

MINUTES
OF
THE UTAH RADIATION CONTROL BOARD

September 22, 2009

Department of Environmental Quality, DEQ Building #2

Conference Room 101

168 N 1950 W

Salt Lake City, Utah 84114-4850

BOARD MEMBERS PRESENT

Peter A. Jenkins, M.S., CHP, Chair
Dane L. Finerfrock, Executive Secretary
Scott Bird
Patrick D. Cone
Frank D. DeRosso, MSPH, CIH
Christian K. Gardner
Colleen Johnson
Edd C. Johnson
Douglas S. Kimball, DMD
Joseph K. Miner, M.D., MSPH
Amanda Smith, Acting DEQ Executive Director
John W. Thomson, M.D.
David A. Tripp, Ph.D.

BOARD MEMBERS ABSENT/EXCUSED

Elizabeth Goryunova, M.S., Vice Chair

DRC STAFF/OTHER DEQ MEMBERS PRESENT

Edith Barker, DRC Staff
Mario A. Bettolo, DRC Staff
Bill Craig, DRC Staff
David Esser, DRC Staff
Phil Goble, DRC Staff
John Hultquist, DRC Section Manager
Craig Jones, DRC Section Manager
Laura Lockhart, Attorney, Atty General's Office
Yoli Necochea, DRC Staff
Fred Nelson, Attorney, Atty General's Office
Loren Morton, DRC Section Manager
Thomas Rushing, DRC Staff

DRC STAFF/OTHER DEQ MEMBERS PRESENT - CONTINUED

William J. Sinclair, DEQ Deputy Director
Donna Spangler, PIO, DEQ – PPA Staff

PUBLIC

Sarah Anderson, Exchange Monitor
Bob Archibald, Concerned Citizen
Beatrice Braidford, Snake River Alliance, Idaho
Krista Bowery, Concerned Citizen
Anna Bradford, U.S. Nuclear Regulatory Commission (NRC)
Larry Camper, U.S. Nuclear Regulatory Commission (NRC)
Jeff Cisy, Concerned Citizen
Gina Clifford, Concerned Citizen
Richard Codell, U.S. Nuclear Regulatory Commission (NRC)
Sue Corth, Concerned Citizen
Rolene Coulter, HEAL-Utah
John Coultus, HEAL-Utah
Helene Cumo, Concerned Citizen
David Esh, U.S. Nuclear Regulatory Commission (NRC)
Fyndo, Citizen
George Gates, HEAL-Utah
Claire Geddes, Concerned Citizen
John Greeves, Tacisman Int.
Chris Grossman, U.S. Nuclear Regulatory Commission (NRC)
Sandra Hays, Concerned Citizen

PUBLIC - CONTINUED

James Holtkamp, Holland & Hart law firm
Polly Hough, Concerned Citizen
Mark LeDoux, EnergySolutions, LLC
Lisa London, U.S. Nuclear Regulatory
Commission (NRC)
Thomas Magette, EnergySolutions, LLC
Jamine Morgan, HEAL-Utah
Mary Ellen Navas, Concerned Citizen
Amy O'Conner, Concerned Citizen
James O'Neal, Concerned Citizen from Provo, Utah
Vanessa Pierce, HEAL-Utah
Sue Rice, Cavanagh Services
Mary Rogers, HEAL-Utah
Aurora E. Shlien, Citizens for Sustainability
Daniel Shrum, EnergySolutions, LLC
Eric Spreng, HEAL-Utah
Kent Staheli, Concerned Citizen
Gregory Suber, U.S. Nuclear Regulatory
Commission (NRC)
Christopher Thomas, HEAL-Utah
Duncan White, U.S. Nuclear Regulatory
Commission (NRC)
Cherry Wong, Woman Concerned
Mike Zody, CBN

GREETINGS/MEETING CALLED TO ORDER

Peter A. Jenkins, Chairman, called the board meeting to order at 3:02 p.m. and welcomed the board members and the public. He indicated that if the public wished to address any items on the agenda, they should sign the public sign-in sheet. Those desiring to comment would be given an opportunity to address their concerns during the comment period.

I. APPROVAL OF MINUTES (Board Action Item)

a. Approval of the Minutes from the July 14, 2009 Meeting

Peter A. Jenkins, Chair, asked the board members if they had any corrections to the minutes from the July 14, 2009 board meeting. Edd C. Johnson requested the following correction to the minutes:

1. Page 9. Item V. c., under subtitle “Radioactive Waste: Requests to Board to Provide Comments on Depleted Uranium Disposal (Board Information Item), Questions by the Board,” second paragraph, second sentence, which reads: Chairman Jenkins said Dr. Moench had mentioned the National Academy of Science in his presentation . . . if he was referring to the **BEAR** (Biological Effects of **A**tomic Radiation) Report. Change to read: “**BEIR** (Biological Effects of **I**onizing Radiation) . . .”

MOTION MADE BY SCOTT BIRD TO APPROVE THE MINUTES OF JULY 14, 2009 WITH THE AMENDED CHANGES

MOTION SECONDED BY CHRISTIAN K. GARDNER

MOTION CARRIED AND PASSED

II. RULES

No Items

III. RADIOACTIVE MATERIALS LICENSING/INSPECTION

No Items

IV. X-RAY REGISTRATION/INSPECTION

No Items

V. Radioactive Waste

a. Responses from the U.S. Nuclear Regulatory Commission (NRC) to Board Questions Regarding Disposal of Depleted Uranium

Peter A. Jenkins, Chairman, informed the Board that he had sent a memorandum regarding the Board’s discussion for today’s meeting. Chairman Jenkins said that the Board had heard presentations from both sides on the issue of Depleted Uranium (DU). He said the presentation

from the U.S. Nuclear Regulatory Commission (NRC) today would fill-in the last piece of deliberation. Chairman Jenkins said that he had received a significant amount of comments from the public on the topic of DU. He informed the Board and those attending the meeting that the Board would not be accepting public comments on this agenda item today.

Chairman Jenkins informed the public that for the next two days the U.S. NRC would be holding a public workshop on DU and hearing public comments. The workshop would be held at the Salt Lake Marriott Research Park Hotel at the University of Utah. The workshop would be free and open to everyone to stress their opinion on the issue of DU. The workshop would be held each day from 8:00 a.m. to 5:00 p.m. He said the NRC would be accepting comments on DU waste, and he said that it would be the appropriate forum to discuss any comments that members of the public may have on this topic. Chairman Jenkins said that after the Board finished hearing this action item that if there were other public comments about other things outside of this action item the Board would hear public comment as time allowed.

Chairman Jenkins said that the representatives from the NRC who would be making the presentation would be: (1) Larry Camper, (2) David Esh, and (3) Duncan White. Larry Camper, Director of Waste Management and Environmental Protection at the NRC would be the first speaker from his group.

Mr. Camper said the question on the disposal of DU in large quantities had fallen to his Division. Mr. Camper introduced his staff. Mr. Camper said that David Esh was the principal scientist and led the technical analysis for disposal of large quantities of DU. Mr. Camper said that Mr. Duncan White was from another Division within his office. He said Mr. White had a lot of experience with Agreement States and the Agreement State Program. Mr. Camper said that because Utah is an Agreement State, he felt “questions might come up on this front.” Mr. Camper said he welcomed the opportunity to appear before the Board on the question of disposal for large quantities of DU from nuclear waste streams. He said that it is an issue that the NRC staff has wrestled with for two years. Mr. Camper said that this was not an easy issue, but rather a challenging and complicated issue.

Mr. Camper said that the direction that had been provided to the NRC staff was to proceed with a rulemaking that would require a “Site Specific Performance Assessment” to be conducted whenever large quantities of DU are disposed. He said that this requirement would also include specifying the technical parameters that would be evaluated as part of the Performance Assessment. The NRC would also provide guidance in implementing that requirement for the Agreement States—the Agreement

States could fully implement the requirement.

Mr. Camper said that as the NRC staff was responding to the requirements in the memorandum on this topic—the paper which referred to SECY-08-0147, Memorandum and Order entitled: “Response to NRC Commission Order CLI-05-20, 10/19/2005,” regarding DU. He said the NRC Commission had directed the staff to precede with a rulemaking to consider whether the quantities of DU, at issue in the waste stream from uranium enrichment facilities warrant amending the classification type in NRC’s regulation, Section 61.55 (a)(6) or Section 61.55 (a) waste classification tables. Mr. Camper said that when the NRC Commission asked his staff to work on the rulemaking, they asked them to modernize using the current ICRP (the Ionizing Counsel Radiation Protection) methodology. He said this would be the entire waste classification scheme, and the rulemaking would have special emphasis on DU disposal. Mr. Camper explained that the current rulemaking was Part I. It would conclude in 2011, and then Part II would commence.

Mr. Camper said that the Chairman of the Board had mentioned the workshop. He said that it would be the second workshop NRC would conduct on DU. Mr. Camper said it would be held for a couple of days beginning tomorrow, September 23-24 2009 at the University of Utah – Marriot Research Park. He said the NRC Commission had purposely decided to hold a hearing in Salt Lake City, Utah, because of the potential for DU to come to the Clive site. Mr. Camper said that they had conducted a workshop earlier in the month near Washington, D.C., and that they had a very good panel. He said that there was a good public representation at the board meeting today, and a good panel representing the NRC Commission. He said there was a lot of public in attendance and there would be a lot of comments and questions from the public. He said that NRC had already received a lot of good input on the subject of DU. Mr. Camper said that they hoped there would be such interest in NRC’s workshop as well.

Mr. Camper said he would now turn the time over to David Esh to respond to the questions the Board had for the NRC Commission. He said if the Board had additional questions, they could ask them after the presentation. (See Attached Copy)

Questions by the Board:

After the NRC’s presentation the Board members discussed the proposed moratorium and whether it was urgently necessary to issue a moratorium in order to protect the health and safety of the Citizens of Utah. The Board discussed the pros and cons of the matter, and the reason it was brought before the Board by HEAL-Utah. The Board also discussed the length of time it would take for the NRC to complete the rulemaking on

DU versus the time it would take to issue a moratorium. The board members agreed that there should be some type of rule put in place for the disposal of DU, but the board members differed in what the rule and conditions should be. Some members felt that there would be inherent problems in issuing a moratorium—they felt that it would take as long a time to implement a moratorium as it would for the NRC to finalize its rulemaking.

b. Consideration of Proposals for Policy & Rules on Disposal of Depleted Uranium (Board Action Item)

Peter Jenkins, Chairman, informed the Board that they had heard the U.S. Nuclear Regulatory Commission’s (NRC) response to their questions. He said that he would like to hear from Laura Lockhart or Fred Nelson regarding what would happen if the Board voted for moratorium to protect the health and safety of the Citizens of Utah.

Laura Lockhart responded to questions and concerns the board members had. She said if *EnergySolutions* took the Board to court for an enforced “stay” from the Board’s moratorium, they could still bring in the Depleted Uranium (DU).

After this discussion with the Attorney General’s Office the Board referred to the letter sent from *EnergySolutions* dated September 21, 2009, addressed to Amanda Smith, DEQ Executive Director, and *EnergySolutions*’ response to Board after the board meeting of July 14, 2009--in which *EnergySolutions* made commitments regarding the disposal of Depleted Uranium. The Board discussed the possibility of amending *EnergySolutions*’ license to include the commitments *EnergySolutions* had made, which were: (1) the Disposal depth, (2) Performance Assessment, (3) Revision of the Disposal Embankment Design.

One of the board members said the Board owed it to the people of Utah that any future disposal of DU in Utah would be done in an environmentally safe way. The Board needed to consider the future generations of people in Utah. He said the Board could add other license conditions to *EnergySolutions*’ license to retroactively agree to meet whatever Performance Assessment Criteria the NRC came up with in the final rulemaking. Some board members that felt that there could be potential problems with implementing a moratorium and a “stay” would be effective. They felt if the moratorium was challenged, they would have accomplished nothing. The Board discussed the possibility of a cooperative agreement with *EnergySolutions*. If the Board started the process to amend *EnergySolutions*’ license, the Board would be in a better position to accomplish what they had intended to accomplish: to assure

that the disposal of the DU was accomplished with consideration for the environment and future generations of Utah citizens.

Peter Jenkins, Chairman, summarized to the Board what he had heard at the meeting. He said that they had heard a couple of things from the NRC that answered several questions that the Board had in past meetings. He asked the Board to recall that representatives from HEAL-Utah had proposed that the Board adopt a moratorium to ensure that the Citizens of Utah would be adequately protected. He said that the Board had heard from the NRC and from the attorneys at the Attorney General's Office. The NRC and attorneys had interpreted that the adoption of a Moratorium may cause some very significant issues. Chairman Jenkins said that if the Board cannot absolutely prohibit DU from coming into the State, if we can have some assurance that the State is protected against whatever the NRC ruling will affect in the future—if not pursuing this, “the rocky road, if you will,” of a rulemaking or a moratorium. Chairman Jenkins called for a motion from the Board.

EDD JOHNSON MADE A MOTION THAT THE BOARD DENY THE PROPOSAL FOR A MORATORIUM FROM HEAL-UTAH

SECONDED BY COLLEEN JOHNSON

AMANDA SMITH MADE A MOTION TO AMEND THE ORIGINAL MOTION TO INCLUDE THAT THE BOARD PURSUE THE PERMIT REQUIREMENTS AND TO MAKE ENERYSOLUTIONS TAKE A RETROACTIVE LOOK AT ANY NEW WASTE THAT THEY MAY ACCEPT IN THE INTERIM—BETWEEN NOW AND THE FINAL U.S. NUCLEAR REGULATORY COMMISSION'S RULEMAKING

SECONDED BY COLLEEN JOHNSON

AMANDA SMITH MADE A MOTION THAT THE BOARD ADOPT THE LETTER FROM ENERYSOLUTIONS DATED SEPTEMBER 21, 2009, DIRECTED TO AMANDA SMITH, DEQ EXECUTIVE DIRECTOR, FROM THE PRESIDENT OF ENERYSOLUTIONS, VAL CHRISTIANSEN, AS A LICENSE CONDITION TO THEIR PERMIT

SECONDED BY DAVID A. TRIPP

Discussion followed by the Board on the amended motion. Frank D. DeRosso asked if the Board had any experience in trying to retroactively apply a license condition. Edd Johnson said that he felt that Ms. Smith had worded the amendment correctly by saying “that the Board pursue or

come to a desired endpoint through negotiation.” Dane Finerfrock said that he would assume, if EnergySolutions was not “living up to the requirements” of their license that the State or the Division could take a take action against them. Action could ultimately result in fines--the Division could pursue remediation and collect the amount of money that it would take to remediate now versus a later date. Chairman Jenkins said that perhaps an opinion from the Attorney General’s office would help. He asked Fred Nelson to respond to the questions.

Fred Nelson, Attorney, said that if EnergySolutions made the commitment to dispose of the waste in accordance with the future NRC rulemaking, and they disposed of DU in a way that became incompatible with the NRC’s future rule finding, the license condition would be enforceable. Mr. Nelson said regardless of the practicality and cost, the license condition would be very enforceable. The Executive Secretary could at each reviewable time look at what is happening at the facility; look at the financial requirements; look at the potential based on new information. At each five-year license renewal, they could have a complete renewal of the license and deal with the DU issues. Mr. Nelson said that the idea of a retroactive license-condition was not unusual, but rather typical. He said that once the new requirements would come into place that EnergySolutions would have to meet and this was the reason for the annual reviews and the 5-year license reviews.

The board members also discussed what they could include in the license condition. Dane Finerfrock, Executive Secretary, said that the Board could ask EnergySolutions to describe to them how they would dispose of DU, and they could also amend the financial assurance in the license condition. He said they could ask EnergySolutions to amend their Performance Assessment to match-up with the final NRC rules and guidance. Mr. Finerfrock said that EnergySolutions had agreed to “beef-up” the Clive site and to include all of these requirements and changes, when the NRC finally completes the rule. He said in addition, the State could compare the new license condition with NRC’s final rule, and EnergySolutions had agreed to support NRC’s rulemaking. Mr. Finerfrock said that EnergySolutions had agreed to do whatever was necessary and to abide by NRC’s new rule.

Joseph K. Miner said that he would like to add to the license condition that a retroactive remediation could be required--it would include DU removal from EnergySolutions and more suitable geologic disposal.

“FRIENDLY AMENDED MOTION” MADE BY JOSEPH K. MINER THAT THE RETROACTIVE REMEDIATION LANGUAGE INCLUDE THE REMOVAL AND DISPOSAL OF DEPLETED URANIUM IN A MORE APPROPRIATE GEOLOGICAL SITE—A

SITE THAT WOULD COMPLIMENT THE U.S. NUCLEAR REGULATORY COMMISSION’S FINAL RULEMAKING DECISION

MOTION MADE THAT THE BOARD ACCEPT THROUGH THE LICENSE PERMIT PROCESS THE LETTER OF SEPTEMBER 21, 2009 AS A LICENSE CONDITION; A RETROACTIVE REMEDIATION; AND TO ALSO INCLUDE THE LANGUAGE THAT THE RETROACTIVE REVIEW COULD INCLUDE REMOVAL AND “DU” DISPOSAL IN A MORE SUITABLE GEOLOGICAL SITE, IF IT IS DEEMED NECESSARY

CHAIRMAN JENKINS ASKED FOR A ROLL CALL ON THE MOTION AND FRIENDLY AMENDMENT:

Christian K. Gardner, No
Scott Bird, Yes
Patrick D. Cone, No
Frank D. DeRosso, Yes
John W. Thomson, No
Amanda Smith, Yes
Peter A. Jenkins, Abstained
Joseph K. Miner, Yes
Colleen Johnson, Yes
Douglas S. Kimball, Yes
Edd Johnson, Yes
David A. Tripp, Yes

Vote: 8 Yes’s; and 3 No’s; 1 Abstention

MOTION PASSED AND CARRIED

PUBLIC COMMENTS:

James O’Neal, Concerned Citizen from Provo, Utah:

Mr. O’Neal said that he wanted to make a general comment about “compatibility.” He said that he did not think EnergySolutions’ had “compatibility” with the people of Utah—it did not work. He said he did not think EnergySolutions wanted to give Utah money or give money to the Legislators. He said Utah needed a divorce, and a complete separation from EnergySolutions.

Christopher Thomas, HEAL-Utah:

Mr. Thomas said that he was disappointed with the Board’s decision. He said that the Board had put a lot of time into the issue of a moratorium. He said that from

his perspective the citizens would be better represented by a Board willing to take on this kind of “bumpy rocky road:” and willing to take on the prospect of a legal fight with *EnergySolutions*. He said that he felt that eventually if it is shown through the “Performance Analysis” that *EnergySolutions*’ site is not a compatible site for DU material, the issue would end up in court. Mr. Thomas said the license condition can be enforceable, but that he had a hard time imagining that a license action that would require a multi-million dollar investment from *EnergySolutions* that *EnergySolutions* would not take up that fight. He said that *EnergySolutions* had already used litigation successfully to try to uproot other of State Rights. He said that “using a license condition” had just kicked the fight down the road to a later date. Primarily this is why he was disappointed with what had happen today.

He said that he appreciated the amendment that the license condition would include DU removal and appropriate disposal; however, he would rather see it somewhere else. He said that he would have liked to have been able to review *EnergySolutions* language in the “letter,” before it was voted on by the Board. In addition, he wished that HEAL-Utah had received an opportunity to look at *EnergySolutions*’ “counter proposal,” before it had been voted on. He would have appreciated the courtesy to actually see what was voted on. Mr. Thomas said that he thought he was not alone on this thought.

Polly Hough, Concerned Citizen of Utah:

Ms. Hough said that most of the public that were present were concerned with the continual effort by *EnergySolutions* to enlarge the Clive site and to bring in different kinds of waste. She said that the public had tried to stand up to the infernal of hot waste--the public had tried to stand-up to various other kinds of waste reclassifications, and other of efforts. The public is concerned. She said they knew that *EnergySolutions* would continue to fight to have as much business as they could at the site in the desert. This was their business and they had a right to do business. Ms. Hough said that *EnergySolutions* had been given a permit to dispose of low-level radioactive waste in the State of Utah, but the fact that they had been able to bring in the DU—quiet, over a long period of time, before it was announced to the public.

She said that when the public began to protest that *EnergySolutions* began to say “well, we’ve already had it here.” Ms. Hough said that it was not clear to most of the citizens that a variance had already been given to have the DU placed at the Clive site. Ms. Hough said that the public was very glad that the Board had stood up to high-level radioactive waste, but that there was a concern from the public that the Board had placed “the cart before the horse.” She asked, how bad the sanctions would have been, if the public had requested sanctions from the Department of Energy (DOE)--because she supposed this was where the waste issue would eventually have ended up. She said that she wished that Utah would have been able to wait until the “Performance Appraisal” had been completed. Ms. Hough said that this was the logical way to do these things, and that she now

appreciated that they were all in a “big bind.” She understood this now--that they had the citizens of Utah in a “big bind,” and that she hoped everyone would be able to dig their way out of it eventually.

Helene Cumo, Concerned Citizen of Utah:

Helene Cumo said that she had been sitting in the audience for a couple of hours. She did not understand what part of what the U.S. Nuclear Regulatory Commission had said that went over the board members’ heads. Ms. Cumo said that NRC never said there was no risk. She said their language was “It’s not ideal. It may be unsuitable.” She said what had not been done in the past would not be done today. Ms. Cumo said that the NRC was saying there was risk. They do not know what it is. Yet, the Board is saying: “O.K., well if they come-up with something well then we will remove it.” She said well what even is the risk of removal in the amendment? She said that the Board had said that they would have them remove it, and put it in a geologically safer spot. She asked: had there been any analysis done on the risk of removal? She said that the public would have liked to ask the Down-Winders.

Ms. Cumo said as a Board, the board members had been sitting at the meeting for three to four hours. How did they could come-up with this—to include an amendment without really thinking this whole process through? Without thinking about the citizens of Utah, and the risk they were taking. She said that the scariest part is sufficient site analysis—does this mean analysis would be completed every 500 years. This is five generations. Ms. Cumo asked what would be happening after that? Yet, board members could not wait, and try to make it a little bit harder for EnergySolutions? Instead, all the Board would do was roll over and say: “O.K. do what you want, and if it is not right, we can fix it later.” She asked the Board how they knew that it could be fixed, and when the time came, how would they would know it was fixed?

Ms. Cumo said that she felt that there had been no backbone presented from the Board at all. She said that she felt they were opening “Pandora’s Box,” and that this was a very scary thought--because once it had been accepted, and everyone knows that it already had been accepted. The State of Utah was saying, “Yeah, bring it on, and bring it on, more, more.” She asked: when does it stop, and who had any backbone to really say: “This has not been thought through.” Ms. Cumo said that they all knew that this needed to happen.

Claire Geddes, Concerned Citizen of Utah:

Claire Geddes said that she had worked a long time with the legislators, and knew the annex of “who was Envirocare.” She said that she very distinctly remembered one audit where it talked about giving “preauthorization to a situation” where they had not figured out how the “preauthorized situation” should be handled. She said she would get this information, and bring it to the Board at their next meeting (which by then would be way too late to present and consider this information). Ms. Geddes said that the legislative auditors did not think at the time that it was a

very good idea, and she said that most of the people in the State of Utah would probably think this was not a good idea.

She said that she had lost her father—he used to haul uranium ore from one of the mines in Marisol, in Utah. He died of lung cancer at the age of 46. Ms. Geddes said that at that time uranium was considered safe.

Ms. Geddes said there were many people that believed DU waste should be in deep, geological repositories. She said that she thought it was not safe to go into shallow burial, and frankly, what she had heard from the NRC was astounding. She could not believe the Board would even vote on it, after their presentation. Ms. Geddes told the Board that they had the entire welfare of the State of Utah in their hands, and they had decided to do something and they would have no idea what the ramifications would be--because it had not even had a thorough examination. She found this astounding. She felt that the Board was going to find out that there were a lot of people in the State of Utah that disagreed with the Board 100 percent.

Ms. Geddes said that she appreciated the three members of the Board who were thoughtful enough to think about the ramifications upon generations, and generations and generations. She said that this was not an issue that everybody believed that it was safe to bring DU waste into the State of Utah. Ms. Geddes asked why it was not classified a different thing? She said that she believed it was, because it could not have come to Utah if it was not Class A. She said it was just not classified--making it handy for disposal. She said that the one that was really “driving the ball for DU” was *EnergySolutions*. She said the State of Utah was not regulating *EnergySolutions*, but rather that they were running the State of Utah. She said that this was the way it had been going-on for years and years, and years.

Ms. Geddes said that *EnergySolutions* was going to hire somebody that could tell them what would be safe to do. Next, *EnergySolutions* will bring DU to the State of Utah. Ms. Geddes said that most people were not comfortable with this type of analysis, and that the people of Utah would like an independent analysis completed on the facility.

She said that after spending several years looking at the Division of Radiation Control Board and going over what had happened up on the hill/capitol with the Legislators--she had watched *EnergySolutions* have their way--basically at every turn. She said that she thought this was the saddest day she had ever seen, because the Board had just agreed to take a whole lot hotter stuff than the State of Utah had ever had. Ms. Geddes said that she hoped that the Board understood what this puts on the board members--a handful of people get to do this to us. She said that she knew there was one NRC staff that had mentioned that there had been a huge disagreement, and this was not something that everyone felt was safe to do. She said that she appreciated the Board’s time.

Peter A. Jenkins, Chairman, said that he appreciated everybody's comments and the public's participation through the lengthy process--he mentioned that the Board's deliberation had been going on since May 2009. Chairman Jenkins said he could honestly say the Board had been given the issue thoughtful consideration.

VI. URANIUM MILL LICENSING AND INSPECTION
No Items

VII. OTHER DIVISION ISSUES (Board Information Item)

a. **Division Activities Report**

Peter A. Jenkins, Chairman, asked the Board if they had any questions on the Division Activities Report. The board members had none.

VIII. PUBLIC COMMENT
Please refer to Item V. a.

IX. The Next Scheduled Board Meeting: October 13, 2009 (Tuesday), DEQ Bldg #2, Conference Room 101, 168 North 1950 West, Salt Lake City, Utah 3:00 – 5:00 P.M. THE BOARD MEETING ADJOURNED AT 6:12 P.M.