

MINUTES
RADIATION MANAGEMENT ADVISORY COUNCIL
April 13, 2005
Department of Environmental Quality
707 North Robinson
Oklahoma City Oklahoma

RMAC Approved
November 1, 2005

MEMBERS PRESENT

David Gooden
Eric Bartoletti
Nadine Barton
Steve Clark
Monte Goucher
Karen Jennings
George MacDurmon
Steve Woods

DEQ STAFF PRESENT

Scott Thompson, Land Protection Division
Catherine Sharp, Land Protection Division
Mike Broderick, Land Protection Division
Dale McHard, Land Protection Division
Pamela Bishop, Land Protection Division
Pam Dizikes, Legal Division
Myrna Bruce, Secretary Board and Councils

MEMBERS ABSENT

Vacancy

OTHERS PRESENT

The Attendance Sheet is attached as an official part of these Minutes.

Notice of Public Meeting -- The Radiation Management Advisory Council convened for its regular meeting at 10:00 a.m. on April 3, 2005 in the Multipurpose Room at the Department of Environmental Quality, Oklahoma City, Oklahoma. This meeting was held in accordance with 25 O.S. Sections 301-314 with notice of the meeting given to the Secretary of State on December 10, 2004. The Agenda was mailed to interested parties and posted at the entrance doors of the meeting facility and at the Department of Environmental Quality more than twenty-four hours prior to the meeting. Dr. David Gooden called the meeting to order. Ms. Bruce called roll call and a quorum was confirmed. Mr. Dale McHard introduced Mr. Bartoletti, DEQ staff including new staff members, Kelly Pham, Patricia Chawla and Ralph Johnson. He also introduced members of the public.

Approval of Minutes – Mr. Woods made motion to approve the Minutes from the December 8, 2004 special meeting. Ms. Jennings made the second.

See transcript pages 5 – 6

Roll Call

Steve Clark	Yes	George MacDurmon	Yes
Steve Woods	Yes	Nadine Barton	Yes
Eric Bartoletti	Yes	Monte Goucher	Yes
Karen Jennings	Yes	David Gooden	Yes

Motion Carried

**Rulemaking – OAC 252:410-3-3 Permit applications and registration [AMENDED]
Appendix A. Fee schedule for radiation management [REVOKED]
Appendix A. Fee schedule for radiation machines [NEW]**

Mr. Mike Broderick advised that the proposed rulemaking would change the fee schedule for radiation machines to bring the fees up to a level to support the program. The current Appendix A would be revoked and a new Appendix A substituted. He added that the proposal had been discussed in previous meetings and changes had been made as a result of the comments during those discussions. Mr. Broderick and Ms. Pam Bishop fielded questions from Council. After calling for comments from the public, Dr. Gooden made motion to accept the fee schedule as described. Mr. Woods made the second.

See Transcript Pages 11 - 23

Roll Call		George MacDurmon	Yes
Steve Clark	Yes	Nadine Barton	Yes
Steve Woods	Yes	Monte Goucher	Yes
Eric Bartoletti	Yes	David Gooden	Yes
Karen Jennings	Yes		Motion Carried

Report of Radiation Management Section activities – Mr. Broderick reported that staff would be in Jenks, Oklahoma, working with emergency management people during a mock emergency exercise. Mr. Broderick pointed out that Part 35 would be revisited at the November meeting to adopt training and experience requirements; and would also be looking at new NRC requirements for security in portable gauges.

See Transcript Pages 23 - 26

Land Protection Division Director’s report – Mr. Scott Thompson advised that with Legislature in session key bills are being tracked.

See Transcript Page 26

Report on developments related to Central Interstate LLW Compact – Mr. Scott Thompson reported that negotiations are still ongoing and that there has been some agreement for a payment fee. He discussed the plans and answered questions regarding planned allocation of moneys collected.

See Transcript Pages 27 – 41

Report by the Chairman – Dr. Gooden noted that he looked forward to helping the DEQ with the new NRC rules; and he mentioned that Mr. Rod Beuttel had resigned the Council.

See Transcript Pages 41

New Business – Mr. Dale McHard answered questions regarding the Ethics Commission Statement of Financial Interest forms that were due by the end of April. Ms. Barton requested an item on the next agenda for an update on Sequoyah Fuels.

See Transcript Pages 41- 49

Announcements – Mr. McHard announced that he would schedule Council’s next meeting for Tulsa.

[NOTE: That meeting has been scheduled for November 1 at TCC Riverside Campus.]

Adjournment – Dr. Gooden adjourned the meeting at 11:00 a.m.

A copy of the hearing transcript and the sign-in sheet are attached and made an official part of these Minutes for approval at next RMAC meeting.

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DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS
OF THE RADIATION MANAGEMENT
ADVISORY COUNCIL
HELD ON APRIL 13, 2005, AT 10:00 A.M.
IN OKLAHOMA CITY, OKLAHOMA

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REPORTED BY: Christy A. Myers, CSR

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COUNCIL MEMBERS

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4 MR. MACDURMON -- MEMBER

5 MR. WOODS - VICE-CHAIR

6 MR. CLARK - MEMBER

7 MS. JENNINGS - MEMBER

8 DR. GOODEN - CHAIR

9 MS. BARTON - MEMBER

10 MR. GOUCHER -- MEMBER

11 MR. BARTOLETTI -- MEMBER

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STAFF MEMBERS

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MYRNA BRUCE - SECRETARY

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MIKE BRODERICK - DEQ

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SCOTT THOMPSON - DIVISION DIRECTOR

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CATHERINE SHARP - ASSISTANT DIRECTOR

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PAMELA BISHOP - DEQ

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PAM DIZIKES -- LEGAL

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DALE MCHARD -- DEQ

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PROCEEDINGS

DR. GOODEN: Let's bring the meeting to order, please.

MR. MCHARD: Let's note the time -- what time is it? It's 10:05 that we're starting the meeting. And I'm required to read a statement. It's called the protocol statement for April 13, 2005.

This regular meeting of the Radiation Management Advisory Council was called in accordance with the Open Meeting Act. Notice for this meeting was filed with the Secretary of State on December 10, 2004. The agenda was duly posted 24 hours prior to the meeting on the doors at the DEQ, 707 North Robinson, Oklahoma City, Oklahoma.

Only matters appearing on the posted agenda may be considered at this regular meeting. In the event that this meeting is continued or reconvened, public notice of the date, time and place of the continued meeting will be given by announcement at

1 this meeting. Only matters appearing on
2 the agenda of a meeting which is continued
3 may be discussed at the continued or
4 reconvened meeting.

5 If we can have a roll call, Ms.
6 Bruce.

7 MS. BRUCE: Mr. Clark.

8 MR. CLARK: Here.

9 MS. BRUCE: Mr. Woods.

10 MR. WOODS: Here.

11 MS. BRUCE: Mr. Bartoletti.

12 MR. BARTOLETTI: Here.

13 MS. BRUCE: Ms. Jennings.

14 MS. JENNINGS: Here.

15 MS. BRUCE: Mr. MacDurmon.

16 MR. MACDURMON: Here.

17 MS. BRUCE: Ms. Barton.

18 MS. BARTON: Here.

19 MS. BRUCE: Mr. Goucher.

20 MR. GOUCHER: Here.

21 MS. BRUCE: Dr. Gooden.

22 DR. GOODEN: Here.

23 MS. BRUCE: And we have one
24 vacancy. We do have a quorum.

25 DR. GOODEN: Thank you, Ms.

1 Bruce.

2 Agenda Item Number 3, approval of
3 the Minutes from the December 8th meeting.

4 Any discussion regarding those Minutes?

5 May I hear a --

6 MR. WOODS: I make a motion to
7 approve the Minutes.

8 DR. GOODEN: Is there a second?

9 MS. JENNINGS: Second.

10 DR. GOODEN: Roll call, Ms.

11 Bruce.

12 MS. BRUCE: Mr. Clark.

13 MR. CLARK: Yes.

14 MS. BRUCE: Mr. Woods.

15 MR. WOODS: Yes.

16 MS. BRUCE: Mr. Bartoletti.

17 MR. BARTOLETTI: Yes.

18 MS. BRUCE: Ms. Jennings.

19 MS. JENNINGS: Yes.

20 MS. BRUCE: Mr. MacDurmon.

21 MR. MACDURMON: Abstain.

22 MS. BRUCE: Ms. Barton.

23 MS. BARTON: Yes.

24 MS. BRUCE: Mr. Goucher.

25 MR. GOUCHER: Yes.

1 MS. BRUCE: Dr. Gooden.

2 DR. GOODEN: Yes.

3 MS. BRUCE: Motion passed.

4 DR. GOODEN: Agenda Item Number
5 4, introduction of the new Council Members.

6 Mr. McHard, would you do the honors?

7 MR. MCHARD: Yes. I'm very
8 pleased to introduce Eric Bartoletti, who
9 is the gentleman sitting directly to my
10 right, as a new Council Member. We welcome
11 you to the Council. I think everybody here
12 pretty much knows you as a result of your
13 attending meetings in the past.

14 And Mr. Bartoletti, I hope that I
15 get your title right, but you're the
16 manager of American Airlines Maintenance
17 Facility in Tulsa.

18 MR. BARTOLETTI: Correct.
19 Specifically, quality assurance.

20 MR. MCHARD: And he will be
21 representing industrial radiography as far
22 as the positions on the Council and we're
23 very pleased to have you.

24 MR. BARTOLETTI: Thank you. I'm
25 pleased to be here.

1 DR. GOODEN: Mr. Bartoletti, let
2 me extend my pleasure at you serving on the
3 Council, also.

4 MR. BARTOLETTI: Thank you.

5 DR. GOODEN: Agenda Item Number
6 5, introduction of members of the public.
7 Mr. McHard.

8 MR. MCHARD: If you'll excuse me
9 for a minute --

10 DR. GOODEN: Sure.

11 MR. MCHARD: -- I'll get the
12 sign-in sheet. We have three members of
13 the public here today. James Hughes with
14 Sonoco Refining and Supply of Tulsa. Mr.
15 Hughes.

16 Tom Springer. Is that Springer, g-
17 e-r? He's with Mentor MBI and Ken Snow
18 with Mentor MBI. We welcome you gentlemen.

19 Are the two of you from Tulsa or
20 from Oklahoma City?

21 MR. SPRINGER: Oklahoma City.

22 MR. MCHARD: Okay. That's it,
23 Mr. Chairman.

24 DR. GOODEN: Thank you. Agenda
25 Item Number 6, introduction of members of

1 the staff that are present at this
2 meeting. We'll wait until Mr. McHard gets
3 back and have him lead us in this
4 discussion.

5 MR. MCHARD: I would first like
6 to introduce three new staff members with
7 the Radiation Management Section. The
8 first person that I'll introduce is
9 Patricia Chawla, if you'll stand or remain
10 standing, Patricia. She has a Bachelor's
11 of Science in Physics from the University
12 of Texas at Dallas, and she's concurrently
13 pursuing a Masters of Environmental Science
14 at the University of Oklahoma. She's
15 currently classified as a temporary
16 student, a full-time employee and she's
17 worked primarily as an administrative
18 assistant. She does a lot of
19 administrative completeness reviews that we
20 do on licenses and other paperwork and does
21 a lot of tracking.

22 Next, I would like to introduce
23 Kelly Pham. Kelly, if you would stand,
24 please. Kelly earned a Bachelor's of
25 Science in Chemical Engineering from the

1 University of Oklahoma in year 2000. She
2 has had experience as an engineering
3 consultant and as a computer analyst and
4 she is still basically in training. Her
5 primary responsibilities are going to be x-
6 ray inspections and Department of
7 Transportation exemptions, a lot of follow-
8 up work while she's in training. Last --

9 MR BRODERICK: Dale, with Kelly's
10 degree, wasn't there something special
11 about her graduation?

12 MR. MCHARD: Yes, she made a 4.0
13 grade point average. I apologize for not
14 mentioning that earlier.

15 The third new staff member that I
16 would like to introduce is Ralph Johnson.
17 Mr. Johnson is retired from the U.S. Army
18 Chemical Corps and he had considerable
19 experience in supervising nuclear emergency
20 response activities and he has been a
21 member of DEQ for 12 years. He previously
22 worked in the Water Quality Division and
23 has recently transferred to Radiation
24 Management Section.

25 Because of his past experience, he's

1 not only been involved in training as a
2 new employee, but he's been assigned some
3 specific duties that have to do with OSHA
4 safety for the staff and the corralling and
5 keeping up with all of our radiation
6 instruments, making sure they're in
7 calibration and that sort of thing. He's
8 also been assigned to x-ray inspections and
9 NARM registration. He'll also be working
10 with x-ray -- XRF permitting.

11 And that's the three new staff
12 members.

13 DR. GOODEN: Welcome to the
14 Department. We'll go on to Agenda Item
15 Number 7.

16 MR. MCHARD: I haven't introduced
17 the other staff members.

18 DR. GOODEN: Okay. I m sorry.

19 MR. MCHARD: For those of you who
20 do not know him, over to my right in the
21 yellow shirt is my boss, Mike Broderick.
22 He is the manager of the Radiation
23 Management Section.

24 Next to him is Pamela Bishop, our
25 senior health physicist.

1 Next to her is Pam Dizikes, who is
2 our attorney.

3 Way back in the back, there you go,
4 thank you, Scott, is Scott Thompson, our
5 Division Director.

6 Next to him, to his left is Mary
7 Johnson, who is our Chief Administrative
8 Assistant for the Division.

9 Myrna Bruce is over next to Mr.
10 Goucher. She is the secretary to all of
11 the nine councils that we have here within
12 the agency.

13 And the lady who performs greatly --
14 every time I see you, I thank goodness for
15 you doing the stenography and not me -- is
16 Christy Myers, our professional
17 stenographer.

18 Amber is our sound person. Have I
19 forgotten anybody? Okay. Thank you for
20 your patience.

21 DR. GOODEN: Thank you, Mr.
22 McHard.

23 Agenda Item Number 7 entails
24 rulemaking activities and I will have Mr.
25 Broderick lead us in this activity.

1 MR. BRODERICK: Okay. We
2 discussed this before at other meetings and
3 I'm not going to go into a great deal of
4 detail. Basically, our current fees for
5 the x-ray machines that we regulate, which
6 is everything in the state except
7 diagnostic x-ray machines, those fees were
8 set in 1993. They are inadequate to
9 support our inspection program.

10 Also, there is one class of x-ray
11 machines, x-ray therapy machines that
12 basically there's not a fee paid and they
13 are becoming increasingly important as
14 teletherapy. Cobalt and (inaudible) and
15 teletherapy machines are kind of going a,
16 it s a dinosaur. And the linear
17 accelerator are taking over in that area,
18 so that's becoming increasingly important.

19
20 We are asking you and we are
21 requesting that you -- that we hope you
22 will pass this today, frankly. We would
23 like to bring the x-ray fees up to a level
24 that would support the program. We have
25 gone through the fee schedule that we have.

1 There's been a significant amount of
2 comment on it. At the last Council
3 meeting, there was significant comment on
4 it. We also sent letters to everybody that
5 was potentially affected. We had some
6 comments from those, we made some changes
7 as a result of the comments after those
8 letters.

9 Basically, unless there are
10 questions, I've talked about this in the
11 past, and that's basically what the staff's
12 presentations is.

13 DR. GOODEN: Is there discussion
14 regarding the proposed fee schedules?

15 MS. JENNINGS: Mike, you said you
16 had some comments from industry. Can you
17 relay that?

18 MR. BRODERICK: We had tried in -
19 - the iteration of this or the version that
20 we had sent out, we tried to simplify this
21 by having as few fee categories as
22 possible.

23 In the medical therapy machines,
24 basically there are two categories which
25 originally -- our originals were separated

1 out, had two different fees. There is
2 basically the accelerators for cancer
3 therapy that I talked about which have a
4 very high level of regulation and quite a
5 few checks by health physicists and stuff
6 and then they re -- those who use linear
7 accelerators. And then there are x-ray
8 machines that are used for things like skin
9 therapy, which have a much lower level of
10 regulation.

11 We originally had those in two
12 categories, it's based on the energy,
13 basically. This is group B1 and B2 of
14 Appendix A, that I'm talking about here,
15 and B3 and -- oh, B4, pardon me. Anyway,
16 we broke those out again as a result of
17 comments. Basically, the therapy machines,
18 the skin therapy machines have a much lower
19 level of regulation and require less
20 attention from us than the cancer machines
21 did. We had lumped everything together and
22 the skin therapy machines fell backwards.
23 That put them -- that unfairly basically
24 put them in a fee level that they felt was
25 much higher than they felt was fair. And

1 we decided -- we concluded that they were
2 right, so we broke those out and it's by
3 energy that we broke those out.

4 MR. MACDURMON: Are we looking at
5 Appendix A, dated March 31, 2005? Because
6 I didn't see a B3 and a B4.

7 MR. BRODERICK: I looked at the
8 wrong one.

9 MS. BISHOP: This is the original
10 one that came in from the Council last
11 time.

12 MR. BRODERICK: It is B1 and B2.
13 I was somewhat surprised, Pam, handed me
14 that one and I said I didn't realize that
15 was B1 and B2.

16 MS. BISHOP: It originally had
17 (inaudible).

18 MR. MACDURMON: It says -- no,
19 dated March 31st.

20 (Inaudible, talking over each other)

21 MR. MACDURMON: No, they have
22 another one.

23 MR. BRODERICK: If you don't have
24 the March 31st one, we need to get you one.

25 MS. JENNINGS: I have two of them

1 here, one here and one here.

2 MR. MCHARD: You should have
3 received one in the mail.

4 MR. BRODERICK: I think you've
5 got two of the same.

6 MR. MCHARD: To identify the
7 Appendix A that you're discussing, is look
8 at the lower left, if it says March 31st,
9 then --

10 MS. JENNINGS: I have two of
11 them. One I got in the mail and one was
12 here, I guess. I don't know.
13 (Inaudible comment)

14 MR. MACDURMON: So the maximum
15 for the groups, if it's -- if you have
16 group B1 devices and B2 devices, the
17 maximum applies -- there s group B maximum
18 that applies to both of those categories.

19 MR. BRODERICK: That's correct.

20 MR. MACDURMON: There are not two
21 maximums there.

22 MR. BRODERICK: Correct.

23 DR. GOODEN: How do you suppose
24 your registration for dermatologists
25 machines that treat skin cancers, how do

1 you feel your registration is for those?

2 Do you think you're pretty well --

3 MR. BRODERICK: I would not be
4 surprised if there are some out there that
5 we don't know about.

6 DR. GOODEN: I think there may be
7 a lot out there that you don't know about
8 and not out of intent on the part of the
9 dermatologists, but I would guess that
10 there would be a number of dermatologists
11 that don't realize there is a registration
12 activity. Do you think that's going to be
13 the case?

14 MR. BRODERICK: I think there
15 will probably be some. You probably,
16 frankly, have a better idea of how many are
17 out there. I suspect there are a number.
18 I wouldn't say a large number. One thing
19 which we may need to do is just go down the
20 dermatology listing in the phone book and
21 try to contact them.

22 DR. GOODEN: When I said a large
23 number, I probably should have said a large
24 percentage of those machines that exist are
25 probably not registered. There's probably

1 not a lot of them, but I would imagine
2 that most of them are not registered.

3 MR. BRODERICK: We have -- Pam,
4 do you know the approximate number?

5 MS. BISHOP: No, I didn't
6 actually add that up. At the very back of
7 this March 31st one, there is a list of all
8 of our registrants and I've got, let's see,
9 one, two -- 17 of these registered so far,
10 that's what we have. So I don't -- I don't
11 really know how well that covers the
12 universe.

13 DR. GOODEN: I think actually a
14 letter to each dermatologist would probably
15 be the way to bring that number up to a
16 more reasonable number.

17 MR. BRODERICK: It's important to
18 do that because, well, first for equity and
19 second, for safety, for both those reasons
20 it s important that we follow up on that.

21 DR. GOODEN: Okay. Other
22 discussions regarding the fees?

23 MR. MACDURMON: For
24 clarification, Mike, we always run into
25 this issue where someone has one but it's

1 kind of been moth-balled it's not in use.
2 Does the fee apply to a device that's in
3 the possession of the registrant but not in
4 use?

5 MR. BRODERICK: If it is in
6 storage then we intend not -- you know, it
7 should be exempt from the fee. And we
8 talked about that in the past. I'm going
9 to quote George, I would never say this
10 about any of our facilities, but one of our
11 -- one member of industry said people are
12 always going to lie to you and that's a
13 possibility and I can't deny that. We have
14 basically got -- I'm sure that probably
15 somebody will try to pull the wool over our
16 eyes and most or a lot of the time they get
17 away with it. But since it is, it's a per
18 machine fee, they are at least going to pay
19 the base fee unless they try to tell us
20 they aren't using any of them.

21 MR. MACDURMON: When I say in
22 storage, I mean not usable. Not that it's
23 in a room and they don't use it often. But
24 if it's really not used, it might even
25 still be sitting in the original room but

1 it's not operable.

2 MR. BRODERICK: With the portable
3 machines, what we ask them to do is put
4 them like in a different place where it's
5 not easily accessible. Now, with some of
6 the big machines like, particularly medical
7 machines, may be larger and it's not simple
8 to stick those in a closet. But, yes, it's
9 easier with the portable machines than it
10 is with some of the other machines.

11 On the other hand, since you have --
12 the medical has -- like they have to file
13 for insurance and they create a paper trail
14 of use that I suspect most of the
15 facilities probably are going to be
16 reluctant to report something, oh, I'm not
17 using this one, they are sending documents
18 to federal agencies and stuff showing
19 they're doing treatment with it. I'm not
20 as worried about the medical ones, frankly,
21 as I am about some of the industrials.
22 That may be naive on my part, but that's my
23 suspicion.

24 MR. BARTOLETTI: Question. Does
25 this list, is it compared against the

1 actual licenses?

2 MR. BRODERICK: I'm not sure.

3 MR. BARTOLETTI: My registration
4 for x-ray, for example, has a number of
5 tubes on it.

6 MS. BISHOP: Yes, that's what we
7 have in our records, in the database that I
8 get this from. So it depends on how active
9 a registration is and if it was recorded
10 right. So I wouldn't guarantee that it is
11 correct. Why? Is it wrong for your
12 company?

13 MR. BARTOLETTI: Apparently. It
14 says Tulsa Airport. There's an airport and
15 then there's a maintenance base.

16 MS. BISHOP: Right. There are
17 two different ones.

18 MR. BARTOLETTI: (Inaudible)
19 that's the other one, the same license,
20 different -- yes, that's correct. Thank
21 you.

22 (Off-the-record comments)

23 MR. WOODS: Just a general comment to the
24 storage issue and the out of service issue.
25 From the standpoint of something truly

1 being out of service, it's either, in my
2 view, just for the benefit of everyone
3 here, would be it's either in a locked
4 storage area or the device is locked and
5 tagged out of power. And if they can
6 demonstrate -- if that's demonstratable,
7 then it's out of service. But if it's
8 energized and capable of being used, it's
9 really not out of service. That's just a
10 viewpoint from an independent industry,
11 that's how we handle isolation.

12 DR. GOODEN: Other discussion
13 regarding the fees? Any comments from the
14 public regarding fees?

15 There being no other comments, I
16 move that we accept the fee schedule for
17 Appendix A as described in our note, March
18 31, 2005.

19 MR. WOODS: Second.

20 DR. GOODEN: Ms. Bruce.

21 MS. BRUCE: Mr. Clark.

22 MR. CLARK: Yes.

23 MS. BRUCE: Mr. Woods.

24 MR. WOODS: Yes.

25 MS. BRUCE: Mr. Bartoletti.

1 MR. BARTOLETTI: Yes.

2 MS. BRUCE: Ms. Jennings.

3 MS. JENNINGS: Yes.

4 MS. BRUCE: Mr. MacDurmon.

5 MR. MACDURMON: Yes.

6 MS. BRUCE: Ms. Barton.

7 MS. BARTON: Yes.

8 MS. BRUCE: Mr. Goucher.

9 MR. GOUCHER: Yes.

10 MS. BRUCE: Dr. Gooden.

11 DR. GOODEN: Yes.

12 MS. BRUCE: Motion approved.

13 DR. GOODEN: Mr. Broderick, are

14 there other items under Agenda Number 7?

15 MR. BRODERICK: As I understand

16 it, that's all we need under 7. Pam, is

17 that you all's understanding? That's it.

18 DR. GOODEN: Okay. Let's move to

19 Agenda Item Number 8, Report of Radiation

20 Management Section Activities.

21 Mr. Broderick.

22 MR. BRODERICK: Several things

23 are going on. There's going to be an

24 emergency exercise tomorrow in Jenks,

25 Oklahoma. It will -- radiation will be

1 involved in it. Radiation will not be the
2 focus of it, but we will be there and be
3 there working with the emergency management
4 people. That's our first time to
5 participate in one of these in the state.
6 It's long overdue and I'm kind of pleased
7 about it. If you're in the Tulsa area, you
8 might want to watch the news tomorrow
9 night. The exercise -- I don't know about
10 our part of it, but the main part of it is
11 going to involve something else.

12 MS. BARTON: Where is it going to
13 be at?

14 MR. BRODERICK: It will be at the
15 -- I believe the high school in Jenks.

16 MS. BARTON: I'll stay away from
17 there.

18 MR. BRODERICK: If you live near
19 there, you should have a flyer -- there has
20 already been flyers in the mail.
21 Originally, I tried to myself -- I put
22 flyers in the mailbox in residents near
23 there so if you are in the immediate area,
24 you'll have a flyer. But it will be in the
25 afternoon, tomorrow afternoon. We'll be

1 there.

2 The NRC, we dealt with the Part 35,
3 the medical rules and we dealt with it at
4 the last Council meeting and we said at
5 that time that the NRC had the training
6 experience requirements. We're still under
7 -- the NRC was reconsidering those and they
8 have completed their reconsideration of
9 that. We'll probably -- we installed -- we
10 adopted Part 35 as long as possible in an
11 effort to avoid what we re going to have to
12 do but we're probably going to have to
13 revisit Part 35 to adopt those training and
14 experience requirements. We probably will
15 do that -- I think we've got a meeting in
16 November scheduled, if I remember
17 correctly. We'll probably ask you to do
18 that there.

19 And there is also some new
20 requirements for security in portable
21 gauges that the NRC has, and since it's
22 security, we'll probably be asking --
23 there's a good chance we'll go ahead and
24 just bring those to you at the November
25 meeting. It basically requires additional

1 locks, is what it amounts to on portable
2 gauges that are out in the field. That's
3 all that I have.

4 DR. GOODEN: Okay. Mr. Thompson,
5 report on the Land Protection Division.

6 MR. THOMPSON: Things are pretty
7 much going routinely right now. The
8 Legislature is in session. I have not
9 heard anything specific about our
10 appropriation, they usually do those last.
11 And even though every year they talk about
12 doing them early, and I think this year
13 will probably be no exception. And state
14 revenues are up, so I don't anticipate any
15 major trauma on reductions and stuff this
16 year. But it remains to be seen until it's
17 done.

18 We have a few bills up. There is
19 always a tire bill, it's always
20 controversial, we've got one of those
21 battle brewing. Everything else seems to
22 be going fairly smoothly and we're just
23 trying to track all the key bills and make
24 sure nothing morphs into something else
25 that we weren't expecting or something

1 that's supposed to be dead, revised in
2 some other form. And I can go ahead and do
3 the Compact Commission, too --

4 DR. GOODEN: Please.

5 MR. THOMPSON: -- as well.
6 Catherine reported that they are still in
7 negotiations on, I think, talking to the
8 facility in Utah about possibly taking our
9 compact waste. There has been some
10 agreement to a fee -- a payment schedule, I
11 believe, by the state of Nebraska for the
12 settlement. I haven't heard the latest on
13 exactly when we can expect some of our
14 refunds on that.

15 Our plan is, when we do receive that
16 money or our first installment of that
17 money, is that we will probably try to pay
18 the generator fee each year, at least for
19 some time. So that may resolve some of the
20 concerns about that being borne by some
21 smaller entities. I discussed that with
22 our Executive Director and I think he's
23 favorable to it. We haven't worked out all
24 of the details of that yet, but that's our
25 plan.

1 And hopefully, Catherine will have
2 some more information, before the next
3 meeting, about when we'll expect our first
4 check in that regard. But everything is
5 going pretty smoothly.

6 MS. BARTON: I have to ask about
7 that. Generator fees. Could you just
8 define that for a moment. I'm just kind of
9 stunned that we get a settlement and out of
10 that settlement we pay generator fees, so
11 is that -- you know, I just want to clarify
12 that that's not a part of corporate
13 welfare.

14 MR. THOMPSON: Right.

15 MS. BARTON: Coming from a state
16 entity because I don't want that to look
17 negative in the eyes of the public.

18 MR. THOMPSON: Right. Basically,
19 there is a \$25,000 fee that's assessed to
20 the generators of waste, each year. And if
21 you happen to be the unlucky person to
22 generate that year, and you're the sole
23 generator, even if you generate a thimble
24 full, you get to pay the whole \$25,000 fee.
25 And like there is some state institutions

1 that generate, we generate sometimes,
2 everybody usually tries to wait until some
3 major corporation has to generate a
4 substantial amount of material so that they
5 can get in the same year and not get hit so
6 hard for a very small quantity of material
7 that has to be disposed of.

8 So, you know, to sort of level that
9 out a little bit, I mean, we may take
10 advantage if there are some major players
11 out there, like some of the oil companies
12 who have to generate some of your -- are
13 allowed to share in some of that, but I
14 think we'll, for the most part, try to
15 shield the smaller folks from having to
16 bear that burden alone for very small
17 quantities of waste.

18 And, you know, we're not happy with
19 the idea of people having to kind of hold
20 onto it because economically it makes no
21 sense to dispose of very small amounts of
22 material. And we've got some material
23 stored that we might as well be getting rid
24 of, too.

25 MS. BARTON: I would just like it

1 clarified, also, that that kind of waste
2 that we're talking about is a subsidy of --
3 that fee is what kind of waste?

4 MR. THOMPSON: It's radioactive
5 waste.

6 MS. BARTON: It's radioactive
7 waste, so it isn't just normal hazardous
8 waste.

9 MR. THOMPSON: Right.

10 MS. BARTON: I hope that we don't
11 subsidize the oil companies under any
12 circumstances. I don't care how much they
13 generate.

14 MR. THOMPSON: Yes. Well,
15 there's not very many events that I foresee
16 in the future. There's a few down the
17 road, some clean-ups, but I don't
18 anticipate much routine disposal going on.

19 MS. BARTON: Now, are those funds
20 that we receive go directly to your
21 department and the radiation division or is
22 it the land protection division, period?

23 MR. THOMPSON: I'm not sure how
24 that will be decided at this point in time.
25 I think it will come to the Agency and then

1 it's up to the Agency to determine how to
2 utilize the funding.

3 MS. BARTON: I see. So we're
4 going to have probably all of the other
5 parties in all of the other divisions
6 looking at those fees.

7 MR. THOMPSON: Our tendency is to
8 try to utilize fee money for what it was
9 intended to be collected for, as much as
10 possible. So I don't anticipate any
11 problem there.

12 DR. GOODEN: Scott, how would you
13 know that a big waste generator was going
14 to dispose of materials in any given year?

15 MR. THOMPSON: Well, a lot of it
16 is the type of clean-ups that have been
17 done, so we are usually involved in the
18 oversight of what's going on so we're
19 familiar with when shipments are going to
20 occur. And I would assume there s some
21 routine notification to us of such
22 shipments.

23 MS. BARTON: I have got to take
24 that one more place and that's Sequoyah
25 Fuels and the waste that is going to be

1 shipped out. Are any of those fees going
2 to be used for that extravaganza?

3 MR. THOMPSON: I don't know, it
4 depends on timing. But we'll have to kind
5 of scope that out and see how that fits.
6 There is -- it's hard to say how that's
7 going to work. And I haven't gotten any
8 firm timelines on when they're going to
9 start that.

10 MS. BARTON: But that would be
11 taken into consideration as a possibility?

12 MR. THOMPSON: Sure.

13 MS. BARTON: Would there be any
14 kind of a public notification about that?

15 MR. THOMPSON: I'm not certain.
16 If we do it, it will probably be through
17 this forum here, through the Council.

18 MS. BARTON: I would just like to
19 go on record as, you know, representing
20 that public part that we do be notified as
21 a Council Member because of the immensity
22 of the Sequoyah Fuels and the recent
23 settlement that was made of how much, if we
24 do take any of those fees that we have
25 obtained from the settlement, and when that

1 would be forthcoming.

2 Now, just kind of looking at the
3 legal ramifications of this, you know,
4 because I don't think that we -- do we have
5 any background on the legal things of
6 getting a settlement from a compact -- I
7 don't want to say buy-off here, but
8 dissolving that comes to the states and
9 then they use that money for either public
10 or private paid fees in that --

11 MR. THOMPSON: This is a very
12 unique situation.

13 MS. BARTON: Pardon me?

14 MR. THOMPSON: This is a very
15 unique situation.

16 MS. BARTON: It is unique, but
17 I'm just wondering if, you know, what kind
18 of legalities are involved in that so that
19 there's no problem further down the line of
20 anybody filing against the state for doing
21 that because it is so unique. I don't know
22 what the history is in other states, but I
23 would just like to bring that to the
24 attention of the Members here.

25 DR. GOODEN: Maybe you said

1 something about this and I missed it, but
2 what kind of dollar value is associated
3 with this judgment against --

4 MR. THOMPSON: Well, the total
5 judgment, I think, was 150 million,
6 thereabouts, against Nebraska. Our share
7 of it is nowhere near that. But I don't
8 recall what exactly our share was. Do you
9 guys?

10 DR. GOODEN: Twenty million?

11 MR. THOMPSON: No, not that.

12 DR. GOODEN: Eight million?

13 MR. THOMPSON: Maybe in that
14 neighborhood, give or take some. Catherine
15 could --

16 MR. BRODERICK: The vast majority
17 of the fees were paid by nuclear power
18 plants. We don't have any nuclear power
19 plants here.

20 DR. GOODEN: oh, I see. And they
21 will be compensated for that.

22 MR. THOMPSON: That's part of our
23 problem. If we had facilities like some of
24 the other compacts have, you don't have the
25 small players having to take on this whole

1 fee in the other compacts because they do
2 have major generators that generate every
3 year. And our compact is a little
4 different.

5 DR. GOODEN: Let me make sure I
6 personally understand Nadine's concern and
7 maybe this will help other people, too, who
8 may not understand it fully. You're
9 concerned that this money that we will
10 receive will be used to the benefit of
11 industry some way rather than supporting
12 the department, itself?

13 MS. BARTON: Bingo. Not that I
14 have anything against industry.

15 MR. THOMPSON: I'm thinking our
16 settlement, our portion of whatever we're
17 going to get back is less than a million
18 dollars. I'm thinking seven or eight
19 hundred thousand, at the outside but I
20 can't really recall what the number was.

21 DR. GOODEN: Well, I, having
22 heard Nadine's comments and my personal
23 thoughts, I don't want to speak for the
24 Council Members, but if this doesn't give
25 your thoughts regarding this matter, please

1 speak up now, but I think all of us would
2 like to see this going to the support of
3 the Department in some way.

4 MR. THOMPSON: Sure.

5 DR. GOODEN: And I don't know if
6 there are mechanisms available to do that.

7 MR. THOMPSON: Our goal is to
8 retain it for the Department.

9 MS. BARTON: We need it.

10 MR. THOMPSON: Yes.

11 MR. BRODERICK: The \$25,000 fee
12 has been a headache. I won't single
13 anybody out but several facilities here in
14 the state that do research, and I'm not
15 talking about Sequoyah Fuels, have been put
16 in a pickle because they'll have literally
17 a file cabinet drawer full of waste, but
18 they are afraid if they ship it, the DEQ
19 will send them a bill for \$25,000. That
20 creates a safety issue. If they like keep
21 this stuff around because they're afraid,
22 they'll try to keep it around rather than
23 risk getting (inaudible).

24 MR. THOMPSON: We can have a
25 disposal cost of a couple thousand dollars

1 probably, or a few thousand dollars, and
2 then have a \$25,000 fee on top of that.

3 MS. BARTON: Well, I just have to
4 say what I said before, that's part of
5 doing business, whether you're doing
6 research or whatever and you take on that
7 responsibility, that liability of payment
8 at the time that you start in with your
9 research, so I'm not going to go there.
10 But it has been an issue, you know, in the
11 public in the past, not in this particular
12 instance with what we're talking about,
13 radioactive waste, but with other waste.
14 And I just don't want to see us start
15 something that other folks can look at in
16 years to come, under certain circumstances
17 and say, well, they did it, why can't we?
18 So that's my clarification. And yes, the
19 Department should get that money. It
20 should stay within the DEQ. End of
21 comment. I'm a little passionate about
22 that. Sorry, folks.

23 MR. CLARK: I agree the money
24 should support DEQ. The one thing I think
25 is given industry in general, it doesn't

1 matter who it is, the heartburn of the
2 \$25,000 fee is the random and russian
3 roulette status of whether you made part of
4 it, all of it, or none of it and that from
5 a budget standpoint of trying to plan
6 disposal projects, I think is a problem for
7 anybody, large or small, is not knowing
8 what their share of this is going to be. I
9 think that's where the heartburn comes in
10 for people.

11 MR. THOMPSON: Yes. If you're a
12 little guy, you don't want to ship early in
13 the year because if nobody else does --

14 MR. CLARK: If you ship early,
15 you may be the only one.

16 MR. THOMPSON: -- right.

17 MR. CLARK: That's where it comes
18 in, is (inaudible).

19 MR. THOMPSON: You know, our goal
20 would be to facilitate getting this stuff
21 from somewhere better.

22 MR. MACDURMON: My feeling is
23 that this money should not be designated
24 for DEQ in general but for radiation
25 management, specifically. These funds were

1 generated -- I understand, but I -- just
2 like we're going on record here. These
3 were generated for radioactive waste. It's
4 cost the -- the radiation management group
5 here has paid a disproportionate number of
6 those fees, as I understand, because the
7 rest of us were ducking every year. And if
8 it's staying -- if there is no
9 consideration for reimbursement of the
10 generators, then at a minimum, it should be
11 used to the benefit of the generators in
12 making those funds available to radiation
13 management.

14 MS. BARTON: Yes.

15 MS. JENNINGS: We might spend
16 some money to figure out a way to
17 restructure this fee paying so people
18 aren't having to wait and aren't having to
19 store and aren't having to guess when they
20 budget, you know, maybe you need a bean
21 counter to do that, to figure out some
22 equitable way of doing it.

23 MR. THOMPSON: The problem is
24 it's statutory. It's not something we can
25 modify.

1 MS. BARTON: That's a legislative
2 issue here.

3 MR. BRODERICK: It would take a
4 change in state law.

5 MR. THOMPSON: I was thinking
6 it's federal, I think it's the way the
7 compacts are set up.

8 MR. MACDURMON: Is there an
9 intention to stay in the compact?

10 MR. THOMPSON: I'm probably not
11 going to think too hard about that until
12 we've got all of our money.

13 MR. MACDURMON: Well, I'm just
14 saying, you know, you talked about
15 maintaining, you know, using this money to
16 subsidize future fee payments, but that
17 presupposes that we're still in the
18 compact.

19 MR. THOMPSON: Right. I would
20 anticipate being in the compact for some
21 time. I'm not sure what the full payment
22 schedule is. There was some noises made by
23 Nebraska about paying early and just
24 settling the whole thing and there are
25 some, I think, multi-year payment

1 schedules. So until that all shakes out
2 and see where we are, I don't think it s
3 worth contemplating.

4 DR. GOODEN: Thank you, Mr.
5 Thompson.

6 MR. THOMPSON: You re welcome.

7 DR. GOODEN: Item Agenda 11 is my
8 report. And I think Mr. Broderick
9 mentioned some important activities that
10 the Council is going to have to address in
11 the future, one of the primary ones being
12 the new NRC rules. Those are very
13 important for the healthcare industry and
14 I m sure for our industry, also. So I'll
15 look forward to helping the DEQ get those
16 looked at and comments made regarding their
17 passage.

18 Then I also wanted to bring to the
19 attention of the Council and members of the
20 public that Rod Beuttel resigned the
21 Council effective March the 5th, I think,
22 and we appreciate his service during his
23 tenure here and we will try to replace him
24 in the future with someone.

25 Moving on to Agenda Item Number 12,

1 is there any new business that was not
2 known about prior to establishing the
3 agenda?

4 MS. BARTON: I have a couple of
5 questions. The first question, we all
6 received these forms about the statement of
7 no change or, you know, financial interests
8 that's of the Ethics Committee, and I
9 wondered if we could have somebody explain
10 that to us, not only for folks that haven't
11 done this before but just for review. How
12 do we do this, you know, what these things
13 mean so that we do it in a correct manner.

14 MR. MCHARD: I'll try that if
15 anybody else doesn't want to. Could I have
16 the forms, please. The reason I know
17 something about this is because I was, as
18 President of the Oklahoma Anthropological
19 Society, I was assigned to be on a
20 committee that unfortunately falls under
21 the Ethics Commission.

22 And basically the Ethics Commission
23 was set up a long time ago and it's
24 basically set up to deal with, as it says
25 here, ethics as related to financial

1 interests of those people who are either
2 elected or appointed to state positions.
3 It covers, for example, all of the members
4 of the Legislature. And there are two
5 forms, one which says statement of no
6 change and that would be for people who
7 have filed previously in a previous year.
8 And this is the calendar year we're talking
9 about. They are aggressive, the Commission
10 is very aggressive in making sure that the
11 form is received by them. I think the
12 deadline is something like May 2nd and they
13 will pursue either you personally by letter
14 or they'll pursue us, Ms. Bruce and I, to
15 try and get the Council Members to turn
16 them in. So that's why we have chosen to
17 bring this matter up at this Council
18 meeting to try and rectify this delay.

19 The second type is for those who
20 have not filed before and that would be
21 such people as, for example, Mr.
22 Bartoletti. The form is pretty self-
23 explanatory. If you have financial
24 interests that have to be reported under
25 the information given here, then you have

1 to do it. Notice that these are -- this
2 form F2R is two-sided, and as someone who
3 has filed this in past years, I would say,
4 at the very least, you should make out
5 items one and your signature, wherever that
6 signature is required, and send it in. You
7 might get by -- I can't say that.

8 MR. MACDURMON: Mr. McHard, I
9 think, at least for myself, I received this
10 in the mail and faxed it to them a month
11 ago or whatever. I think they probably
12 have beaten you to the punch with
13 distributing these.

14 MR. MCHARD: Okay. Well, we have
15 had inquiries about this, so are there --

16 MR. CLARK: Is there a fax number
17 on the form?

18 MR. MCHARD: Yes, there's a fax
19 number on the form and you can file either
20 by mail or by fax. It is possible to
21 deliver them in person, but it's difficult
22 to find the Ethics Commission's office.
23 It's buried in the Capitol building
24 somewhere.

25 MS. BRUCE: Just a couple of

1 years ago all of these did come through the
2 DEQ and now they are sending them to you
3 direct, so that's why you probably received
4 them and have probably taken care of them.
5 But they probably make address mistakes,
6 too, so, just in case.

7 MR. MACDURMON: The point being,
8 you don't want to duplicate people who have
9 already filed.

10 MS. BRUCE: No. If you've already
11 taken care of it. But May 3rd they will be
12 calling me.

13 DR. GOODEN: Agenda Item Number
14 13.

15 MS. BARTON: Wait a second, I'm
16 not done.

17 DR. GOODEN: You're not? Excuse
18 me, Nadine. Continue with Item Number 12.

19 MS. BARTON: I would just like an
20 update for the record from Mike, because we
21 had a small conversation on the phone about
22 this, about where we stand on Sequoyah
23 Fuels and the -- I don't know whether you
24 would call it a settlement, but the
25 agreement of how the radioactive waste and

1 the decommissioning is going to progress.
2 And then the other thing that I want for
3 the record is that I am requesting openly
4 for a public hearing for that area, to
5 inform the residents that are going to be
6 affected or any interested parties about
7 that decommissioning. We've been going
8 through this for years now and there has
9 been -- really they need to have some
10 closure as to what's going to happen since
11 you all have made your agreements, because
12 there is a lot of anxiety among those folks
13 out there.

14 MR. BRODERICK: I will give you
15 an answer in brief on that, but I've been
16 advised the place for this is in the forum
17 after the meeting is over. So I would
18 request we conclude the meeting and then in
19 the forum I will answer, give you an answer
20 to that.

21 MS. BARTON: And why is that?
22 Why does it have to be in the forum?

23 MS. DIZIKES: Well, the use of
24 the new business item in terms of the Open
25 Meeting Act requirements, anything that

1 could have been identified and discussed
2 during the meeting would have been placed
3 on the agenda. If it was not known until
4 within the last 24 hours, it would be
5 impossible to modify the agenda to give
6 public notice, then it's possible, but that
7 leaves very, very few items in that
8 category and, of course, we do have the
9 forum after every meeting.

10 MS. BARTON: Okay. My concern
11 was that there would be no official record
12 of what Mike was going to state. And so we
13 have -- I would just like to say that we
14 have two people here that are in the
15 public; is that right, gentlemen? And a
16 third person, three people, sorry. And I
17 do not feel that just three people stating
18 what we're about to state where lives were
19 affected is going to cover it.

20 So I am making a request that the
21 next Council meeting that we have, that we
22 go over this road again and have it as an
23 official agenda item. And I'm sorry if
24 some of you find that this is funny, but
25 this is a very serious situation here in

1 Sequoyah Fuels. I just feel as
2 representing the public that it's important
3 enough to have a record of the outcome of
4 this for those folks out there.

5 That's the end of my comment.

6 DR. GOODEN: Thank you, Nadine.

7 And I would like for staff to look at this
8 issue and see if we can get it on as an
9 agenda item in the proper manner next
10 meeting.

11 MR. BRODERICK: Would you rather
12 me defer?

13 DR. GOODEN: I'm sorry?

14 MR. BRODERICK: Would you rather
15 me -- I offered a minute ago to do
16 something in the forum. Would the Council
17 rather that I -- that we just leave it
18 until the next meeting and do it as an
19 agenda item?

20 DR. GOODEN: No, I would like to
21 discuss it within the forum and I
22 understand the open -- the new business
23 issue and Nadine probably understands it
24 better now, also. But I'm just asking that
25 staff give this some attention and see if

1 it is proper to have it on the agenda the
2 next time and my belief is that we'll
3 discuss this within the forum in a few
4 minutes.

5 MS. BARTON: It really is an old
6 issue here.

7 DR. GOODEN: Agenda Item Number
8 13, announcements.

9 MR. MCHARD: Mr. Chairman.

10 DR. GOODEN: Yes.

11 MR. MCHARD: I would like to
12 announce that the next meeting of the
13 Council is scheduled for November the 10th
14 in Tulsa at a site not yet selected.

15 MS. JENNINGS: What day is that?

16 MR. MCHARD: I do not have a
17 calendar with me, I'm sorry.

18 DR. GOODEN: It's probably a
19 Wednesday.

20 MR. MCHARD: It's probably a
21 Wednesday, because we have selected the
22 dates --

23 MS. BRUCE: November the 10th is
24 a Thursday.

25 MR. MCHARD: A Thursday, okay.

1 MR. BRODERICK: Is that okay with
2 everybody? We can change that.

3 MR. MCHARD: We can change the
4 date.

5 DR. GOODEN: Thursdays can be bad
6 for me.

7 MR. MACDURMON: I can't do
8 Wednesdays or Fridays in the fall.

9 MR. MCHARD: I didn't want to
10 mention, George, that we were accommodating
11 you, but we are.

12 MR. MACDURMON: But Mondays and
13 Tuesdays are fine.

14 MR. MCHARD: Shall we leave it on
15 that date, Mr. Chairman? It can be
16 changed.

17 DR. GOODEN: Unless Tuesday is
18 offensive to anyone. And if Tuesday's not
19 offensive to anyone, I prefer Tuesdays.

20 MR. BRODERICK: We have all of
21 our Council Members here so (inaudible).

22 MR. MCHARD: I will change it to
23 a different date. I'm not going to say
24 November 8th, but we'll try. Okay. And I
25 will also try -- well, I have a list --

1 see, we can't have it on the 8th because --

2 what is OHMERC?

3 MS. BRUCE: OHMERC. Hazardous

4 Materials something Commission that Myrna

5 does the minutes for.

6 MR. MCHARD: So we can't have it

7 on the 8th, we have to move it to another

8 Tuesday.

9 MR. BRODERICK: We could do it on

10 a Monday. It's not my favorite day to have

11 meetings, but on a one-time basis, I don't

12 have a problem doing it on a Monday.

13 MR. MCHARD: I'm going to suggest

14 that you allow me to move it back into

15 October on a Tuesday. Is that okay with

16 everybody?

17 DR. GOODEN: Let's consider the

18 15th, also, November the 15th.

19 MS. BRUCE: The Environmental

20 Quality Board is on the 15th.

21 MR. MCHARD: See, we can't have

22 it on the 15th because the Environmental

23 Quality Board is meeting in Braman and I

24 presume that both Myrna and Christy will be

25 at that meeting.

1 MR. MACDURMON: Well, if Thursday
2 is good for everyone except me, then I'll
3 just try to make sure I don't have any
4 activities Thursday morning.

5 MS. BARTON: Gee, we've done a
6 total loop here.

7 MR: And it is in Tulsa, so it
8 doesn't -- you don't have the --

9 MR. MCHARD: So I will look at it
10 and confirm with you later. Is that okay,
11 Mr. Chairman?

12 DR. GOODEN: Thank you, Mr.
13 McHard. Let's adjourn the official meeting
14 and move into the forum. And Mr. Woods, if
15 you re going to be available for the next
16 few minutes, I ll turn it over to your
17 capable hands.

18 END OF PROCEEDINGS

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C E R T I F I C A T E

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STATE OF OKLAHOMA)

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COUNTY OF OKLAHOMA)

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I, CHRISTY A. MYERS, Certified

8

Shorthand Reporter in and for the State of

9

Oklahoma, do hereby certify that the above

10

proceedings is the truth, the whole truth,

11

and nothing but the truth; that the

12

foregoing proceedings were tape recorded

13

and taken down in shorthand by me and

14

thereafter transcribed under my direction;

15

that said proceedings were taken on the

16

13th day of April, 2005, at Oklahoma City,

17

Oklahoma; and that I am neither attorney

18

for nor relative of any of said parties,

19

nor otherwise interested in said action.

20

IN WITNESS WHEREOF, I have hereunto

21

set my hand and official seal on this, the

22

28th the day of April, 2005.

23

CHRISTY A. MYERS, C.S.R.
Certificate Number 00310

24

25