg addressed the petition for rulemaking request made by EnergySolutions and told the Board they had 80 calendar days to respond to the petition. Dr. Peter Jenkins, Board Chairman, asked the board to be given time to evaluate the merit of the petition. A Board Subcommittee for the petition was established and the will have a draft documents for the Board to consider for the next Board meeting.

#### IV. Information Items

- a. Low-Level Radioactive Waste Forum Meeting - Fall 2013 Meeting - Mr. Rusty Lundberg, updated the Board on the meeting that will be held in Park City October 22 - 23, 2013 in Park City, Utah. Mr. Lundberg also extended an invite to the Board to attend the tour of the Clive Facility on Monday, October 21, 2013.
- b. Depleted Uranium Performance Assessment update - Mr. Rusty Lundberg informed the Board members that a consultant to review of the performance assessment for the disposal

of depleted uranium have been chosen. Stakeholders and the public will be updated of any progress made.

c. Other Division Items

- i. Mr. Rusty Lundberg stated that the Division had sent a letter to the Nuclear Regulatory Commission (NRC) responding to concerns brought up by an concerned individual of the Division's procedures for 11e.(2) licensing actions, as required by the federal Atomic Energy Act.
- ii. Mr. Rusty Lundberg gave an update of the current NRC rulemaking activities for 10 CFR Part 61.

Meeting Adjourned at 2:24 p.m.

**V. Next Scheduled Board Meeting: Tuesday, November 12, 2013, 1:00 p.m.**

Multi Agency State Office Building, 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)