

LQD Meeting

1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE LAND QUALITY ADVISORY BOARD

STATE OF WYOMING

IN RE: LQD MEETING

TRANSCRIPT OF MEETING PROCEEDINGS

PURSUANT TO NOTICE duly given to all parties
in interest, this matter came on for telephonic meeting on
the 3rd day of May, 2016, at the hour of 9:02 a.m., at the
Oil and Gas Conservation Commission, 2211 King Boulevard,
Casper, Wyoming before the Land Quality Advisory Board,
Chairman Jim Gampetro, presiding, with Mr. Phil Dinsmoor,
Ms. Natalia Macker, Mr. Micky Shober and Mr. John Hines.
Mr. Kyle Wendtland, Land Quality Administrator;
Mr. Craig Hults, Senior Environmental Analyst;
Ms. Carol Bilbrough, LQD Program Manager;
Mr. Ryan Schierman, Uranium Recovery Manager; and
Ms. Eva La, Assistant Wyoming Attorney General, were also
in attendance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

(Meeting proceedings commenced
9:02 a.m., May 3, 2016.)

CHAIRMAN GAMPETRO: Okay. Why don't we do
the introductions.

MR. HULTS: Craig Hults with the Land
Quality Division in Cheyenne.

MR. SCHIERMAN: Ryan Schierman with Land
Quality Division, also the uranium recovery program
manager.

MS. LA: Eva La, Attorney General's Office.

BOARD MEMBER DINSMOOR: Phil Dinsmoor,
industry representative for Land Quality Advisory Board.

CHAIRMAN GAMPETRO: Jim Gampetro, public
representative, Land Quality Advisory Board.

BOARD MEMBER MACKER: Natalia Macker,
public representative, Land Quality Advisory Board.

BOARD MEMBER HINES: John Hines,
agriculture representative, Campbell County.

BOARD MEMBER SHOBER: Micky Shober,
Campbell County commissioner, political representation.

CHAIRMAN GAMPETRO: Okay. Who's going to
start off this morning?

MR. SCHIERMAN: Chairman, I think if it's

1 all right, do we need to approve minutes or anything from
2 last time, or we move into these rules?

3 CHAIRMAN GAMPETRO: Has everyone had a
4 chance to look at the minutes?

5 BOARD MEMBER DINSMOOR: I did, sir, and I
6 would recommend -- make a motion for approval of the
7 minutes.

8 BOARD MEMBER MACKER: Second.

9 CHAIRMAN GAMPETRO: So moved and seconded.
10 All those in favor signify by saying aye.

11 BOARD MEMBER SHOBER: Aye.

12 BOARD MEMBER MACKER: Aye.

13 BOARD MEMBER HINES: Aye.

14 BOARD MEMBER DINSMOOR: Aye.

15 CHAIRMAN GAMPETRO: Any opposed?

16 Minutes are approved from the last meeting.

17 Now, primer and discussion on the next three
18 chapters of the proposed regulations.

19 MR. SCHIERMAN: So, Chairman Gampetro,
20 there's a couple of ways we can do this, and I'll let you
21 guys decide how we want to. We have the chapters that we
22 introduced last time with some minor edits, we can go
23 through those and have discussions on those first, and then
24 go into the primer on the next chapters we're going to be
25 introducing, or we can flip flop that and go for the primer

1 and discuss the chapters that you've already seen. What
2 would you guys prefer?

3 CHAIRMAN GAMPETRO: Any preferences?

4 BOARD MEMBER DINSMOOR: Chairman, I vote
5 for going over the ones we've seen because it serves as
6 kind of a reminder and helps us get back into the --

7 MR. SCHIERMAN: I think that would be good
8 too.

9 So what I've done I've printed off some copies,
10 and I'm going to be kind of moving back and forth, if
11 that's okay. I printed off some copies for you with the
12 redline versions to replace the other chapters in your --
13 in your binders. And as you recall from the last meeting,
14 as well there was some discussion of the walk-through that
15 we had didn't exactly match up with the -- with the chapter
16 we provided you, so I also included another walk-through
17 that should be more representative of how the chapter
18 looks. Those are there for you to look at.

19 The changes that were made to the chapter were
20 pretty minor. What I planned on doing with you guys, if
21 that's okay, is going through page by page so you're aware
22 of the changes that were made. And then also if you guys
23 have any comments or discussions, before I move on to the
24 next page, maybe that would be best to bring up there as
25 well.

1 So working on page 1, second line of Section 1,
2 after the reference we added the verbiage 2015. Just to be
3 consistent with the way we write our rules, we left out
4 that 2015.

5 In Section 2, you'll see the addition of
6 "recovery or" and then "recovery or." And that is just so
7 that we are consistent with the rest of our rules.

8 That was all that was done for the first page.
9 Did anyone have any comments before we move on to the
10 second page? Okay.

11 Moving on to the second page, then. I don't
12 remember -- I don't believe there was any edits to the
13 second page. So did anyone have any questions with any of
14 the definitions on the second page?

15 Okay. We'll move on to the third page. Same
16 thing. Does anyone have any changes to the third page?
17 Okay.

18 In the fourth page, at the very end, under the
19 definition of Commission, we also stated that the "Nuclear
20 Regulatory Commission is an equivalent term," just so that
21 in our rules we can refer to the NRC both as the Commission
22 and/or the NRC. At times it makes more sense to refer to
23 the NRC as the NRC and not the Commission. So we just
24 wanted to maintain that ability for us to refer to the NRC
25 or the Commission. Okay?

1 On page 5 -- anyone have any questions on page 4?
2 Okay. If I go too fast, please tell me to slow down. I
3 have a tendency to run, and I think I'm conveying, but if
4 I -- if I'm going too fast, stop me, please.

5 On page 5, there was no changes made. Did anyone
6 have any questions as far as any of those definitions?

7 Okay. On page 6, there was a change under
8 Contamination under (i) and (ii), we removed the alpha --
9 or the verbiage both and -- and beta emitters. And the
10 reasoning for this was mostly industry driven after
11 consultation.

12 The biggest hazard with the uranium is the alpha
13 component. There is a beta component, but mostly it's the
14 alpha that's the more limiting. If you look at the
15 contamination on a ratio for that uranium, it's always
16 going to be in a 2-to-1 ratio, so two alphas per one beta.
17 And so they're still covered under the rules. They just
18 wanted to remove the alpha and the beta because it's really
19 the alpha that they're dealing with.

20 But if you look in the definition on (ac), at the
21 very end where we talk about where beta and gamma
22 contamination exist please reference Table 2 of Regulatory
23 Guide 8.30. We're still covering ourselves, it's just a
24 matter of stylistic --

25 CHAIRMAN GAMPETRO: I don't understand why

1 you would remove beta. Beta rays are more penetrative.

2 MR. SCHIERMAN: They are. It has to do
3 with the uranium decays. Uranium decays mostly in the
4 alpha fashion. So as it decays, it goes to daughter
5 products. There is some beta regrowth, but it's always
6 going to be coupled with alpha. Does that make sense? So
7 you're never going to have beta alone. You're always going
8 to have alpha and beta together.

9 CHAIRMAN GAMPETRO: Even makes more sense
10 to keep it in there.

11 MR. SCHIERMAN: Right. And we can
12 potentially do that. And, like I said, if that's where we
13 want to go, we are still covered as far as they have to
14 meet those limits for the beta and the gamma, because if
15 you refer back to that table, it's just not necessarily
16 completely spelling it out. Does that make sense?

17 BOARD MEMBER DINSMOOR: Mr. Chairman, just
18 a quick question.

19 Are they -- are the beta and gammas always there
20 in that 2-to-1 ratio?

21 MR. SCHIERMAN: For the alpha to beta in
22 the uranium decay --

23 BOARD MEMBER DINSMOOR: Oh, pardon me,
24 alpha and beta.

25 MR. SCHIERMAN: Yeah. So the alpha-to-beta

1 decay scheme for uranium is always going to be at least a
2 2-to-1, okay.

3 BOARD MEMBER DINSMOOR: So that being the
4 case, if you're controlling the alpha particles --

5 MR. SCHIERMAN: You're controlling the
6 beta.

7 BOARD MEMBER DINSMOOR: -- you're also
8 controlling the beta particles, if that ratio is relatively
9 constant.

10 CHAIRMAN GAMPETRO: Not really. The alpha
11 particle is a nucleus, and it can be stopped by a piece of
12 paper or clothing. The danger with the alpha particles is
13 inhaling it and getting it into your lungs where it will
14 decay and hurt you. Beta particles go through your
15 clothing, and it's a -- it's an electron or positron, and
16 it's high velocity, relativistic velocities. It can be
17 stopped by a piece of glass. Okay? I just don't --

18 MR. SCHIERMAN: So let me clarify.

19 CHAIRMAN GAMPETRO: -- in terms of
20 safety --

21 MR. SCHIERMAN: Chairman Gampetro, you're
22 exactly right as far as the characteristics of alpha and
23 beta. What we're talking about is -- actually, with this
24 contamination is when they're actually releasing an item,
25 they actually have to survey it. So with the survey

1 techniques, they're actually picking up the alphas. They
2 can scan those alphas there. They have equipment that does
3 it. The problem that you have with beta components, if you
4 understand radiation detection measurements, the handheld
5 measurements that you can -- that exists, it's hard to
6 distinguish between the beta and the gamma. You can go
7 through mechanisms and try to distinguish them, but because
8 of its penetrating ability, that detection mechanism treats
9 them basically the same. Does that make sense? It's
10 either beta and gamma, and lumps them into a certain
11 rating. With alpha, you can distinguish between the alpha.
12 Does that make sense?

13 CHAIRMAN GAMPETRO: It makes sense, but --

14 MR. SCHIERMAN: Right.

15 CHAIRMAN GAMPETRO: -- I'm not clear,
16 again, as to why we would exclude it when we're talking
17 about the safety of the miner or anybody visiting the
18 facility.

19 MR. SCHIERMAN: Right. And mostly what
20 happens -- and this is kind of -- it goes into the
21 political struggles of that, Chairman Gampetro -- I
22 apologize -- but it goes into the political aspect of how
23 they're regulated now. And, traditionally, they've always
24 been kind of treating the alpha and beta together.
25 Monitoring for the alpha will limit it. There has been

1 some discussion as far as characterizing those betas. And
2 it's based on this Table 2 of Regulatory Guideline 8.30.

3 What we could do to address your concerns as well
4 is those limits for beta emitters would be the same as that
5 for the alpha emitters. So we could leave those betas in,
6 if that's the board's decision. It wouldn't hurt the
7 rules. It doesn't change the rules.

8 CHAIRMAN GAMPETRO: I'm just expressing
9 opinion here.

10 MR. SCHIERMAN: No. I agree. And I
11 understand where you're coming from, but that was just the
12 directive we've been --

13 CHAIRMAN GAMPETRO: It's up to the board.

14 MR. SCHIERMAN: Right.

15 BOARD MEMBER DINSMOOR: Mr. Chairman, let
16 me ask again. This isn't a controlling regulation. It's
17 a -- it's a defining regulation --

18 CHAIRMAN GAMPETRO: Okay.

19 BOARD MEMBER DINSMOOR: -- if those
20 particles naturally occur in that-2-to-1 ratio.

21 CHAIRMAN GAMPETRO: They don't always do
22 that. Okay?

23 BOARD MEMBER DINSMOOR: They do not?

24 CHAIRMAN GAMPETRO: They don't always do
25 that. That's an average. People drown in rivers of an

1 average death of six inches.

2 MR. SCHIERMAN: So what you have --
3 Chairman, what you'd have to look at is -- you're right,
4 there's potential for beta to be separated and beta to
5 exist, and there's some nucleides that are solely beta
6 nucleides. But when you talk about the uranium scheme,
7 when you're recovering it, basically you have this
8 lixiviant that could potentially bring other daughter
9 products into your plant as well. And, basically, what
10 would happen at that point is you're extracting the
11 uranium. The uranium has 4.5 million -- 4.5-million-year
12 half-life, right? And as that goes through, it's the
13 k-cycle, it goes mostly through A's until -- and if you sit
14 and let that uranium, you know, sit for a while, it will
15 have what is referred as protactinium, which is a beta.
16 What you're saying is, you know, that emits only betas.
17 But what happens is you have to have some way within your
18 processes of separating the uranium from those. So you'd
19 have to have a screening mechanism to isolate solely that
20 beta emitter and remove it from the circuit.

21 Currently, that's not the case. I do think
22 you're right. I mean, it's part of public health and
23 safety, you do have to monitor for the beta. There's
24 circumstances where your beta's going to be your major
25 health hazards. Typically, for these uranium operations,

1 though, it has been the alpha. As far as how we represent
2 that, you're right, they still have to maintain the beta
3 controls. What we're talking about with this definition,
4 when they release materials -- okay. Let's say they were
5 releasing material for public use or off of their site.
6 They have to meet all the alpha limit, but they also have
7 to meet those beta and gammas because we are referencing
8 the table. It's just a matter of -- I think what we're
9 talking about here is if we want to necessarily call out
10 specifically those beta limits within this definition. And
11 that would be the board's decision and it doesn't change
12 the rules. It's just a matter of stylistically how we
13 would want to represent that. Does that make sense,
14 Chairman?

15 CHAIRMAN GAMPETRO: No. I'm not
16 understanding why you would want to limit it.

17 BOARD MEMBER DINSMOOR: Where is the beta
18 that -- the beta limit, if it's not here?

19 MR. SCHIERMAN: It's going to be in the
20 Table 2 of Regulatory Guide 8.30, is what we reference to
21 limit that beta and gamma. For that beta, it's the same
22 limit as the alphas. So they have a thousand betas --

23 CHAIRMAN GAMPETRO: I guess the problem I
24 have with not calling it out, somebody reading this is not
25 going to the table.

1 MR. SCHIERMAN: Originally, we did that.
2 We called it out for that, and that's where we were -- we
3 got pressure to put just the alpha and refer to the table,
4 which --

5 CHAIRMAN GAMPETRO: Miners need to be
6 protected from alpha, beta and gamma.

7 MR. SCHIERMAN: So -- and Chairman
8 Gampetro, we'll leave it to the board, but I -- I don't
9 think it would be a problem to leave the beta component to
10 it, so...

11 BOARD MEMBER MACKER: Thank you,
12 Mr. Chairman.

13 Why was it in there originally?

14 MR. SCHIERMAN: Some of the same reasons
15 that Chairman Gampetro was talking about, basically, just
16 to make sure that industry realized when they release
17 materials, et cetera, et cetera, for outside the site, they
18 have to meet those beta requirements too.

19 What was talked about was if we reference the
20 table of Table 2 of Regulatory 8.30, it basically meets
21 that same requirement. We can maintain the alpha. Like I
22 said, I think it's more of a stylistic how we want to
23 present the information. Standards are still going to be
24 met. It's just how we represent that information to the
25 public and to everyone else.

1 So regardless of what the board decides on this,
2 I don't think it changes the rules, and we can go either
3 way on that.

4 So do we want to -- Chairman Gampetro, do we want
5 to make a decision on that now or think about it? How --

6 CHAIRMAN GAMPETRO: If anybody on the board
7 is concerned, as I am, they would have to make a motion to
8 keep it in there. And if they're not, then we move on.

9 MR. SCHIERMAN: Okay.

10 BOARD MEMBER MACKER: Can I ask another
11 question?

12 Are we making an onerous issue for companies?

13 MR. SCHIERMAN: Chairman Gampetro. Board
14 Member Macker, I don't think so because, like I said, they
15 still have to meet those objectives. You know, the
16 objectives stay the same. When we reference the table of
17 Regulatory Guide 8.30, those are the requirements they have
18 to meet. It's whether we spell that out and specifically
19 say for everyone to see this is what they have to meet. So
20 I am -- like I said, it doesn't change the rules. It's
21 more of how we want to display information.

22 BOARD MEMBER DINSMOOR: Mr. Chairman.

23 Ryan, let me ask you this: By removing it, do we
24 potentially mislead somebody by not having it?

25 Which I think is where your question is really

1 headed, if I can be so bold.

2 MR. SCHIERMAN: Right. Chairman Gampetro,
3 Board Member Dinsmoor. Yes, potentially it could. The
4 other argument, as well, is do you draw unneeded attention
5 to industry, and that's where their point was you're
6 drawing -- you know, where the hazard is mostly alpha,
7 their contention is are we drawing unnecessary attention by
8 putting this in there. We still have to meet the
9 standards, but is this drawing unnecessary attention. So
10 that's what we're -- that's the line we have to play is
11 that it's -- are we being misrepresenting or are we drawing
12 too much attention? Personally, with me, with these rules,
13 I think it can go either way. I don't think it changes the
14 context. It's more of what the board feels best practice
15 at this point, I would say.

16 Does that answer your question, Board Member --

17 BOARD MEMBER DINSMOOR: It does.

18 MR. SCHIERMAN: -- Dinsmoor?

19 CHAIRMAN GAMPETRO: Okay. Seeing no
20 motion, let's move on.

21 MR. SCHIERMAN: So, Chairman Gampetro, just
22 so I understand the process on this. So does that mean
23 that we leave it as corrected or not corrected?

24 CHAIRMAN GAMPETRO: I do not have the
25 authority to tell you to change it.

1 MR. SCHIERMAN: Okay.

2 CHAIRMAN GAMPETRO: I would recommend that.

3 MR. SCHIERMAN: Okay.

4 CHAIRMAN GAMPETRO: I think that it would
5 have required to make a change as far as -- to vote on
6 that.

7 BOARD MEMBER DINSMOOR: Can you make a
8 motion?

9 CHAIRMAN GAMPETRO: I can't make a motion.

10 BOARD MEMBER DINSMOOR: No?

11 CHAIRMAN GAMPETRO: No. Motions and votes
12 come from you people. I'm a moderator, as the chairman.

13 MR. SCHIERMAN: Okay. So I guess we will
14 move on.

15 Page 1-6, is there any other questions anyone had
16 on 1-6? Okay.

17 On 1-7, did anyone have any changes to 1-7 or
18 questions?

19 BOARD MEMBER DINSMOOR: Mr. Chairman, I
20 have one question.

21 MR. SCHIERMAN: Okay.

22 BOARD MEMBER DINSMOOR: Ryan, we talked at
23 the last meeting about references to the department and to
24 the Land Quality Division as being interchangeable or not.
25 And as I recall from the minutes from the last meeting, one

1 of the things the department -- one of the things engaged
2 in was to revisit that internally and make sure that when
3 you called out department versus division, that you were
4 comfortable it was the correct callout.

5 MR. SCHIERMAN: Yes.

6 BOARD MEMBER DINSMOOR: Did those --

7 MR. SCHIERMAN: Chairman Gampetro, Board
8 Member Dinsmoor, we are comfortable with the distinction
9 between department -- and you can correct me if I'm wrong,
10 Eva -- but the way we went back and looked at it, made sure
11 that when we stated department, that we were referencing
12 the land quality group. And when we were trying to say
13 division, it would be more of the administrative --
14 administrator, correct?

15 MS. LA: So, Chairman, board members, the
16 use of the word "department" means the agency as a whole.
17 And then reference to the Land Quality Division
18 represents -- is referenced to the division, and I feel
19 like we've utilized the terms correctly. Unless there's a
20 specific scenario, Board Member Dinsmoor, which you'd like
21 to point out, we can revisit it, but we have reviewed that.
22 And when we use the department and when we use the Land
23 Quality Advisory Board, we feel that it's appropriate and
24 oftentimes the powers are obviously interchangeable between
25 the two -- the two nouns, so...

1 BOARD MEMBER DINSMOOR: I don't have any
2 particular issue. We just -- I remember we had the
3 conversation. We were concerned that they weren't always
4 interchangeable and we'd asked them to just take a look at
5 that. So if they're comfortable, I am.

6 MR. SCHIERMAN: Okay. And Board Member --
7 Chairman Gampetro and Board Member Dinsmoor, as well with
8 that, before I move on, the other things that we looked at
9 from last time that we wanted -- I wanted to convey to you
10 as well. Some of those terms that maybe have other
11 contexts, as well I think one of them came up as far as
12 construction, you know, how that has different meanings
13 between the different agencies. We did go back and look
14 through those rules that apply to uranium recovery, and it
15 wasn't necessarily in conflict with those. It was in
16 agreement with those as well. So just wanted to report on
17 those items as well because I know that was a question you
18 raised last time.

19 As we go through this, there was some definitions
20 when we actually went through this that we said actually we
21 need to change this so it's in line with the statutes,
22 because it was a couple words tweaked that wasn't
23 completely in line with the statutes. That point was
24 brought up. We did take that suggestion as well, to go
25 back and look through those.

1 BOARD MEMBER DINSMOOR: The question, as I
2 recall, with regard to construction was that the term has
3 potentially different meanings throughout the various
4 divisions in the department.

5 MR. SCHIERMAN: Right.

6 BOARD MEMBER DINSMOOR: And you're okay
7 with that?

8 MR. SCHIERMAN: We're okay where we went.
9 We went and looked through those rules that -- or interfere
10 with this group, this regulated body, and there was no
11 conflict.

12 BOARD MEMBER DINSMOOR: Okay. Thank you.

13 MR. SCHIERMAN: So continuing on, 1-7 there
14 wasn't any changes.

15 1-8 there wasn't any changes. Is there any
16 comments on those? Okay.

17 Page 1-9, there was not any comments. Page 10,
18 there was not any comments. Page 11, there was not any
19 comments. Did anyone have any questions or concerns on any
20 of those pages? Okay.

21 Page 12, Person -- the definition of Person,
22 according to Statute 35-11-103, was a little different than
23 what was in the statutes, so we went ahead and deleted the
24 whole definition and changed it to what the statutes stated
25 so there wasn't any contradiction between the two. In

1 all -- all reality, they were pretty close definitions,
2 just a matter of a couple words here and there they may not
3 have included in the statutes or vice versa.

4 Okay. Moving on to 1-13. On the definition of
5 program, we added the word "State's" just for
6 clarification. So it reads "...the State's uranium
7 recovery program." Just a clarifier on that. Any other
8 questions on page 15 or page 13?

9 Okay. On page 14, there was no changes. Did
10 anyone have any questions on page 14?

11 Okay. On page 15, in response to an NRC comments
12 on these chapters, it was determined that the definition of
13 "site" and "site boundary" were contradictory, and so we --
14 it's -- to appease the NRC on those, we deleted the
15 definition of site, and will rely on the definition of site
16 boundary.

17 BOARD MEMBER MACKER: Mr. Chairman. Thank
18 you.

19 Does that mean that throughout the rules we will
20 never use the term "site"? We'll only use the term
21 "site boundary"?

22 MR. SCHIERMAN: Chairman Gampetro. Board
23 Member Macker, that is our intent, is to try to do that.
24 Obviously, with the word "site," we have to screen and make
25 sure we don't just commonly refer to a site, but we'll try

1 to do site boundary.

2 BOARD MEMBER MACKER: That's the
3 intention --

4 MR. SCHIERMAN: That's the intent.

5 BOARD MEMBER MACKER: -- is try to change
6 our definition to site boundary from site?

7 MR. SCHIERMAN: Any other question with
8 1-15? Okay.

9 1-16, under the definition of Uranium Fuel Cycle,
10 the "handling of unrefined and unprocessed ore" was
11 deleted. This was in response to NRC review. If you look
12 at the definition of uranium fuel cycle, it -- the
13 capability is capability B, which they like to be word for
14 word. As we're talking with the group, the handling of
15 unrefined processed ore, they felt that it should be
16 included in this, so we -- through edits, we meant to take
17 it out, but we missed that. So we ended up deleting those
18 just so it matches that NRC definition and maintains that
19 capability B. Okay?

20 BOARD MEMBER SHOBER: Can you maybe put
21 this in a little more --

22 MR. SCHIERMAN: Yeah.

23 BOARD MEMBER SHOBER: -- the definition
24 uranium fuel cycle.

25 Would -- in Wyoming is there -- where does it --

1 in the in-situ mining operation, when does it become part
2 of the process of the milling?

3 MR. SCHIERMAN: So -- Chairman Gampetro.
4 Board Member Shober, where it becomes part of our
5 regulatory scheme, Land Quality obviously handles the
6 mining aspect of it, right? So if you were to have a
7 uranium mine, conventional, where you're actually getting
8 more, Land Quality would handle it. Where NRC comes in and
9 regulates radioactive material is when you start milling
10 those ores, okay? And that's what they've decided with
11 in-situ recovery mines is that that milling occurs
12 underground, and that's where they come in as far as the
13 regulatory scheme.

14 Where this fits in the grand scheme of the
15 uranium fuel cycle is we are the very beginning of it. So
16 you have the milling of the uranium, which is a product of
17 yellowcake, if you will, and that is sent to a converter to
18 be enriched so that you can enrich that U-238, because
19 yellowcake contains mostly uranium-235. There's a small
20 component of it that's U-238, uranium-238, which has
21 enriched such that the fission is -- it's profitable or
22 efficient. So that's where it goes. It gets converted,
23 enriched, put into fuel assemblies and put in the nuclear
24 fuel rods, then power the nuclear power.

25 So that's where we are. As far as why the

1 definition of uranium fuel cycle is in these definitions is
2 mostly for educational purposes to describe how we fit
3 within that uranium fuel cycle, that we are on the very
4 front end of that fuel cycle. We do not have any of the
5 enrichment nor the -- nor the conversion or any of those
6 aspects of this regulatory scheme, and if we were to get
7 those, let's say someone were to bring these into the
8 state, the NRC holds jurisdiction over those type of
9 facilities, and those cannot be released to the State for
10 agreement or primacy.

11 CHAIRMAN GAMPETRO: Micky, short answer, we
12 don't handle unrefined. It's refined when it comes out of
13 the ground.

14 BOARD MEMBER SHOBER: Yes. So that's -- so
15 if I understand it right, the milling starts when you start
16 the separation underground in the --

17 MR. SCHIERMAN: Right. Correct.

18 BOARD MEMBER SHOBER: -- in-situ mine?

19 MR. SCHIERMAN: Sorry. That was probably a
20 little long-winded.

21 Board Member --

22 BOARD MEMBER DINSMOOR: Let's follow on
23 that for a second. So in the in-situ operations, there is
24 no mining.

25 MR. SCHIERMAN: Chairman Gampetro. Board

1 Member Dinsmoor, that has been an argument that -- that --
2 before we even started this is when does the mining and
3 when does the milling happen within in-situ? And basically
4 what happened, the NRC ruling is, basically, because they
5 are mobilizing the uranium and oxidizing it, if you will.
6 That is considered milling underground, and that's why they
7 are regulated by the NRC. Does that make sense?

8 BOARD MEMBER DINSMOOR: It does until
9 somebody comes in and wants to open an open-pit uranium
10 operation, and then the question becomes are they covered
11 by this regulation?

12 MR. SCHIERMAN: So -- Chairman Gampetro.
13 Board Member Dinsmoor, that is a good question, what
14 happens with conventional ore. What happens is -- that
15 would be covered under Land Quality. NRC is not -- does
16 not regulate conventional ore, like if you were an open-pit
17 ore or underground mine ore. Once it becomes processed or
18 start altering it, that's when NRC comes into play.

19 And that also brings up the question, the
20 question that's been asked a lot, what point are you
21 altering the ore? If you are sorting the ore and crushing
22 it and -- what the NRC's current philosophy is once you
23 start crushing that ore, then that's the beginning of the
24 milling process, and that's where NRC comes in to regulate.
25 Does that make sense?

1 BOARD MEMBER DINSMOOR: I think. Does that
2 mean that whatever public health and safety and worker
3 health and safety accommodations are in these regulations
4 do not apply to the mining operation, but only apply to the
5 milling operation -- those operations were in the uranium
6 fuel --

7 CHAIRMAN GAMPETRO: They apply to the
8 mining operations of the open pit, okay? They would not --
9 okay. The mining operation's of in-situ mine is what this
10 applies to because the mining, the milling, all of that, is
11 underground.

12 BOARD MEMBER DINSMOOR: Right. Right.

13 CHAIRMAN GAMPETRO: Okay. So, yes, the
14 question that I still have is the one you originally asked:
15 We go to the open pit --

16 MR. SCHIERMAN: Yep.

17 CHAIRMAN GAMPETRO: -- do we need
18 additional regulations?

19 MR. SCHIERMAN: Chairman Gampetro, Board
20 Member Dinsmoor, if there's an open pit, the Land Quality
21 regulations would apply to them. So the Land Quality,
22 separate from our program, not the ones we're choosing
23 here, but the existing Land Quality would apply. They
24 would also fall under MSHA requirements and have to follow
25 MSHA requirements as far as mining, and that's where the

1 safety and health would be at play.

2 Once they start concentrating or manipulating
3 that ore, or doing something with that ore, that's when
4 those -- those rules -- these rules that we're introducing
5 to you as part of this program would take effect.

6 BOARD MEMBER DINSMOOR: So this particular
7 rule, then, really focuses the -- this whole program on the
8 milling operation.

9 MR. SCHIERMAN: Correct. Board Member --
10 Chairman Gampetro. Board Member Dinsmoor, in all reality,
11 that's all the authority the NRC can give to us for
12 primacy. NRC has no jurisdiction over the ore and the
13 mining conventionally stated. There you have no regulatory
14 scheme for that. And so, therefore, they cannot give it
15 for primacy. Does that make sense?

16 BOARD MEMBER SHOBER: In the in-situ
17 process, I assume water is the waste product.

18 MR. SCHIERMAN: Uh-huh.

19 BOARD MEMBER SHOBER: And so if I
20 understand this right, uranium fuel cycle does not include
21 mining and then goes on in operations at waste disposal
22 sites.

23 CHAIRMAN GAMPETRO: Micky, do you have a
24 question?

25 BOARD MEMBER SHOBER: Yes.

1 MR. SCHIERMAN: Chairman Gampetro. Board
2 Member Shober, what I think it's talking about is it's not
3 necessarily excluding those waste sites, but it's saying --
4 trying to describe what happens to the uranium, right?
5 This is not a governing clause that's going to be affecting
6 this. It's more for public perception and public
7 education, right? So when you take the uranium, what's the
8 cycle for that uranium? Where is its end product? Where
9 is it going? Right? It's a way to describe we take it out
10 of the ground. We mill it. Then where does it go? Just
11 so -- it's more of a public education piece rather than
12 excluding, you know, these items. Does that make sense?

13 BOARD MEMBER SHOBER: Yeah, because the
14 descriptions of what don't -- I guess don't fit what I
15 thought and understood. And so my understanding, I guess,
16 I'm kind of surprised that when I assume that probably the
17 milling operations started somewhere when you took the rods
18 and beads to somewhere and separated those. That's just a
19 little bit different than what I supposed in my mind. So
20 I'm understanding it, grasping it, and it's -- just got to
21 change a few of the terms in my mind to fit this.

22 MR. SCHIERMAN: Chairman Gampetro. Board
23 Member Shober, and that's what it is. In all reality with
24 this uranium fuel cycle, it does create some kind of
25 confusion as far as the language, I would agree. But some

1 of these things were tied, like I said, with the uranium
2 fuel cycle, because of the NRC, what they consider
3 capability B language, which means that we have very little
4 flexibility as far as changing language. They want to
5 maintain this definition so that if we go to Colorado, this
6 is the same definition as if we go to Utah versus any other
7 states. So we're very tight as far as what we can do with
8 this definition. Okay?

9 So any other questions with 1-16? Okay.

10 We'll move on to page 1-17. There was no changes
11 to 1-17. Any other questions from the board?

12 Okay. We'll go to 1-18. No changes from Land
13 Quality. Any changes or questions from the board? Okay.

14 1-19, no changes from Land Quality. Any changes
15 from the board or questions? Okay.

16 1-20, no changes from Land Quality. Any
17 questions from the board?

18 1-21, no changes from Land Quality. Any
19 questions from the board?

20 1-22, no changes from Land Quality. Any
21 questions from the board?

22 1-23, no changes from Land Quality. Any
23 questions from the board?

24 And then 1-24, no changes from Land Quality. Any
25 questions from the board?

1 BOARD MEMBER DINSMOOR: One question.

2 MR. SCHIERMAN: Chairman Gampetro. Board
3 Member Dinsmoor.

4 BOARD MEMBER DINSMOOR: Yeah, we talked
5 earlier about a Table 2. And I'm sure I lost the
6 reference. Is that not a table in these regulations?

7 CHAIRMAN GAMPETRO: We just went past it, I
8 believe.

9 MR. SCHIERMAN: We talked about an appendix
10 in page 1-1, Appendix A, Table 1-1 of this chapter. It's
11 the very first page, Chairman Gampetro, Board Member
12 Dinsmoor.

13 We are not publishing that Appendix A because we
14 want to make sure we get through all the rules, and the
15 very end there will be a final product that has all those
16 changes that will be attached to this. Does that make
17 sense, Board Member Dinsmoor?

18 BOARD MEMBER DINSMOOR: The question is
19 about Table 2.

20 CHAIRMAN GAMPETRO: I thought this was it,
21 but it is Table 1.

22 BOARD MEMBER DINSMOOR: Yeah. There was a
23 reference --

24 CHAIRMAN GAMPETRO: And I don't see beta
25 particles on this.

1 MR. SCHIERMAN: So in Table 2, we just
2 reference it by Board Member -- or Chairman Gampetro.
3 Board Member Dinsmoor, the Table 2 that we talked about
4 with the beta and alpha particles is contained within
5 Regulatory Guide 8.30. So it's a reference that we're
6 incorporating -- we're incorporating that by reference. So
7 that is not contained within this regulation.

8 The Table 1 that we are discussing are weighting
9 factors. So when you're actually trying to convert, you
10 know, dose, you know, what quality factors, it goes into an
11 equation that gives you some kind of dose when you have so
12 much radiation, you can determine a sort of dose.

13 So that Table 2, I guess the short answer is just
14 contained within that reference to Regulatory Guide 8.30.

15 BOARD MEMBER DINSMOOR: Okay.

16 MR. SCHIERMAN: Okay. Does anyone else
17 have any other questions with Chapter 1, in general, before
18 we move on to other items?

19 CHAIRMAN GAMPETRO: I would revisit the --
20 the argument that I had with you earlier.

21 MR. SCHIERMAN: Yes.

22 CHAIRMAN GAMPETRO: And I'll ask a
23 question. Is it required to have a motion and a vote to
24 change something like we talked about?

25 MR. SCHIERMAN: Chairman Gampetro, I think

1 that would be more a Craig question. I'm not sure as far
2 as how Land Quality Advisory Board operates in that regard.

3 MR. HULTS: Mr. Gampetro, I don't believe
4 it would require a motion per se. Your motion would, if
5 phrased at a later time, would say to include any changes
6 that were discussed during the proceedings, and then we
7 would be moving forward with that approval.

8 So whatever we decide on during the course of the
9 meeting, the motion would reflect those changes, if changes
10 were made during the course of a meeting.

11 CHAIRMAN GAMPETRO: I'll just leave it as a
12 recommendation from me.

13 MR. WENDTLAND: Chairman Gampetro --

14 CHAIRMAN GAMPETRO: Uh-huh.

15 MR. WENDTLAND: -- and, Craig, I have one
16 further question on that technical point.

17 With the way we had structured the rule
18 packages -- and this is -- okay. Sorry about that. With
19 the way that we structured the rule packages -- remember
20 we're going to go through sets of rules, and then at the
21 end, we're going to have them all combined and have one
22 additional review of those rules at that time so that
23 they're all combined and in context and give the board and
24 public one more review opportunity then. I think you'll
25 have more than one motion opportunity to address concerns

1 or requests that you're raising. And it may be more clear,
2 when you have the other rule packages combined, where there
3 might be a minor question like this, that when it's in
4 context, that the entire package, that might become more
5 clear.

6 So it may be that your motion would represent
7 that you want to delay that final decision until the rule
8 packages are in line.

9 CHAIRMAN GAMPETRO: I understand what
10 you're saying. I was talking about something very
11 specific, changing a few words.

12 MR. WENDTLAND: Okay.

13 CHAIRMAN GAMPETRO: And in the universe of
14 all this stuff, that kind of gets swamped over by the time
15 we get to the end and talk about a motion of making any
16 changes, so...

17 MR. WENDTLAND: Chairman Gampetro, I agree
18 with you, but I also agree we may have some changes to that
19 verbiage like that in that final package when we have
20 everything in view and in context.

21 MR. SCHIERMAN: And, Chairman Gampetro, as
22 you were speaking to, since it doesn't really --

23 CHAIRMAN GAMPETRO: Let's -- let's -- let's
24 stick with Gampetro. You keep going back and forth, and
25 it's Gampetro.

1 MR. SCHIERMAN: I'm sorry.

2 CHAIRMAN GAMPETRO: I really don't care.

3 It's just that's what it is.

4 MR. SCHIERMAN: I apologize.

5 CHAIRMAN GAMPETRO: That's all right.

6 MR. SCHIERMAN: Now, with that, since it's
7 not a formatting change, it's not a major change, we're not
8 changing any limits, we're not changing any of that nature.
9 I'm okay going back and forth between what we want to go
10 with. I'm okay with your suggestions. It's just a matter
11 of how we move forward with it.

12 CHAIRMAN GAMPETRO: I didn't want to force
13 it if no one up here --

14 MR. SCHIERMAN: Right.

15 CHAIRMAN GAMPETRO: -- cares.

16 So it's just a recommendation. If anybody
17 doesn't like that recommendation, you should speak up,
18 though.

19 MR. SCHIERMAN: Okay. Perfect. Okay.
20 With that, we'll move to -- I also provided you guys, just
21 so you know, with the walk-through, just for individual
22 items as far as capability, where those are found in the
23 Federal Register so that you can find those. And this is
24 an updated to reflect more accurately the other items,
25 because last time it was -- there was a few items that

1 weren't matching up, so we made sure we were matching them
2 up for you.

3 Moving to Chapter 3. And I will bring that up to
4 you guys.

5 So Chapter 3 -- there are very minor changes to
6 Chapter 3. The only thing that we took out was the
7 description of 11e(2). The reason we did this is in our
8 definitions of when we define byproduct material, we define
9 it as 11e(2) byproduct material as defined in the Atomic
10 Energy Act. And to be consistent with our definitions,
11 instead of spelling out that 11e(2), since we already
12 defined it in the first chapter as such, we're just going
13 to refer to it as byproduct material. Because it was
14 already defined in the first chapter, there's no reason to
15 maintain that in 11e(2).

16 The other thing that we noticed in Section 4, we
17 had 2015 listed as the incorporation date. We incorporated
18 as of January 1, 2015. That was inconsistent with some of
19 our other rules. We put 2016. It was just a typo on our
20 part, so we changed it to 2016 versus 2015.

21 And those were the changes that were to Chapter
22 3. Again, just to bring you up to speed as far as what
23 Chapter 3 does. Chapter 3 is our radiation protection
24 standards. Those are the equivalent of 10 CFR 20, which
25 you guys have in your binders, if you want to go back and

1 look at those individual rules.

2 And, also, we tried to, in the walk-through on
3 these, the items that were excluded, when we said we're not
4 going to exclude these portions, we tried to discuss why we
5 were excluding those. The most part being that it's not
6 part of the -- it's not part of the scope of material that
7 we're assuming through this agreement. You got to
8 understand, like we mentioned before in the previous
9 meeting, that when a state takes agreement from NRC, they
10 have a -- there's a whole suite of regulatory items that
11 they can take, such as those that are in hospitals, such as
12 education, research, et cetera, et cetera. We're taking a
13 very limited scope in our agreement, and so some of those
14 items don't pertain to our agreement, and that's why we
15 excluded them. We don't want to have rules in place for
16 items we're not regulating. So we tried to do -- make sure
17 we excluded all those items we don't want to regulate.

18 Any other questions with Chapter 3? Okay.

19 BOARD MEMBER DINSMOOR: Mr. Chairman, just
20 one question.

21 And this may be kind of a foolish question, but
22 are we going to ultimately approve these during calendar
23 2016, or will it potentially extend into '17? And if the
24 latter, should your date be 2017 instead of '16?

25 MR. SCHIERMAN: Chairman.

1 BOARD MEMBER DINSMOOR: Just a --

2 MR. SCHIERMAN: Board Member Dinsmoor, we
3 had to pick a reference date. We just picked a point in
4 time as of which to pick, and we hoped that -- we hoped
5 that we'd move forward, at least with Land Quality Advisory
6 Board, this calendar year with these rules.

7 MR. WENDTLAND: Chairman and Board Member
8 Dinsmoor, again, I believe that if we overlap when we have
9 rules package final, that you know, those type of minor
10 corrections could be made at that time, and we'll have it
11 all in the correct context at that time. So that comes
12 back to that point of why we felt it was important to move
13 the rules along in a sizable manner, and then at the end
14 combine them, and then include one more public comment
15 period. And so we're very transparent with what we're
16 doing in any of those types of adjustments that need to be
17 made.

18 BOARD MEMBER DINSMOOR: Okay. Thank you.

19 MR. SCHIERMAN: Any other questions with
20 Chapter 3, those radiation protection standards?

21 With that, Chairman, I would leave it up to you
22 as far as how we proceed with this. Do we need to vote on
23 these chapters to move them off the table and move to the
24 introduction of the other chapters? How would we proceed
25 with that?

1 CHAIRMAN GAMPETRO: Well, might as well
2 have a vote. If we cover too much, we'll forget what we
3 covered.

4 MR. SCHIERMAN: Okay.

5 CHAIRMAN GAMPETRO: We'll entertain a
6 motion to approve these.

7 BOARD MEMBER SHOBER: Mr. Chairman, I move
8 that we approve Chapters 1 and Chapter 3 as presented.

9 CHAIRMAN GAMPETRO: Do we have a second?

10 BOARD MEMBER MACKER: I will second for the
11 purposes of discussion. I have a question about that.

12 If we approve chapters today and discover later
13 in other chapters we want to make changes to these
14 chapters, seems like perhaps rather than a formal approval,
15 if we get the general consent of the board we're ready to
16 move forward, but having not seen the other chapters and
17 knowing what the relationship of the other chapters is
18 to these chapters, it's harder to approve them without
19 knowing -- especially in the definitions there might be
20 something we wanted to come back to.

21 MR. SCHIERMAN: Chairman. Board Member
22 Macker, I think that was our intention as well. Again,
23 remember when we get all the rules together, we'll have
24 an opportunity to rule on the complete package, and
25 hopefully at that time we can incorporate any of those

1 changes like -- let's say there's another definition we
2 want to throw in or things of those nature, that's why
3 we're hoping to be able to capture those changes because
4 we'll also have some more NRC comments, potentially we may
5 want to incorporate. But, you know, as far as how we work
6 through these chapters with you guys, that's -- basically,
7 when we say approve in these chapters, we're putting these
8 off to the side so we can work for other chapters.

9 CHAIRMAN GAMPETRO: That's the way I was
10 looking at it.

11 BOARD MEMBER DINSMOOR: Mr. Chairman.
12 Maybe the best approach -- I concur with Board Member
13 Macker's comment, and maybe the approach is to revise the
14 motion to give it a reserved approval or provisional
15 approval subject to getting the whole package together at
16 the end.

17 BOARD MEMBER HINES: Mr. Chairman. I guess
18 my question is on the procedure. The chapter is being
19 approved, then there will be a final approval of them all,
20 and at that point can any chapters be opened to make
21 changes?

22 MR. SCHIERMAN: Chairman. Board Member
23 Hines, that would be our intent. At that final -- we
24 realize it's hard to make a decision, potentially, on one
25 chapter if you don't know the context of all the chapters.

1 Unfortunately because we're dealing with so much
2 information, we're trying to piecemeal it so we can move
3 forward with it. So at that time, all chapters are fair
4 game. All comments can be inserted, discussed, et cetera,
5 et cetera.

6 BOARD MEMBER HINES: Thank you.

7 MR. WENDTLAND: Chairman and the board,
8 maybe to revisit this too is the -- and Board Member Hines,
9 we won't take the individual rules to the council until
10 it's all been bundled together, and we have that final
11 review, and this board has clearly voted and is comfortable
12 with where that sits. And at that time, then the council
13 will receive the entire package in one set.

14 That said, our intent is also to start informing
15 the council of the chapters that have passed this board
16 along the way. So in the next council meeting, we will let
17 the council know that Chapters 1 and 3 are, you know, have
18 moved through this board as a preliminary approval. We're
19 going to bundle them at the end. We need context.

20 But for the same reason we're parsing them out
21 for you is it's a lot of information and it's a very
22 complex set of rules by the time we're done. So we want to
23 give the council an opportunity to at least introduce them
24 and say this is what's coming to you. This is what you're
25 going to see in the end, and it would be helpful if you

1 would familiarize yourself along the way as these rules
2 move through the advisory board.

3 BOARD MEMBER MACKER: Mr. Chairman, perhaps
4 then the motion is not to approve the rules as is, but to
5 approve the passing of the rules on to the council. I'm
6 just -- it feels like we're approving what's here by voting
7 on it this way. I understand all that. I agree that's the
8 process we've agreed to undertake. It just feels like
9 we're voting on the rules.

10 CHAIRMAN GAMPETRO: What I understood is
11 we're making a preliminary approval --

12 BOARD MEMBER MACKER: I hear you.

13 CHAIRMAN GAMPETRO: -- that can be changed.
14 And maybe the motion needs to be set in that context.

15 MR. WENDTLAND: Chairman and Board Member
16 Macker, I think maybe Board Member Dinsmoor's
17 recommendation of provisional, you know, it's a provisional
18 until we have a complete package, that might -- that might
19 be a solution.

20 BOARD MEMBER MACKER: That's fine. I don't
21 mean to hold us up on --

22 MR. WENDTLAND: No, it's a very --

23 BOARD MEMBER MACKER: -- a procedural --
24 but it is --

25 MR. WENDTLAND: It's a very -- Chairman and

1 Board Member Macker, that's a very important point. We
2 don't want to have a perception of we're moving something
3 along without the appropriate approvals. But we do want to
4 recognize it's a very large amount of information.

5 BOARD MEMBER MACKER: Absolutely.

6 MR. WENDTLAND: We want everybody to have
7 ample time to process that information.

8 CHAIRMAN GAMPETRO: So do we have -- can
9 you read the motion?

10 BOARD MEMBER MACKER: Do you need to recite
11 the motion?

12 CHAIRMAN GAMPETRO: Can you read the
13 motion?

14 THE REPORTER: It will take me a minute to
15 find it.

16 (The motion by Board Member Shober
17 was read back.)

18 CHAIRMAN GAMPETRO: Did you or did you not
19 second that motion?

20 BOARD MEMBER MACKER: I did second it with
21 the caveat for discussion, but happy to vote.

22 CHAIRMAN GAMPETRO: We could -- as a
23 comment here, we could turn that motion down, re-move as a
24 preliminary with a second, and we can vote on that. So
25 given that, all in favor of the motion, please signify by

1 saying aye.

2 BOARD MEMBER SHOBER: Aye.

3 CHAIRMAN GAMPETRO: All opposed.

4 BOARD MEMBER MACKER: Aye.

5 BOARD MEMBER DINSMOOR: Aye.

6 CHAIRMAN GAMPETRO: Mr. Hines, did you
7 vote?

8 BOARD MEMBER HINES: No, I didn't.

9 CHAIRMAN GAMPETRO: Okay.

10 BOARD MEMBER HINES: I don't see any
11 difference.

12 CHAIRMAN GAMPETRO: It's 2 against 1, so
13 that motion fails.

14 Would anyone like to present a preliminary type
15 approval motion?

16 BOARD MEMBER DINSMOOR: I would move that
17 we would provisionally approve Chapters 1 and 3 subject to
18 revisiting at a later point in time.

19 BOARD MEMBER MACKER: Second.

20 CHAIRMAN GAMPETRO: It's been moved and
21 seconded that we -- say that again --

22 BOARD MEMBER DINSMOOR: Provisionally
23 approve Chapters 1 and 3.

24 CHAIRMAN GAMPETRO: -- provisionally
25 approve Chapters 1 and 3. All in favor of that, please

1 signify by saying aye.

2 BOARD MEMBER MACKER: Aye.

3 BOARD MEMBER DINSMOOR: Aye.

4 BOARD MEMBER SHOBER: Aye.

5 CHAIRMAN GAMPETRO: Opposed?

6 That one passes. So that's where we're at.

7 MR. SCHIERMAN: Thanks.

8 Chairman, I'll proceed with the next three
9 chapters that we're introducing, unless -- Chairman, are
10 we -- Board Member --

11 BOARD MEMBER MACKER: I was going to ask if
12 we might take a two-minute break before we move on.

13 CHAIRMAN GAMPETRO: Fine with me.
14 Two-minute break. How about a five-minute break?

15 BOARD MEMBER MACKER: Five minutes sounds
16 great.

17 (Meeting proceedings recessed
18 9:56 a.m. to 10:10 a.m.)

19 CHAIRMAN GAMPETRO: Can we reconvene?

20 Let's move on.

21 What's our next step in the process?

22 MR. SCHIERMAN: Chairman, our next steps, I
23 think, are -- I'm going to introduce three chapters to you.
24 Kind of a broad overview so you know what the chapters are
25 about. And then I think what we'll do is next time we'll

1 discuss the specifics, if there are changes or if there's
2 concerns, we can talk about those.

3 CHAIRMAN GAMPETRO: And when it comes to
4 the safety of our employees, all of the NRC provisions
5 apply, right?

6 MR. SCHIERMAN: Uh-huh. So that being
7 said, Chairman, you want me to start with Chapter 5?

8 CHAIRMAN GAMPETRO: Start where you need to
9 start. Make it make sense.

10 MR. SCHIERMAN: Okay. So I will slow down.
11 And like I said earlier, if I'm going too fast, please stop
12 me. So Chapter 5, relates to 10 CFR 19, which we gave to
13 you guys very preliminary. You should have those in your
14 binders, okay?

15 What it deals with is, as Chairman was speaking
16 about, safety of employees, employee rights. What it deals
17 with is mostly if you're working for a -- as a radiation
18 worker in a regulated entity, what your rights are, you
19 know, if you see something that's not correct, or if you
20 want to talk to an NRC representative, how would you go
21 about those items? We were incorporating many of those
22 aspects by reference, such that where NRC would be, the --
23 our program would be interjected such that if you have a
24 concern, you can bring it up to us, and you can express
25 those concerns.

1 The other things that it talks about is
2 requirements for employers. What they need to do to inform
3 their employees of hazards, and what they're actually --
4 what they're involved with, especially with -- this ties a
5 little bit into 10 CFR 20, which is the chapter we just
6 talked about.

7 There's also requirements if you receive a dose,
8 how you -- how you convey that to the employee. You know,
9 you have to do it on a yearly basis. If it's above a
10 certain threshold, you have to tell that employee what
11 their dose is. If you request that, you have to provide
12 that to them. Those kind of aspects safetywise.

13 The other thing that it requires for the employer
14 is also -- and I included in your packets -- there's a
15 form. It's called -- it's just a draft form at this point.
16 It's URP -- we call it URP Form 3. The rules require that
17 the employee put these notices or these -- this form in
18 multiple locations within their workplace such that
19 employees can go to these forms and look at the information
20 and be informed.

21 Some of the things that these talk about, as you
22 can see, is, you know, what is our -- and there is some
23 typos in here. I just caught one, just looking at it right
24 now. But I wanted to give you guys a preliminary draft as
25 far as what these -- what the form would kind of look like.

1 The other items with this, as well, this has to
2 be posted along with procedures, and also if there's
3 violations that are against the rules that we have set
4 forth, we issue an NOV, and it pertains to radiation safety
5 within the workplace. Those have to be posted as well or
6 made available to employees such that they know the work
7 environment that they're working in.

8 Okay. So that's what this whole chapter kind of
9 is involved with. I would leave it up -- is there any
10 questions with that? I know it's just a general overview
11 of this chapter. I think for you guys to actually dive
12 into 10 CFR 19, just read it, understand what we're
13 actually incorporating, it will make sense, but I don't
14 necessarily want to go into the details where you guys have
15 any background on it.

16 BOARD MEMBER DINSMOOR: Mr. Chairman.
17 Question regarding the posting of notices of violation.
18 Would that be any notice of violation issued by the Land
19 Quality Division under a provision of the Environmental
20 Quality Act, or would that be only notices of violation
21 related to the NRC-related issues?

22 MR. SCHIERMAN: Chairman Gampetro. Board
23 Member Dinsmoor, you're -- it would be only for those
24 violations that affect the working environment. So like if
25 it's like something that involves in the process that is in

1 the environment of the worker, per se, and it's critical
2 for his safety, it's tied to his safety, those need to be
3 posted.

4 If it's like a violation for some administrative
5 item, let's say, you know, some kind of financial item or
6 something of that nature, those don't necessarily need to
7 be posted, but it could be those tied to the workplace
8 safety of the radiation worker.

9 BOARD MEMBER DINSMOOR: Okay. Let's take
10 that a step further. A notice of violation is an
11 allegation in and of itself. And only after the
12 opportunity for a -- for a conference or hearing, or
13 whatever, has passed --

14 MR. SCHIERMAN: Right.

15 BOARD MEMBER DINSMOOR: -- or those actions
16 have been taken, do those become certified or become
17 effective? Did it post when issued, or only after it's
18 been heard or appealed or certified?

19 MR. SCHIERMAN: Chairman. Board Member
20 Dinsmoor, I probably misspoke there. It would be when it
21 was finalized. So if there's a violation that's been
22 finalized, that's when it would be posted. So I did
23 misspeak with the notice, but it is if it's in violation.

24 BOARD MEMBER DINSMOOR: Okay. Thank you.

25 MR. WENDTLAND: Chairman and Board Member

1 Dinsmoor, it might be easier for the industry that you come
2 from to think of it more as an MSHA-type inspection in
3 violation rather than environmental-type violation.

4 BOARD MEMBER DINSMOOR: I understand.

5 BOARD MEMBER MACKER: Are there going to be
6 additional occupational safety and health representatives
7 in the state of Wyoming trained specifically for uranium,
8 or how is that going to evolve?

9 MR. SCHIERMAN: Chairman. Board Member
10 Macker, I don't -- there won't necessarily be OSHA -- more
11 OSHA representatives trained within uranium. The OSHA
12 applies to the uranium industry currently, within NRC as
13 well. As far as the radiological health and safety of
14 those requirements that are required for those, we would be
15 inspecting against those, which would be contained in the
16 10 CFR 20.

17 The way the NRC currently works is they have an
18 agreement with OSHA such that if they see items of grave
19 danger, they can then report those and get those -- there's
20 MOU between OSHA and NRC such that they can inform OSHA.
21 OSHA goes then and inspects. Currently, I would imagine
22 with this program it would be a similar situation. We are
23 not going to take the form of OSHA. We're not going to be
24 regulating those safety requirements that OSHA requires,
25 but if we did see something, I would imagine we would

1 recommend OSHA go look at those items.

2 Does that make sense? Did I answer that?

3 BOARD MEMBER MACKER: Uh-huh.

4 MR. SCHIERMAN: Okay. Any other questions
5 with Chapter 5? Okay. I will move to Chapter 9. And let
6 me bring these up to you. And I apologize I'm bringing
7 them one at a time. I feel like I didn't want you guys to
8 get lost. If I give it to you, then you're looking at the
9 one I recently gave to you guys.

10 This chapter has to deal with transportation.
11 And I think on the -- up front I think it's important to
12 realize where that line is drawn. Currently, DOT regulates
13 once the material leaves the facility, is on the road,
14 okay? And that's how it's going to currently be -- be
15 withheld is DOT governs all transportation of radioactive
16 materials once it leaves site, on the road, public
17 highways, et cetera, et cetera.

18 What Chapter 9 does is those requirements for
19 preparing and receiving packages, you know, making sure you
20 meet these DOT requirements on the front end. This is
21 currently 10 CFR 71, which we will be incorporating. And,
22 again, it basically -- within 10 CFR 71, it basically
23 incorporates a lot of the 49 CFRs that are -- that govern
24 transportation of materials.

25 So with this, the one thing that we wanted to

1 do -- and you'll see in here there's a lot of exclusions.
2 The reason there's a lot of exclusions is there's two types
3 of material that we will not be -- the regulated community
4 will not be shipping, and that is Type B packages, which is
5 a form of radioactive material that's not contained within
6 our regulated community. They're not going to have to meet
7 those requirements for Type B. We don't want those in our
8 regulations if they are not going to be able to meet those.

9 The other one would be the provisions for special
10 nuclear fill -- special nuclear material or fissile
11 material. The agreement states can have a small quantity
12 of fissile. When I say fissile, I know it's basically
13 material that can break -- that that they use in nuclear
14 fission. Okay? So when something is fissile, it can break
15 apart to smaller atoms and release a bunch of energy.
16 Okay? I'm trying to speak plain language here. So if
17 it's -- we're not taking on that scope of material, so we
18 wanted to exclude those from our regulations as well.

19 Okay?

20 So what we're going to be talking about is -- is
21 just the material that's going to be transported for our
22 regulated community, and so we would try to go through and
23 exclude all those items that would not be pertinent to
24 our regulated community and what they're shipping.

25 Chairman.

1 CHAIRMAN GAMPETRO: You say small amounts
2 of fissile. Are you talking about fissionable material?

3 MR. SCHIERMAN: Yeah, fissionable
4 materials --

5 CHAIRMAN GAMPETRO: But there would be --

6 MR. SCHIERMAN: What's that?

7 CHAIRMAN GAMPETRO: You're saying there
8 would be small --

9 MR. SCHIERMAN: There would not be. So
10 some -- some agreement states can take on shipments of
11 small fissile material. We are not taking that, and so
12 we're excluding all that material from our regulations.

13 CHAIRMAN GAMPETRO: What I have seen at the
14 mines is drums of yellowcake.

15 MR. SCHIERMAN: Yep.

16 CHAIRMAN GAMPETRO: And that's what we're
17 talking about, right?

18 MR. SCHIERMAN: Yep. So they will be
19 shipping drums of yellowcake. The other shipments they
20 will be doing is what is referred to as -- what we define
21 as byproduct material, which is basically a waste. Okay?
22 It's waste stream. So like in-situ recovery operations, if
23 they filter it all, so they may have filter socks. They
24 filter, and they may get contaminated, and they ship those
25 off to a facility that can accept those wastes.

1 CHAIRMAN GAMPETRO: That's all re-injected,
2 isn't it?

3 MR. SCHIERMAN: What's that?

4 CHAIRMAN GAMPETRO: The material that's
5 used in the in-situ process, it's all reinjected
6 afterwards, correct?

7 MR. SCHIERMAN: Yes. But there is some
8 material that gets contaminated. Sock filters --

9 CHAIRMAN GAMPETRO: I understand that.

10 MR. SCHIERMAN: -- things of that nature,
11 that then, currently in the state, are shipped to Shirley
12 Basin, at their site that they can accept that kind of
13 waste, so...

14 CHAIRMAN GAMPETRO: Nothing out there.

15 MR. SCHIERMAN: Right. So that's currently
16 the only shipments that will be going is yellowcake or
17 byproduct material.

18 BOARD MEMBER DINSMOOR: I'm sorry,
19 Mr. Chairman. And the Land Quality Division will be
20 regulating those shipments?

21 MR. SCHIERMAN: Board Member -- Chairman --
22 Chairman. Board Member Dinsmoor, we will be regulating the
23 preparation and receiving of those shipments. Once it's on
24 the road, that's where DOT takes over.

25 BOARD MEMBER DINSMOOR: DOT.

1 MR. SCHIERMAN: So we govern just the
2 beginning and after.

3 So any questions with this?

4 CHAIRMAN GAMPETRO: That's no change.

5 MR. SCHIERMAN: No change. It's just
6 basically we can -- when -- our regulated community are
7 going to have to meet these standards for shipment. That's
8 all we're saying with these rules.

9 CHAIRMAN GAMPETRO: They had to before.

10 MR. SCHIERMAN: They had to before, but
11 we're looking at it instead of NRC. That's the only
12 transfer that we're doing.

13 CHAIRMAN GAMPETRO: Gotcha.

14 MR. SCHIERMAN: So other questions on
15 Chapter 9?

16 Okay. We'll move to Chapter 10.

17 CHAIRMAN GAMPETRO: What's one of those
18 drums of yellowcake weigh?

19 MR. SCHIERMAN: 800 pounds is what they
20 usually try to keep them at. So -- and the limit is the
21 drum itself. You know, they can only pack so much to meet
22 the design specs of a drum before it's not certified as a
23 drum anymore, I guess. So this chapter does not tie to a
24 federal reg -- codified federal register or federal law.

25 What it -- I'll give you a little bit of back

1 history on Chapter 10 because I think it's important for
2 you to understand where it comes from.

3 NRC has currently moved to what is referred to as
4 a risk-informed performance-based inspection scheme. So
5 instead of when they go look or inspect an individual, they
6 don't necessarily just spend all their time focusing on all
7 the paperwork, making sure they cross the T's, dot the I's.
8 More so they're interested in those items that have higher
9 risks. So dose to the public, dose to a worker, are you
10 following your procedure, watching them actually follow the
11 procedures, rather than diving into the paperwork and
12 actually did you dot this I? You didn't dot this I.
13 That's a code -- a violation.

14 A lot with this, as well, is there is -- as you
15 know, this regulated community is very well -- or is very
16 stringently regulated. They have a lot of interaction with
17 their regulators. As a part of this, within -- it started
18 with the nuclear power plants. And it's 10 CFR -- I think
19 it's 150, I could be wrong on that -- they made a provision
20 they could be performance-based, so -- and what they do is
21 track their record. And if they have good performance
22 indicators, you know, they'll put them in a certain
23 standing.

24 And what they can do with that is if they met
25 these performance indicators, they can provide small,

1 minimal changes to their operations that wouldn't affect
2 health and safety. And the best example for me to explain
3 would be like within their plant, if they added a valve so
4 they could take a sample. Okay? Typically how this was
5 done before is they would have to go to the NRC to get an
6 amendment to change that valve and run through that whole
7 process.

8 NRC basically said, Well, since you are a good
9 performer, you're meeting these performance indicators, you
10 know, you can run through what is referred to as a safety
11 environmental review panel, which is an in-house panel, to
12 see if it meets these criterias. And if it does, you can
13 make the change and we will inspect that upon inspection.
14 We will review these documents upon inspection.

15 That has been moved to the regulated community as
16 far as mining -- or the uranium recovery operations, that
17 they are following the same regulatory scheme and allowing
18 them to have this ability to make minor changes without
19 necessarily going through the amendment process.

20 CHAIRMAN GAMPETRO: When you say "in-house
21 committee," in our house now?

22 MR. SCHIERMAN: Chairman, within the
23 company's house. So they will have certain representatives
24 of the company be on this board, and they have -- in here
25 we'll discuss who those members are. There has to be a

1 safety personnel. Radiation safety officer has to be on
2 that board. There has to be someone that's tied to, you
3 know, a financial component. You know, all those items.
4 Plant manager that knows the operations. And they have to
5 meet these certain criteria before they can make a change
6 of that nature.

7 What would happen in this -- what -- the industry
8 was very adamant that they maintain this approach for those
9 small revisions, right? And currently Land Quality does
10 not have that ability to work in this fashion, and so what
11 we're proposing is for this to apply solely to those areas
12 that have a radiological nexus within the plant. Okay? So
13 we're not talking out in the oil field or any other areas
14 of Land Quality. Solely within the plant and have a
15 radiological nexus right then and there.

16 And how this works is the panel will go through
17 and do an evaluation, and they will determine if it can be
18 done or not without an amendment. They will file those,
19 and we will go and inspect those. Upon inspection,
20 we'll -- that's one of our inspection items -- and we will
21 determine if it does meet that scope. If it does not
22 meet -- what we think is a -- well, use the verb SERPable.
23 So then that committee is a SERP item. We will then ask
24 for them to file an amendment and potentially look at an
25 NOV if that's the case.

1 CHAIRMAN GAMPETRO: Okay. When Land
2 Quality sends somebody, DEQ sends somebody out there to
3 inspect, you're talking about inspecting the filings, or,
4 in your example, valve?

5 MR. SCHIERMAN: We would -- so we would
6 actually -- Chairman, we would actually look at the -- they
7 would have a book of all these reports what they've done.
8 And we would actually look at the report, make sure that
9 they answered those questions, and we agree with those
10 questions that they did.

11 If we disagree with those, there is the potential
12 that we can look into, one, they have to file an amendment
13 with us. And then, two, if it is grievous, it could
14 potentially be an NOV in that regards.

15 And we would potentially -- if it was --
16 depending on the degree of the SERP, we would go inspect
17 the valve, if that's something that we felt was necessary.

18 CHAIRMAN GAMPETRO: Are we going to have
19 people qualified to do that?

20 MR. SCHIERMAN: I would say we would.
21 Chairman, in this regard is we would -- there has to be
22 some degree of trust with the industry. Correct? We want
23 to make sure that they have procedures in place and they've
24 identified all the safety considerations with that item.

25 For us to come in and say, you know, we think

1 this valve should be this or recommend this, we're not in
2 that place. We're basically ensuring that they've
3 identified all the safety concerns that are -- that should
4 be there, and that they did their due diligence. That's
5 more of what we're looking at.

6 With this as well, it's -- I talked about if we
7 disagree. There has been instances where the NRC has
8 disagreed with perhaps a decision by the -- by the
9 companies of themselves.

10 One example -- and I'm providing examples so you
11 can kind of see where we're -- we don't want this process
12 to go. There was an occasion where an operator potentially
13 said, you know, We want to extend a monitor well ring
14 outside -- extend it out a little bit so we can see or
15 track this contaminant a little more.

16 What happened is they extended that monitor well
17 ring outside of what was already their permit boundary.
18 All right? They wanted -- they went through LQD's
19 processes, but they didn't go through NRC's processes. NRC
20 disagreed with that decision because it should have been an
21 amendable item. So those are the kind of decisions we'll
22 have to make is this a SERPable or amendable when we go and
23 inspect.

24 The other item with us as well is if there's
25 changes to the application or things of that -- the

1 application with the State, those change -- page changes
2 need to be provided to the State because that's part of the
3 process as well. If there's any changes to the
4 application, they are given to the State as being
5 replacements, if you will.

6 I know this is a little different in the way
7 currently Land Quality operates, but, you know, it was
8 important that we maintain this right for the operators,
9 for those minor changes. We don't necessarily want them to
10 have to go through an amendment on all the small items if
11 they can meet these requirements.

12 If you look through here, it kind of discusses
13 all these items. I did want to point you to Section 5,
14 who's on that committee. There's one member having
15 expertise in management, which would be like a plant
16 manager, and he would be responsible for financial
17 approvals. There would be one member having expertise in
18 operations or constructions. This would have
19 responsibility for implementing and operational changes.
20 And then there's one member that is a radiation safety
21 officer or equivalent that can identify the radiological
22 and/or safety hazards with that component. Okay?

23 BOARD MEMBER MACKER: Mr. Chairman, can
24 I -- so if this chapter isn't based on an existing federal
25 chapter or regulation somewhere else, but we're talking

1 about operators that are used to operating in this way,
2 what regulation have they been operating under in this way?

3 MR. SCHIERMAN: Chairman. Board Member
4 Macker, it has been a policy-based -- so they have a policy
5 that this is how they've been operating --

6 BOARD MEMBER MACKER: Who's the "they"?

7 MR. SCHIERMAN: NRC.

8 BOARD MEMBER MACKER: Okay.

9 MR. SCHIERMAN: So they currently work
10 under NRC policy. It has never been codified. And that's
11 why we're working -- if we want to maintain that right, we
12 need to make it's sure that it's in the regulations rather
13 than a policy.

14 BOARD MEMBER MACKER: So my question/
15 concern which is kind of a piggyback on Chairman
16 Gampetro's, we're inviting operators to self-regulate to an
17 extent, and DEQ's going to play a role, but it sounds like
18 DEQ doesn't necessarily have the expertise that the NRC has
19 because the NRC, this is what they do. And I'm concerned
20 about that disconnect in that triangle.

21 MR. WENDTLAND: Chairman and Board Member
22 Macker, see if I can add a little clarity in that.

23 Using this valve example. Clearly DEQ personnel
24 aren't going to do the engineering, is it a 80 PSI valve,
25 is it 120 PSI valve. That determination will be made by

1 the engineer of the company.

2 We will follow through and see if they followed
3 the procedure as far as the -- the inception, did they do
4 the correct safety review, did they do the correct
5 engineering, was that all documented properly. And then
6 upon inspection of the valve, is it the correct valve, is
7 it leaking or not leaking. I mean, that scenario is kind
8 of a similar form of this, but, you know, I do believe that
9 we would have expertise. We will have engineering staff
10 on, we will have health physicists on staff. So I do
11 believe that we would have that expertise.

12 BOARD MEMBER MACKER: Okay.

13 MR. SCHIERMAN: Chairman. Board Member
14 Macker, I can add to that as well. Currently that's the
15 way the NRC operates as well. Like I said, their
16 regulatory scheme is based a little on trust, you know, the
17 companies do their due diligence and they make sure they
18 follow the procedures they set forth, and they follow what
19 they say they're going to follow. And, currently, we will
20 maintain that same caliber of personnel as well, the same
21 trainings that NRC --

22 BOARD MEMBER MACKER: Great.

23 MR. SCHIERMAN: -- people go through, we
24 are putting our people through as well to meet these same
25 kind of qualifications.

1 CHAIRMAN GAMPETRO: I assume there will be
2 liability on the part of the operator anyway that they
3 would try to avoid.

4 MR. SCHIERMAN: Correct.

5 BOARD MEMBER MACKER: Uh-huh.

6 MR. SCHIERMAN: I would say that's for any
7 regulatory scheme, as far as these items go. We can
8 only -- we have to trust the companies doing their due
9 diligence. We make sure they have the procedures, the
10 policies, and everything else, and follow those items they
11 say they're going to follow, but we're not going to go in
12 and say, like Kyle was saying it's a 160 versus 180.
13 They're the ones that know the plant and we do not, so...

14 BOARD MEMBER DINSMOOR: Mr. Chairman.
15 Okay. So you're not going to go into -- the Land Quality
16 Division is not going to go in and do those kinds of
17 verifications, but -- I'm not sure how to ask this
18 question. I'm a little concerned that anybody could
19 question anything that happens, even though we've got an
20 agency that is charged with regulating. And in that
21 regard, you the agency are our firewall to keep the entire
22 state of Wyoming from going and inspecting each operation.
23 Is that -- are you still the firewall?

24 MR. SCHIERMAN: Yes, Board -- Mr. Chairman.
25 Board Member Dinsmoor, we would still approve those actions

1 that they do, but we would approve those. Instead of them
2 sending an amendment to us and saying, Okay, we want to
3 change our permit to do these small items, we would go on
4 inspection, routinely inspecting these items. We would
5 approve it by basically reading through it and saying, This
6 basically meets these criterias.

7 Does that make sense? It's not like they can
8 do -- we will always have an eye on what they're proposing
9 and changing. Especially if they're changing permit pages,
10 they're going to have to send them in to us anyways. So
11 we'll be looking and being that firewall, that we say,
12 potentially that we're approving the SERP when we go to
13 inspections. If we don't approve it, we're going to make
14 them amend that license and go through the amendment
15 process if we don't approve of an action they've taken.

16 BOARD MEMBER DINSMOOR: Okay.

17 MR. WENDTLAND: Chairman and board members,
18 I think the thing to keep in mind here, in policy, the way
19 it's worked so far with NRC, these are minor changes.
20 These aren't permit amendments. They aren't permit
21 modifications. These are more material changes within a
22 plan or an oil field like Ryan's discussing, you know, more
23 along the lines of sampling valve, or is it flex conduit
24 versus hard conduit type changes.

25 You have to understand in the uranium industry,

1 pretty much everything they touch is somewhat regulated or
2 reviewed. Similar to coal mining, where you have MSHA
3 coming in on a quarterly basis and looking for best
4 practices or defective conduits, or, et cetera, electrical.
5 So these are small operational changes that really probably
6 don't require that level of oversight, frankly.

7 MR. SCHIERMAN: Chairman, board members, I
8 would give another example that I think illustrates this
9 pretty well. For someone to be a radiation safety officer
10 or radiation safety tech, there's certain qualifications
11 that they have to meet. Okay? And what companies will do
12 to make sure they meet those qualifications, before they
13 give them those titles, is usually go through a SERP
14 process and then say, Yes, we approve this person to be
15 within that title.

16 Does the State need to be looking at those,
17 amending a license, waiting for us to get back to them
18 before they have an agent in that capacity, I don't know if
19 we necessarily need that oversight. It's more when we go
20 to inspection we'll look at those and at that point say
21 actually this person does -- you know, those are the kind
22 of items that we're working on. And that could be also
23 management structure. I've seen a lot of times that will
24 be done through like a SERP. Let's say they change CEO or
25 they change -- you know, not necessarily a CEO, but let's

1 say the plant manager changed. You know, moving through
2 those and maintain an up-to-date working chart, those are
3 items that go under the SERP process as well.

4 BOARD MEMBER MACKER: Is there a written
5 copy of the NRC policy that this is --

6 MR. WENDTLAND: Madam Chair -- Chairman,
7 board members, there is a -- there is what is referred to
8 as a white paper. So a scientific paper policy they've
9 kind of provided. I can send those items to you, if that
10 would be beneficial. There's also some presentations that
11 they've done on this, but what is -- what it is referred
12 to -- and if you look at this, it's called performance-
13 based licensing with the Nuclear Regulatory Commission. So
14 if you research that, you'll pull up some items. But I can
15 point up in the right direction and send you some of those
16 items so that you can see what kind of policy we're basing
17 this off of. And that's what we did when we took and
18 actually wrote this chapter, is we took those white papers
19 and policies and incorporated them into our regulations so
20 that they're codified rather than just policy hanging out
21 there.

22 BOARD MEMBER MACKER: That would be great,
23 if you wouldn't mind sending those.

24 MR. SCHIERMAN: I can do that.

25 BOARD MEMBER MACKER: Thank you.

1 MR. SCHIERMAN: Other questions with this
2 chapter?

3 BOARD MEMBER DINSMOOR: Yes, I do have one
4 last question.

5 So what is the Land Quality Division's ultimate
6 objective by including this provision? What do you hope to
7 gain or accomplish by putting this in the regulations?

8 MR. SCHIERMAN: Chairman. Board Member
9 Dinsmoor, I think what we're trying to maintain and provide
10 is that same regulatory scrutiny that basically NRC
11 currently has with the operators. If we -- by maintaining
12 that right for the operators, it provides them the ability
13 to flex when things come up, such that we need to sample
14 this item. Let's put in a sampling port. It provides them
15 some flexibility and making them so they're not dependent
16 on Land Quality review.

17 So from Land Quality's perspective, we want to
18 maintain that right for them because we do realize that
19 there's some items that maybe don't need the oversight
20 that typical items may have. And we're okay having and
21 enabling that right.

22 Does that answer your question, Board Member?

23 BOARD MEMBER DINSMOOR: It does, thank you.

24 MR. SCHIERMAN: Thank you.

25 With that, other questions? So those are the

1 chapters that we have provided and that we're providing to
2 you guys. I guess the other questions that we would have
3 for you -- for the board is does this schedule, as far as
4 the way we're presenting and the way we're giving you
5 material, is this beneficial for you, or would you change
6 the flow of material at all? How is this working as far as
7 you guys receiving this information?

8 BOARD MEMBER HINES: Mr. Chairman, I guess
9 I have a question. Did you send out -- was there any
10 information sent out on this meeting for today?

11 MR. SCHIERMAN: Yes.

12 BOARD MEMBER HINES: I received absolutely
13 nothing except an email on the date.

14 MR. SCHIERMAN: Okay. I bet maybe we can
15 double check. Was that --

16 MR. HULTS: That would have included the
17 attachments. If you would prefer hard copies in the
18 future, we can certainly do that.

19 CHAIRMAN GAMPETRO: Did you have
20 attachments on your email?

21 BOARD MEMBER HINES: I don't recall any,
22 no.

23 CHAIRMAN GAMPETRO: I have all of this in
24 my email on attachments.

25 BOARD MEMBER HINES: I didn't -- I guess if

1 they was there, I wasn't reading it. I wasn't reading that
2 properly, I guess.

3 CHAIRMAN GAMPETRO: Paperclips down at the
4 bottom.

5 MR. WENDTLAND: Chairman, hard copies,
6 we'll make sure we get hard copies to Board Member Hines
7 moving forward.

8 CHAIRMAN GAMPETRO: I do not require hard
9 copies, ma'am.

10 BOARD MEMBER MACKER: Just to clarify,
11 today's presentation of these chapters would be the intent
12 of the next meeting, we can continue to have discussion and
13 talk about changes?

14 MR. SCHIERMAN: Yes.

15 BOARD MEMBER MACKER: We're not trying to
16 approve these today.

17 CHAIRMAN GAMPETRO: I thought we would
18 provisionally approve them as we did the first part that we
19 discussed.

20 BOARD MEMBER MACKER: But these we had seen
21 at the last meeting and had time to review to come back, so
22 these we get to take home, digest, keep reading --

23 CHAIRMAN GAMPETRO: That's fine.

24 BOARD MEMBER MACKER: -- come back with
25 more comments.

1 CHAIRMAN GAMPETRO: If everybody's
2 comfortable, we'll do exactly that.

3 BOARD MEMBER HINES: The email I received
4 was some time ago, and it said the meeting would be
5 either -- whatever the date is, the second or third Monday
6 or Tuesday, and that's why I called on Friday to -- because
7 I never received anything else, or --

8 MR. SCHIERMAN: Right.

9 BOARD MEMBER HINES: -- if I did, I didn't
10 recognize one of those emails I delete.

11 MR. SCHIERMAN: Chairman, board, we'll do a
12 better job making sure we sent those out and verify with
13 those, and, if necessary, send out hard copies as well.

14 MR. WENDTLAND: Chairman, moving forward
15 we'll have Craig, when he sends that email, follow up with
16 a phone call and make sure that -- that everybody has
17 everything they need.

18 And Board Member Hines, if we were negligent in
19 getting you materials this time, we'll correct that. As
20 being new on the board here in the last meeting, we will go
21 back and make sure our emails and those correct contacts
22 are accurate in our case, then.

23 BOARD MEMBER HINES: Thank you.

24 MR. WENDTLAND: And our apologies if you
25 did not get the materials.

1 MR. SCHIERMAN: Chairman, board members, I
2 guess the next step in this would be discussing future
3 meetings, potentially.

4 CHAIRMAN GAMPETRO: It says an update on
5 joint DEQ Advisory Board meeting.

6 MR. SCHIERMAN: Yes.

7 CHAIRMAN GAMPETRO: But before that,
8 possibly after that, what are you thinking in terms of
9 future meetings?

10 MR. SCHIERMAN: Chairman, it may be best to
11 talk about that advisory board because we potentially -- we
12 want to see if it would be fair for the board if we can
13 tack in half hour, hour on top of that, since everybody's
14 already gathered together. Why don't you give a date on
15 that and talk about both items.

16 MR. HULTS: Mr. Chairman, Board Members,
17 the meeting for -- with the joint boards regarding the
18 practice and procedure rules is going to be held on
19 June 29th. Currently they have it blocked off as scheduled
20 from 9:00 until 5 p.m. I don't believe it will go that
21 long.

22 And, Mr. Gampetro, I believe you've been invited
23 to an introductory phone-in regarding the protocol of the
24 meeting. I will also be attending that meeting in
25 relationship to possibly meeting afterwards. That meeting

1 on May 10th, the phone-in meeting, may give us a better
2 indication of how much time will be possibly available
3 after, which is a week from today.

4 CHAIRMAN GAMPETRO: You're talking about we
5 would be available after the June 29th meeting?

6 MR. HULTS: Yeah. So as far as scheduling
7 on that day, my recommendation would be to go through that
8 May 10th meeting to get an idea of realistically what
9 they're contemplating on that day of the 29th.

10 CHAIRMAN GAMPETRO: Makes sense to me.

11 MR. SCHIERMAN: Chairman, just kind an a
12 poll, would we be favorable to hold a meeting for maybe
13 hour or so, since everybody is already gathered together
14 for that tri-board, would that be something that the board
15 would be willing to do?

16 CHAIRMAN GAMPETRO: Before it?

17 MR. SCHIERMAN: No, after the meeting, you
18 know, since you're all gathered together.

19 CHAIRMAN GAMPETRO: I think that's what
20 Craig is talking about, right, on June 29th?

21 MR. SCHIERMAN: Uh-huh.

22 BOARD MEMBER MACKER: I will not be in
23 person at that meeting. I'm hoping to attend by phone, so
24 would be happy to do the same.

25 MR. SCHIERMAN: Okay.

1 CHAIRMAN GAMPETRO: I have no problem with
2 it. I'm planning on being there in person, but that could
3 change, in which case I'll phone in. But right now I'm
4 planning on being there.

5 MR. WENDTLAND: Chairman, I might make a
6 recommendation as the -- the three-board meeting is
7 definitely the priority in that. And if in the event we
8 have several board members that are calling in, maybe we
9 just address the practice and procedure part of that and
10 schedule differently for review of the rules where we can
11 make sure that we have public opportunity to be present,
12 realizing we don't have much participation today, but we
13 certainly want to make sure that is available.

14 So as we get into the end of May, and we know
15 what board members are attending in Cheyenne for that
16 meeting and who are not, maybe then we decide whether we'll
17 hold an additional session on these rules or reschedule.
18 That would be my recommendation for the board.

19 CHAIRMAN GAMPETRO: Okay. All right. So
20 after the May 10th meeting, phone-in meeting, we're going
21 to make these decisions.

22 MR. WENDTLAND: Correct.

23 BOARD MEMBER HINES: The May 10th is a
24 phone meeting, you say? Call in or how --

25 BOARD MEMBER MACKER: Just for the

1 chairman.

2 BOARD MEMBER HINES: Just for the chairman.

3 MR. WENDTLAND: Yeah.

4 CHAIRMAN GAMPETRO: You'll be on that,
5 right.

6 MR. HULTS: Yeah, I'll be attending that
7 meeting in person.

8 CHAIRMAN GAMPETRO: When everybody hangs
9 up, you and I could talk a little bit --

10 MR. HULTS: Certainly.

11 CHAIRMAN GAMPETRO: -- or call back?

12 MR. HULTS: Yeah. Yeah.

13 MR. WENDTLAND: So, Chairman, are we all on
14 the same page with this, where you'll have the call on the
15 10th, following that call, we have a little better bead on
16 the -- how long the meeting of the practice and procedures
17 is going to take and how many board members will be present
18 or be calling in for that meeting, then, in June, we'll
19 decide whether we need a separate meeting to review the
20 rules or not.

21 CHAIRMAN GAMPETRO: Correct.

22 MR. WENDTLAND: Okay. Craig, you go with
23 that.

24 MR. HULTS: Yes, that will work
25 wonderfully.

1 MR. WENDTLAND: So then moving forward from
2 that, it would warrant at this time to have additional
3 discussion on the meetings following June -- the June 29th
4 meeting, and see where we want to land with -- with the
5 meetings after that.

6 So in order to keep pace with the rules, we
7 looked at approximately every six weeks, so that would put
8 us at a meeting early in August.

9 CHAIRMAN GAMPETRO: Before the snow flies.

10 MR. WENDTLAND: And probably a meeting in
11 mid-September.

12 BOARD MEMBER SHOBER: The first and third
13 Tuesdays of the month are commissioner meetings.

14 MR. WENDTLAND: Natalia, is that consistent
15 with you?

16 BOARD MEMBER MACKER: I wish ours were only
17 the first and third Tuesday, but, yes, they're at least the
18 first and third Tuesday.

19 BOARD MEMBER SHOBER: Those are the
20 required meetings.

21 BOARD MEMBER MACKER: We moved some of
22 ours. We have meetings every day.

23 MR. WENDTLAND: Chairman and Craig, what I
24 recommend is maybe send out a Doodle Poll for August and
25 mid-September to board members and see if we can find a

1 date that will work for everyone.

2 MR. HULTS: Okay.

3 BOARD MEMBER MACKER: Great.

4 CHAIRMAN GAMPETRO: I tried to respond --
5 it wasn't yours. It was the one from Cheyenne, sent me a
6 poll email and I responded, said my response didn't work,
7 so I just sent another email.

8 MR. WENDTLAND: Chairman, we'll just do it
9 by phone. We'll call you.

10 CHAIRMAN GAMPETRO: What else you got?

11 BOARD MEMBER DINSMOOR: Mr. Chairman, when
12 I look at the number of tabs left in the notebook, two
13 meetings aren't going to cover it. Am I correct?

14 MR. WENDTLAND: Yeah. Mr. Chairman and
15 Board Member Dinsmoor, I just wanted to schedule through
16 the summer and first fall just to make sure we have a pace,
17 and I think at that time we'll have enough chapters in
18 front of you and we'll have a good idea what's left that we
19 can decide on how we want to structure the -- the tail end
20 of the third and meeting in the fourth quarter. Our goal
21 here is to still have these done by early 2017, and have
22 the combined package and the -- so everything's in context
23 and have it out in early '17 if we can.

24 BOARD MEMBER DINSMOOR: Okay.

25 MR. SCHIERMAN: Chairman and board, just so

1 you know, as well, I don't want you guys to feel daunted by
2 the amount of tabs as well. A lot of that is reference
3 material for you guys as well. So you can kind of keep
4 track in your mind roughly about 10 chapters that we've
5 gone through, so introduced five of them to you currently.
6 Whether the first two, and we introduced three today, going
7 to be roughly about 10, so we are -- we almost introduced
8 half of them to you, so...

9 MR. WENDTLAND: But I will say we've given
10 the easier chapters first. The ones to come are -- are a
11 little bit more technical and certainly going to be a
12 little more complex. So -- but I think by the time we get
13 through the September meeting, we would have a fairly good
14 handle on what we have left, Chairman and Board Member
15 Dinsmoor, and we can set our meetings accordingly.

16 CHAIRMAN GAMPETRO: Okay.

17 BOARD MEMBER DINSMOOR: One other thing,
18 Mr. Chairman.

19 Ryan had asked the question about the approach
20 that he was taking and was that acceptable. And at least
21 from my perspective, I appreciate the attention to, whether
22 it be a page-by-page or a section-by-section opportunity
23 because I do try to review these on my own. And then I may
24 have comments that go beyond what you might have addressed
25 in your general outline, so --

1 MR. SCHIERMAN: Yep.

2 BOARD MEMBER DINSMOOR: -- from my
3 perspective, it's a good approach.

4 MR. SCHIERMAN: Thank you.

5 CHAIRMAN GAMPETRO: Anything else? Other
6 items for discussion?

7 Well, seeing nothing, we will adjourn the
8 meeting.

9 BOARD MEMBER MACKER: Do we need a motion?

10 CHAIRMAN GAMPETRO: Do we?

11 BOARD MEMBER MACKER: Move to adjourn.

12 BOARD MEMBER DINSMOOR: Second.

13 CHAIRMAN GAMPETRO: All in favor.

14 BOARD MEMBER MACKER: Aye.

15 CHAIRMAN GAMPETRO: All opposed. Seeing
16 none opposed, we are adjourned.

17 (Meeting proceedings concluded

18 10:57 a.m., May 3, 2016.)

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, KATHY J. KENDRICK, a Registered Professional Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein, constituting a full, true and correct transcript.

Dated this 23rd day of May, 2016.


KATHY J. KENDRICK
Registered Professional Reporter

