

MINUTES
RADIATION MANAGEMENT ADVISORY COUNCIL
September 10, 2003
Tulsa Technology Center, Riverside
Tulsa, Oklahoma

Approved
December 3, 2003 Special Meeting

MEMBERS PRESENT

Donald Brewer
Steve Clark
Larry Hawkins
Karen Jennings
Steve Woods

MEMBERS ABSENT

David Gooden
Monte Goucher
Burl Nethercutt
Vacancy

DEQ STAFF PRESENT

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

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 a regular meeting at 10:00 a.m. on September 10, 2003, at the Tulsa Technology Center Riverside located at 801 East 91st Street, Tulsa, 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 July 23, 2002 and amended on December 6, 2002. The Agenda was mailed to interested parties and posted at the entrance doors of the meeting facility and the Department of Environmental Quality more than twenty-four hours prior to the meeting. Mr. Steve Woods, Vice-Chair, called the meeting to order. Roll call was taken and a quorum was confirmed. Mr. Woods asked Mr. Dale McHard to introduce the DEQ staff and members of the public.

Approval of Minutes of November 6, 2002 Mr. Woods called for approval of Minutes of the November 6, 2002 Regular Meeting. Mr. Brewer made motion to approve and Mr. Hawkins made the second.

Roll Call

Donald Brewer	Yes	Larry Hawkins	Yes
Karen Jennings	Yes	Steve Woods	Yes
Steve Clark	Yes		Motion Carried

Approval of Minutes of March 12, 2003 Mr. Woods called for approval of Minutes of the March 12, 2003 Regular Meeting. Mr. Hawkins made motion to approve as presented. Mr. Brewer made the second.

Roll Call

Donald Brewer	Yes	Larry Hawkins	Yes
Karen Jennings	Yes	Steve Woods	Yes
Steve Clark	Yes		Motion Carried

PRESENTATION AND DISCUSSION OF PROPOSED RULEMAKING

- OAC 252:410-1 General Provisions**
- OAC 252:410-3 Radiation Machines Common Requirements**
- OAC 252:410-5 Certificate of Industrial Radiographers**
- OAC 252:410-7 Radiation Management Authorizations; Procedures And Requirements**
- OAC 252:410-10 State Agreement Program**
- OAC 252:410-15 Industrial X-Ray Radiography**
- OAC 252:410-19 X-Ray Fluorescence Instruments Used for Lead-Based Paint Detection**
- OAC 252:410-20 Standards For Protection Against Radiation**
- OAC 252:410-23 Notices, Instructions And Reports To Workers: Inspection And Investigations**

Mr. Mike Broderick advised that instead of breaking his presentation down into separate subchapters he would identify the changes being proposed to the group as a whole. He added that the some of the rules had been moved to different places for clarity. Mr. Broderick summarized the changes page-by-page, and responded questions and comments from Council members and attendees.

Report of Radiation Management Section Activities Following discussion and comments on the proposed rule changes, Mr. Woods called for Agenda Item #8. Mr. Broderick advised the Council and attendees a recent significant increase in NRC-imposed security-related requirements. He stated that these security requirements are considered by NRC to be so urgent that NRC will enforce the new requirements directly, so that staff will only be required to do preparatory work, and possibly the inspections. Mr. Broderick also pointed out the Program's need for a fee increase and indicated that the proposal will be discussed as part of the rulemaking hearings at the Council's next meeting. Mr. Broderick also announced that Wisconsin has become an Agreement State.

Land Protection Division Director's Report Ms. Catherine Sharp provided updates of the Environmental Quality Board activities, the Agency's budget, and the Central State Low Level Radiation Compact Commission.

Report by Chairman None reported.

New Business None.

Discussion of the date/location of next meeting Mr. Dale McHard reminded Council of the need to have a special meeting for Council approval of the proposed rulemaking with sufficient time to forward the rules for approval to the February 27, 2004 Environmental Quality Board meeting. He suggested that, in order to meet the necessary filing deadlines, a special meeting should be held on December 3, 2003; and that the Council's regular meeting should be set in January. He pointed out that if all the proposed rulemakings are approved at the December 3 meeting, the January meeting may not be necessary and could be cancelled. Council's decision was to have the Special meeting on December 3, 2003 and to set a regular meeting on Wednesday, January 7, 2004. Both meetings would be at the DEQ Multipurpose Room in Oklahoma City.

Adjournment Meeting adjourned at 1:00 p.m.

A copy of the hearing transcript is attached and made an official part of these Minutes.

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DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS

RADIATION MANAGEMENT ADVISORY COUNCIL

HELD ON SEPTEMBER 10, 2003, AT 10:00 A.M.

AT THE TULSA TECHNOLOGY CENTER

IN TULSA, OKLAHOMA

* * * * *

REPORTED BY: Christy A. Myers, CSR

MYERS REPORTING SERVICE
(405) 721-2882

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MEMBERS OF THE COUNCIL

1. MR. LARRY HAWKINS - MEMBER
2. MR. STEVE WOODS - VICE CHAIR
3. MR. STEVE CLARK - MEMBER
4. MS. KAREN JENNINGS - MEMBER
5. MR. DONALD BREWER - MEMBER
6. DR. DAVID GOODEN - CHAIR
7. MR. BURL NETHERCUTT - MEMBER
8. MS. MONTE GOUCHER - MEMBER

STAFF MEMBERS

- MS. MYRNA BRUCE - SECRETARY
- MR. MIKE BRODERICK - DEQ
- MS. CATHERINE SHARP - DEQ
- MS. PAMELA BISHOP - DEQ
- MS. PAM DIZIKES - LEGAL
- MR. DALE MCHARD - DEQ

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PROCEEDINGS

MR. WOOD: Call this meeting to order. Ms. Bruce, roll call, please.

MS. BRUCE: Mr. Brewer.

MR. BREWER: Here.

MS. BRUCE: Ms. Jennings.

MS. JENNINGS: Here.

MS. BRUCE: Mr. Clark.

MR. CLARK: Here.

MS. BRUCE: Mr. Hawkins.

MR. HAWKINS: Here.

MS. BRUCE: Mr. Woods.

MR. WOODS: Here.

MS. BRUCE: Absent for the record are Mr. Nethercutt and Dr. Gooden.

MR. MCHARD: And we have one vacancy on the Council.

MS. BRUCE: And a vacancy.

MR. WOODS: Yeah, and also Ms. Monte Goucher is absent, I believe.

MS. JENNINGS: I knew there was one missing.

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1 MR. WOODS: Item No. 3 on the
2 Agenda. Approval of the minutes of the
3 November 6, 2002 meeting. Do you want to

4 do introductions. We've got at least a
5 couple of visitors I don't think anybody
6 knows, or is that later on?

7 MR. MCHARD: It's on later.

8 MR. WOODS: Never mind. Carry
9 on, you've got it under control. The
10 minutes were sent out in the packet. I'll
11 entertain a motion for approval of the
12 minutes of November 6, 2002 meeting.

13 MR. BREWER: I do. I make a
14 motion that we approve the meeting as
15 stated.

16 MR. WOODS: Hear a second?

17 MR. HAWKINS: Second.

18 MR. WOODS: Motion has been made
19 and seconded. Roll call vote, please.

20 MS. BRUCE: Mr. Brewer.

21 MR. BREWER: Yes.

22 MS. BRUCE: Ms. Jennings.

23 MS. JENNINGS: Yes.

24 MS. BRUCE: Mr. Clark.

25 MR. CLARK: Yes.

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1 MS. BRUCE: Mr. Hawkins.

2 MR. HAWKINS: Yes.

3 MS. BRUCE: Mr. Woods.

4 MR. WOODS: Yes.

5 Agenda Item No. 4, approval of the
6 minutes of the March 12, 2003 meeting.

7 MR. HAWKINS: I make a motion
8 they be approved.

9 MR. BREWER: I second the motion.

10 MR. WOODS: Motion has been made
11 and seconded. Roll call, please.

12 MS. BRUCE: Mr. Brewer.

13 MR. BREWER: Yes.

14 MS. BRUCE: Ms. Jennings.

15 MS. JENNINGS: Yes.

16 MS. BRUCE: Mr. Clark.

17 MR. CLARK: Yes.

18 MS. BRUCE: Mr. Hawkins.

19 MR. HAWKINS: Yes.

20 MS. BRUCE: Mr. Woods.

21 MR. WOODS: Yes.

22 Agenda Item No. 5 is the
23 Introduction of the members of the public
24 that are present. Mr. McHard.

25 MR. MCHARD: The gentleman in the

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1 striped shirt is Mitch Cowen. He is with
2 Webco in Mannford, Oklahoma. Their
3 complete name is, I believe, Webco
4 Stainless Products Division. Is that
5 correct, sir?

6 MR. COWEN: Yes.

7 MR. MCHARD: The other gentleman
8 sitting back there is John Lasseter and he
9 is also with Webco. And over here in the
10 opera dress is Nadine Barton. And I think
11 that's all the visitors that we have from
12 the public today. And do you want me to
13 introduce the staff.

14 MR. WOODS: Yes, please, Dale.

15 MR. MCHARD: I'll start in the
16 back with Catherine Sharp, who is our
17 Assistant Director of the Land Protection
18 Division who is here in place of Scott
19 Thompson who could not be here today. Pam
20 Dizikes is our attorney for this Council.
21 Sitting next to me is Pam Bishop, which I
22 hope all of you know. And over next to you
23 Mr. Woods, is Mike Broderick, our boss.
24 He's the Manager of the Radiation
25 Management Section. And who have I left

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1 out? Myrna Bruce, who is the Secretary to
2 the Board and to all of the various
3 Councils that are within the Department of
4 Environmental Quality. And me. I'm sorry,
5 Christy. Christy Myers is our reporter.

6 And at this point, I should make
7 clear to our visitors that every word
8 spoken is being recorded both on audio and
9 by her transcription. A word-for-word
10 transcription will be available later.

11 I believe that takes care of the
12 introductions except for me. I'm Dale
13 McHard and I'll turn it back to you, Mr.
14 Woods.

15 MR. WOODS: Thank you, Mr.
16 McHard. Members of the public, we
17 appreciate your attendance at this meeting
18 and are always glad to listen to your
19 valuable input.

20 Item No. 7 Public Rulemaking
21 Hearings. Item A, OAC 252:410-1, General
22 Provisions as amended. The Department
23 proposes permanent changes to add, revise,
24 delete definitions; revise general
25 regulatory requirements; revise language

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1 pertaining to effective date of 252:410.
2 Purpose of these proposed changes is to
3 integrate changes to other portions of the
4 Rules as they relate to 252:410-1, General
5 Provisions.

6 And at this time I will turn this
7 over to the staff, Mr. Mike Broderick for a
8 presentation on the changes.

9 MR. BRODERICK: If it's
10 acceptable, what I'll do rather than --
11 I'll just go through all the subchapters.

12 MR. WOODS: That would be
13 acceptable.

14 MR. BRODERICK: Okay. I will try
15 and go over each of the changes. But I'm
16 going to try not to be long. I have a
17 great ability to yak and I'm going to try
18 to minimize that today.

19 If you go to -- it should be page
20 two of the rule, Subchapter 1 is the
21 General Provisions. You'll notice the
22 first change there is the effective date.
23 When we passed this before Oklahoma became
24 an Agreement State, we put in some flexible
25 language there so that things could come

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1 into effect when we became an Agreement
2 State. That's all in the past now, so
3 we've just changed it to the actual date
4 that that occurred.

5 Looking on down in definitions, you
6 see we've changed State Agreement Program
7 to Radioactive Materials Program. That's
8 probably -- that's one of the two most
9 important things in this package of
10 rulemaking. I'll discuss what that means
11 later but we're changing that there.

12 Moving on down, Accelerator-produced
13 material, we've added the definition to
14 that. It's a standard definition.

15 By-product material -- again on page
16 three -- we've added a definition. It's
17 straight out of the Atomic Energy Act.

18 Moving on, page seven, Radioactive
19 Materials Program. We became an Agreement
20 State, as I think most of you know, in
21 about the year 2000. That meant that we
22 took over authority -- we took over most of
23 the NRC's, the Federal Nuclear Regulatory
24 Commission's authority at that time. There
25 are some types of radioactive materials,

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1 because of the way the NRC's founding
2 statute is written, that are not under the
3 NRC's jurisdiction but they have the same
4 hazards as in the NRC material. Every
5 other Agreement State treats those
6 materials the same as they treat NRC's
7 radioactive material. That means that you
8 have to have a license to use and possess
9 it, you are subject to inspections -- a
10 regular program of inspections. Now when
11 we became an Agreement State, bluntly, we
12 were trying to get it done. We wanted to
13 make it as smooth and simple as possible so
14 we did not adopt a program like that at
15 that time. We just adopted the NRC
16 program. That's created sort of a dual
17 regulation situation where we have a very
18 limited set of rules that apply to these
19 other materials and we had a fairly
20 substantial set of rules for the others.
21 That made it hard for some big
22 facilities to train their people because
23 they had two sets of rules that governed
24 the different types of radioactive
25 materials. And more importantly, it really

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1 is appropriate for the most part that at
2 least some of these non-Nuclear Regulatory
3 Commission Materials be covered, require
4 licensing and have the regular inspection
5 program.

6 So we're going to catch up with the
7 rest of the world. One of the things we're
8 trying to accomplish here is to put the
9 same requirements in place for all
10 radioactive materials so we're consistent.

11 The types of radioactive materials
12 that we're talking about here that we're
13 adding to this -- there's two major types.
14 One of them is what's called accelerator-
15 produced material. You saw a definition
16 earlier, it's material that's made radio-
17 active by being bombarded with a particle
18 accelerator. That technology did not exist
19 when the NRC's legislation was written so
20 the NRC does not have jurisdiction over
21 those because it is not included in their
22 laws. So we need to bring that up-to-date.

23 The other is not quite as clear cut.
24 We're wanting to add sealed radium
25 sources. Basically, radium is the

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1 radioactive material that's been in use
2 longest but since it's not tied to nuclear
3 reactors it was not mentioned in the NRC's
4 statutes. But we're going to add sealed
5 radium sources -- something that I will
6 mention, there's also what's called diffuse
7 radium, such as is produced in oil fields
8 as a waste product and these rules do not
9 address NARM -- so-called NARM is what
10 that's often called -- these rules do not
11 address NARM specifically. Our rules still
12 cover NARM in a blanket way but this does
13 not add any new requirements for NARM.
14 Because NARM is not a sealed encapsulated-
15 in-metal radioactive source.

16 So those are the things that are to
17 be covered. That's one of the two biggest
18 changes that we're talking about today.
19 That will mean we will add some -- there
20 are a few facilities that we know of --
21 there are eleven facilities in the State
22 that are using accelerator-produced
23 materials that do not have an Agreement
24 State license. It would not surprise me if
25 there are a couple we don't know about, but

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1 that we have identified there are eleven.

2 MS. NADINE BARTON: What kind of
3 business does that?

4 MR. BRODERICK: That use -- for
5 the most part there are three categories.
6 One, is physicians, for a lot of cardiac
7 work. Physicians can use what's called
8 Thallium 201, is the main one. There may be
9 others but Thallium 201 is the main one.
10 It's accelerator-produced and physicians
11 can use that in cardiac work. If you've
12 ever known someone who's had a treadmill
13 test where they injected radioactive
14 material, that was probably with Thallium
15 201. That's probably the most common use.

16 There are two that I know of -- old
17 gauges -- basically, density gauges that
18 have radium sealed sources in them. There
19 are at least two of those. And also, there
20 are undoubtedly in the State -- although we
21 don't know of any, basically the people
22 have gotten rid of all the ones we know
23 about -- there's a good possibility that
24 somewhere in the State there are some
25 physicians, probably older physicians, in a

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1 rural area who are using sealed radium
2 sources.

3 There was an active effort to take
4 those out of service back in the 1980's and
5 we got rid of a lot of them then; we found
6 one a few years ago in a clinic in rural
7 Oklahoma, and that has been disposed of.
8 We don't know of any, correct me if I'm
9 wrong, we don't know of any that are out
10 there now but it would not surprise me if
11 there are some out there. This would cover
12 that.

13 Anyway, the Radioactive Materials
14 Program is just changing a couple of words
15 from State Agreement Program to Radioactive
16 Materials Program but it is a substantial
17 change. That's probably the most
18 important. To my mind, frankly, it is the
19 most important thing we're going to ask you
20 to vote on.

21 Moving on to page eight, and I'm
22 trying to move quickly here out of respect
23 for your time. But as Nadine properly did,
24 if I run over somebody, if somebody has a
25 question or wants to discuss something, I

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1 encourage you to jump in. Please make sure
2 -- either be very vocal or else move up to
3 the front near a microphone so that Christy
4 can capture your comments on the record.
5 That's the only way we have to record what
6 is said here.

7 Moving on to page eight, sealed
8 source. It's, again, a standard
9 definition. It means material that is
10 encapsulated, usually in metal, sometimes
11 in plastic, to prevent leakage or escape of
12 radioactive material and we have a whole
13 slew of definitions on this page.

14 Source material, is a definition
15 straight out of the Atomic Energy Act.
16 Special Nuclear Material, another
17 definition. State Agreement, basically,
18 that means what we were talking about
19 earlier where Oklahoma took over the U.S.
20 Nuclear Regulatory Commission's authority
21 and that definition -- I don't remember the
22 source of it -- but I believe that's
23 probably straight out of either the Atomic
24 Energy Act or the federal Nuclear
25 Regulatory Commission regulation. We have

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1 replaced that old definition, made it a
2 little more specific.

3 Moving on to page nine, temporary
4 job site. This is particularly important
5 for what Pam is going to be briefing us on
6 later but it basically means a place where
7 they don't routinely use radioactive
8 materials or a radiation producing machine
9 but where they go on a temporary basis and
10 set up to perform a particular task. So
11 it's not listed specifically on their
12 license as a location of use.

13 Moving on to page ten, down near the
14 bottom there is the mention of a
15 notification of events. And this is very
16 important -- it was kind of a hole in our
17 regulations which we're plugging here,
18 basically, that requires a report to DEQ if
19 a radiation producing machine -- an x-ray
20 machine for the most part -- possibly an
21 accelerator, is lost or stolen or if there
22 is an incident and basically there is a
23 definition of incident that it refers to.

24 There's also a change below that
25 from State Agreement Program to Radioactive

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1 Materials Program. You'll see that all
2 through these rules. We're asking for that
3 change.

4 Moving on to page twelve. Basically
5 there is some lawyer talk up there at the
6 top of page twelve. Basically, it says --
7 it repeats what's in the statutes but
8 basically it says that if you violate any
9 of these radiation rules you may be subject
10 to enforcement. That makes it explicit.

11 That was Subchapter 1. I'm going to
12 move on to Subchapter 3, which is the
13 common requirements. Yes sir.

14 MR. HAWKINS: I've got a question
15 back on -- I guess is this where we come in
16 to make our comments?

17 MR. BRODERICK: Absolutely -- any
18 time.

19 MR. HAWKINS: Do I wait down here
20 for number --

21 MR. BRODERICK: Unless either the
22 lawyer or the recorder has a -- I'd say
23 any time if you want to make a comment,
24 feel free to do it.

25 MR. HAWKINS: Since we pretty

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1 much have taken the definitions from the
2 NRC, I have a question here about our
3 source material. In NRC, in the reg, it
4 says at the end of source material, it says
5 source material does not include special
6 nuclear material. We have omitted that
7 from our definition. Do we want to omit
8 that or do we want to continue the
9 continuity of the definitions from the NRC?

10 MR. BRODERICK: I do not remember
11 the reason that we didn't put that in there
12 -- that specific exclusion, but certainly
13 there is a definition of special nuclear
14 material right after that.

15 MR. HAWKINS: And it says it does
16 not include source material which is
17 exactly word-for-word and I'm not --

18 MR. BRODERICK: And I'm not sure,
19 Pam -- either of the two Pam's -- do you
20 remember the source of this language or why
21 we chose that language?

22 MS. DIZIKES: Well, I'm the one
23 who wrote it and probably I just failed to
24 include it, so I have no problems with us
25 adding it, in fact, although we're saying

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1 it comes directly from the NRC it is also
2 the terminology used in our State statutes.

3

4 MR. BRODERICK: I don't have a
5 problem with it either.

6 MS. DIZIKES: And I know we're in
7 danger of becoming highly, highly
8 redundant, we just want to have one easy
9 source. So I think it would be a good idea
10 to add it.

11 MR. BRODERICK: I certainly have
12 no objection and if any other staff member
13 knows of a reason, please speak up. But I
14 have no objection including the language
15 about excluding the nuclear material in the
16 definition of source material.

17 MR. HAWKINS: Excluding or
18 including?

19 MR. BRODERICK: Special Nuclear
20 material is not the same as source
21 material. The two sets don't overlap.

22 MS. DIZIKES: The wording that we
23 have in our State Statute is just one
24 additional sentence. And it reads, source
25 material does not include special nuclear

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1 material. Would that be acceptable?

2 MR. HAWKINS: That's the one.
3 That's what it says right here in the Code
4 of Federal Regulations.

5 MR. BRODERICK: Nadine, I'm
6 sorry.

7 MS. NADINE BARTON: Just on the
8 same section there on special sources, of
9 course, being a member of CASE, does this
10 section apply to any kind of radioactive
11 materials that would be used in processing
12 or the running of a nuclear plant?

13 MR. BRODERICK: These
14 definitions apply to the source materials
15 and special nuclear materials that we have
16 jurisdiction over -- Oklahoma has
17 jurisdiction over. We are very limited,
18 particularly in the case of source
19 material, of what we have jurisdiction
20 over. Our Agreement is unique. The
21 Agreement we wrote between us and the NRC
22 is different than any of the other 33 now
23 Agreements, other Agreements, that have
24 been written because we wrote it to exclude
25 certain types of material, mainly because

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1 of some facilities which I know you are
2 intimately familiar with -- Sequoyah Fuels,
3 Fan Steel, some of those.

4 Basically those facilities have
5 source materials. We did not really want
6 jurisdiction over those but we did want
7 jurisdiction over -- there's others in
8 source material that is used in, like,
9 industrial radiography and material
10 industry radiography which we did want. We
11 wrote it to include that.

12 MS. NADINE BARTON: But it
13 excludes those products that we were
14 talking about at Fan Steel?

15 MR. BRODERICK: For purposes of
16 this rule these definitions do not give the
17 State any authority over the source
18 material at Sequoyah Fuels or Fan Steel or
19 those facilities that you're referring to.

20 MS. NADINE BARTON: Or any that
21 would be imported.

22 MR. BRODERICK: Assuming that it
23 didn't fall under our Agreement. I'll say
24 specifically, for instance, anything that's
25 in a nuclear reactor that's reserved for

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1 the federal government. It wouldn't
2 include that. If somebody opened up a fuel
3 cycle facility, such as a plant like a
4 Sequoyah Fuels, if somebody opened up a new
5 plant, that is reserved to the NRC. So we
6 wouldn't have authority over those.

7 MS. NADINE BARTON: Works for me.

8 MR. BRODERICK: There is no new
9 authority -- no change in the authority
10 being done here.

11 MS. NADINE BARTON: Thank you.

12 MR. BRODERICK: Okay. We were
13 through with Subchapter 1. Moving on to
14 Subchapter 3. The Common Requirements for
15 Radiation Machines. Radiation machines
16 basically means X-ray machines or particle
17 accelerators.

18 The first change that I see is on
19 page sixteen in 3-31-3 there is an exposure
20 restriction on training. That restriction
21 caused problems for some people in the
22 State who do very legitimate training
23 operations. We have removed it. We have
24 put in a different restriction which is
25 later in Subchapter 20 which I'll cover

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1 when we get to it. But we're doing away
2 with that, we've moved it over to a
3 different part of the rules and made it so
4 that the people in question, mainly
5 radiographers, can do the training that
6 they legitimately need to do. But I'll
7 cover the change when we get to it.

8 Okay, and here on the end there are
9 some records changes and I believe all of
10 them are on page eighteen. We had one
11 thing, basically -- a list of records down
12 near the bottom of the page that was in the
13 wrong place and we moved those from the
14 bottom of the page up to near the top of
15 the page. They were just in the wrong
16 place because of an editorial oversight
17 when we originally passed the rules.

18 Also, on Subchapter 15 there are
19 some rules requirements for X-Ray
20 industrial radiography. These are new
21 requirements. Most of what I've been
22 covering so far today -- other than that
23 change from Agreement State Program to
24 Radioactive Materials Program -- most of
25 this has been window dressing so-to-speak.

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1 It's stuff to make sure that our legal --
2 all the "i's" are dotted, the "t's" are
3 crossed, that kind of thing. This is a new
4 requirement. We are putting some
5 additional requirements on X-Ray
6 radiographers, basically, to make it easier
7 for our radiographers to work in some other
8 States, is the reason. Pam Bishop will
9 discuss those when she covers -- she's
10 going to cover those changes. Anyway,
11 these additional requirements for
12 Subchapter 15 are recordkeeping
13 requirements for X-Ray radiography and I'm
14 going to draw your attention to them but as
15 to what they are and why they are there,
16 I'm going to ask Pam to cover those when
17 she covers Subchapter 15.

18 MR. HAWKINS: Can we go back to
19 that Subchapter 15?

20 MR. BRODERICK: If for some
21 reason we need to bring it up at that time,
22 certainly. Yeah, nothing here is closed in
23 the sense that "Oops, you missed your
24 chance to comment. Sorry." In that sense,
25 at least as far as I am concerned today --

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1 any time today if there's a legitimate
2 comment on any of these, you can make it.

3 MR. HAWKINS: I've got a comment
4 then. It says right here, "daily system
5 inspections and maintenance."

6 MR. BRODERICK: Yes.

7 MR. HAWKINS: What's the
8 definition of the term "daily" there, is
9 that going to be every day of the week?
10 The day of use?

11 MR. BRODERICK: Pam will address
12 that. I'll ask you to defer that until we
13 cover Subchapter 15 and Pam will cover
14 that.

15 MR. HAWKINS: All right.

16 MR. BRODERICK: Okay, Subchapter
17 5. This deals with the certification of
18 Industrial Radiographers.

19 Radiographers who use radioactive
20 materials are required to be certified all
21 over the country. Radiographers who use X-
22 Ray machines are not required in Oklahoma
23 to be certified but in many other states
24 certification is required. We have a lot
25 of radiographers in Oklahoma. Oklahoma is

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1 one of the national -- even international,
2 I'd say, centers of radiography in the
3 world. And we have a lot of radiographers
4 who go to these states, so we need to go
5 ahead and offer that X-Ray certification
6 card as a courtesy to make it easy for
7 those guys and gals to do business in the
8 state. But it's not required here. And a
9 lot of these changes to X-Ray rules are
10 being made because of this certification.

11 The only change that I'm aware of
12 here, there was an oversight -- this is on
13 page twenty-one up near the top. We had an
14 oversight when we wrote these rules. We
15 basically fitted in -- we have an Agreement
16 with all the states and organizations that
17 certify industrial radiographers. There
18 are about seven states and one private
19 organization that I'm aware of that do
20 certification of industrial radiographers.
21 And they work together to make sure that
22 their requirements are adequate and so that
23 their requirements are in common to make it
24 simple for everybody to work. And they've
25 also all agreed to recognize each other's

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1 cards. If you have an Oklahoma Radiography
2 card, you can go work in Texas or in Maine
3 or anywhere and that will be acceptable.

4 Now, we treated that as what's
5 called reciprocity. There's a thing for
6 recognizing radiation licenses where people
7 go in to other states. We treated these
8 radiography cards as a form of reciprocity
9 in our rules. And that was a mistake
10 because reciprocity is only good for 180
11 days -- a maximum of 180 days a year. If
12 you have a -- if you work in a state with
13 radioactive materials, in general, if
14 you're there for more than 180 days, you're
15 there for more than half the year, then the
16 states want you to get a license, go ahead
17 and get a license and be registered there.
18 Well, by throwing in the radiography card
19 with that, at least technically, we made
20 subject to saying that if you have a Texas
21 card and you work in Oklahoma for more than
22 180 days, you're wrong. So technically, we
23 put people in the wrong there when we'd
24 agreed to recognize the Texas cards. So we
25 are correcting that here and we're saying

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1 that basically, radiographer certifications
2 are good all year. It's like a driver's
3 license. You can get your driver's license
4 in Oregon and drive all over the country
5 all year. Same thing with the radiographer
6 card. So to make it easier for them to
7 work -- and we have not enforced that on
8 any one. In theory, we could have thrown -
9 - prevented everybody in the state who had
10 a Texas card or an out of state card from
11 working more than 180 days. We have not
12 done that to anyone because it is not what
13 we'd intended -- what we'd agreed to with
14 the other states, or what we'd intended to
15 do in this rule. So we've not been
16 enforcing that. This will correct that.
17 That's the only change that I'm aware of in
18 Subchapter 5.

19 In Subchapter 7, these are general
20 requirements for all radiation
21 authorizations. It includes radioactive
22 materials, radiation producing machines and
23 the only changes that I'm aware of are near
24 the end, on page twenty-seven. These deal
25 with that reciprocity that I was talking

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1 about. And you'll notice in 7-33(b)(1),
2 it states that reciprocity recognition is
3 authorized up to 180 days. There is some
4 changes from that and such -- basically
5 they're what I call grammatical changes
6 that we've made over the rest of that page.
7 We've changed "that" to "such" and we've
8 changed "the State" to "Oklahoma" in one
9 case.

10 On the next page, there is some
11 language about -- we've made some changes,
12 again, mostly grammatical changes to the
13 notice of out of state enforcement actions.
14 When somebody comes into the state under
15 reciprocity there is a requirement, and
16 there has always been, that they tell us if
17 they have been cited for any problems with
18 those authorizations in other states.
19 We've tightened up -- done some grammatical
20 changes to that language.

21 In the next section, section 4 for
22 advanced notice that we have tightened up
23 significantly. We are required to inspect
24 a certain percentage of everybody who comes
25 in the State under reciprocity that's using

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1 Agreement State materials -- the NRC
2 requires us, as they do every other
3 Agreement State, to inspect a certain
4 percentage of those people. That's
5 important so that they can't go in and have
6 a toga party so-to-speak while they're
7 using radioactive materials in another
8 state because they are not in their home
9 jurisdiction.

10 Now to inspect people, we have to
11 know where they are working and there is
12 some language that we had which is very
13 common -- common to all the Agreement
14 States as far as I know -- that people had
15 to give three days advanced notice. That
16 gives us time to arrange those inspections.

17 We did put some weasel words at the
18 end of that that basically said, well, if
19 you can demonstrate justifying
20 circumstances once in a while we'll let you
21 come in with less than three days notice.

22 In fact, what has happened -- I'd
23 intended to get the exact numbers before
24 this meeting and I forgot, but ninety-five
25 percent of our authorizations -- the

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1 reciprocity notices that we get are, with
2 less than three days. Nearly all of them
3 are with less than three days. A large
4 number of them are, the day that they want
5 to come in, they call us. And there are
6 some of them, they don't come tell us until
7 after. At least one case I know of, they
8 had stopped using them and had gone home
9 and then they called us and said, oh, by
10 the way, we were in Oklahoma. We just
11 thought you'd like to know.

12 Anyway, we've tightened up that
13 language. We've also required some various
14 -- we've tightened up the contact things
15 because another dodge, I guess you'd say --
16 of course, they don't enjoy being inspected
17 and also they want to be as flexible for
18 themselves as they can, so we've got some
19 more specific information requirements that
20 you've got to give us a way to contact the
21 person who is in Oklahoma, who is out in
22 the field using these. So that language is
23 tightened up some in the advance notice.
24 This is only applicable to people working
25 in the State under reciprocity.

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1 Before we move to Subchapter 10, I'm
2 going to ask -- I'm going to give you an
3 opportunity for input. Am I talking too
4 much? Am I not talking enough? How's my
5 level of detail and coverage.

6 MR. WOODS: It's fine.

7 MR. BRODERICK: Good. Okay, I'm
8 going to continue then. If I, if we need
9 to talk -- again, anyone is welcome to jump
10 in at any time.

11 Subchapter 10, at this time it's the
12 State Agreement Program and it covers the
13 things which we took over from the NRC.
14 Now, this is the change that I was talking
15 about. You'll notice all through this
16 thing and I'm not going to refer to it any
17 further -- all through this subchapter
18 every reference to the State Agreement
19 Program, unless we missed one, every
20 reference to has been changed to
21 "Radioactive Materials Program". So those
22 are all through, I'm not going to refer to
23 them further but they are there.

24 If you go down there, you'll notice
25 there's a kind of a listing of all the

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1 different subparts of Subchapter 10. One
2 of the first ones you'll see there is Part
3 19, which is Work Communications, formerly
4 that only applied to Agreement State
5 radioactive materials use. And those are
6 things that require such as you have to
7 have a notice posted by the time clock or
8 in some central place that explains
9 workers' rights under the radiation
10 regulations and tells them how to submit a
11 complaint if they believe there are unsafe
12 working conditions. Anyway, formerly that
13 only applied to Agreement State materials.
14 We're proposing to apply that to all
15 radioactive materials and radiation-
16 producing machines. So those are being
17 moved out of Subchapter 10 and as that says
18 there, it is amended and renumbered to
19 Subchapter 23 as part of that.

20 MR. MCHARD: Twenty-three, Mike.
21 I think you mis-spoke.

22 MR. BRODERICK: If I mis-spoke,
23 it is Subchapter 23 that it has been moved
24 to.

25 Down at the bottom of the page on

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1 well logging, there is a change there,
2 additional requirements. The NRC is re-
3 numbering -- they're making some changes,
4 mainly some re-numberings in their well
5 logging rules. We are preparing -- this is
6 to pave the way for those basically. We
7 adopt their rules by reference so we've
8 added that 10-31.1.

9 Moving on to the next page, page
10 thirty, there are a bunch of changes,
11 basically, grammatical changes. We
12 basically, eliminated references to the
13 "State Agreement Program" and just said
14 "fees". There's a whole slew of those on
15 that page.

16 Page thirty-one. Here we have
17 spelled out that language -- what I talked
18 to you about before. We want to change the
19 Agreement State material which is basically
20 by-product material, special nuclear
21 material, and certain types of source
22 material; we want to expand that to include
23 radium sealed sources and accelerator-
24 produced material. And we have spelled
25 that out near the beginning -- well, in

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1 410-10-1(a), on page thirty-one. We have
2 spelled that out and it's important that we
3 get it right because that's going to cover
4 what types of radioactive materials that
5 require this licensing and inspection
6 program. So that is one where if you see a
7 hole in that, or if you see something that
8 you feel doesn't reflect what I've
9 described verbally, then we really need you
10 to bring our attention to it because that's
11 very important.

12 MR. HAWKINS: Okay, I've got
13 something.

14 MR. BRODERICK: Go for it.

15 MR. HAWKINS: Down there under
16 410-10-1(a)(2). It says down there,
17 "requirements for by-product material are
18 applicable requirements for by-product
19 material."

20 MR. BRODERICK: Basically, what
21 we're --

22 MR. HAWKINS: Are we being
23 redundant there saying the same thing
24 again?

25 MR. BRODERICK: If you go on and

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1 --

2 MR. HAWKINS: "Requirements for
3 by-product material are requirements for
4 by-product material."

5 MR. BRODERICK: But there's not a
6 period there, there's a comma. Basically,
7 what we're doing is -- in effect we're
8 declaring accelerator produced material and
9 sealed sources of radium to be by-product
10 material. So we're saying the requirements
11 for by-product material actually apply not
12 only to by-product material but to
13 accelerator-produced material and to sealed
14 sources of radium.

15 MR. HAWKINS: I'll agree with
16 you. It's fine. To me, originally when I
17 read it, we were saying the same thing
18 twice.

19 MR. BRODERICK: I hadn't thought
20 of it probably because I'm the one who
21 dreamed this up, so to me it was obvious --
22 everyone would be able to see that, right?
23 But that is a good point. I can see where
24 coming at that could that would be -- we may
25 want to consider changing the order of

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1 those so it doesn't read so redundant. It
2 might be easier to say, "Requirements for
3 by-product material apply to radium-sealed
4 sources, accelerator-produced material as
5 well as to by-product material. We might
6 want to consider that. It might seem less
7 redundant.

8 MR. CLARK: Does not the very
9 first sentence under (a)(2) list the
10 license by reference from 10 CFR are
11 applicable requirements for all categories
12 within the scope of this subchapter? Is
13 that not inclusive to what you mentioned
14 above in (1)?

15 MR. BRODERICK: I think it is
16 legally inclusive, to me --

17 MR. CLARK: To me, it is.

18 MR. BRODERICK: -- that's not as
19 clear.

20 MR. CLARK: I'm just asking if it
21 isn't a lot simpler statement without the
22 second sentence.

23 MR. BRODERICK: To me it isn't as
24 clear as the second sentence.

25 MR. CLARK: Maybe we can rewrite

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1 and clarify but it seems redundant to me.

2 MR. BRODERICK: I think they
3 probably are redundant, I don't think
4 that's a bad redundancy because it makes it
5 extremely clear.

6 MR. CLARK: I don't have a
7 problem with it but it does seem redundant.

8 MS. NADINE BARTON: I have
9 another question. I just want to clarify
10 this and I'm going back to the definition
11 here where it says State Agreement and, you
12 know, it actually says, "means the
13 agreement between the NRC and the State of
14 Oklahoma."

15 MR. BRODERICK: What page, if you
16 don't mind, are you reading?

17 MS. NADINE BARTON: I'm on page
18 eight again, going back to that, I just
19 want to be reassured here that we're not
20 taking on to the DEQ the NRC's regulatory
21 authority in the State of Oklahoma for
22 certain categories. It's under State
23 Agreement. You go through all that and the
24 last sentence says and special nuclear
25 material in quantities not sufficient to

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1 form a critical mass.

2 You have to have a critical mass for
3 processing for fuel for nuclear reactors;
4 is that correct?

5 MR. BRODERICK: For certain --
6 for reactor rods for instance, that would
7 be a quantity sufficient to form a critical
8 mass.

9 MS. NADINE BARTON: Okay, but it
10 does not open any kind of doors where we
11 would have authority over any of that stuff
12 at Fan Steel or any others. Because that -
13 -

14 MR. BRODERICK: They do not have,
15 for the record, they do not have any
16 special nuclear material at any of those
17 facilities that we are talking about but
18 that "special nuclear materials in
19 quantities not sufficient to form a
20 critical mass" -- you'll find that phrase
21 in the Atomic Energy Act, which is the
22 NRC's guiding statute. States are not
23 allowed, basically, to have authority over
24 special nuclear material that could form a
25 critical mass. They didn't want to give

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1 Oklahoma the power to regulate, say, atomic
2 bombs or nuclear reactors. Which I agree
3 with them on.

4 MS. NADINE BARTON: I just want
5 to be reassured here.

6 MR. BRODERICK: What I think
7 you're looking for, this language does not
8 give the State any authority that we don't
9 already have. You notice I'm not
10 disavowing all authority but it doesn't
11 give us any authority that we don't already
12 have over the ST&P sites. The five
13 facilities that you're particularly
14 interested in. Kerr-McGee Cushing, Kerr-
15 McGee Cimmaron, Kaiser Aluminum, Fan Steel,
16 and Sequoyah Fuels. The State has the
17 authorities over the State, like, for
18 water, ground-water protection and that
19 kind of thing.

20 MS. NADINE BARTON: So none of
21 this language pertains to any materials
22 that would be housed or decommissioned from
23 those five sites.

24 MR. BRODERICK: The stuff that --
25 the language here does not address the

1 radioactive materials at that site,
2 although, the State has certain authorities
3 over those sites, like I talked about, over
4 the ground water and stuff. We do not have
5 -- the NRC has jurisdiction over the
6 radioactive material at those sites.

7 MS. NADINE BARTON: Okay.

8 MR. BRODERICK: That's in the
9 Agreement that's signed by the Governor and
10 the now former chairman of the NRC. And
11 it's in these rules and it's going to
12 continue to be in those rules. This does
13 not change that.

14 MS. NADINE BARTON: And this
15 wouldn't set up for us to be cited -- I
16 guess that would fall under the
17 jurisdiction of NRC -- to accept materials
18 that were below a critical mass spectrum of
19 exposure if they were to bring in
20 additional materials to put in the cell out
21 at Sequoyah Fuels.

22 MR. BRODERICK: Well, if you're
23 talking -- Sequoyah Fuels, for instance --

24 MS. NADINE BARTON: They're still
25 under NRC.

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1 MR. BRODERICK: They're still
2 under NRC. They do not have any special
3 nuclear material. They are NRC licensed.
4 I'm almost certain -- I haven't gone
5 through and looked but I'm almost certain
6 their license does not allow them to have
7 any special nuclear material.

8 MS. NADINE BARTON: They have to
9 apply during the --

10 MR. BRODERICK: They would have
11 to get a license amendment if they wanted
12 to take special nuclear material. Which
13 would basically be as it's defined
14 somewhere near here -- basically Uranium
15 235, Uranium 233 or plutonium, they would
16 have to get a license -- their license
17 amended from the Nuclear Regulatory
18 Commission.

19 MS. NADINE BARTON: Would they
20 have to give you some kind of notification
21 of that, too? And what if they wanted to
22 take something below those --

23 MR. BRODERICK: I should clarify,
24 actually, because it is relevant to what
25 you said. If they wanted to take those in

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1 quantities above a critical mass, they
2 would have to apply through the NRC. If
3 they, assuming that they wanted to take --
4 you're talking about take, so I'm assuming
5 you're referring to take as radioactive
6 waste.

7 MS. NADINE BARTON: Right.

8 MR. BRODERICK: If they wanted to
9 take radioactive waste from other places on
10 a commercial basis they would have to apply
11 for a -- basically, they would have to
12 become licensed as a radioactive waste
13 disposal site. Now that is under
14 Oklahoma's jurisdiction and it would
15 require a license. They would have to get
16 a whole new license from us under our
17 adoption by reference of 10 CFR 61.

18 MS. NADINE BARTON: Okay, now,
19 let's talk about the -- just the
20 possibility that the Department of Energy
21 took title to that, would they still have
22 to come through you or would their
23 jurisdiction supersede yours.

24 MR. BRODERICK: Okay, now what
25 you're referring to there -- the Sequoyah

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1 Fuels facility has a proposal -- what they
2 would like to do is -- well, actually,
3 they've been approved to do it by the NRC
4 at this point, although the State has
5 challenged it. They basically have
6 declared all their material to be uranium
7 mill tailings. And Oklahoma, the way our
8 Agreement is written, we have no
9 jurisdiction over uranium mill tailings.
10 There are no uranium mill tailings -- well,
11 until this retroactive change was made,
12 there were no uranium mill tailings in
13 Oklahoma. There still aren't any under the
14 classical definition of uranium mill
15 tailings.

16 But anyway, whether or not that
17 change of their material classification
18 stands, we don't have jurisdiction --
19 Oklahoma does not have jurisdiction over
20 uranium mill tailings. To get jurisdiction
21 we would have to change our Agreement and
22 we would also have to adopt some rules by
23 reference on uranium mill tailings, which
24 would have to go through this Council and
25 through the Board.

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1 MS. NADINE BARTON: Okay, I don't
2 want to belabor this. I was just looking -
3 - for the future if any of what we're doing
4 today would influence a decision to accept
5 (inaudible).

6 MR. BRODERICK: I think about
7 those things, too. That's why you'll
8 notice I qualified my language, I said the
9 State had certain authorities over the site
10 but we don't have any radioactive materials
11 authority. There is nothing -- also
12 something else that's important about this
13 -- these definitions we put in there but
14 they are trumped, so-to-speak, they are
15 overrode by what is in the Agreement that
16 was signed by our Governor, Governor
17 Keating -- former Governor and the former
18 Chairman of the NRC. That takes precedence
19 over this. That agreement is not being
20 changed by this and it still excludes those
21 facilities because of the language that we
22 use.

23 MS. NADINE BARTON: I'm just
24 checking.

25 MR. BRODERICK: I understand.

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1 Okay, I think we'd finished page thirty.

2 MR. HAWKINS: One.

3 MR. BRODERICK: Yeah, thirty-one.

4 Okay, yes, we've finished page thirty-one.

5 Moving on to page thirty-two about a third
6 of the way down there's some language about
7 effective date. Again, we didn't know the
8 last time you saw this language, what the
9 effective date of the agreement would be.

10 Now we know it's September 29th, so we've
11 changed it accordingly in two places there.

12 Moving on down to the definition.

13 We have changed -- we have added the
14 definition of "byproduct material" and it
15 includes that language that Larry was
16 talking about earlier. It says byproduct
17 material means and includes byproduct
18 material, accelerator-produced material,
19 and radium sealed sources. So we're being
20 rather redundant there but we want to make
21 it very clear what that means.

22 Let's see, there are some changes to
23 radioactive materials program that I've
24 already mentioned. If you go to page
25 thirty-three, basically, there's some

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1 references. Up near the top there's some
2 exceptions, and basically first off,
3 there's some things that say that
4 basically, you're subject to enforcement
5 and it mentions the DEQ's rules for
6 enforcement. And there's stuff about 10
7 CFR2 which have to do with how the NRC does
8 enforcement. We do enforcement under State
9 statutes, not federal statutes. So we have
10 specifically said we're not doing things
11 the same way the NRC does up there.

12 Moving on down, there's some
13 grammatical changes basically on the term -
14 - basically about ten years, there's some
15 wiggle room, rather than saying exactly ten
16 years we can do it for up to ten years, we
17 can give somebody a radioactive materials
18 license for up to ten years. The reason
19 for that is because the NRC issued licenses
20 for a term of five years, we want,
21 ultimately, to have them be good for ten
22 years but if we just made that change --
23 just flipped a switch and made that change
24 -- that would mean that all our licenses
25 would come up for renewal in a five year

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1 period then we'd have a five year period
2 where no licenses came up for renewal. And
3 that is not a desirable situation. That's
4 going to give us a very unbalanced work
5 load. So we want to -- basically, what
6 we're in the process of doing, we've
7 already gone ahead and done this for some
8 licenses -- basically, some of them we're
9 making valid for six years or eight years
10 to spread those out. They still won't be -
11 - I will be here for about twelve more
12 years, I can tell you, I will be at these
13 meetings, you'll have to put up with me for
14 twelve years. I do not expect us to fully
15 have the load evened out, even when I
16 retire. But we'll get closer and closer
17 and eventually we'll have things pretty
18 well flattened out. But anyway, we're
19 putting that into the rules specifically to
20 strengthen our ability to do that.

21 There's some -- since we are
22 expanding this subchapter to not just be
23 applicable to the Agreement -- if you go to
24 page thirty-four to the Agreement State
25 material. We've basically taken out the

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1 specific references to the Agreement and
2 broadened it basically so that we can
3 include radium and accelerator produced
4 material.

5 Moving on down to the worker rights,
6 as I said, we're moving, basically, the
7 notifications and reporting rule, working
8 communication stuff, we're taking that and
9 applying it to everything, so we're moving
10 X-Ray machines, radium, as well as the
11 Agreement State stuff. So we're moving it
12 out of Subchapter 10, we're moving it to
13 Subchapter 23 and we'll discuss that later.

14 Page thirty-five there's a typo
15 right about the middle of the page under
16 30.21 we typed "in vitro". It should be
17 "these carbon 14 capsules are actually used
18 in vivo". And we've corrected that.

19 There is a reference and I didn't
20 make a little note to myself, I don't
21 remember what the -- basically we put in
22 some language about accept (a)(2) and Pam
23 do you remember what that except (a)(2) is
24 on 30.36?

25 MS. DIZIKES: I did not bring the

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1 NRC regulations with me but that's what it
2 is, the particular provision which was in
3 the list.

4 MR. BRODERICK: Larry Hawkins is
5 a well-organized guy and has his rules up
6 here and he can help us out. 30.36(a)(2)
7 we specifically did not adopt -- oh, okay,
8 basically, at one point in the past, NRC
9 extended all the dates of all their
10 licenses five extra years. That's long
11 past -- there's a reference to July 1, 1995
12 expiration date that's in here. We're not
13 adopting that. So we're not adopting that
14 by reference, that date has come and gone.

15 Moving on to page thirty-seven,
16 certificates of registration, to my
17 knowledge they aren't issued to anyone
18 except the manufacturers of sealed sources
19 and devices. So we've taken that out --
20 we've taken out that specific reference to
21 manufacturers.

22 Page thirty-eight there is a typo,
23 basically, we've replaced 34.2 with 34.3
24 correcting the typo.

25 Basically, there's some stuff about

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1 making reports to the NRC, that are in the
2 NRC rules. If you go to page forty-one
3 right at the bottom. There are some
4 provisions for reporting -- the NRC rules
5 say that you will report certain
6 occurrences to the NRC. Of course, we do
7 not want people to report them -- if they
8 happen in Oklahoma, we want them to report
9 them to us, not the NRC. So, basically,
10 this says any notification or reports
11 required, should be directed to the DEQ not
12 the NRC.

13 Moving on, there is an addition
14 36.11. We basically made it clear that the
15 fees that are involved when you apply for
16 license are governed by State rules,
17 they're not the Federal fees. That's on
18 page forty-two, about a quarter of the way
19 down the page. On page forty-three,
20 there's some language about exemptions and
21 again we're saying, if you want to apply
22 for an exemption that you should contact
23 the DEQ not the NRC. There's some
24 requirements about field stations
25 documentation in 39.1 which we -- 39 is

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1 well logging unless I'm grossly mistaken
2 and we've got the requirement that they
3 have certain documents at field stations.

4 MR. HAWKINS: Can I make a
5 statement here in that 39.1, that we strike
6 the word "the" in that last sentence.

7 MR. BRODERICK: You're right --
8 "the"/"this". Good catch.

9 MS. BISHOP: There are changes on
10 your sheet in the wording.

11 MR. BRODERICK: Ah-hah, yeah.
12 There are some changes Pam is going to
13 address. Pam and Larry apparently are
14 soulmates or something because they are
15 both good at catching these things and
16 there's a memo which I think Dale -- have
17 you copied and distributed this -- which
18 Pam is going to cover. Basically, Pam went
19 through these recently and she caught it,
20 too. The spirit of Paul Strikowsky is
21 living on.

22 MR. HAWKINS: I don't know if
23 that's good or not.

24 MR. BRODERICK: It is a very good
25 thing. Our rules, although we've drawn

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1 your attention to some typos here, our
2 rules are much better because of the
3 painstaking work that Paul Skrikowsky did.

4 It's embarrassing to be up here and
5 have someone say, hey, you've got "the"
6 this -- but it's a lot better that it's
7 brought up here and we corrected, than it
8 going into the rules. So, I appreciate
9 that.

10 MR. HAWKINS: You're welcome.

11 MR. BRODERICK: Moving on. On
12 page forty-six, we've changed 70.14 to
13 70.17, I didn't make a note on this one but
14 I believe that was a typo in our original
15 rules.

16 10 CFR 71, we have taken out some
17 specific language about the Federal -- we
18 decided Subpart B of Part 71 and so forth -
19 - we decided those were redundant and took
20 them out.

21 Okay, page forty-eight.

22 MR. WOODS: Just to go back for a
23 moment. On page forty-three "required at
24 field stations." What is the definition of
25 a field station?

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1 MR. BRODERICK: I hope Pam can
2 answer that because I can't answer that off
3 the top of my head.

4 MS. BISHOP: It would be a site
5 that was actually specified on the license
6 where you would be sending people out to
7 work, and you'd have sources stored --

8 MR. WOODS: As opposed to a
9 temporary job site.

10 MS. BISHOP: Right.

11 MR. WOODS: Okay, thank you.

12 MR. BRODERICK: So it's a semi-
13 permanent facility that's mentioned on the
14 license.

15 MS. BISHOP: It would probably be
16 a a permanent facility, it just wouldn't be
17 a main office and wouldn't have to have all
18 the records.

19 MS. DIZIKES: Where was the
20 reference to "field station" that Mr. Woods
21 asked about.

22 MR. WOODS: Page forty-three.
23 It's in 39.1.

24 MR. BRODERICK: 10-39.1.

25 Would you make a note Pam Dizikes,

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1 that we need to make sure that field
2 stations is defined. Either in something
3 that we've adopted by reference or in
4 something we have.

5 MR. CLARK: My reading is that it
6 is (inaudible).

7 MR. BRODERICK: Well, do you want
8 to take the word "field stations" out and
9 replace that with licensed facility?

10 MS. BISHOP: No, because this
11 specifically refers to "field stations"
12 here.

13 MS. DIZIKES: My concern is that
14 that's a term that is utilized in 10 CFR
15 39.33(a). We will look for that. I was
16 wondering if it was possible, like our
17 insertion of the term "temporary job site"
18 if it --

19 MS. BISHOP: It may be defined in
20 CFR's.

21 MS. DIZIKES: Yes. If the term
22 "field station" is a term that is used in -
23 -

24 MR. BRODERICK: It's certainly a
25 common term.

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1 MS. DIZIKES: -- in 10 CFR Part
2 39, we will probably continue to keep it
3 there. Let us do some double checking on
4 it.

5 MR. CLARK: Mr. Hawkins reports
6 that it is defined in Part 39 of the CFR.

7 MR. HAWKINS: And the word "field
8 stations" used in the definition.

9 MS. BISHOP: It's used but let's
10 see if it is defined.

11 MS. DIZIKES: Is it in 39.2,
12 because we do incorporate all of the
13 definitions in 39.2.

14 MS. BISHOP: Yes, it is defined
15 in 39.2. Field station: it means a
16 facility where licensed material may be
17 stored or used and from which equipment is
18 dispatched to temporary job sites.

19 MR. WOODS: Okay, thank you.

20 MR. BRODERICK: Moving back to
21 page forty-eight on the fee schedules, and,
22 of course, we've changed this from State
23 Agreement Fee Schedule to Radioactive
24 Materials Program Fees. Now, we have
25 broken down the different types of licenses

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1 in 10-102. Starting on that page and
2 moving to the next page. This breakdown
3 where we tried to define, well, what is the
4 fee for different types of licenses, that
5 has been the source of a great deal of
6 frustration, I know, for a lot of people
7 who are using these rules out there. We
8 tried to define these licenses, and we also
9 didn't -- license-types -- and we didn't
10 want to be too wordy, both because it
11 wasn't clear and also there was a big move
12 when we adopted these rules to make our
13 rules as compact as possible. But anyway,
14 a lot of people had trouble going through
15 this and finding, say, I have a portable
16 nuclear density gauge, you know, a Troxler
17 Gauge, what is my license type and fee?
18 And, at best, it was very intimidating and
19 sometimes the people could not find what
20 they were talking about -- what we were
21 talking about there. Also, where we had
22 the fee, we had sort of a header that
23 described each section and then the fee was
24 slipped in and then we had some more
25 verbiage and the fee was not easy to see

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1 there. I know a number of times the people
2 -- they found the right section but they
3 said, "Where's my fee?" And I'd say, "Look
4 after the header, it's right there." So we
5 have tried to clear this up, to make this
6 easier to use.

7 I still don't pretend that this is
8 super easy to use but I don't know of a
9 better way to do it. But anyway, we've
10 changed this language, there are no
11 substantive changes in this. The fees are
12 the same, the categories are the same but
13 we have tried to make it clearer and we
14 have moved the fee there to the end of each
15 category where we hope it will be more
16 obvious to you, to the users, what the fee
17 is. If anyone has any suggestions for how
18 to improve that, obviously, you can talk
19 about it here. It might be easiest if
20 somebody were to comment in writing. "I
21 think I have a better idea of how to lay
22 this out." This is our best shot for
23 trying to make it clearer but without being
24 incredibly wordy.

25 MR. WOODS: The way it is now

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1 you've drawn specific attention to the fee,
2 so I think it's fine the way it is.

3 MS. JENNINGS: Mike, I have just
4 one suggestion, it will only get rid of one
5 word but --

6 MR. BRODERICK: Yes, ma'am.

7 MS. JENNINGS: -- up there at the
8 top on the fee schedules it says "annual
9 fees and fees for license application" and
10 in all other places it has "license
11 application fees". I would just suggest
12 that you take the "fees" and put it after
13 application.

14 MR. BRODERICK: In other words,
15 list as license application and annual
16 fees?

17 MS. JENNINGS: No. Annual fees
18 and license application fees. Because
19 that's how it's listed down here.

20 MR. BRODERICK: Okay.

21 MS. JENNINGS: All that we've
22 done is take fees for and put fees after
23 application. It makes that sentence what
24 they call parallel.

25 MR. BRODERICK: Very good. You

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1 missed your calling, teaching science
2 rather than grammar.

3 MS. JENNINGS: Oh, no, no, no, I
4 have an English minor.

5 MR. BRODERICK: That's what I'm
6 saying, you missed your calling as a
7 physics and chemistry teacher rather than
8 English teacher, grammar teacher.

9 Okay. Basically, there's a number
10 of pages of that where we have tried to
11 clarify these fees issues. Moving on to
12 page fifty-two -- oh, no, fifty-two is more
13 of the same.

14 I believe the next change that we
15 have -- I want to -- in case anyone is
16 alarmed about this -- I'm going to draw
17 your attention to it -- 10-116, we have
18 revoked that language for small entity
19 fees, that particular paragraph, but small
20 entity fees are still in the rules. We
21 aren't doing away with small entity fees.
22 They are still there. We have decided that
23 that language was redundant and removed it.

24 Once again on 10-120 there is some
25 language about when we took over from the

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1 NRC, that's no longer relevant, so we've
2 done away with it on page fifty-four,
3 slightly below the center of the page.

4 We're getting near the end of this
5 and I know we're getting to the point where
6 our visitors from Webco are interested in.
7 I appreciate your patience with this. Now
8 we're going to talk about industrial x-ray
9 radiography. This is the other big change
10 in the rules.

11 Pam Bishop has the most expertise in
12 this area so I'm going to ask her to cover
13 that and cover Subchapter 19, next.

14 MS. BISHOP: Well, Mike gave a brief
15 explanation of why we're making these
16 changes and basically we're wanting to
17 bring our rules into compatibility with
18 other State rules so that we can issue x-
19 ray certification cards and so that our
20 combination certification card will not be
21 questioned.

22 And most of these requirements are -
23 - it's just bringing our x-ray rules
24 parallel to the rules that are applied to
25 radioactive materials right now, in a lot

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1 of ways.

2 The main things we added, if you
3 look on page fifty-six, you can see we
4 added three new sections: 15-8, 15-9, and
5 15-10, where we're requiring that
6 utilization logs be kept of x-ray machines
7 that are taken out to temporary job sites
8 where the personnel monitoring requirements
9 are strengthened and also a notification
10 requirement is added.

11 Down a little lower on the page, all
12 that it said about personnel monitoring in
13 our current rule was just this one little
14 paragraph. So we have deleted that
15 paragraph and expanded later on in the rule
16 the personnel monitoring requirements.

17 In 15-2, that language is rearranged
18 and the language is a little bit changed to
19 try to make it clearer, where the posting
20 need to be at temporary job sites and where
21 the barriers can be set up. I think this
22 wording explains it a little bit better and
23 makes it clearer.

24 On page fifty-seven, again there's
25 been just a little rearrangement of the

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1 language for clarity purposes in Section 2.

2 MR. HAWKINS: I want to jump back
3 in there on Section 15-4, we have changed
4 everything else to say "temporary job
5 sites" and down there in 15-4(b) we still
6 have "work sites".

7 MS. BISHOP: That's a good catch
8 there. We need to change that to "job
9 sites".

10 MR. HAWKINS: Also in the
11 paragraph under there, too, it says "work
12 site".

13 MS. BISHOP: We tried to catch
14 all those but I guess we missed a couple
15 there.

16 Okay.

17 MR. BREWER: Before we go any
18 further, let's go back up the page.

19 MS. BISHOP: Okay.

20 MR. BREWER: At the top of the
21 page, the paragraph or the sentence right
22 before "labeling". We've talked about the
23 radiographer and assistant radiographer.
24 In x-ray there is no assistant
25 radiographer.

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1 MS. BISHOP: Right. We've got
2 that assistant radiographer in there that
3 actually happened to be in the language
4 that we took this from. And actually, I
5 don't think we -- that's probably been in
6 there all along.

7 MS. DIZIKES: What?

8 MS. BISHOP: 15-2(c). That does
9 not look -- that's not new language that we
10 added, it's just been in there all these
11 years. So, it is implying -- the two man
12 role applies to x-ray at temporary job
13 sites. Though we didn't specifically
14 require that.

15 MR. BREWER: Now, we're going to
16 have to look at it if you did apply it to a
17 temporary, which I think is a good
18 consideration. There are some other
19 considerations I think will have to be made
20 such as -- example: if I have spill-over
21 work, I'm at a permanent facility, if I
22 contract someone to come in, they come in
23 as a single man rule because it is a
24 permanent facility. If not, it may be a
25 temporary site for them but it is actually

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1 a permanent fixed facility.

2 MS. BISHOP: They're going to be
3 working in your vault.

4 MR. BREWER: That's correct.

5 MS. BISHOP: Well, that then
6 probably -- I think we have -- no, we
7 don't, since we don't require two people at
8 the site, we don't have the exception for
9 permanent radiographic facilities.

10 MR. BREWER: But on a temporary
11 site, as you well know, I think there's a
12 lot of merit to having the assistant
13 radiographer there, simply because of the
14 personnel problems that could transpire.

15 MS. BISHOP: So you're
16 recommending adding a two man rule to this?
17 A requirement for two radiographers except
18 at permanent --

19 MR. BREWER: Except at permanent
20 locations, Pam.

21 MS. BISHOP: Locations. I guess
22 we can make note of that.

23 MR. BREWER: Because you may want
24 to put it out and get discussion on it, but
25 I think it's an excellent place to put in

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1 another safeguard.

2 For example, if you had a
3 radiographer that had the x-ray machine on
4 and he's at a temporary site or you're
5 roped off and he has a heart attack and
6 falls over. You don't have any backup.
7 And someone coming up don't know if it's
8 emitting x-rays or not.

9 MS. BISHOP: And that's the
10 reason for the two man rule with the
11 materials, too. Also, to be able to do
12 surveillance properly.

13 MR. BREWER: Again, it's a
14 suggestion. You all have to weigh it for
15 its merit.

16 MS. BISHOP: Well, we can add
17 that language.

18 MR. BRODERICK: We need to make
19 sure the radiographers are aware if we do
20 decide to go ahead and add it, and I'm
21 interested in feedback from the other
22 Members of the Council on this. Adding
23 more safety rules, in general you'll find,
24 I'm a radiation safety regulator so I'm
25 likely to smile benignly whenever someone

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1 wants to add more safety radiation rules.
2 But we can do that to the point where it
3 overwhelms people so I'm interested in what
4 the Council has to say.

5 MR. BREWER: I'm not trying to
6 handcuff them, I'm just trying to make it
7 more user friendly to the general public.

8 MS. BISHOP: Well, it's already
9 required in materials radiography to have
10 two men at a temporary job site, so I don't
11 know how much this would impact people who
12 do a lot of work. X-ray is used a lot on
13 pipelines with crawlers, and I think that
14 they really do need to have two people out
15 there and I think most companies do, they
16 wouldn't have a radiographer out there
17 working by himself.

18 MR. BREWER: Normally, it never
19 occurs but --

20 MS. BISHOP: Yeah. So I don't
21 think it would cause any hardship. So we
22 could throw it out and see how the
23 radiographic community responds to that --
24 if we get a lot of yelling.

25 MR. BRODERICK: We need to make

1 sure -- for that to work -- we need to make
2 very sure if we make that change, that in
3 someway before we bring this back for a
4 vote, that we make sure radiographers know
5 about it.

6 MS. BISHOP: Well, what we ought
7 to do is check with the main companies that
8 do a lot of x-ray work at temporary job
9 sites. I can think of two or three
10 companies, we could check with the RSO's.

11 MR. BRODERICK: The obvious one
12 is they would have to pay two people to be
13 out there, I assume, as opposed to one.

14 MR. BREWER: Well, that goes into
15 your cost of operation. If I was a
16 temporary site and I got a price for
17 radiography that would be within my scope
18 of price.

19 MS. BISHOP: And if they're
20 already doing it, which they really ought
21 to be doing it on most of these temporary
22 job sites, then it shouldn't affect
23 anything that much. We're just formalizing
24 what's already being practiced as a safe
25 procedure.

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1 MR. BRODERICK: Another effect of
2 that would be that for the companies that
3 are doing the right thing, and I think,
4 both for surveillance and for that disaster
5 situation that you talked about where
6 someone gets ill, it's a good practice.
7 We're making the companies that aren't
8 doing the right thing, we're taking away a
9 cost advantage that they had over the
10 companies that were doing the right thing.

11 MR. BREWER: And people do take
12 advantage of those things.

13 MR. BRODERICK: Sure. Pam
14 Dizikes, I know anything to do with notice
15 and changing things, I'm sure that is of
16 great interest to you. If you have any
17 observations you want to make I'll give you
18 an opportunity to.

19 MS. DIZIKES: Oh, well, I just
20 made a note that we ought to add that to
21 the notice for the December meeting. But I
22 do think we need to figure out exactly
23 under what circumstances we're talking
24 about. Because right now we're talking
25 only about temporary job sites for x-ray

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1 radiographers. And I'm not sure you're
2 interested in maintaining that limitation
3 in scope. Or whether we're talking about
4 an issue at any temporary job site that
5 would involve well logging or -- not just
6 x-ray sources.

7 MR. CLARK: I have an additional
8 question to that, if I can add. For
9 instance, sometimes in analytical process
10 you may bring in an x-ray analytical piece
11 of equipment to use in -- particularly this
12 is true in research development. It may be
13 a temporary thing -- the facility is a
14 permanent site, but the actual x-ray
15 analysis may be a temporary. It may become
16 a permanent if it's really a good thing but
17 it may not either. So would this two-man
18 thing apply to that or --

19 MS. BISHOP: No.

20 MR. BRODERICK: Could I clarify.
21 Are you talking about x-ray radiography or
22 are you talking about --

23 (Inaudible conversation)

24 MS. BISHOP: No. That's covered
25 under Subchapter 13 and we hope that we've

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1 separated that out --

2 MR. CLARK: Well, she was just
3 asking about other applications and I --
4 that would need to be clarified as to
5 whether it applies across or not.

6 MS. BISHOP: I believe we would
7 put it in Subchapter 15 and hopefully --

8 MR. CLARK: I don't have a
9 problem with it for x-ray radiography. But
10 I mean I'm just asking, because there are
11 other x-ray applications that may not be
12 permanent.

13 MS. BISHOP: Well, if it's in a
14 permanent facility, we would consider it
15 permanent.

16 MR. BRODERICK: We're talking
17 here -- this Subchapter refers, as the
18 title says, to Industrial X-Ray
19 Radiography. If you turn back to page
20 four, you'll see our definition of
21 industrial radiography.

22 "Industrial radiography means a non-
23 destructive testing method that uses
24 ionizing radiation such as gamma rays or x-
25 ray" -- and that probably should be x-rays

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1 not x-ray -- "to make radiographic images
2 for the purposes of detecting flaws in
3 objects."

4 MR. CLARK: I just was commenting
5 based on her comment, that there might be
6 other --

7 MS. DIZIKES: I'm sorry. Mike,
8 you were referencing a definition on four -
9 -

10 MR. BRODERICK: On page four.

11 MS. DIZIKES: -- about the scope
12 on page fifty-six.

13 MR. BRODERICK: Yeah. I'm
14 referencing the definition on page four in
15 -- our definitions there is a definition of
16 Industrial Radiography. And what I was
17 commenting to Steve was, the title of
18 Subchapter 15 makes it clear -- refers to
19 Industrial X-Ray Radiography and if you
20 look at the definition of industrial
21 radiography, at least as I understand it,
22 it does not refer to the crystallography
23 and the other applications that you were
24 talking about.

25 MR. CLARK: That's fine, I'm just

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1 bringing that up as a possible language.

2 MR. BRODERICK: On page four, Pam
3 Dizikes, we need to change x-ray to x-rays.
4 Thanks, Steve.

5 MS. BISHOP: Okay. We're on page
6 fifty-eight under Section 15-8, Utilization
7 Logs. We would require each permittee to
8 maintain utilization logs and these logs --
9 it kind of spells out what should be in
10 these logs -- the make, model, and serial
11 number of the radiation machine and the
12 identity and signature of the radiographer
13 to whom it's assigned, or checked out, the
14 location where it will be used and the
15 dates of use, and including the date
16 returned to storage. And then it says how
17 they have to be maintained there. And
18 that's what refers back to Subchapter 3
19 where we talked about these records, these
20 utilization logs that's added into that
21 list of records that need to be kept.

22 MR. BRODERICK: It's on page
23 eighteen.

24 MS. BISHOP: On page eighteen.
25 Okay. 15-9 is the section we added to

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1 cover personnel monitoring. And basically,
2 what we did is instead of just requiring
3 the industrial radiographers wear a whole
4 body badge, they need to also wear the
5 direct reading dosimeter, a pocket
6 dosimeter, and also an alarming rate meter.

7 And the rest of these sections are
8 adding the requirements that -- the
9 standard requirements that go along with
10 the use of the direct reading dosimeter and
11 the alarm rate meter. We've also allowed
12 the electronic dosimeter here.

13 One of the things that's on this
14 September 5th memorandum are a few changes
15 in the wording in 15-9 to add the
16 abbreviation OSL, for Optically Stimulated
17 Luminescence device, which is just a
18 standard abbreviation.

19 A little wording change in 15-9(c)
20 to clarify that since we spelled out
21 National Voluntary Laboratory Accreditation
22 Program it was -- just thought that little
23 re-arrangement might make it a little
24 clearer.

25 In 9(c)(5), we wanted to add, and it

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1 is in the federal rule for work, that when
2 a direct reading dosimeter is discharged
3 beyond its range and the possibility of
4 radiation exposure cannot be ruled out --
5 like if somebody just drops one or bangs it
6 up against something -- it may discharge
7 beyond its range and we don't mean that
8 somebody has to send in their whole body
9 badge when that happens and stop work. Of
10 course, they'd need to have another
11 dosimeter to use and they'd need to -- or
12 they could zero it and get it, you know --

13 MR. BREWER: It would almost be
14 better to have another one because if it
15 was banged that hard it could be --

16 MS. BISHOP: Right, it could be
17 broken. But I think that's the reason that
18 language is in the federal rules and I
19 think we should have it here, so it's
20 clear, so nobody would get carried away on
21 that.

22 In 15-9(e), the exception there --
23 in the rule that we proposed originally it
24 just says work sites, but we thought -- I
25 thought it should say permanent X-ray

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1 radiographic installations there. That
2 makes it real clear what we're talking
3 about here. That would be the only place
4 that an alarming rate meter would not be
5 required. And that's because there already
6 are, built into the facility, an alarm that
7 will go off if the radiation level is too
8 high.

9 We also just caught the fact that we
10 didn't get all the language in here that
11 needed to be in here. So these paragraphs
12 9(e), (f), (g), and (h) go into --

13 MR. BRODERICK: You're referring
14 to that memo, right?

15 MS. BISHOP: Right. On the memo
16 on September 5th is additional language
17 that we need. It mimics the federal
18 language, has the same type of wording for
19 requirements for calibration, or checking,
20 and how the alarm rate meters need to be
21 set, and the records that need to be kept
22 which wasn't in here. To make it a
23 complete rule that makes sense we need that
24 in there, I believe.

25 Under notifications, we're adding a

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1 requirement to notify if there is a failure
2 of any component which is critical to the
3 safe operation or if there is an indicator
4 on a radiation machine that fails to shows
5 that radiation is being produced. And
6 these are -- there are similar requirements
7 for reporting problems with equipment under
8 the Radioactive Materials, the Sealed
9 Source rules, so we've got parallel
10 requirements we're putting in here for the
11 x-ray machines.

12 And on B -- let's see -- A-1, 20-7 -
13 - oh, I'm jumping ahead. Sorry.

14 That's the end of Subchapter 15.
15 Does anybody have any other questions or
16 suggestions?

17 MR. BRODERICK: For the folks
18 from Mannford, Kevin and John, since you
19 guys -- one of you is a radiographer, I
20 remember, so you have some background in
21 radiography obviously but you're new to our
22 rules. You're the kind of person that we
23 want to look at to make sure that these
24 rules are comprehensible. Since we deal
25 with them a lot, we tend to make

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1 assumptions, everybody knows that. I'm
2 glad you're here and I'm really interested
3 -- I apologize if I'm putting you on the
4 spot but I'm really interested in any
5 comments you have on how to improve these
6 or make these clearer.

7 MR. MITCH COWEN: Okay. So far,
8 I agree with everything. Haven't seen
9 anything, yet.

10 MR. BRODERICK: Is there any
11 place we can make it clearer or easier to
12 use.

13 MR. MITCH COWEN: Not that I've
14 noticed yet.

15 MR. BRODERICK: I apologize if
16 I've put you on the spot, but I'm just
17 really interested in your input.

18 MS. BISHOP: Okay. Moving on to
19 Subchapter 19 which is -- are the rules
20 that apply to X-ray Fluorescence
21 Instruments used for Lead-Based Paint
22 Detection.

23 On page sixty, the main change we've
24 made in this rule is to delete an exemption
25 which has caused some problems -- well, not

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1 problems but it has caused accelerator-
2 produced cadmium 109 specifically to be
3 regulated differently in reactor-produced
4 cadmium 109, which doesn't make any sense
5 at all. So we needed this in here when we
6 first passed this rule because we were not
7 an Agreement State yet and we did not have
8 jurisdiction over reactor-produced material
9 and we had to make that differentiation.
10 But now that we do have jurisdiction, we
11 can delete this exemption for materials
12 regulated under the Atomic Energy Act and
13 that way all cadmium 109 will be treated
14 the same, or all accelerator-produced
15 material used for lead-based paint analysis
16 will be treated the same way.

17 And this will add about -- there are
18 about twenty people within the State that
19 have been exempted from this rule. They
20 are pretty much aware, I think, that that
21 was not going to be a permanent thing. I
22 know, I've communicated with a lot of them
23 so I don't think it will be a big surprise
24 that they have to get a permit. The twenty
25 are now registered. I don't know if they

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1 all still have instruments because our
2 voluntary registration program, you
3 register once and then you just -- the
4 registration just stays there. Some of
5 them are from the early '90s. So these
6 people may not even have lead-based paint
7 instruments any more.

8 MR. WOODS: Can I make a comment
9 on that?

10 MS. BISHOP: Sure.

11 MR. WOODS: Since Oklahoma is now
12 able to regulate both by-product and
13 accelerator-produced material, would not
14 the requirements of the XRF fall into the
15 other parts of the regulations as opposed
16 to having it a separate thing regulating
17 that now? Because, to me, it seems like
18 that would fall better just treating it as
19 just another use of radioactive material.

20 MS. BISHOP: Well, basically, the
21 reason we passed this rule in the first
22 place, was because we wanted these
23 instruments to be --

24 MR. WOODS: Right, it was before
25 we had regulations that governed them.

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1 MS. BISHOP: Right. But if we do
2 not have this rule then they will just
3 become generally licensed devices that are
4 basically not going to be regulated
5 specifically and we won't know where they
6 are or who has them or anything like that.
7 Because most generally licensed devices at
8 this point do not have to be registered,
9 they don't have to get a specific license.
10 If somebody buys a generally licensed
11 device they can just use it however or
12 wherever they want and they don't get
13 inspected or anything. But we felt that
14 because these were being taken out into the
15 public sector that it was a good idea and
16 we expected there would be a lot more of
17 them in use at that time, but at this
18 point, we decided to go with keeping the
19 rule rather than -- because of the fact
20 that then we would know where they were and
21 who had them and what their training was
22 and so on.

23 MR. BRODERICK: Okay. These
24 things are taken into people's homes and
25 some of them produce surprisingly high

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1 levels of radiation. And as Pam said, we
2 thought this was going to be a really big
3 thing when we started this program and it
4 ended up not to be that way but we do
5 recommend that we keep the rule.

6 MS. BISHOP: And I think that's
7 it for Subchapter 19.

8 MR. BRODERICK: Okay. Did you
9 cover everything in your memo?

10 MS. BISHOP: Well, no, I didn't.
11 I didn't cover the very last one which is a
12 change in 20. Well, you're going to go
13 over 20. Do you want me to talk about that
14 one.

15 MR. BRODERICK: Okay, I'll cover
16 20 and let me see -- okay, I'll cover that
17 one.

18 MS. BISHOP: Okay.

19 MR. BRODERICK: Okay. The next
20 rule -- we are coming very close to the
21 home stretch here so I thank you for your
22 patience. This is Subchapter 20.

23 This is the General Standards for
24 all forms of Radiation as far a protection.
25 It covers things like very basic

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1 restrictions on what you can and can't do
2 with them and particularly it's an exposure
3 standards.

4 There are very few changes to this -
5 - well, basically, there are some
6 substantial changes to the last two parts
7 and most of this there are no changes to.
8 But if you'll turn to page sixty-eight,
9 there was an omission in our original rules
10 which we are correcting here. I'm glad
11 we're correcting it but basically there was
12 no requirement under our original rules to
13 report if a radiation machine, basically an
14 x-ray machine or a particle-accelerator,
15 was lost or stolen. And particularly in
16 the post 9/11 era we need that report
17 requirement. And so 20-7, basically, puts
18 into place a requirement for a report of
19 that type.

20 Pam, in her memo, suggested some
21 changes, basically a clarifying change. If
22 you'll look at the very last thing in her
23 memo that basically the report needs to be
24 made to a member of the radiation
25 management staff to make it clear that you

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1 can't just call and ask anybody who picks
2 up the phone. You need to make sure that
3 it goes to the radiation staff.

4 Also, basically, for incidents that
5 involve x-ray machines -- an incident is
6 basically over exposing someone, there is a
7 requirement that you make reports if
8 certain levels of overexposure happen. And
9 those are in 20-7(b) there, and that again
10 is something that we needed.

11 And there's a requirement for a
12 report if it is over a certain level.
13 Basically, the permittee is required to
14 make a report of, gee, what happened, and
15 why did it happen, and how are we going to
16 keep this from happening again? Basically,
17 the written report is the way that we can
18 tell that they've thought this through and
19 they haven't just said, "Well, darn, we've
20 violated the limits. Well, let's move on."

21 They've looked at it and seen if
22 there are any problems with their
23 procedures that they need to correct.

24 Some time ago, near the beginning of
25 my presentation this morning, I told you we

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1 were eliminating a -- formerly we had a
2 prohibition against exposing people to
3 radiation for purposes of training. And I
4 said we were eliminating it there, we were
5 putting it in something similar somewhere
6 else. This 20-8 is that similar thing.

7 Basically, what we have said is if
8 you are training people in radiation, you
9 have to keep their exposure within the
10 applicable dose limits for members of the
11 public. Now that is a relaxation of the
12 rules. Before we said you can't expose
13 people to radiation for purposes of
14 training. Just flat prohibition. Now
15 we've said that, well, in fact you can
16 expose them but you have these limits.

17 The reason for that is that for
18 training industrial radiographers there is
19 fairly significant training requirements
20 for industrial radiographers. And to do
21 that training properly, they need to do the
22 same things they do when they work and have
23 practice and have some unusual situations
24 that can happen in the course of their work
25 and you cannot do that properly without

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1 actually exposing them to radiation.

2 So we have relaxed that requirement
3 somewhat to enable them to do that. You
4 are most familiar with this, Pam. Have I
5 left anything out of that explanation?

6 MS. BISHOP: No, I think that's a
7 good explanation.

8 MR. BRODERICK: This only -- the
9 only people that this applies to are people
10 who are being trained in the use of
11 radiation. It does not affect exposure to
12 the public.

13 MS. NADINE BARTON: Mike, you
14 said that when you call, if a product is
15 lost or stolen and you have the DEQ hotline
16 and all that.

17 MR. BRODERICK: Yes.

18 MS. NADINE BARTON: Maybe you
19 ought to add in there, you know, a person
20 from the Radiation Division should be
21 contacted.

22 MR. BRODERICK: For our hotline,
23 that's a DEQ-wide hotline and we don't have
24 radiation people specifically on that
25 hotline. We have given the people -- there

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1 are, I believe, eight people in the agency
2 who rotate manning that hotline, and we
3 have given them some special training and
4 we have updated them at least once so that
5 they know what to ask if they receive an
6 incident. Really it's on recognition --
7 how to recognize that radiation is involved
8 and some specific things to ask in some of
9 the more common incidents. But basically
10 all that they do, and all that I want them
11 to do, frankly, is take down the contact
12 information for the person, just a general
13 description of what happened, and then they
14 call me or call Pam or call Dale. They
15 have the home phones and cell phones for
16 all three of us.

17 MS. NADINE BARTON: Do they call
18 you? Is that a twenty-four hour a day
19 deal, so they call you if something --

20 MR. BRODERICK: Yes. I have
21 answered those calls in my underwear at 5
22 a.m. on Saturday morning. Basically, and
23 that's probably a sight you don't care to
24 ponder.

25 Yeah, we get those day and night. I

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1 answered one on Thanksgiving --
2 Thanksgiving morning somebody lost
3 something -- no, pardon me, somebody found
4 something that was lost once. We get those
5 all the time. It's not all wine and roses
6 as a regulator.

7 MS. NADINE BARTON: I didn't
8 think it ever was.

9 MR. WOODS: I have a couple of
10 comments back on page sixty-nine. I hate
11 to keep going back but I've been thinking
12 about this for a minute.

13 MR. BRODERICK: That's what we
14 want you to do.

15 MR. WOODS: On your exposure
16 restrictions for training and you were
17 talking about the radiographers, are they
18 required to do any type of annual training
19 -- an annual certification?

20 MR. BRODERICK: This is Pam's
21 expertise and I'm going to ask her to do
22 this.

23 MS. BISHOP: Annual refresher
24 training is required, yes.

25 MR. WOODS: Okay. Is there any

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1 type of annual job site evaluation that's
2 required? If they get exposure while
3 they're being annually evaluated, would
4 that not also fall under this?

5 MS. BISHOP: We do not have that
6 requirement in here for x-ray radio-
7 loggers.

8 MR. WOODS: That requirement is
9 there for well-logging. And they --

10 MS. BISHOP: And it's there for -
11 - there is a requirement for materials
12 radiographers for an annual audit. Is it
13 annual? I believe it is.

14 MR. WOODS: Annual job site
15 audit.

16 MS. BISHOP: Right.

17 MR. WOODS: And that could be
18 construed, it's called annual refresher
19 training or it's the annual certification.
20 You know, to me that could be construed as
21 --

22 MR. BREWER: I don't think that
23 part would be necessary. Normally, where
24 these are done, are like RSO training.
25 They are wanting the individuals that are

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1 being exposed to it to know that, when they
2 get into the range of the field of the
3 radiation itself. A good example is one
4 that George Johnson runs.

5 George takes all of the people in
6 the radiation safety class and they will,
7 under control, expose an x-ray unit. And
8 George knows how far you're going to walk
9 in to it before your meter reads. And what
10 he's wanting each one of the people to
11 realize is this meter is super important,
12 that you must watch it, and as you move
13 into the field, the meter reacts. Now, on
14 an annual basis, I don't think that would
15 be necessary, Pam. Because you're talking
16 generally an RSO-type training program. In
17 a yearly-type evaluation, I don't think
18 that aspect would be necessary.

19 MS. BISHOP: Right.

20 MR. BREWER: You're talking about
21 refresher training. And once the
22 individual knows how to recognize a
23 radiation field, generally, the ones that
24 you're doing the refresher training on are
25 actual technicians.

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1 MR. WOODS: Right. Well, that
2 was my question is whether or not the
3 annual competency evaluation would be
4 considered as training. Because,
5 typically, they are being watched while
6 they're performing a job, so it's kind of a
7 two-way street there.

8 MS. BISHOP: We have not put that
9 requirement in here. And I guess that for
10 the annual audit of the radiographers -- of
11 x-ray radiographers, is that --

12 MR. WOODS: I'm talking about
13 well-logging as opposed to radiography.

14 MS. BISHOP: Well, I know you're
15 talking -- it's required for well-logging
16 and it's required for materials
17 radiography. But for this x-ray
18 radiography chapter we did not put that
19 requirement in for an annual audit by the
20 RSO of a person's work. You know, when you
21 go out to a work site.

22 MR. BRODERICK: Let's go ahead
23 and -- that's a very good question but
24 let's answer Steve's question for right
25 now.

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1 MS. BISHOP: I thought that was
2 what Steve was talking about, maybe I'm
3 misunderstanding.

4 MR. WOODS: Well, I was talking
5 about the exposure an individual would
6 receive while performing that function.

7 MS. BISHOP: Well, they'd be
8 actually working on a job.

9 MR. WOODS: Right. But they
10 would also be re-certifying as part of
11 their training program.

12 MS. BISHOP: I would not consider
13 it falling under this because of the fact
14 that they would be actually working on a
15 job when they are being audited.

16 MR. BRODERICK: Something I'm not
17 sure that you caught. What Steve's
18 referring to here is you're required to do
19 an annual -- I don't think you call it an
20 audit, but effectively an annual -- well-
21 logging people are required annually to be
22 checked on by their RSO.

23 MS. BISHOP: Well, I know, but
24 this doesn't apply to well-logging.

25 MR. BRODERICK: Yes, it does,

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1 it's in Subchapter 20.

2 MS. BISHOP: That's right. I was
3 thinking about radiographers.

4 MR. WOODS: Well, other instances
5 you could have a job site mock up where you
6 may --

7 MS. BISHOP: Okay. I understand
8 now finally what you're saying.

9 MR. BRODERICK: Maybe we should
10 put some language that clarifies, that this
11 doesn't apply to audits that are done
12 during actual work. This applies only to
13 training, it does not apply to audits or
14 competency reviews conducted in the course
15 of -- job site mockup.

16 MR. WOODS: Or job site mockup.
17 Well, the other thing I'm thinking of,
18 maybe if you had a problem with a
19 particular type of source change out that
20 you're doing in radiography and to be able
21 to go and to fix several machines, you
22 would have to train on how to do one, to be
23 able to go and keep your exposures at an
24 acceptable rate while you're fixing the
25 other devices. And so that type of

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1 training could involve exposure greater
2 than 100 millirem.

3 MR. CLARK: Well, let me just ask
4 a question here. Is the intent for this
5 restriction when you're training people
6 initially, as opposed to refresher or
7 advanced training.

8 (Reporter asks for clarification)

9 MR. CLARK: Okay. Does this
10 apply to training people initially? When
11 you're initially certifying those people
12 for work as opposed to refresher training
13 or advanced training for certain -- you
14 know, people who are already certified to
15 do the work -- in other words, is there a
16 differentiation in -- to me, that's where
17 it seems to be. You have a member of the
18 public you are training initially, first
19 time out of the box.

20 MR. BRODERICK: The way that I
21 interpreted this to mean -- the way I've
22 always visualized this is it refers to
23 classroom training. It could be an
24 experienced person or not but it would be
25 in the classroom and it wouldn't apply to

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1 something that's being done out on the job
2 site and was a real part of production.

3 MS. BISHOP: Well, now Steve's
4 example was --

5 MR. WOODS: Let me interject one
6 other thing. What would fix this for me
7 would be maybe another sentence in there --
8 if they were receiving occupational
9 exposure, if that was part of what someone
10 felt like that was of benefit for them to
11 receive occupational exposure -- they're
12 being monitored. They've already received
13 radiation safety training sufficient enough
14 to be in a radiation safety program and be
15 wearing a dosimeter of some type. So, my
16 deal on this exposure restriction -- but
17 there again, if you're controlling it to a
18 member of the general public, you know,
19 without monitoring without personnel
20 dosimetry would be a --

21 MS. BISHOP: Well, but they
22 should be wearing personnel dosimetry when
23 they do -- any time they are exposed in the
24 training. And we didn't specify that in
25 here either.

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1 MR. BREWER: But that type of
2 training has -- I can speak for one that I
3 went to. George Johnson offered one that's
4 really good. And in order to have
5 something formal, up-to-date, I went
6 through George's. And even though you are
7 exposed to the radiation and you walk into
8 the field you have to have a film badge and
9 a dosimeter on at the same time. So, my
10 film badge, even though it's a training
11 session, is going to show low level
12 radiation. In fact, when it was developed
13 it showed almost nothing.

14 MR. WOODS: Right.

15 MS. BISHOP: May I say something
16 else, too. In a training situation you
17 probably wouldn't have a long exposure,
18 would you?

19 MR. WOODS: Hopefully, not.

20 MS. BISHOP: Because it's two
21 millirem in an hour or a 100 millirem in a
22 year so I would think --

23 MR. WOODS: I can think of one
24 where that could have exceeded two millirem
25 in an hour which was a training exercise

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1 that was necessary to do some operational
2 issues.

3 MS. BISHOP: So your trainee
4 would be getting the -- as large an
5 exposure as the trainer?

6 MR. WOODS: Yes. You bet.

7 MS. BISHOP: And it would go for
8 -- they would be exposed at a higher rate -
9 -

10 MR. WOODS: A higher rate but a
11 short period of time.

12 MS. BISHOP: Well, if it's at a
13 higher rate but a short period of time --

14 MR. WOODS: But it would have
15 still exceeded three two millirem in an
16 hour.

17 MS. BISHOP: They would have
18 exceeded two millirem total exposure?

19 MR. WOODS: Yes.

20 MR. BREWER: Was the trainee
21 badged?

22 MR. WOODS: Yes.

23 MS. BISHOP: But they were
24 actually doing work and the other person
25 was assisting?

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1 MR. WOODS: Right. So it's kind
2 of a gray area, that's why that kind of
3 struck me as, you know, as an issue there
4 because there are other, you know, things
5 that --

6 MS. BISHOP: Could we say this
7 does not apply to on-the-job training.

8 MR. WOODS: Very good. Because
9 radiographers are on the job training.

10 MR. CLARK: Well, I would limit
11 it differently. On the job could be a lot
12 of things. You might want to say that this
13 is applicable to classroom demonstrations.
14 I can set up a classroom demo that will
15 limit people to the public.

16 MS. BISHOP: It may be out in the
17 field or something -- using the word
18 classroom.

19 MR. CLARK: Classroom -- I think,
20 to me, classroom takes into account that
21 you are in a general public type setting to
22 where there are other people --

23 MS. BISHOP: Formal instruction
24 or something.

25 MR. BRODERICK: I have an

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1 alternate approach maybe we should consider
2 and I just thought of this so if what I'm
3 about to say is stupid, please be gentle
4 because I just thought of this while we
5 were talking. What I would -- although
6 it's kind of cool -- it fits together well
7 to refer to the public, maybe we should
8 move away from the public dose rates and
9 say something like, for purposes of
10 training, no person shall be exposed to
11 radiation in excess of 10 millirems in one
12 week or 100 millirems in one year. Would
13 that cover your concerns?

14 MR. WOODS: No.

15 MS BISHOP: How much exposure
16 would they get.

17 MR. WOODS: 15 millirem.

18 MR. BRODERICK: I suppose -- of
19 course, we can crank up the numbers and say
20 25 millirem in a week. And 100 millirem in
21 a year. Would that cover you?

22 MR. CLARK: What he's saying can
23 happen pretty quick sometimes.

24 MS. BISHOP: Right. If it's a
25 really hot source.

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1 MR. CLARK: You know, we had a
2 hot source -- this goes years and years
3 back, we were going to wrap it, put it into
4 storage with the malleable lead. We had a
5 rate meter and everything so we knew -- we
6 put it right back in the deep well and we
7 had 20 millirems on the badges. It wasn't
8 very long -- it wasn't a very long amount
9 of time but it was a very hot source.
10 Decision was made that it was going to stay
11 in the deep well at the lab until we got it
12 disposed of.

13 MS. BISHOP: But you weren't
14 training someone then.

15 MR. CLARK: No, we weren't
16 training anybody.

17 MS. BISHOP: So you can do that
18 for just job experience.

19 MR. CLARK: I understand that.
20 But you can have a fairly significant hit
21 real quick depending on what -- if you're
22 training someone about recovering a
23 radiography source or something that's a
24 pretty substantial source, you can get a
25 pretty good shot pretty quick.

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1 MR. BRODERICK: Yeah, but don't
2 you generally use decayed sources for that
3 though?

4 MR. WOODS: You would hope so.

5 MR. BRODERICK: You would hope
6 so.

7 MR. CLARK: You don't always have
8 one.

9 MR. WOODS: If you've got one
10 over there and say it's sitting on the
11 other side of the room and the only one
12 that you have to test it with is one that's
13 not decayed so much, there is a potential
14 for a little bit more type of exposure.

15 MS. BISHOP: Let me just ask you
16 one question about this exposure situation.
17 Was there anyway to prevent the trainee
18 from being exposed if it had been thought
19 through more carefully?

20 MR. WOODS: I don't believe it
21 would have because part of the training was
22 insuring the personnel that they were in
23 fact not getting a large dose of exposure,
24 such as 50 or 100 or 200 or one REM of
25 exposure during the operation.

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1 MR. BRODERICK: Might we need --
2 maybe it would be better if we abandoned
3 the short term part of it and just said
4 nobody will expose any person or persons to
5 more than 100 millirems in a year for
6 purposes of training.

7 MR. CLARK: That'd be good.

8 MR. WOODS: That would suffice.

9 MR. CLARK: That would be
10 sufficient.

11 MR. BRODERICK: That deals with
12 this short term issue.

13 MR. CLARK: That'd be good.

14 MR. BRODERICK: We certainly
15 don't intend to keep anyone -- as we said -
16 - right now you technically can't expose
17 anyone to anything and we agree that that's
18 not right. We're trying to fix that here
19 so you can do the stuff you need to do.
20 We're not trying to keep you from doing
21 something that's legitimate.

22 MR. CLARK: I guess it all goes
23 back to your definition of training.

24 MS. BISHOP: That means they
25 could get 100 millirems in one shot.

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1 (Multiple inaudible discussion)

2 (Reporter asks for single speakers)

3 MR. BRODERICK: Everyone is being
4 quiet. I had floated the suggestion that
5 perhaps we could abandon the attempt --
6 well intentioned and maybe -- and
7 legitimately a good thing because it would
8 cause problems for at least some types of
9 training. Maybe we should abandon the
10 short term limit and just put in the limit
11 of 100 millirem a year for purposes of
12 training.

13 MS. BISHOP: And I, basically,
14 suggested that that was an awfully high
15 exposure to get all at one time.

16 MR. BRODERICK: That's true.

17 MS. BISHOP: So, I don't know if
18 we can agree on --

19 MR. BRODERICK: You'd indicated
20 that that was kind of high. Now, several
21 people, Mr. Clark and Mr. Woods said that
22 they thought that worked for them.

23 MR. WOODS: Well, 100 in a year,
24 you know, you're taking in -- that's only
25 taking into account if you were looking at

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1 a repeat procedure or a different situation
2 that might arise.

3 MS. BISHOP: You know what is
4 interesting, how will we distinguish
5 between their training exposure and their
6 work exposure?

7 MR. BRODERICK: You couldn't. I
8 don't think there's anyway --
9 retroactively, I don't see anyway for us to
10 enforce this. It's more of an ahead of
11 time -- at least the people who are
12 interested in following the rules will plan
13 their training.

14 MS. BISHOP: It just kind of puts
15 -- it's a good idea, I think, for people to
16 think about what dose they're going to
17 expose people to ahead of time.

18 MR. BREWER: Would the incident
19 exceed 50 at a time? Could you say, 100
20 per year not to exceed 50 per incident? Or
21 in an incident?

22 MS. BISHOP: 50 in an hour?

23 MR. BRODERICK: I'd say 50 in a
24 week. Most training courses aren't longer
25 than a week.

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1 MS. BISHOP: But then you can
2 allow 50 --

3 MR. BREWER: But those are
4 generally only done once -- those type of
5 training courses. But what Steve's talking
6 about could be an on-the-job type thing and
7 it's a different scenario. It's not
8 controlled as easily as an x-ray machine
9 cranking out x-rays.

10 MS. BISHOP: If we could somehow
11 exclude this on-the-job or work experience
12 training with some kind of wording, I think
13 that would really take care of it.

14 MR. BRODERICK: What I -- I want
15 to give an example and I want to make sure
16 I understand what Steve is talking about.
17 It could be that you might have somebody
18 who was, maybe even authorized to work that
19 could go out -- whatever, the logging tool
20 is jammed out here, I'm going to show you
21 how to unjam it. Joe, I want you to come
22 with me and see what I do. Is that an
23 example of the kind of thing --

24 MR. WOODS: That could be a
25 possible scenario.

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1 MS. BISHOP: But if he actually
2 did it, hands on -- if he wasn't doing it
3 hands on, he could be back a little ways.
4 If he did it hands on, he'd be actually
5 working.

6 MR. WOODS: But then again is it
7 productive work.

8 MS. BISHOP: Well, you don't want
9 to expose somebody under ALARA when you
10 don't need to.

11 MR. CLARK: Well, that's the
12 point here, I think, is that you design
13 demonstrations for training purposes within
14 the concept of ALARA, that in my mind, is
15 what you do.

16 MR. BRODERICK: Would it be
17 satisfactory to put a limit of 100 millirem
18 a year for training and all training must
19 be conducted with the principles of ALARA
20 in mind. Would that address --

21 MS. BISHOP: Boy, that would be
22 vague.

23 MR. BRODERICK: It is vague but
24 as long as we're keeping them below 100
25 millirem a year, I think we're doing at

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1 least a reasonably good job.

2 MS. BISHOP: I don't know how
3 it's enforceable. That's my only problem
4 with it, actually.

5 MR. WOODS: Part of the radiation
6 workers training is, they go through part
7 20, they have a copy of Part 20 in their --
8 at the job site -- or at the facilities.
9 And part of the requirements to go through
10 the training is to know what's in here and
11 if, you know, the individuals are not being
12 -- if they feel like whatever they're doing
13 is not meeting the ALARA principle, that's
14 what the phone numbers Mike was giving us a
15 while ago, were good for. Give Mike a call
16 and say that they're performing an
17 operation we feel like is unsafe and
18 unreasonable.

19 MS. BISHOP: Well, see, what I'm
20 thinking about -- I'm taking the viewpoint
21 of an inspector that has to go out and
22 investigate this. And when we just put
23 ALARA in there --

24 MR. BRODERICK: That is almost
25 impossible to enforce, I would agree --

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1 MS. BISHOP: -- it is a matter of
2 opinion, how would we ever enforce it. If
3 we have some kind of limit then we can
4 determine whether there is a violation or
5 not of this. If somebody was out auditing
6 the training or happened upon this training
7 going on during an inspection there needs
8 to be some way to determine whether the
9 licensee or the permittee is in compliance
10 or not.

11 MR. BREWER: Rather than saying
12 100 per year.

13 MS. BISHOP: Well, 100 per year
14 would be very -- very lenient I think. If
15 it was a one time thing.

16 MR. BREWER: Well, see the one
17 time thing is what bothers me. A hundred
18 at one time is a tremendous amount.

19 MR. WOODS: Yeah. You wouldn't
20 see that I wouldn't think.

21 MR. BREWER: So I would prefer to
22 lower it down to say, 50.

23 MS. BISHOP: In an hour?

24 MR. BRODERICK: Oh, 50 an hour.
25 I thought you were going to say 50 a year.

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1 MR. BREWER: Normally, you're not
2 going to have that many training sessions
3 to where you're going expose someone to
4 that type of radiation. I would say 50 in
5 a year.

6 MR. WOODS: Yeah.

7 MR. BREWER: Because if you whack
8 somebody 100 at one time, that's a
9 tremendous jolt.

10 MR. HAWKINS: If we're doing
11 training, aren't these people now
12 occupationally exposed and wouldn't they
13 fall under the occupational doses? Why are
14 we trying to restrict them --

15 MR. BREWER: 95 percent, yes. You
16 may have an instance that might not be
17 occupational.

18 MR. HAWKINS: Well, why are we
19 restricting them to the public dose?

20 MR. BREWER: Because you're
21 taking, possibly, an individual that knows
22 a little bit -- he's been through a
23 radiation training program. He doesn't
24 smell it, he doesn't feel it, he doesn't
25 see it. So in order to establish it is

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1 there and it can hurt you, you make him
2 exposed to the radiation source. Okay?
3 And you want him to be able to recognize it
4 as quickly as possible but at the same time
5 not pick up a big jolt. And the best way
6 to do it is with a film badge, and a
7 dosimeter and with a meter. Your rate
8 meter is going to tell you immediately when
9 you approach the field.

10 That's what you're trying to teach
11 the individual. When he moves to the
12 field, the rate meter indicates that he
13 does have radiation and at that time he
14 should stop. He should go no further. If
15 it's a source out he contacts the radiation
16 safety officer and so forth. He has set
17 guidelines to go by. But in a training-
18 type situation, he's not going to know all
19 of that. So you are wanting to put that
20 out for him to be able to recognize with
21 proper equipment the (inaudible) radiation
22 field there.

23 MR. HAWKINS: Okay, so this is an
24 employee that you're training. This is
25 their first time training session. They're

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1 going to probably already have a dosimeter
2 for their occupational but are we going to
3 re-give new dosimeters for this training?
4 How are we going to distinguish?

5 MR. BREWER: If need be, yes.

6 MR. HAWKINS: Like Pam said
7 earlier, how are you going to distinguish
8 between your training session and your
9 occupational dose.

10 MS. BISHOP: This would really
11 only be able to be evaluated if the
12 inspector was out there witnessing the
13 training.

14 (Talking over each other)

15 MR. WOODS: Let me throw a couple
16 of other things out here. Not in Oklahoma
17 but one of our other facilities, we have a
18 training school to teach people how to run
19 tools and it's with live sources. And they
20 take the sources out, they put them in the
21 logging tools, they run them down hole,
22 they log them way out, they take the
23 sources back out, they put them back in
24 their respective storage containers and
25 they do their required surveys before and

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1 after the job. And so they are using, you
2 know, live sources to do actual mock-up
3 jobs, as you will, as part of their six-
4 week training program that they do. So
5 they're actually out there logging a well,
6 a training well, at a facility. And so
7 they do receive a dose -- now sometimes
8 those -- like Mr. Hawkins had a question --
9 do they sometimes have different
10 dosimeters? Yes, sometimes they do. Even
11 at the training facility they do issue
12 dosimeters to the individuals while they
13 are at class.

14 Now if it is an older employee
15 that's been with the company longer that
16 has decided to do that profession, they may
17 already have a dosimeter and they're
18 allowed to use their own. But a lot of
19 these guys are new hires that come in, will
20 then go to that six-week, eight-week, nine-
21 week course depending upon which one
22 they're going to and part of that is they
23 go out as part of the training. And
24 they're actually doing that. That's
25 licensed in the State of Texas that they go

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1 out and do that and they do receive
2 exposure and are working with radioactive
3 materials in a training environment.

4 MS. BISHOP: Well, what I'm
5 thinking is we're trying to define here
6 what really is ALARA in that situation, I
7 guess.

8 MR. BRODERICK: Well, that
9 varies, depending on the demonstration that
10 you are doing.

11 MR. WOODS: Yeah, and what the
12 definition of training and what the
13 definition of work --

14 MS. BISHOP: Yes.

15 MR. BRODERICK: Might it be
16 better to have two different levels in
17 this. Have one level pretty low probably,
18 maybe even like 25 millirem for most
19 training but allow a higher level, maybe a
20 100 millirem -- I'm talking an annual basis
21 -- maybe lower than that, maybe 50 millirem
22 for industrial radiography and well logging
23 or materials -- or industrial radiography
24 and well logging training.

25 MS. BISHOP: And see, for the

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1 radiography, my understanding is that we
2 don't need anything higher than this
3 because they don't get that high an
4 exposure. So it may just be the well
5 logging.

6 MR. BRODERICK: Certainly from
7 what Steve was talking about, they do need
8 to do, for the RSO course, at least one
9 source recovery.

10 MS. BISHOP: Well, I did a source
11 recovery in training and got no exposure.

12 MR. WOODS: You were good.

13 MS. BISHOP: Well, it was not a
14 very strong source.

15 MR. BRODERICK: They usually use
16 decayed sources for that but as Steve
17 pointed out occasionally you may need to do
18 a course and not have --

19 MR. WOODS: Well, like I was
20 saying, those courses not only were
21 teaching the radiation safety portion but
22 were also teaching the practical
23 application of the operation of how to run
24 the operation and get the results back
25 through the computer systems and stuff,

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1 being able to determine the formation and
2 evaluate that. It wasn't just radiation
3 that they were training on but as a sub
4 portion thereof.

5 MR. BRODERICK: For the people
6 from industry, are there any of the -- I've
7 thrown out several and a couple of other
8 people have thrown out proposals -- are
9 there any of these proposals like, the 50
10 millirem a year one that Mr. Brewer had,
11 that meets your concerns that we could put
12 here? Going once, going twice.

13 Okay. We'll move to another one.
14 Does Mr. Brewer's proposal about the 50
15 millirem a year in any one year, does that
16 meet -- are there any concerns with that?

17 It's up to what the Council wants
18 but my suggestion would be maybe we should
19 go -- take this language and say no person
20 shall be exposed to more than 50 millirems
21 of radiation in a year for purposes of
22 training.

23 MR. WOODS: That's less than the
24 general public, though.

25 MR. BREWER: What I'm worried

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1 about though is somebody will take it to
2 the hilt and if we give a hundred instead
3 of like Steve's talking about twenty-five
4 or thirty in an instance -- that they say,
5 "Well, heck, we can go up to a hundred."

6 That's what I'm worried about, all
7 at one time. Now if everybody is going to
8 be honest like we are then we don't have to
9 worry about it but everybody doesn't
10 operate that way. And they're going to
11 take it to the hilt rather than what we
12 think the norm should be.

13 MR. MCHARD: May I say something?
14 After listening to all the comments about
15 this, my observation is that from the
16 standpoint of enforcement and inspection,
17 Pam, if there's a question about the
18 exposure the trainee's got, then in all
19 likelihood that inspector is going to
20 realize that the training session, in
21 general, wasn't the best in the world. And
22 that's where your enforcement is going to
23 come in. You're going to send them a
24 letter and say, "Hey, the next time you
25 have training, let's do it a little bit

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1 better". And that gets rid of all this
2 discussion. You don't need anything other
3 than what you've already got here if that's
4 the way you're going to enforce it. You're
5 not going to enforce it very easily anyway.
6 Just think about it.

7 MR. BRODERICK: Certainly, I
8 doubt very much --

9 MS. BISHOP: (Inaudible) to
10 enforce it but it sure would be nice to be
11 able to enforce it when we are present and
12 not have it so vague that we -- it's a
13 useless rule. If we think we need the rule
14 that is.

15 MR. WOODS: Have you inspected
16 this before?

17 MS. BISHOP: Yeah, we've had
18 people in courses.

19 MR. CLARK: Here's a, just a
20 comment, and I agree with Mr. McHard that
21 it's difficult to enforce this. If, and
22 I'm throwing this idea out, but if these
23 people are to be radiation workers and most
24 of the time I assume they are, their dose
25 that they get in their training is part of

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1 their annual dose. However, if you're
2 talking 100 millirems in an hour, or
3 whatever, that's a high radiation area and
4 you'd have to set up a training area with
5 posting with a high radiation area, et
6 cetera, and so on and so forth. With that
7 in mind, you could enforce posting, you
8 could enforce all the other items that are
9 required, relative to occupational
10 exposure.

11 You know, if you have a complaint
12 filed about training methods for radiation
13 workers, if it's filed to complain about
14 the public, you have those posting and
15 requirements that are required for the
16 public if they are training people who are
17 not radiation workers but would be
18 considered general public. I think it's
19 going to be very difficult to set a number
20 whether we set it annually or whatever,
21 that's going to be easy for you to
22 differentiate from their occupational
23 exposure record.

24 MS. BISHOP: Well, I'm not even
25 trying to go for that. Though, what Steve

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1 said is correct, every course I've ever
2 taken where we were exposed to radiation,
3 the person giving the course issued us a
4 badge separate so they had a record of what
5 the exposure was during that course and we
6 had a record, even if we had our own badge.

7 MR. WOODS: Another point there.
8 I guess the definition of what training is
9 like, I received training from the DOE or
10 DOD, one of the two, to operate nuclear
11 powered submarines. And I was in a nine-
12 month training program and, yeah, we
13 received occupational exposure. We went
14 into reactor compartments that were
15 activated and when you're in there you're
16 getting, you know, you could get -- I went
17 in one time and came back out and got 200
18 millirem. And that was nothing more than a
19 training reactor. The reactor was a
20 training reactor. The whole thing was
21 purely training.

22 MS. BISHOP: Yeah, I don't think
23 this would apply to a situation like that
24 though. That's not within our
25 jurisdiction.

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1 MR. WOODS: Right. But that's
2 what I was getting at in part, we were
3 controlled not by what you're allowed to
4 receive by training but what you're annual
5 allowable dose would be as a radiation
6 worker. Your occupational limit.
7 And that's my issue with that is at what
8 point does -- that's why -- I can
9 understand this for a classroom-type
10 setting like this, a classroom
11 demonstration-type setting, as opposed to
12 on-the-job training such as a radiographer
13 who has to work a certain amount of time on
14 materials to become a full radiographer.
15 Is that not training -- when he's on-the-
16 job training they have to do a year, two
17 years? Are they not getting exposure
18 during that?

19 MS. BISHOP: This was not
20 actually meant to apply to someone working
21 -- gathering on-the-job experience or on-
22 the-job training.

23 MR. CLARK: No, it's strictly
24 training.

25 MR. WOODS: Well, it's called on-

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1 the-job training, that's why I'm --

2 MS. BISHOP: Why can't we make it
3 just not apply to on-the-job training?

4 MR. BREWER: That would be good.

5 MR. WOODS: Instructional
6 training.

7 MS. BISHOP: We could just add a
8 sentence that says, "This does not apply to
9 on-the-job training."

10 MR. BRODERICK: Is there a reason
11 not to do the classroom? We were talking
12 about classroom earlier.

13 MS. BISHOP: Well, a

14 MR. WOODS: That's what it's
15 intended for really is classroom.

16 MS. BISHOP: Well, but --

17 MR. WOODS: That's what I read it
18 as. -- that's what it implies when I read
19 it.

20 MS. BISHOP: But if we say
21 classroom, people tend to read words very
22 literally in rules. And if you say
23 classroom it would have to be inside of a
24 classroom. The minute you walk outside
25 into the field, I mean even though that's

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1 what we intend, I don't think that is a
2 good word. If we could come up with some
3 other word.

4 MR. BREWER: Formal.

5 MS. BISHOP: Maybe formal
6 instruction.

7 MR. WOODS: I would go with the,
8 this does not apply to on-the-job training.
9 That would clear everything up.

10 MR. BREWER: That way it would
11 make things easier for Steve and his
12 people.

13 MR. WOODS: Yeah, that's what I
14 consider that type of stuff being.

15 MS. BISHOP: That's on-the-job
16 training at that training place.

17 MR. BRODERICK: How about, on-
18 the-job training in the course of actual
19 production work.

20 MS. BISHOP: Well, we want to
21 include that other place, don't we?

22 MR. BRODERICK: Let's just go on-
23 the-job training then.

24 MS. BISHOP: Yeah.

25 MR. BRODERICK: Pam Dizikes, we

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1 want to put a provision in 20-8 that says
2 that "this subsection does not apply to on-
3 the-job training." And you don't have to
4 use those exact words but that intent.

5 Is there anyone on the Council that
6 wants to beat this horse further?

7 MR. HAWKINS: Now I have another
8 section of part 20, that I want to beat.
9 Talking about reports, 20-7. "Written
10 reports if you lose something within thirty
11 days". Then we have up-dates, it talks
12 about "within thirty days after the
13 permittee learns of such information".

14 Does someone want to explain this to
15 me?

16 "Subsequent to filing the written
17 report the permittee shall also provide
18 written notice to DEQ about the loss or
19 theft within thirty days."

20 Isn't that what they did up there in
21 that first written report?

22 MR. BRODERICK: I have to admit
23 that I have forgotten what we were trying
24 to accomplish with the up-dates. Pam, do
25 you remember?

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1 MS. BISHOP: Yes. We have to --
2 very often somebody will get new
3 information and maybe we need to say "about
4 new information" concerning that they
5 didn't know already when they did the
6 written report. That might change.

7 MR. BRODERICK: How about --

8 MR. HAWKINS: I understand what
9 updates are, but the way this one reads
10 right here, you do one -- a written report
11 within thirty days, and then your update is
12 also that same time period. And to me it
13 should read, "Updates should be as new
14 information is learned," you know, within
15 thirty days. Because this reads right now
16 that your update is within thirty days like
17 your original written report.

18 MS. BISHOP: Yeah. Right. About
19 the new information -- just add new
20 information?

21 MR. HAWKINS: Or as needed or as
22 directed from the DEQ, because you guys
23 might send us a phone call and say, "we
24 need this information, what else can you
25 supply us with?"

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1 MR. BRODERICK: It sounds like we
2 need to re-write -- we probably need to
3 throw out that update as written and re-
4 write the thing.

5 MS. BISHOP: I think we can just
6 add a few words and --

7 MR. BRODERICK: Can you?

8 MR. HAWKINS: We'll see what you
9 guys come up with, okay? I'm easy.

10 I want a break, too.

11 MR. BRODERICK: We're almost done
12 here. It's subject certainly to what the
13 Chairman and the Council wants. My
14 suggestion would be, I think we can plow
15 through this.

16 MR. WOODS: That would be my
17 hope.

18 MR. BRODERICK: Okay. That's all
19 of Subchapter 20. Subchapter 23. This is
20 the former -- well, this is still -- this
21 is 10 CFR 19 basically. Most of it is
22 adopted by reference in 23-4. Basically,
23 we have put that into place for all forms
24 of regulation that DEQ regulates. And I
25 think it's pretty clear cut.

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1 Okay. There is one other issue on
2 this, we don't have anything in writing but
3 I want to describe how we propose to bring
4 this into place.

5 We have tried going through what we
6 know about the use of NARM, radium, and
7 accelerator-produced material in the State.
8 We expect at least that we'll have eleven
9 new licenses out of this. There are eleven
10 people who are using accelerator-produced
11 material who do not have an Agreement State
12 license at all. And there are about a
13 hundred people in the State who have an
14 Agreement State license but who also use
15 accelerator-produced material.

16 We cannot handle bringing in eleven
17 new applications and a hundred amendments
18 at one time. That would blow our doors
19 off. And also, I don't want to disrupt --
20 I definitely do not want to disrupt
21 people's operations by saying, "Hey, you
22 have to stop until we can get your
23 paperwork done." I don't want to do that.
24 The way that I -- I guess you'd say our
25 first cut at implementing this would be to

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1 say that for people who don't have an
2 Agreement State license at all, they would
3 have to submit a license application by a
4 certain date. My suggestion for that would
5 be September 1, 2004. They would have to
6 submit a license application. They could
7 operate under the terms of the license
8 application until the application was
9 either rejected or approved. That would
10 cover the ones completely new.

11 For the ones that have an Agreement
12 State license already, presumably they're -
13 - at least if we or the NRC did our jobs
14 right, there are pretty good controls on
15 the radioactive materials in that Agreement
16 State license. So, in order to avoid
17 having all of them having to write up an
18 application at once, what I would suggest
19 is that we put in a provision -- provided
20 they write a memo and distribute it to all
21 radiation workers -- that says that the
22 accelerator-produced and the sealed radium
23 sources are subject to the same conditions
24 and controls on use as are in their
25 materials license.

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1 And then they would provide a copy
2 of that memo to the DEQ and a statement
3 that they had trained all their people in
4 it, and incorporated into their operations.
5 Then they could continue to operate until
6 the time of their next license renewal.
7 And then with their next license renewal
8 they would incorporate the accelerator and
9 radium stuff in it.

10 That would cover the licensing.
11 There's one other thing on the
12 certifications. The only certification
13 that we know of that would be needed there
14 would be, basically, for physicians who are
15 using accelerator-produced materials. They
16 would have to become qualified as
17 authorized users.

18 Now, unfortunately, I don't think we
19 have anyone from the medical community
20 today. But I mention, at least, that what
21 we're thinking about doing is putting in a
22 requirement that basically they would have
23 -- people who are currently using
24 accelerator-produced material for medicine
25 could continue to be authorized users for

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1 one year. They would have one year after
2 the effective date of the rule to become an
3 authorized user. And they could continue
4 to operate until that time.

5 I'm very interested in, is that
6 enough or is it too much -- how -- this is
7 a case where I need to get some feedback
8 from the medical community.

9 There is one other -- I don't think
10 this is happening anymore -- and, Don, you
11 may know something about this. At one
12 time, radium was used for industrial
13 radiography. I think those days are gone
14 and thankfully so from what I understand
15 about it. Do you know of anyone -- I don't
16 know of anyone, do you know of anyone who's
17 using radium for radiography anymore
18 anywhere?

19 MR. BREWER: No.

20 MR. BRODERICK: At least, what I
21 would like -- I'd, frankly, just as soon
22 that nobody used radium for industrial
23 radiography because I don't think it's very
24 safe.

25 MR. BREWER: Mike, I don't think

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1 so.

2 MR. BRODERICK: But if they were
3 doing it, I'd certainly at the least want
4 them to be a certified industrial
5 radiographer.

6 MR. BREWER: That's for sure.

7 MR. MCHARD: Can we broaden that
8 a bit, Mr. Brewer, and say do you know of
9 anyone in the State that's just storing
10 radium radiography sources and not using
11 them?

12 MR. BREWER: Personally, I don't
13 know of anyone. Pam, how about you all?

14 MS. BISHOP: No, we've never come
15 across anything like that.

16 MR. BREWER: I don't know of
17 anyone anywhere in the State of Oklahoma
18 that does it.

19 MR. BRODERICK: I suspect it is
20 not but --

21 MR. BREWER: I don't think so
22 either.

23 MR. BRODERICK: That's probably
24 not worth spending our time on then but --
25 anyway, I've described this transition to

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1 you. We need to put it into words. We've
2 had a couple of attempts to put it into
3 words and haven't gotten it right, yet.

4 If anyone sees a problem or a
5 weakness with that suggestion -- basically,
6 it's that -- to refresh -- people who don't
7 have an Agreement State license would have
8 until September 1, 2004 to get a license
9 application. They could continue to
10 operate until their license was approved or
11 rejected.

12 People who have an Agreement State
13 license would have to make a certification
14 or make a directive to their workers that
15 said "use of the accelerator-produced
16 radium is subject to the same controls as
17 the Agreement State material. And if they
18 did that and gave a copy to DEQ then they
19 could operate under that until their
20 license came up for renewal.

21 You guys have a much better picture
22 of what you're doing than we do. I don't
23 want to make some sort of problem for the
24 people that are using this material.

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1 something we're overlooking with that. To
2 me that sounds bulletproof, but you guys
3 understand what you're doing better than we
4 do -- or know what you're doing better than
5 we do. Okay.

6 I think that I am done.

7 MR. WOODS: Okay. I guess that
8 concludes Agenda Item No. 7. One more,
9 Pam.

10 MS. BISHOP: I just wondered do
11 we even want to mention, since George
12 Johnson isn't here, the thing that he
13 suggested?

14 MR. BRODERICK: Somewhere we have
15 to cut things off, I guess you'd say, about
16 adding things to rules. People will be
17 coming up with good ideas for rules right
18 up to and after the day that we -- that
19 this is passed by the Environmental Quality
20 Board. The day after somebody -- it may
21 well be me -- will say, "Darn, there's a
22 hole there." Or we should have put this
23 in. Or whatever.

24 MR. BREWER: You should have put
25 this in.

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1 MR. BRODERICK: Or this would
2 make it easier for people. But at some
3 point we have to freeze things -- you know,
4 basically say, this is what we're going to
5 go with and the only things we're going to
6 change are this or if there are things that
7 are fatal, that are real problems with what
8 we got.

9 George Johnson, I think most of you
10 know, he's a prominent industrial
11 radiographer in the State. He has
12 suggested that we change the radiography --
13 or actually not the radiography rules but
14 those notifications to worker rules. There
15 is a requirement that's in those rules now
16 that basically says former employers have
17 to provide copies of the dose records,
18 radiation dose records, to the workers once
19 they've left there. The goal of that is so
20 that if Bart Simpson is doing industrial
21 radiography for Don Brewer and then he goes
22 and gets hired by the XYZ corporation. The
23 XYZ corporation can't make -- or pardon me
24 -- Don Brewer can't make problems for the
25 XYZ corporation by refusing to release his

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1 dose records so they can't tell how much
2 dose he's got. Don would have to give up
3 his dose records so that XYZ corporation
4 could keep him within the rules.

5 Anyway, as you know, we've discussed
6 some of it here, there's a lot of training
7 that has to be conducted for many people,
8 particularly for industrial radiographers.
9 And George suggests that it's silly if
10 somebody is trained adequately at one
11 company to make them go get trained again
12 at the next company they work for. And he
13 has suggested -- but on the other hand,
14 sometimes when, say, Bart Simpson leaves
15 Don Brewer's employment and Don says,
16 "Well, I trained him in all that stuff, if
17 XYZ wants him to work for them, they can
18 just train him themselves.

19 Anyway, that adds costs and George
20 has suggested that we may want to put in a
21 requirement that the training records that
22 are required for the Subchapter -- it
23 wouldn't have anything to do with any
24 company requirements, it would just be the
25 ones that were required to comply with the

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1 rules -- those training records for workers
2 would be required to be provided to the
3 worker even if he changed place of
4 employment. And that would make things
5 easier.

6 I don't see that this has much of a
7 radiation safety impact so I personally am
8 neutral on this rule. I don't have any
9 objection to putting it in there but George
10 has asked us to consider that. I don't
11 really want to include that in this package
12 because it came up -- we came up with it
13 fairly late and I don't want to throw in
14 something new now that may be controversial
15 and may slow this down. But I am certainly
16 willing to consider this for a future rule
17 making and this would be simple enough. I
18 don't see a problem with doing this next
19 year some time.

20 We wouldn't have to wait until the
21 next time we totally revise our rules. I
22 have no problem if Council wants to go
23 forward with this, but doing it next year
24 as a separate rulemaking. Certainly, it's
25 fair that you guys know about that. I

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1 think you have a memo -- at least on the
2 back of my memo of Pam's suggested changes,
3 there's the copy of this memo. Pam wrote
4 it about George's proposal -- George
5 Johnson's proposal -- and there is some
6 suggested language there.

7 But that's out there. And my
8 request, unless the Council is just really
9 fired up to put it in, I would rather say
10 let's not do this in this one, let's do
11 this in a future change. But if the
12 Council's really fired up about it, we can
13 incorporate it.

14 If any of the Council Members or the
15 public want to talk about it, certainly you
16 can do so now.

17 MR. WOODS: Well, from the group
18 that administers the training records and
19 having probably two thousand active
20 training records, I think that would be a
21 burden on our group to be able to produce
22 those records when an individual left the
23 company.

24 As far as the recognition of other
25 training, we don't recognize other

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1 company's training, basically, based on the
2 fact that we are not -- we typically do not
3 feel like that that is in our best interest
4 to recognize that other training. Not only
5 radiation safety training but other types
6 of training. And, typically, when people
7 have accidents, people that are hurt,
8 things that go wrong, a lot of times that
9 has happened as a result of people
10 accepting prior or previous training that
11 we did not maintain that quality control
12 over. And that has been identified as a
13 weak portion to do that -- if you do accept
14 some of that.

15 You know, if it's coming from -- I
16 know what George is talking about there for
17 a radiographer, you know, most of the
18 radiographers when they do that they have a
19 license, correct? They get a card that
20 says I'm a certified radiographer.

21 MS. BISHOP: Right.

22 MR. WOODS: You know, that, to
23 me, is what they need for their training.

24 MR. BREWER: But where it comes
25 in, though, is -- I think I know where

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1 George is going with this because I still
2 get requests for employees that I had
3 fifteen, twenty years ago. I'll get an
4 employer, we've got so and so at our
5 location and I need his radiation history.

6
7 Not only do we give them, you know,
8 what his accumulative dose was, they, at
9 times they will ask for training. And I'll
10 respond to them and put the training -- he
11 had training -- on-the-job training
12 radiation safety training for X-number of
13 hours at this period. Refresher training
14 yearly or something to this effect.

15 But that can get to be a real
16 problem, especially if an employee has been
17 gone fifteen or twenty years because you've
18 got to keep up with all this stuff all this
19 time. And I think, I know, that's what
20 George is trying to preclude, is going back
21 into records that are five, ten, fifteen
22 years old to try to recover some of this
23 information for these people.

24 MR. BRODERICK: That's true. I
25 didn't really dwell on it but he put --

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1 there is language in here at the request,
2 they -- that only goes three years back.

3 MR. BREWER: I saw that in here,
4 too.
5 It only goes back for three years.

6 MS. BISHOP: Actually, I stuck
7 that in there because that's all -- those
8 records are only required to be kept for
9 three years.

10 MR. BREWER: Right. But
11 normally, under our old NRC license we kept
12 it indefinitely.

13 MR. WOODS: Yeah, but we also
14 long-term store a lot of that stuff.

15 MR. BREWER: We sure do. We
16 don't throw anything away.

17 MR. BRODERICK: Well, certainly,
18 we don't need a decision on this today. It
19 would probably be wise -- it would be fair,
20 if nothing else for Mr. Johnson to be able
21 to be here to make his case when this is
22 discussed but we wanted to make you aware
23 that this was out here. I don't propose to
24 -- certainly doesn't sound like there's
25 great sentiment in favor of rushing into

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1 this without some sort of really strong
2 mandate from the Council. I would prefer
3 not to actually include this in this
4 rulemaking.

5 MR. BREWER: Let's just take it
6 as future business then.

7 MR. WOODS: With that, that
8 concludes Agenda Item No. 7.

9 Agenda Item No. 8, Report of the
10 Radiation Management Section Activities
11 with Mr. Broderick.

12 (Court Reporter stops with stenograph)

13 MR. BRODERICK: Okay. Basically,
14 as far as Radiation Management Section
15 Activities the main thing that I have to
16 report to the Council, I guess you'd say
17 that's unusual as far as our activities, is
18 that we have had a great increase in
19 security-related activities based on mainly
20 the Agreement State Program. The NRC, they
21 have put in place some new security
22 requirements for what are called "cooler
23 radiators", which is a very large user of
24 radioactive materials which we do not have
25 any in Oklahoma. They are looking intently

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1 at putting some additional requirements in
2 place for certain other types of
3 radioactive materials. They have not --
4 they haven't nailed down what types will be
5 included but my expectation is that --
6 there's a good chance anyway that
7 industrial radiography with materials would
8 be included in some of these additional
9 security requirements. And quite probably
10 that well logging would be included. I'd
11 say there's a ninety-five percent chance
12 that those will be included.

13 And those requirements, they
14 basically feel are so urgent that they are
15 going to impose them basically directly.
16 The NRC retains, even in Agreement States,
17 authority over national security and they
18 basically are saying that they are going to
19 impose those directly rather than say,
20 well, here are the requirements you have to
21 meet, Agreement States and let the
22 Agreement States go through rulemaking.
23 They're saying that they want to do it
24 directly.

25 There are a lot of states that are

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1 unhappy with this approach but I think the
2 NRC will prevail in that. They are asking
3 us to do a lot of work preparatory to that,
4 mostly information gathering. So that's
5 increasing.

6 They are probably going to ask us to
7 -- once these security requirements are in
8 place, they are probably going to ask us to
9 inspect for them. Basically, to do the
10 security parts of these inspections.

11 Also they have, and those of you who
12 read the Federal Register with your
13 Wheaties every morning know this, they have
14 gone ahead and proposed -- issued a notice
15 of proposed rulemaking for portable gauges.
16 They basically regard as -- they are of
17 interest from a security standpoint but
18 they have decided that it is not urgent
19 enough that they should go ahead and issue
20 these orders. They've decided it can wait
21 to go through the rulemaking process. But
22 they have issued a notice of proposed
23 rulemaking. I'm talking about Troxler
24 gauges, basically, and that type of gauge
25 for those of you who are familiar with

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1 them. And my expectation is that they will
2 move very fast with all these things.

3 One other thing and this will be of
4 great interest to a lot of you. Basically,
5 the fees that we have in place for the
6 Agreement State Program, they were
7 developed in 1995. And, of course, there's
8 a lot of water under the bridge since 1995.
9 Particularly with the budget situation with
10 the State, we used to receive -- it was
11 never a large, but we received some money
12 from the Legislature to run the Program.
13 We no longer get that for the Radiation
14 Program. And with just the march of time,
15 basically, I think it's time we re-visited
16 our fees for radiation.

17 I am not suggesting -- I certainly
18 do not want to imply that we're going to
19 have a large fee increase but I'm gathering
20 the information and the next time we meet,
21 I expect to have something in writing for
22 you, basically talking about potentially
23 increasing our fees. In addition to
24 basically covering our costs, there are
25 some inequities or problems with our

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1 current fee structure that we will probably
2 ask you to fix.

3 One will be, late fees for certain
4 types of license renewals and that kind of
5 thing. We don't have any provision for
6 them. We'll probably put those in.

7 One, in particular -- one that as a
8 matter of fairness needs to be addressed
9 with the small entities, the NRC charges a
10 full renewal fee for small entities.
11 Basically, if you're a small entity you pay
12 the same fee as any other big facility but
13 then you get a very reduced fee at all
14 other times. We chose basically not to do
15 that when we became an Agreement State.
16 And I don't think that was the right
17 choice.

18 I can give you the most-- the most
19 extreme example I can give you of why I
20 don't think that was the right choice is we
21 had a hospital -- there's somebody building
22 a new hospital in the State -- they
23 recently submitted their application for a
24 materials license. Since they haven't
25 begun operations, yet, they submitted their

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1 application. They are a small entity.
2 Because one of the provisions is amount of
3 income and they didn't have any income. So
4 they wrote a broad scope hospital nuclear
5 medical license which is bigger than this
6 application, a very large application, and
7 their fee for getting that processed was
8 \$240, which, I don't think that's
9 equitable. And we need to correct that.

10 And finally, we will probably
11 propose some changes -- I talked earlier
12 about reciprocity and the three day thing.
13 Basically, you're really supposed to give
14 us three days notice if you're going to
15 come in and work in the State under
16 reciprocity but the vast majority of people
17 do not give us that.

18 I realize that in some cases that's
19 the exigencies, I think is the word of
20 business, that's just the circumstances of
21 business, but it really puts the burden on
22 us. Because we've got to inspect a certain
23 percentage of these and I've got to say,
24 "Pam, I know this is your husband's
25 birthday but we've got to get that

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1 inspection because the NRC will nail us if
2 we don't have the numbers that we need.
3 So, I'm sorry it's Ray's birthday, but
4 you're going to have to go to Guymon."

5 I haven't had to do that yet but
6 it's really caused a problem for us. The
7 only way I can think of to address this is
8 to say, "Fine, if you want to do it for
9 less than three days, we're going to charge
10 you a higher fee." And then if it's a
11 matter of business then presumably they'll
12 pay the higher fee. That's the way I
13 propose to address that. That'll be
14 included in this.

15 But I will have something in writing
16 for you the next time I present it. It is
17 a fee increase. I know those are never
18 popular but I would encourage you -- it's
19 not something to get alarmed about. I
20 don't expect it to be humongous fee
21 increases. Yes, sir.

22 MR. WOODS: From someone who
23 requests reciprocity in the other states,
24 it would be nice to have a fee that you
25 could pay, that would allow you to go in

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1 sooner than three days because some people
2 interpret without undo hardships, meaning
3 there's death or loss of life or ecological
4 catastrophe going to happen as opposed to,
5 well, we just need to go catch a job.
6 Being able to pay a higher fee, you know,
7 either it's a per occurrence or if you want
8 to have the typical standard three day is a
9 thousand dollars. If you want to do a
10 twenty-four hour notification it's going to
11 cost you three thousand dollars. You know,
12 I think something like that, they would be
13 able to make a business decision on which
14 type they want to have. If it's going to
15 be less than -- if they want to start doing
16 the twenty-four hour, you know, pay the
17 extra fee, I think that would be an
18 excellent added addition to the fee
19 structure.

20 MR. BRODERICK: Good. That is --
21 actually there is one more item. It's more
22 of a news item but we are -- Oklahoma is
23 now no longer the junior Agreement State
24 which I am very happy about. We are no
25 longer the new kid on the block. Wisconsin

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1 became an Agreement State in August --
2 about a month ago. So that's just for
3 interest.

4 That's all that I have.

5 MR. WOODS: Dale.

6 MR. MCHARD: May I? This has to
7 do with security and the next time you
8 visit our building you are going to see a
9 very substantial increase in security.
10 You'll have to sign in. You'll have to
11 wear a visitors badge. And I'm warning you
12 of this because it's going to happen on
13 December 3rd. That will be the next time
14 that likely most of you will be in the
15 building.

16 Part of this is due to just the
17 increase in security among various federal
18 and State agencies, as a result of 9/11 and
19 other things that are related to it. But
20 also our headquarters building is right
21 next to the new federal agency campus and
22 it's also right next to, of course, the
23 Murrah Building -- the National Memorial.
24 so there are concerns in our agency that
25 are considerably elevated above perhaps the

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1 concerns of other State agencies just
2 related to our location of our
3 headquarters.

4 MR. WOODS: Thank you. Okay.
5 Agenda Item No. 9, Land Protection Division
6 Report by Ms. Sharp.

7 MS. CATHERINE SHARP: I don't
8 know how you all can go this long without a
9 break. So I'll talk really fast.

10 Always when I meet with you, there
11 are a couple of things I want to mention.
12 Number one, I want to thank you for all the
13 brain power you put into these issues. I
14 think it really is -- it shows that you are
15 devoted to thinking all this through pretty
16 hard. And, honestly, the agency does
17 appreciate the work you do on these
18 Councils. And we don't get a chance to
19 tell you that in any formal way or very
20 often. But we do appreciate it.

21 There was an Environmental Quality
22 Board meeting yesterday, it so happens. I
23 was not there. Pam was there. I'm not
24 sure what noteworthy came out of it.
25 Something that is of importance to us

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1 though, I think, was that once a year the
2 Board is charged with -- I'm not sure how
3 the law reads -- but it's retaining and
4 affixing the compensation of an Executive
5 Director. Steve Thompson has been our
6 Director for what, about a year, and I
7 guess they chose to keep him on. He's
8 still our boss so that's kind of important
9 to us. Consistency in leadership. And I
10 think I remember mentioning it here, you
11 know, most states they don't have the
12 consistency of leadership at their
13 environmental agency that we have here. We
14 had the longest standing Environmental
15 Director ever, anywhere, in Mark Coleman.
16 He stepped down a year ago and his
17 successor is Steve Thompson. Just so you
18 know how bad it is -- I think it's bad
19 because when you have that uneven
20 leadership at the top of your agency you're
21 changing directions and you're reorganizing
22 it's really hard to have continuity the way
23 we have here where Mike can plan ahead. He
24 knows what the policies, in general are,
25 from the top. He can plan rules and

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1 everybody can work -- it really works a lot
2 better as you might imagine. But Steve is
3 part of a group called the Environmental
4 Council of States, which is all the people
5 like him across the country. And the last
6 meeting he went to there were so many new
7 ones. They tend to turn over with
8 governors. And so there were so many
9 rookies there that Steve and about four
10 other ones were the only ones with any
11 tenure with the organization at all. And I
12 don't say that in any discouraging way, I
13 just flat think it's important to
14 appreciate the things we have. And in
15 Oklahoma we have a really strong continuity
16 of leadership at the top of the DEQ. And
17 that makes everything just a little more
18 coherent, a little easier to do. I mean,
19 working in government right now is not --
20 and I'm not complaining at all, I'm
21 thankful to have a decent job but it's
22 challenging right now because our budget is
23 being chipped away at. We aren't as bad --
24 and one thing I was going to mention is the
25 budget -- usually people want to know how

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1 we're doing -- there's a brighter spotlight
2 on it.

3 During the Legislative session --
4 when Legislature was in session there's
5 some saying like that "Legislature is in
6 session and no man's property is safe." I
7 think my dad wrote that.

8 I went into a meeting in an industry
9 once and they had that posted on the wall
10 and here I am from the government.

11 But anyway, all of that is to say,
12 that I wanted to mention our budget is
13 something people often have questions about
14 -- like, how are you all doing, are you
15 laying off, are you going to be able to do
16 it? Our level of services in both land
17 protection and in general across the DEQ
18 has stayed roughly the same.

19 We've done some belt tightening.
20 We've reduced in a few areas. For example,
21 in our areas, what we've reduced, you won't
22 notice it. We aren't hiring very many.
23 We've been stable in terms of our numbers
24 for a long time. We've had a state hiring
25 freeze. We cut money out where we had been

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1 doing -- we take solid waste fee money, for
2 example, and give it to rural areas to do
3 solid waste planning. They purchase all
4 kinds of equipment with it and that sort of
5 thing. And that got knocked off
6 significantly the last year. But we aren't
7 taking it out of salaries too much. We're
8 moving some people around within the
9 agency, from the programs that are hurting
10 to the programs that have a little bit
11 where we can absorb people. So there's a
12 little of that going on. I just thought
13 that I'd mention it. We feel like we're
14 pretty stable but when the Legislature gets
15 in session -- and I won't go into the
16 details -- I'd be happy to discuss it with
17 you any time if you wanted to -- how they
18 move money around when they need it. And
19 they look at an agency like the DEQ that
20 has fee balances and, you know, that
21 attracts their attention. I have no
22 political commentary on it at all, that's
23 just kind of the way the government works.
24 The only other thing I wanted to
25 mention, because I usually give you an

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1 update on what's happening with the Central
2 State Compact Commission -- I can't
3 remember when I last spoke to you all but I
4 know that last summer perhaps was one of
5 the biggest milestones in that whole saga.
6 And it's not that anybody is holding out
7 any hope that we will site a low level
8 radioactive facility in Nebraska but we do
9 have to play out what we feel is our
10 mission and it is in federal and state law
11 what we're supposed to be doing, so each
12 commissioner takes their role somewhat
13 seriously. And in September of last year
14 was when Judge Cobb, after nine weeks of
15 trial up there in Lincoln awarded a hundred
16 and fifty-one million dollars to the
17 Compact. He gave us -- us -- I happen to
18 be the Chair of it -- right now -- just
19 lucky I guess. He gave it to the Compact
20 Commission.

21 Obviously, it's not our money. It's
22 money that major generators paid all this
23 time, plus a whole bunch of interest in
24 hopes of getting a license. That was a
25 milestone. There have been a couple of

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1 milestones since then that I thought I'd
2 just mention to you.

3 Obviously, Nebraska wasn't too happy
4 about that decision and they appealed and
5 that has actually taken a step -- we
6 weren't sure how long that was going to
7 take -- and Pam can address the legal
8 issues far better and probably more
9 accurately than I can so if you have
10 questions we can probably between us answer
11 them. As I understand it, the appeal --
12 the last step before it might go to the
13 supreme court was to talk -- to argue
14 before a three-judge panel which happened
15 up in St. Paul a little earlier this
16 summer.

17 Our legal team went up there and
18 argued based on Nebraska's appeal. Same
19 issues. And it's much shorter than that
20 painful thing we went through for nine
21 weeks in Lincoln. They just get an hour or
22 so with this panel or maybe two hours --
23 they get asked a lot of questions and
24 that's it. And then, that three-judge
25 panel has not rendered a decision yet. We

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1 aren't sure what they're going to say.

2 One thing that Nebraska lobbied for
3 was a jury trial in this matter which the
4 judge that we think kind of highly of,
5 Judge Cobb in Lincoln, said no -- that's no
6 way to transact justice in this situation.
7 He didn't feel, like, in Nebraska you could
8 find twelve people who would look at it
9 objectively.

10 But that's one thing that this
11 three-judge panel -- at least one of the
12 judges was keying in on during the
13 discussion -- like maybe they would send it
14 back for that. Which, you know, that sends
15 a chill down everybody's spine. But
16 anyway, that happened.

17 Additionally, one kind of
18 significant thing that we did, but it's
19 more administrative, is that we are in the
20 process of dismissing Nebraska from the
21 Compact. There are -- there is language in
22 both State and federal law about when a
23 State acts in bad faith which they have
24 been now in our view. One of the findings
25 Judge Cobb found is that they acted in bad

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1 faith by not reviewing the application
2 legitimately and by not issuing a license.
3 And when a State does that they can, by the
4 rules of the Compact, they can be dismissed
5 by the other commissioners. And that's what
6 we've done.

7 That process takes a number of
8 years. It culminated --I don't remember
9 when we did it but it was earlier this year
10 -- dismissing them officially. And they've
11 got some time to appeal that and they filed
12 a complaint just recently opposing that --
13 saying we were biased, we had no grounds to
14 do that and so forth.

15 So that's the most recent legal
16 missive that's been fired. Is they fired
17 back at us and said you shouldn't have
18 dismissed Nebraska from it. Because when
19 we dismissed them, it said and this is
20 again from Compact law -- they still retain
21 their obligations under the Compact so they
22 don't get out of being the host state, you
23 just aren't a member of the Compact
24 anymore. And so, all that is to say it's -
25 - I'm doing this real fast but that's kind

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1 of the Reader's Digest condensed version of
2 what's going on with that process.

3 We're one of the last Compacts
4 standing. Many have kind of folded up --
5 they still exist but they aren't terribly
6 active. Most of you all probably have a
7 better feel than I do about how that leaves
8 the world of waste disposal and the options
9 for waste disposal and what you see on the
10 horizon because there's obviously not very
11 many options and we aren't doing much --
12 we, as your government, aren't judging from
13 the Compact doing much to solve that
14 problem very effectively. I'm somewhat
15 embarrassed by the performance of the
16 Compact, frankly. I mean I wasn't even
17 involved but I'm sorry we can't solve the
18 problem better than we have.

19 But anyway those are just kind of
20 the highlights from the DEQ that I was
21 going to mention. I'd be happy to answer
22 any questions about anything that anybody
23 has.

24 MR. WOODS: Thank you, Ms. Sharp.

25 MS. CATHERINE SHARP: Thank you.

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1 MR. WOODS: Next item on the
2 Agenda, Report from the Chairman. I have
3 nothing to report at this time. New
4 business -- anything that might have come
5 between now and when the Agenda was posted.

6 MR. BRODERICK: What about dates
7 of meetings.

8 MR. MCHARD: I'm waiting on
9 twelve.

10 MR. WOODS: That's twelve. Okay,
11 with no new business, go on to Item No. 12.
12 Discussion of the date/location of the next
13 meeting.

14 MR. MCHARD: Am I recognized, Mr.
15 Chairman?

16 MR. WOODS: Yes, Mr. McHard.

17 MR. MCHARD: Well, first, for
18 everybody's information, I will give you
19 the four meeting dates for the
20 Environmental Quality Board for 2004: The
21 first one is the one that's really
22 important to this Council and that's
23 February 27th in Oklahoma City. And I'll
24 mention quickly three or four issues that
25 are all interrelated, Mr. Chairman and

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1 Council Members.

2 As you have heard from Mr.
3 Broderick, you can I hope appreciate that
4 this is a very substantial change in the
5 regulations that we are proposing and there
6 are certain legal deadlines that cause the
7 logistics to be rather large in terms of
8 meeting all those deadlines, creating
9 documents that we have to have, that we
10 have to submit to other agencies and so
11 forth. And so it's pretty important from
12 my perspective especially because most of
13 the logistic work is going to fall on me
14 and Pam Dizikes. To meet these deadlines
15 we're going to have to really think very
16 hard about our Council meetings. I
17 believe, if I'm not mistaken, that the
18 Council's already agreed that we're going
19 to meet December 3rd that is a certain
20 date. If I'm wrong on that I hope someone
21 will speak up now. I didn't hear anybody
22 speak up, so we will be meeting next
23 December the 3rd and Mr. Broderick wants
24 that to be in Oklahoma City.

25 MR. BRODERICK: Well, I thought

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1 there was the possibility it was going to
2 be out in Clinton.

3 MR. MCHARD: Well, I'll get to
4 that in a minute. But if we meet in
5 Oklahoma City we'll be meeting in the
6 multi-purpose room there on the ground
7 floor of the DEQ headquarters.

8 There is a possibility that we could
9 meet in Clinton at the Clinton Convention
10 Center which is a brand new building. If
11 you prefer, as a Council, to meet in
12 Clinton you need to let me know that pretty
13 much right now and not wait until almost
14 December 3rd to let me know.

15 MR. BRODERICK: You might explain
16 why we're talking about that.

17 MR. MCHARD; We're talking about
18 it because Mr. Gotcher, one of our Members,
19 his company helped build the place number
20 one, he's from Clinton, he would like for
21 the Council to come to Clinton at least
22 once in a while now that they have a proper
23 meeting place and meet in Clinton since
24 that's a southwestern venue as opposed to
25 always meeting in Oklahoma City and Tulsa.

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1 And he is not adamant about that and he's
2 certainly not adamant about meeting there
3 on December 3rd but he and I and the lady -
4 - whoever it is -- I don't know her yet,
5 haven't heard from her -- who runs the
6 convention center will be working on
7 setting up a meeting in Clinton at some
8 future date, either on December 3rd or
9 later in 2004.

10 So if anybody on the Council that is
11 here today objects to us meeting in
12 Oklahoma City and would prefer to meet in
13 Clinton -- I'm going to stop speaking for a
14 minute and see if anybody speaks up -- no.

15 MR. BRODERICK: On the alternate,
16 is there anybody who just has a problem
17 with meeting in Clinton?

18 MS. JENNINGS: It's eighty miles
19 west of Oklahoma City.

20 MR. MCHARD: From here it would
21 be approximately a four hour drive, one
22 way. It depends upon how fast you drive.

23 MR. MCHARD: How long do you
24 drive coming this way, Steve?

25 MR. WOODS: It's a little over

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1 three hours to get here.

2 MR. MCHARD: Okay. Now we come
3 to the really tough part. In order for the
4 logistics to work out. In order for us to
5 meet certain legal deadlines in submitting
6 whatever the Council votes on to that
7 February 27th Environmental Quality Board
8 in Oklahoma City meeting -- and if you
9 start backing up from there, it means that
10 we're going to propose that the Council not
11 only meet on December 3rd but that you also
12 meet again approximately on January 14th --
13 now that's just a straw man date -- if
14 somebody wants it on January 13th or
15 January 15th or whatever is fine. It's
16 just a strawman date to kind of show you
17 what kind of time constraints the Council
18 and me and Pam are on in order to get all
19 of this stuff done. We definitely have to
20 meet on December 3rd, there's just no doubt
21 about that unless you all say -- Hey, we're
22 not going to meet, forget it. We also are
23 going to have to meet during that January
24 time period sometime.

25 MR. BRODERICK: My understanding

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1 was, based on what Pam told me this
2 morning, if and this is a tremendous if,
3 I'm not pretending otherwise, but assuming
4 that these changes that we've talked about
5 today if we do those up and if I present
6 this fee thing to you guys, and if
7 everybody says -- boy, that's great! -- and
8 you approve those in that December meeting,
9 then I don't think we need to meet in
10 January -- my understanding is that would
11 be acceptable and we wouldn't need to meet
12 in January.

13 MR. MCHARD: That is correct.

14 MR. BRODERICK: That's certainly
15 possible but I sure don't want to count on
16 it.

17 MR. MCHARD: Well, it's a big
18 "if". It means if nothing else that we
19 should have the meeting scheduled and
20 cancel it if we have to. We can cancel a
21 meeting by the way for good reason even
22 pretty much at the last moment.

23 MS. BRUCE: I can suggest that
24 Air Quality Council has already is probably
25 going to have a January 14 meeting.

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1 MR. MCHARD: In what location, do
2 you know?

3 MS. BRUCE: Oklahoma City.

4 MR. MCHARD: Multi-purpose room?

5 MS. DIZIKES: I don't think we
6 can have the meetings at the same time.

7 MR. MCHARD: And that would take
8 up you and Christy right off the bat,
9 wouldn't it? And you.

10 MR. BRODERICK: So it needs to be
11 at least a couple of days to one side of
12 January 14th.

13 MS. BRUCE: Either. Yes. We did
14 the Board meeting yesterday and then over
15 here today. A day apart doesn't matter.

16 MR. MCHARD: To summarize what I
17 said. You have two decisions to make and
18 that is --

19 That's my speech. I'm going to
20 shutup.

21 MR. WOODS: Okay, what day of the
22 week is the 14th.

23 MS. BRUCE: Wednesday.

24 MR. BRODERICK: I seem to recall
25 Dr. Gooden prefers to meet on Wednesdays.

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1 MS. BRUCE: Yep. The seventh is
2 the Wednesday before.

3 MR. WOODS: Would that be
4 agreeable to everybody? The 7th? I say
5 let it be done.

6 MCHARD: And location, Mr.
7 Chairman. You want me to try for Clinton
8 on January 7th? I don't guarantee anything
9 at this moment on that.

10 MR. WOODS: Well, I would say,
11 well, if we don't have any -- well, I'll
12 leave that one.

13 MS. JENNINGS: I was just
14 thinking that in the winter a farther
15 distance for most people might be kind of -
16 -

17 MR. WOODS: Yeah, that is true.
18 January 7th. I would say Oklahoma City
19 would probably be a better bet.

20 MS. JENNINGS: We can meet in
21 Clinton maybe in the summer or next
22 September whatever or next meeting -- I was
23 just thinking the weather -- cause you know
24 that one February meeting I didn't get to
25 come because of the ice storm.

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1 MCHARD: I agree with you. It
2 makes it easier on us to meet in Oklahoma
3 City in the multi-purpose room just because
4 of the logistics making the copies just
5 have to carry them down five floors and
6 that sort of thing.

7 MR. WOODS: Is that date
8 available?

9 MS. BRUCE: Last January and
10 February we canceled three meetings due to
11 the weather. They weren't real important
12 so we went ahead and canceled them.

13 MR. BRODERICK: This one, if we
14 have to have the January meeting, it will
15 be very important to us because that will
16 be our one shot at getting input from the
17 Council before these guys go to the Board.
18 So, I don't know other than pray for no
19 snow.

20 MR. MCHARD: So, shall we set it
21 up, at least for the moment, that January
22 7th is a definite meeting and we have to
23 notify the Secretary of State and all that.
24 Remember we can cancel the meeting if we
25 don't need it. But cancellation basically

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1 is going to be as I see it, Mike's call.
2 If things work out at the December 3rd
3 meeting where we don't need the January 7th
4 meeting then it will be Mike's call.

5 MR. BRODERICK: We probably know
6 that. At least in my view, and obviously
7 I'm going to get input from the Chairman in
8 particular but from the Council on that.
9 But if all this stuff passes in the
10 December 3rd meeting, we'll be able to say
11 -- see you next spring or whatever.

12 MR. WOODS: Well, we also can
13 have an extended meeting on December 3rd if
14 it would preclude having the one of January
15 7th which could be a benefit to all of us.

16 MR. MCHARD: That's a good
17 suggestion.

18 MR. WOODS: If it needs to be an
19 extended meeting, we can just go that way.

20 MR. MCHARD: What I might do, I
21 might just set it up to where we can have
22 an extended meeting where we have a lunch
23 break say an hour and a half that we know
24 that if we're going to come back after
25 lunch we're going to work until five or six

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1 o'clock.

2 MR. WOODS: Whatever needs to be
3 done.

4 MR. BRODERICK: There's a deli --
5 since you wanted to meet in Oklahoma City,
6 there's a deli right across the street from
7 us that will deliver and we could take
8 orders and have food brought over. We'd
9 still break meeting because we'd need the
10 break probably but in place.

11 MR. WOODS: Okay. Any other
12 comments from the public? Any other
13 announcements?

14 This meeting is adjourned.

15 (End of Proceedings)

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