UTAH RADIATION CONTROL BOARD

MINUTES OF THE UTAH RADIATION CONTROL BOARD MEETING, May 4, 2001, DEQ Building #2, 168 North 1950 West, Conf. Room 101, Salt Lake City, Utah.

BOARD MEMBERS PRESENT
Stephen T. Nelson, Ph.D., Chairman
William J. Sinclair, Executive Secretary
Thomas K. Chism, M.S.
Cathleen C. Gilbert, C.P.A., Esq.
Teryl J. Hunsaker, Commissioner
Karen S. Langley, M.S.
Dianne R. Nielson, Ph.D.
Gregory G. Oman, D.D.S., B.S.
James J. Thompson, Ph.D.
Barbara S. Reid, M.D.

BOARD MEMBERS ABSENT/EXCUSED
Gary L. Edwards, M.S., Vice Chairman
Rod O. Julander, Ph.D.

DRC STAFF/OTHER DEQ MEMBERS PRESENT
Philip Griffin
Craig Jones
Loren Morton
Fred Nelson, Attorney General's Office
Yoli Shropshire

PUBLIC
Mark LeDoux, Envirocare of Utah, Inc.
Michelle Rehmann, IUC
Patrick Thomas, Adamson and Associates
Kathe Liuzzi, Citizen

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened in the DEQ Building #2, Room 101, 168 North 1950 West, in Salt Lake City, Utah. The meeting was called to order at 2:05 p.m. by Dr. Stephen T. Nelson, Chairman of the Board. Dr. Nelson welcomed all members and public attending the meeting. He asked members from the public if they wished to make any comments to please indicate on the sign-in sheet, and that time

would be given for them to address the Board.

I. I. APPROVAL OF MINUTES (Board action items)

a. Approval of March 2, 2001, Minutes (Board action item)

Tom Chism and Greg Oman proposed the following changes to the March 2, 2001 minutes:

1. Page 5, Item IV.a., fifth paragraph, which reads: "He responded that **he did not know and also did not if there** was a loss of circulation." Change to read: "He responded that **he did not know and also did know if there** was a loss of circulation."

2. 2. Page 6, Item IV.b., third paragraph, which reads: "He thanked the Utah Hospitals and Health Systems Association for their support and **he also expressed his appreciation and thankfulness for the work done** by his colleagues." Change to read: "He thanked the Utah Hospitals. . . . **and he also expressed his gratitude and appreciation for the work** . . . "

3. 3. Page 7, Item V.a., forth paragraph, which reads: "The letters to these organizations outlining the reasons for denial from the **Executive Secretary standpoint** were included in the Supplemental Packet. Change to read: "The letters to these organizations . . . from the **Executive Secretary's standpoint** . . ."

4. Page 8, Item V.a., #5, first paragraph, second sentence which reads: "The **content** of these documents **were** not subject . . ." Change to read: "The **content** of these documents **was** not subject . . . "

5. Page 9, Item V.a., first paragraph, first sentence, which reads: "Moving to the B and C waste within **a license application** and the documents. . . that are very significant . . ." Change to read: "Moving to the B and C . . .within **the license application** and the documents . . ."

6. Page 9, Item V.a., second paragraph, last sentence, which reads: "He also indicated that there . . . is no time crisis, **now the legislature** has adjourned without taking action . . ." Change to read: "He also indicated that there . . . is no time crisis, **since the legislature** has adjourned . . ."

7. Page 13, Item V.d., third paragraph, under heading "Questions by DRC Members followed," sentence which reads: " Cathleen C. Gilbert asked **the money goes that is collected from these violations.**" Change to read: "Cathleen C. Gilbert asked **where does the money go that is collected from these violations?**"

8. Page 13, Item V.d., fourth paragraph, second sentence, under heading "Public Comment before the Board on this issue" which reads: " He indicated that there were two boxes of resins, **boxes about** 96 cubic meters." Change to read: "He indicated that there

. . . two boxes of resins **of about** 96 cubic meters."

9. Page 14, Item V.d., second paragraph, first sentence, which reads: "One of the things **that need to be to emphasized**. . ." Change to read "One of the things **that needs to be emphasized**. . ."

10. Page 14, Item VI.a., fifth paragraph, last sentence, which reads: "The NRC has not yet approved this amendment . . . and recently the Sierra Club filed **a petition for hearing** before the NRC . . . " Change to read: "The NRC has not yet approved . . . and recently the Sierra Club filed **a petition for a hearing** before the NRC . . ."

11. Page 16, Item VI.a., sixth paragraph, fourth sentence, which reads: "If this material were going to the competitor, Envirocare, there would be some real concerns **to bring before the Board, and would as Michelle said, the mixed waste**." Change to read: "If this material were going to the competitor, Envirocare there would be some real concerns **to bring before the Board if it were mixed waste**."

12. Page 17, Item VI.a., page seventeen, first paragraph, second sentence which begins: "**In particularly** if the Board could even consider signing up . . . " Change to read "**In particular**, if the Board could . . . "

James Thompson made a motion to approve the minutes for March 2, 2001, as amended, seconded by Karen Langley.

CARRIED AND APPROVED UNANIMOUSLY

b. Approval of April 6, 2001, Minutes (Board action item)

Stephen Nelson, proposed the following changes to the April 6, 2001 Minutes:

1. Page 4, Item II.c., first paragraph, fifth sentence, which reads: "This provides the Division with regulatory authority over out-of-state generators that **may sending** improperly packaged, . . . " Change to read: "This provides the Division with regulatory authority over out-of-state generators that **may be sending** improperly packaged . . . "

2. Page 4, Item II.c., second paragraph, first sentence, which reads: "**Bill continued that** the basic premise. . ." Change to read: "**Bill continued by saying that** the basic premise. . ."

3. Page 6, Item II.c., first paragraph, second sentence, which reads: "He also indicated **that it is his intent that this never happen, but if it does, it is very infrequent."** Change to read: **"**He also indicated that **it is his intent that this happens as infrequently as possible.**"

2. 4. Page 7, Item V.c., first paragraph, second sentence, which reads: "Topics covered included a report . . . . activities including the **Manifest Information**

Management System (MINS) . . ." Change the acronym to read: "Topics covered included a report . . . . activities including the **Manifest Information Management System (MIMS)** . . ."

3.

4. 5. Page 7, Item V.c., first paragraph, second sentence and continuing with the correction of this sentence, which reads: "Topics covered . . . an update on the Atlantic Compact and the Barnwell facility (including **how waste space will be allocated** in the 2001), ..." Change to read: "Topics covered . . . the Barnwell facility (including **how waste space is being** allocated in the 2001), ..."

Karen Langley made the motion to approve the minutes for April, 6, 2001 as amended, seconded by James Thompson.

CARRIED AND APPROVED UNANIMOUSLY

II. RULES (Board action item)

a. Proposed changes to R313-36, Special Requirements for Industrial Radiographic Operators - final approval

Philip Griffin reported to the Board that on March 2, 2001, the Board gave their approval for R313-36, "Special Requirements for Industrial Radiographic Operators," to be sent out for public comment. The public comment period began on April 1, 2001, and ended on May 1, 2001. During this public comment period only one response was received, which was from the Nuclear Regulatory Commission (NRC). NRC evaluated the proposed rules to make sure it was compatible with their program. NRC staff had no comments on the rulemaking.

RECOMMENDATION:
It was recommended by the staff that the Board give final approval to R313-36 and that the effective date for the rule be May 11, 2001.

Dianne Nielson made the motion to approve the rule to be effective on May 11, 2001, seconded by Gregory Oman.

CARRIED AND APPROVED UNANIMOUSLY

III. RADIOACTIVE MATERIALS LICENSING/INSPECTION

No items

IV. X-RAY REGISTRATION/INSPECTION

a. Recertification of Mammography Imaging Medical Physicists

Craig Jones stated that in accordance with 19-3-104(3)(c)(ii) of the Utah Code Annotated, the Board may make rules to establish the certification procedure and qualifications for persons who

survey mammography equipment and oversee quality assurance practices at mammography facilities across the State. Craig asked the Board to refer to the revised list titled, "Mammography Imaging Medical Physicists - Certification of Applicants," that was handed to them in the supplemental packet. Craig said that all of the individuals on the revised list had completed an application to be certified or recertified as a Mammography Imaging Medical Physicist (MIMP).

Craig indicated that the Radiation Control Act authorizes the Board to write rules for the certification of these individuals. He said that there is a requirement for a MIMP to be recertified each year and that every individual on the revised list had provided information demonstrating that they met the requirements established by the Board. Craig said that Jeff Fairbanks, Ph.D. had submitted an application for initial certification.

RECOMMENDATION:

Craig Jones recommended to the Board that they approve the recertification and certification of the individuals, who meet the requirements established by the Board, as Mammography Imaging Medical Physicists. He asked that they make this effective from June 1, 2001 through May 31, 2002.

Teryl Hunsaker made a motion that the Board approve the recertification and certification of the individuals who meet the requirements as Mammography Imaging Medical Physicists, seconded by Barbara Reid.

CARRIED AND APPROVED UNANIMOUSLY

V. <u>RADIOACTIVE WASTE DISPOSAL</u> (Board information items)

b. a. Status report on Envirocare's B and C license application

Bill Sinclair reported that a draft response to comments has been received by the Division from URS and it is under legal, policy, and technical review. There are some issues that need to be discussed further and resolved within the Division and Department. These activities are currently underway so that a final decision can be reached within the next few weeks.

c. b. Status report on license modification request of January 26, 2001 to accept containerized Class A waste in the existing Class A cell, Envirocare of Utah

Bill Sinclair stated that the draft license, draft statement of basis, and public notices are being finalized and the 30-day public comment period is expected to commence next week. Hearings will be held in both Salt Lake City and Tooele on the containerized Class A request. Information will be posted on the DRC website regarding the hearings.

b. c. Summary of Northwest Interstate Compact Meeting, April 24, 2001, Boise, Idaho

c.

Bill Sinclair reported that on April 24, 2001, he attended a regularly scheduled meeting of the Northwest Interstate Compact. Besides the routine business, as indicated on the agenda provided

in the Board packet, two issues of note were discussed. The first issue dealt with the deposition of some low-level radioactive waste from Ft. Greeley, Alaska. The Compact has taken the position that unless the Army can demonstrate that this waste is exempt as a low-level radioactive waste, it must be disposed of at the Compact site in Washington. The Army had originally proposed that the waste be disposed of at the Envirocare site in Utah. The second amended resolution and order states that specific approval must be gained from the Compact for that event to happen. By vote, the Army was put on notice that the Compact believed the waste was subject to its provisions and would need to be disposed of at the U.S. Ecology site.

He continued by indicating that the second item of interest to members was a decision by an Oregon company, Wah Chang, to send their waste to Envirocare instead of the U.S. Ecology site. This waste has represented significant volumes of waste that have been and are currently being disposed. Wah Chang has been treating a mixed waste on-site to remove the "hazardous waste component" and has shipped such waste as low-level radioactive waste to the U.S. Ecology site. Now, Wah Chang, has decided for a variety of reasons, to abandon on-site treatment and ship the mixed waste directly to Envirocare for treatment and disposal. Under the conditions of the second amended resolution and order, mixed waste is not excluded from shipment by Northwest Compact member states to Envirocare. The end result is that the remaining generators using the U.S. Ecology site will pay more money because fees are assessed on a volumetric basis by generator.

VI. URANIUM MILL TAILINGS UPDATE (Board information items)

a. Alternatives for rulemaking: Domestic licensing of uranium and thorium recovery facilities: NRC SECY paper-01-0026m February 15, 2001

Bill Sinclair discussed a recent NRC policy paper regarding future rulemaking for uranium facilities, often referred to as the new Part 41 rulemaking. The Commission now has to decide one of three options to pursue:

(1) Use the National Materials Program Working Group as a pilot

(2) Continue to develop a final rulemaking plan

(3) Discontinue the current rulemaking, update guidance documents to implement the Commission direction

Each of the alternatives is discussed in the paper provided in the packet as well as the resources that each would require. The NRC staff gave no recommendation as to an alternative choice, but requested Commission guidance.

b. b. Status report on Moab Millsite Activities

Loren Morton reported on the activities that had taken place at the Moab millsite since the last Board meeting. A table summarizing the events follows:

Summary of Moab Millsite Activities since last Board meeting

Date	Agencies involved	Activity that Took Place
4/18/01	DRC/NRC/PWC Conf. Call	DOE-GJPO research on dust suppression provided PWC,. Contractors identified.
4/20/01	DRC sole source letter to PWC	Beneficiary letter to allow PWC to select a sole source contractor for dust suppression.
4/23/01	PWC resignation letter	Procedural requirements (120 days before termination, 9/1/01).
4/24/01	Dust suppression bid	DOE sends dust suppression contractors' bid to PWC.
4/24/01	NRC letter to DOE	Request to release Title X funds (unilateral).
4/26/01	DRC/NRC/PWC Conf. Call	DRC asks PWC for accountability of Trust funds.
4/27/01	PWC statement of assets/expenditures	PWC faxed listing of current assets and expenditures for 4/01 and projected disbursements thru 8/31/01. Numbers show insufficient cash for both dust suppression and passive site maintenance thru 8/01.
5/2/01	PWC travels to Albuquerque	Meetings with DOE Title X staff to facilitate next year's claim with hopes of early release of funds.
5/3/01	DOE announcement	$610,000 of Title X funds will be available next week (early release).

5/3/01	PWC announcement	Dust suppression contract to be signed 5/4/01. Materials to be delivered to site during week of May 7, 2001. Work to be finished around May 15, 2001.

Next Steps: Moab Millsite

(1) Discussions will continue with the Trustee regarding improvements in accountability.

(2) Transition Workplan Remainder Items that need attention:
   1. Slimes Cover
   2. Evaporation Pond
   3. Pumps (sump, pond, de-watering wells)
   2.

b. c. Status of Molycorp amendment request by International Uranium - request for consultation on the Environmental Assessment by the NRC of April 12, 2001

Loren Morton said that the recent petition request by the Sierra Club for a hearing on the Molycorp amendment request was denied by an NRC administrative law judge.

On April 12, 2001, a letter was received at DRC from NRC requesting State comments on a Draft Environmental Assessment for the Molycorp amendment request. The Division of Radiation Control has until May 16, 2001, to comment to the NRC, which they will coordinate with the Division of Solid and Hazardous Waste to get their comments back to NRC.

NRC staff proposes to issue a preliminary Draft Environmental Assessment (DEA) on the Molycorp amendment request. Bill said that he would provide the Board with a copy once it is published.

VII. OTHER DEPARTMENT ISSUES (Board information item)

a. Conference of Radiation Control Program Directors (CRCPD) meeting, April 28 - May 2, 2001, Anchorage, Alaska

Bill Sinclair discussed his recent attendance at the annual meeting of the Conference of Radiation Control Program Directors in Anchorage, Alaska. There were many opportunities for networking and training at the conference. Bill took advantage of attending a session on non-ionizing radiation to catch a glimpse as to what other programs in the country are doing. He also attended a session on portal monitor alarms with manufacturers explaining the various pros and cons of the systems. This is still a source of frustration for programs, as many alarms continue to be triggered by medical solid waste from released patients. Pennsylvania has just recently required portal monitoring of all of their solid waste landfills in conjunction with requirements of how to respond to the differing events that could be expected.

There continues to be a concern with unnecessary radiation exposure to patients from fluoroscopy and the Conference passed a resolution that encouraged all healthcare facilities to periodically monitor patient dose with a significant potential for large radiation doses to patients. Another concern identified was that boxes have been identified in some dentist offices that have been found to contain significant quantities of lead. In Wisconsin, these boxes have been identified in about 10-20% of the offices visited. As a result, DRC is working with the Utah Dental Association to get the word out on this particular issue.

VIII. OTHER ISSUES:

d. a. Next Board Meeting - June 1, 2001, Star Hall, Moab, Utah, 9:00 - 11:00 a.m., Discussion of itinerary for June Board Meeting

Bill Sinclair reviewed the May 30 - June 1, 2001 travel plans of the Board for the meeting in Moab, Utah. Following are the activities which are planned:

May 30, 2001 (Wednesday)
3:00 p.m. - Depart for Moab, staying at the Comfort Suites

May 31, 2001 (Thursday)
9:00 a.m. - Tour of the Moab millsite
1:00 p.m. - Tour of the White Mesa Mill

June 1, 2001
9:00 a.m. - 12:00 p.m.(Noon) - Utah Radiation Control Board meeting, Star Hall, Moab

The Board meeting adjourned at 3:00 p.m.