

**MINUTES**  
**RADIATION MANAGEMENT ADVISORY COUNCIL**

August 15, 2013  
Tulsa Technology Center  
Riverside Campus, Room A-229  
Tulsa, Oklahoma

Official after RMAC Approved  
at November 6, 2014 meeting

**Notice of Public Meeting** – The Radiation Management Advisory Council convened for a Regular Meeting at 10:00 a.m. on August 15, 2013, at the Tulsa Technology Center, Riverside Campus, 801 East 91<sup>st</sup> Street, Tulsa, Oklahoma. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on April 8, 2013. The Agenda was duly posted at the Department of Environmental Quality (DEQ) and at the facility twenty-four hours prior to the meeting. Mr. George MacDurmon, Chair, called the meeting to order. Ms. Quiana Fields called roll and a quorum was confirmed.

**MEMBERS PRESENT**

Wayne Conway  
Shawn Heldebrandt  
Christopher Honigsberg  
George MacDurmon  
Eric Mitchell  
Steve Woods

**DEQ STAFF PRESENT**

Scott Thompson  
Mike Broderick  
Pam Dizikes  
John Flynn  
Quiana Fields

**MEMBERS ABSENT**

Nadine Barton  
Karen Jennings  
Chad Mashburn

**OTHERS PRESENT**

Christy Myers, Court Reporter

**Approval of Minutes** – Mr. MacDurmon called for a motion to approve the Minutes of the November 1, 2012 Special Meeting. Mr. Woods made the motion to approve and Mr. Mitchell made the second.

*See transcript pages 4 - 5*

Wayne Conway	Yes	Steve Woods	Yes
Christopher Honigsberg	Yes		
George MacDurmon	Yes		
Eric Mitchell	Yes		

**Election of Officers for Council Year 2014** – Mr. MacDurmon requested Mr. Mike Broderick, Environmental Programs Manager, Land Protection Division (LPD), to preside over nominations for Chair. Mr. Broderick entertained a motion for Chair. Mr. Woods made a motion to nominate Mr. MacDurmon. Mr. Honigsberg made the second.

*See transcript pages 5 - 6*

Wayne Conway	Yes	Steve Woods	Yes
Christopher Honigsberg	Yes		
George MacDurmon	Yes		
Eric Mitchell	Yes		

The Council unanimously approved Mr. MacDurmon to remain as Chair. He opened nominations for Vice-Chair.

Mr. MacDurmon made a motion to nominate Mr. Woods as Vice-Chair and Mr. Mitchell made the second.

*See transcript pages 7*

Wayne Conway	Yes	Steve Woods	Yes
Christopher Honigsberg	Yes		
George MacDurmon	Yes		
Eric Mitchell	Yes		

Mr. Broderick introduced himself and advised visitors and staff to do the same.

*See transcript pages 7 - 8*

**Rulemaking** – Mr. Broderick gave an overview of the proposed rule. The DEQ proposes to amend OAC 252:410, Subchapter 1, to update the reference to the Nuclear Regulatory Commission (NRC) regulations in Title 10 of the Code of Federal Regulation (10 CFR) to incorporate by reference the 10 CFR regulations to January 1, 2013. The amendments within OAC conforming changes resulting from updated incorporations by reference. Hearing no comments by the Council and members of the public; Mr. MacDurmon entertained a motion to approve the proposed rule. Mr. Woods made a motion and Mr. Mitchell made the second.

*See transcript page 9 - 13*

Wayne Conway	Yes	Steve Woods	Yes
Christopher Honigsberg	Yes		
George MacDurmon	Yes		
Eric Mitchell	Yes		

**Section Activities and Events** – Mr. Broderick provided an overview of several activities and events occurring within the Radiation Section.

*See transcript pages 14 - 28*

**Land Protection Division Report** – Mr. Scott Thompson, Division Director of the LPD, provided an update on other activities including the retirement of Mr. Steve Thompson, Executive Director of DEQ, on October 1, 2013.

*See transcript pages 28 - 35*

**Report by the Chair on matters of Interest** – Mr. MacDurmon stated no matters of interest to report.

**New Business** – None

**Mr. Broderick noted that council member Shawn Heldebrandt is now in attendance.**

*See transcript page 36*

**Discussion and Selection of Meeting Dates in CY 2014** – Mr. John Flynn, Radiation Management Section of the LPD, suggested dates for calendar year 2014. Following discussion, the Council agreed on April 3 for the next meeting in Oklahoma City and July 31 in Tulsa.

*See transcript pages 36 - 39*

Wayne Conway	Yes	Eric Mitchell	Yes
Shawn Heldebrandt	Yes	Steve Woods	Yes
Christopher Honigsberg	Yes		
George MacDurmon	Yes		

**Announcements – None**

**Adjournment – Mr. MacDurmon entertained a motion to adjourn the meeting. Mr. Woods moved to adjourn and Mr. Honigsberg made the second. Meeting adjourned at 10:45 a.m.**

*See transcript pages 39 - 40*

Wayne Conway	Yes	Eric Mitchell	Yes
Shawn Heldebrandt	Yes	Steve Woods	Yes
Christopher Honigsberg	Yes		
George MacDurmon	Yes		

**Transcript and Attendance Sheet are attached as an official part of these Minutes.**

# Myers Reporting

Sheet 1 Page 1

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS  
OF THE RADIATION MANAGEMENT  
ADVISORY COUNCIL MEETING  
AUGUST 15, 2013, AT 10:00 A.M.  
IN TULSA, OKLAHOMA

\* \* \* \* \*

# Myers Reporting

Sheet 2 Page 2

## Members of the Council

Nadine Barton  
Wayne Conway  
Shawn Heldebrandt  
Karen Jennings  
Christopher Honigsberg  
George MacDurmon  
Chad Mashburn  
Eric Mitchell  
Steve Woods

## STAFF

Mike Broderick  
Quiana Fields  
Pam Dizikes

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## PROCEEDINGS

1 MR. MACDURMON: This August  
2 15, 2013 Public Meeting of the  
3 Radiation Management Advisory Council  
4 was called in accordance with the  
5 Open Meeting Act.  
6 Notice for this meeting was  
7 filed with the Secretary of State on  
8 April 8, 2013. The Agenda was duly  
9 posted twenty-four hours prior to the  
10 meeting at the DEQ, and at the  
11 facility.  
12 Only matters appearing on the  
13 posted Agenda may be considered at  
14 this regular meeting. In the event  
15 that this meeting is continued or  
16 reconvened, public notice of the  
17 date, time, and place of the  
18 continued meeting will be given by  
19 announcement at this meeting. Only  
20 matters appearing on the Agenda of a  
21 meeting which is continued may be  
22 discussed at the continued or  
23 reconvened meeting.  
24 At this time we'll have a roll  
25

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1 call, Ms. Fields.  
2 MS. FIELDS: Good morning.  
3 Ms. Barton is absent.  
4 Mr. Conway.  
5 MR. CONWAY: Present.  
6 MS. FIELDS: Mr. Heldebrandt  
7 is absent.  
8 Mr. Honigsberg.  
9 MR. HONIGSBERG: Here.  
10 MS. FIELDS: Ms. Jennings is  
11 absent. Mr. MacDurmon.  
12 MR. MACDURMON: Here.  
13 MS. FIELDS: Mr. Mashburn is  
14 absent.  
15 Mr. Mitchell.  
16 MR. MITCHELL: Here.  
17 MS. FIELDS: Mr. Woods.  
18 MR. WOODS: Here.  
19 MS. FIELDS: We have a  
20 quorum.  
21 MR. MACDURMON: The next  
22 thing on the Agenda is Approval of  
23 the Minutes from the last meeting.  
24 Can I have a motion to approve  
25 the Minutes.

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1 MR. WOODS: I'll make a  
2 motion to approve.  
3 MR. MACDURMON: Is there a  
4 second?  
5 MR. MITCHELL: I'll second.  
6 MR. MACDURMON: Roll call  
7 vote, please.  
8 MS. FIELDS: Mr. Conway.  
9 MR. CONWAY: Yes.  
10 MS. FIELDS: Mr. Honigsberg.  
11 MR. HONIGSBERG: Yes.  
12 MS. FIELDS: Mr. MacDurmon.  
13 MR. MACDURMON: Yes.  
14 MS. FIELDS: Mr. Mitchell.  
15 MR. MITCHELL: Yes.  
16 MS. FIELDS: Mr. Woods.  
17 MR. WOODS: Yes.  
18 MS. FIELDS: Motion passed.  
19 MR. MACDURMON: Next on the  
20 Agenda is the Election of Officers  
21 for the Council for 2014. I'd like  
22 to turn that over to Mr. Broderick.  
23 MR. BRODERICK: Okay. We  
24 have two positions to fill; the  
25 Chair, and the Vice-Chair. I'll

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Sheet 3 Page 6

1 preside over the elections for the  
2 Chairperson and then I'll turn it  
3 over to whoever the Chair is.  
4 Are there any nominations for  
5 the position of Chair?  
6 MR. WOODS: I'd like to  
7 nominate Mr. MacDurmon.  
8 MR. HONIGSBERG: Second.  
9 MR. BRODERICK: Okay. So  
10 George has been nominated. Are  
11 there any other nominations? Last  
12 call.  
13 Call the roll.  
14 MS. FIELDS: Mr. Conway.  
15 MR. CONWAY: Yes.  
16 MS. FIELDS: Mr. Honigsberg.  
17 MR. HONIGSBERG: Yes.  
18 MS. FIELDS: Mr. MacDurmon.  
19 MR. MACDURMON: Yes.  
20 MS. FIELDS: Mr. Mitchell.  
21 MR. MITCHELL: Yes.  
22 MS. FIELDS: Mr. Woods.  
23 MR. WOODS: Yes.  
24 MS. FIELDS: Motion passed.  
25 MR. BRODERICK: Then I'll

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1 happily turn it back over to George.  
2 Congratulations, George.  
3 MR. MACDURMON: Thank you.  
4 I'll entertain now motions for the  
5 position of Vice-Chair.  
6 And I would nominate Mr. Woods.  
7 MR. MITCHELL: I will  
8 second.  
9 MR. MACDURMON: Are there  
10 any other nominations?  
11 MS. FIELDS: Mr. Conway.  
12 MR. CONWAY: Yes.  
13 MS. FIELDS: Mr. Honigsberg.  
14 MR. HONIGSBERG: Yes.  
15 MS. FIELDS: Mr. MacDurmon.  
16 MR. MACDURMON: Yes.  
17 MS. FIELDS: Mr. Mitchell.  
18 MR. MITCHELL: Yes.  
19 MS. FIELDS: Mr. Woods.  
20 MR. WOODS: Yes.  
21 MS. FIELDS: Motion passed.  
22 MR. MACDURMON: I'll turn  
23 the meeting now over to Mr. Broderick  
24 for introduction of members of the  
25 staff and members of public.

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1 MR. BRODERICK: Okay. I am  
2 Mike Broderick, I think everybody  
3 here knows me, I'm the Manager of  
4 the Radiation Management Section.  
5 And I'm just going to ask, starting  
6 with Pam, if we could move across  
7 the room and the members introduce  
8 themselves.  
9 MS. DIZIKES: I am Pam  
10 Dizikes, I'm staff attorney for DEQ  
11 and I'm assigned to work with  
12 Radiation Management.  
13 MR. FLYNN: John Flynn, in  
14 Radiation Management Section of the  
15 DEQ.  
16 MR. THOMPSON: Scott  
17 Thompson, Division Director of Land  
18 Protection Division of DEQ.  
19 MS. WOODS: Paula Woods.  
20 MR. BRODERICK: She's a  
21 member of the public.  
22 MS. MYERS: Christy Myers,  
23 Court Reporter, contractor.  
24 MS. FIELDS: Quiana Fields,  
25 Board and Council Secretary.

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1 MR. MACDURMON: With those  
2 introductions out of the way, I'd  
3 like, again, to ask Mr. Broderick to  
4 introduce the rulemaking.  
5 MR. BRODERICK: We have one  
6 rulemaking for you in this meeting.  
7 It does have a large number of  
8 changes in it.  
9 As you know, DEQ adopts the  
10 NRC rules by reference, and the NRC  
11 requires us to keep these rules up  
12 to date. This means that  
13 periodically we have to do what we  
14 are going to ask you to do today,  
15 and change the official date on the  
16 NRC rules we are using to keep it up  
17 to date.  
18 Sometimes we have to make  
19 numerical and formatting changes in  
20 our rules if the NRC rules have been  
21 revised and change their numbering.  
22 So we have presented to you  
23 today a rulemaking that brings us up  
24 to date with the federal rules as of  
25 January 1, 2013. The legislature

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<p>Sheet 4 Page 10</p> <p>1 does not allow us to adopt rules "in 2 advance", so this is the latest we 3 could do it.</p> <p>4 NRC requires us to do this, so 5 this is not an optional rulemaking.</p> <p>6 I was talking to George before 7 the meeting and said I would cry if 8 you guys didn't adopt this. So it's 9 not optional.</p> <p>10 None of the changes are 11 onerous, and none, to my knowledge 12 have been controversial, so I do not 13 anticipate a problem with the 14 rulemaking.</p> <p>15 The key changes are as follows: 16 Shippers of certain types of 17 irradiated nuclear reactor fuel and 18 other high level radioactive waste 19 are required to notify Indian tribes 20 that have requested notification of 21 shipments that could impact tribal 22 lands. This notification will not be 23 required for tribes that don't ask to 24 be notified. Receiving the 25 notification imposes an obligation to</p>	<p>Page 12</p> <p>1 poor financial issues -- financial 2 assurance issues. Among other 3 things, these changes remove two 4 types of financial assurance 5 instrument that facilities that have 6 large quantities of radioactive 7 materials could use to establish 8 financial assurance that they had the 9 money to clean up in any mess.</p> <p>10 Fourth, there are various 11 administrative changes. The typical 12 one is updating the address of an 13 NRC regional office.</p> <p>14 And fifth, it clarified the 15 definitions of "construction" and 16 "commencement of construction" with 17 respect to materials licenses.</p> <p>18 As I mentioned, NRC requires us 19 to make these changes. We recommend 20 and request that the Council 21 recommend these to the Environmental 22 Quality Board for consideration and 23 approval at a Board meeting.</p> <p>24 That's my report. 25 MR. MACDURMON: Okay. Any</p>
<p>Page 11</p> <p>1 protect the information about the 2 shipments, because that's sensitive 3 information. So many tribes probably 4 will not want to receive the 5 notifications. To my knowledge, no 6 Oklahoma tribe has requested to 7 receive the notifications yet.</p> <p>8 Secondly, there are rules to 9 simplify and clarify the distribution 10 of certain types of radioactive -- 11 certain types of radioactive devices 12 are proposed. Among other things, 13 some terms that have not previously 14 been defined or explicitly defined 15 now.</p> <p>16 Third, there are changes to 17 clarify and improve requirements for 18 decommissioning planning and 19 recordkeeping. This is probably the 20 most important one of these rule for 21 Oklahoma, because we have had several 22 sites here, which I've talked to you 23 about extensively over the years, 24 that had decommissioning troubles 25 because of poor recordkeeping and</p>	<p>Page 13</p> <p>1 comments or discussion by Members of 2 the Council?</p> <p>3 Any comments or discussion by a 4 member of the public?</p> <p>5 With that, I'll entertain a 6 motion to approve the rulemaking.</p> <p>7 MR. WOODS: I'll make a 8 motion to approve the rulemaking for 9 252:410.</p> <p>10 MR. MACDURMON: Is there a 11 second?</p> <p>12 MR. MITCHELL: Second.</p> <p>13 MR. MACDURMON: Ms. Fields.</p> <p>14 MS. FIELDS: Mr. Conway.</p> <p>15 MR. CONWAY: Yes.</p> <p>16 MS. FIELDS: Mr. Honigsberg.</p> <p>17 MR. HONIGSBERG: Yes.</p> <p>18 MS. FIELDS: Mr. MacDurmon.</p> <p>19 MR. MACDURMON: Yes.</p> <p>20 MS. FIELDS: Mr. Mitchell.</p> <p>21 MR. MITCHELL: Yes.</p> <p>22 MS. FIELDS: Mr. Woods.</p> <p>23 MR. WOODS: Yes.</p> <p>24 MS. FIELDS: Motion passed.</p> <p>25 MR. MACDURMON: I'll turn it</p>

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1 over again to Mr. Broderick for the  
2 discussion of Section Activities and  
3 Events.

4 MR. BRODERICK: We've got a  
5 fair amount of stuff here. I've been  
6 asked in the past, you guys want to  
7 know about things, so I've got  
8 several things for you.

9 There's one Legislative change  
10 that's very important to us. We had  
11 a change in what's call the Oklahoma  
12 Open Records Act (FOIA). It's the  
13 equivalent of a federal law called  
14 the Freedom of Information Act, or  
15 FOIA, that you're probably aware of.

16 Traditionally, DEQ records are  
17 very open, which allows the greatest  
18 public participation. After 9/11  
19 events, the NRC requested states to  
20 withhold certain information about  
21 radioactive materials licenses  
22 because of security concerns. But  
23 the NRC declined to make this  
24 mandatory and tell us we had to do  
25 it.

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1 In Oklahoma we did our best to  
2 follow the NRC recommendations, but  
3 we were uncomfortable about our legal  
4 authority to do so because of the way  
5 the Open Records Act was written. So  
6 we have been trying to get clearer  
7 legislative authority to allow us to  
8 do that. We were unsuccessful in  
9 2012 at doing this for reasons that  
10 had nothing to do with the content of  
11 our legislation, but in the 2013  
12 legislative session, the one that  
13 ended a couple of months ago, the  
14 legislature did approve our request  
15 and it is now law. So we have legal  
16 protection for our ability to  
17 withhold information consistent with  
18 the NRC guidance, and we're in the  
19 process of implementing that coming  
20 up with internal procedures.

21 Another security issue is 10  
22 CFR 37. We have spoken here in the  
23 past of the increased controls that  
24 we're -- security requirements that  
25 the NRC imposed by order. But they

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1 passed now 10 CFR 37 which replaces  
2 the increased controls with  
3 regulations. They went through the  
4 regulatory development process to do  
5 this. They made some adjustments to  
6 the requirements also while they  
7 issued the regulation. We are very  
8 pleased that they are using the  
9 normal rulemaking process for this,  
10 instead of issuing emergency orders  
11 as they're doing. We think this is a  
12 much better process.

13 We expect that next year we  
14 will ask the Board to adopt these --  
15 this new 10 CRF 37 by reference and  
16 ask the Council to recommend those to  
17 the Board for adoption. The NRC has  
18 created a -- not super accelerated  
19 but "a faster than normal" time table  
20 for us where they want this to be  
21 brought into effect.

22 Moving on to some of these  
23 decommissioning sites. One that I've  
24 talked about over and over again here  
25 is Sequoyah Fuels Corporation in

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1 east/central Oklahoma. They are  
2 building a disposal cell to dispose  
3 of the waste and that is proceeding  
4 the sites and is beginning the third  
5 stage of a three-stage disposal cell  
6 construction. It is expected that  
7 the Federal Department of Energy will  
8 take custody of this cell when it is  
9 completed.

10 The Department of Energy was  
11 required by law to offer Oklahoma the  
12 chance to take custody of the cell  
13 yourselves instead of the Department  
14 of Energy taking it, and we declined  
15 their offer. No state has ever  
16 accepted this offer, by the way.

17 The Consent Agreement between  
18 Sequoyah Fuels Corporation and the  
19 Oklahoma Attorney General requires  
20 that several million dollars be spent  
21 to dispose of some of the most  
22 objectionable material off-site. The  
23 preferred site is to send this stuff  
24 to a uranium mill in Utah, but that  
25 uranium mill is having a lengthy

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<p>Sheet 6 Page 18</p> <p>1 process of license renewal, and they 2 cannot accept new contracts, which 3 this would be, until their license is 4 renewed by the State of Utah. It is 5 conceivable that Sequoyah Fuels won't 6 be able to disposal of the material 7 there. This is not Sequoyah Fuels' 8 fault. We have a good process where 9 Sequoyah Fuels meets every quarter 10 with DEQ, the Oklahoma Attorney 11 General representative, and the 12 Cherokee Nation, to discuss progress 13 and explore alternatives for how this 14 is going to move forward.</p> <p>15 Next for Kerr-McGee Cimarron, 16 I'll remind you after the dissolution 17 of Kerr-McGee and the bankruptcy of 18 Tronox, a Trust was formed to be 19 responsible for remediating the Kerr- 20 McGee Cimarron site north of Oklahoma 21 City. DEQ and the Nuclear Regulatory 22 Commission are the primary 23 beneficiaries of the Trust. 24 Currently the major projects are a 25 pilot project to test treating</p>	<p>Page 20</p> <p>1 buildings that were associated with 2 the process. Those were on the 3 license but they've released by the 4 NRC. They have reached the point 5 where they are either going to take 6 some expensive maintenance or they're 7 going to need to be torn down and we 8 would rather -- we don't want to 9 spend the money on the maintenance 10 from our limited funds in the Trust. 11 So we're considering selling them. 12 There is at least one interested 13 buyer.</p> <p>14 However -- whatever happens in 15 how they are sold, we will have an 16 open process so everybody has a 17 chance to bid who is interested in 18 buying the thing, and it will an 19 attempt to get the best price for the 20 properties. All proceeds from the 21 sale will go into the Trust Funds and 22 used for cleanup of the site.</p> <p>23 I mentioned Halliburton Osage 24 Road in the past. It's a cleanup of 25 an old site from the 1980s. Work on</p>
<p>Page 19</p> <p>1 groundwater for Uranium and for 2 nitrates. This is a bench-top 3 operation, it's a very small 4 operation just to test and prove 5 technology with the groundwater at 6 the site.</p> <p>7 There was a minor incident last 8 week where one of several vertical 9 cylinders containing filter medium 10 developed a crack, and several 11 gallons of untreated water were 12 released on the floor. This was 13 recovered with a Shop Vac and there 14 were no releases to the environment.</p> <p>15 The other thing that's going on 16 is we're considering the sale of some 17 property associated with the site. 18 There are two parcels of land that 19 are being considered. One is across 20 the highway from the main site, it 21 was never actually on the Kerr-McGee 22 Cimarron license. But it's pasture 23 land and we're considering selling 24 that.</p> <p>25 The other is some of the</p>	<p>Page 21</p> <p>1 this continues. DEQ has approved the 2 radiological work plan for the site 3 characterization.</p> <p>4 Something that's happier than 5 old cleanup sites, we have issued the 6 first ever in Oklahoma, what we call, 7 the Radon Hero Award. As you know, 8 we have a radon program that uses a 9 grant from the EPA to do radon 10 education and testing. It does not 11 have a regulatory component so we 12 haven't brought that here for 13 rulemaking.</p> <p>14 One of the features that we've 15 had for a little less than ten years 16 is an annual competition for public 17 school children to create radon 18 posters that educate on some aspect 19 of radon. Classes can submit 20 applications to us and the DEQ 21 selects three state winners and those 22 posters are sent to compete in a 23 nationwide competition. Now we've 24 participated in this for less than 25 ten years. Despite that limited</p>

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<p>Sheet 7 Page 22</p> <p>1 number of years, there is a Guthrie 2 Junior High School art teacher named 3 Phyllis Creamer, she has had a 4 student with a poster that was one of 5 the national finalists. The top few, 6 I believe it's five national 7 finalists for three of those few 8 years, and one of those three years 9 one of her students was the national 10 winner. From all the art and the 11 home room teachers in the country, we 12 feel that's really extraordinary. So 13 we wanted to created an award called 14 "Oklahoma Radon Hero" and we felt Ms. 15 Creamer was an excellent way to start 16 that out, so she was given the award. 17 Qeshh Cornellous (phonetic) who some 18 of you may know, presented the award 19 to her at a school-wide assembly. 20 For upcoming business of the 21 Council, I mentioned Part 37. 22 Something else that's coming up, it 23 is likely next year we will be 24 presenting the Council with some 25 proposed rules on industrial</p>	<p>Page 24</p> <p>1 advised us we need explicit 2 legislative authorization to take an 3 action that would damage a person's 4 livelihood in that way. So we're 5 expecting to give proposed language 6 for this to the Legislature next 7 year. Assuming the Legislature 8 passes it, we expect to bring to the 9 Council rules that will implement the 10 legislation. We will be seeking 11 input from radiography licensees and 12 from other industries, I'm interested 13 in what the other represented 14 industries have to say about this as 15 kind of an independent look on what 16 circumstances justify revoking or 17 suspending a card. 18 We have had two incidents here 19 that I think are interesting enough 20 to talk about or important enough. 21 One of them dealt with an oil 22 field tracer studies company. A 23 worker for one of our licensees that 24 does this, failed to follow their 25 procedures, and he disposed of</p>
<p>Page 23</p> <p>1 radiographer certification. As a 2 service to industry, we're not 3 required to do it, but DEQ 4 administers a certification test for 5 industrial radiographers to get the 6 certification card, they have to work 7 -- have to have to work as 8 radiographers. This lets 9 radiographers meet this requirement 10 without having to go out of state to 11 take the certification test. Now 12 this is all done under NRC rules. 13 Their rules require that entities 14 that issue these certifications must 15 have procedures for suspension, 16 revocation, and reinstatement of the 17 certification. 18 When we did a legal review of 19 this area, the DEQ legal staff 20 decided that the language we had been 21 depending on for our authority to do 22 this didn't meet the current legal 23 and regulatory requirements for 24 something of that kind of impact on 25 individuals. So our attorneys</p>	<p>Page 25</p> <p>1 radioactive waste in the trash 2 dumpster of an unrelated and innocent 3 company. The waste tripped alarms at 4 a landfill, and DEQ investigated. We 5 were able to trace the waste back to 6 the licensee. The waste was of 7 concern because it was quite "hot" 8 and it was Iridium-192 in plastic 9 beads that are very readily 10 dispersible. We were incredibly 11 fortunate that the plastic containers 12 containing the waste did not rupture 13 in the garbage truck in handling, 14 that would have spread contamination 15 further, or that a dumpster diver 16 looking for scrap metal or whatever, 17 didn't get into them. 18 DEQ did enforcement for the 19 loss of control of radioactive 20 materials on this licensee and for 21 failure to follow their procedures, 22 and a financial penalty was imposed. 23 We had a second incident also 24 with Iridium-192, this originally 25 started on income tax day, believe it</p>

# Myers Reporting

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1 or not.

2 An industrial radiography

3 licensee unknowingly received a

4 powerful Iridium industrial

5 radiography source from the

6 manufacturer that had contamination -

7 - loose contamination on the outside.

8 In the course of their normal use,

9 their vehicle and the equipment they

10 used was contaminated with loose

11 Iridium. The levels were quite high,

12 as high as one roentgen per hour.

13 For comparison -- most of you know --

14 but for comparison federal and state

15 regulations require that the public

16 be kept out of areas reading .2

17 roentgens per hour or higher. The

18 clothing of one of the radiographers

19 was very lightly contaminated.

20 Nobody was injured in the incident.

21 The DEQ, and the State of Texas --

22 they worked at a Texas site -- the

23 licensee, and the manufacturer of the

24 radiographer source worked together

25 to survey and assess all the areas

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1 where the source had been used, and

2 make sure that there was no remaining

3 contamination.

4 The contaminated source has

5 been returned to the manufacturer.

6 The manufacturer is investigated.

7 Tentatively it appears that small

8 particles of radioactive Iridium were

9 accidentally incorporated in a weld

10 on the source during manufacture, and

11 they leached out over time which is

12 how it was able to pass the leak test

13 before it was transported to the

14 licensee.

15 These were both unusual

16 occurrences. John Flynn and I have

17 been asked, we're going to do

18 presentations at the meeting of all

19 the Agreement States -- the

20 Organization of Agreement States

21 meeting next week on these two

22 incidents because they're out of the

23 ordinary.

24 And I'll take a breath, and

25 that concludes my report.

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1 MR. MACDURMON: Thank you,

2 Mr. Broderick.

3 Next on the Agenda is a report

4 from Mr. Thompson.

5 MR. THOMPSON: The big news

6 is that the Executive Director is

7 going to retire October 1st. We

8 don't know for sure what's going to

9 happen at that point. We do have a

10 Board meeting next week in

11 Bartlesville, and there will be an

12 Executive Session for the Board to

13 discuss that. It's possible they

14 could take action and appoint the

15 Assistant Director as the Director or

16 as the Acting Director October 1st,

17 but they have not had an opportunity

18 to actually meet and determine

19 exactly what they're going to do

20 (inaudible) process. They could

21 determine that they're going to do

22 that and that's kind of at the end of

23 it (inaudible). They're going to

24 have some additional meetings and

25 take applications and do interviews,

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1 just like someone else. At this

2 point we don't know if there's any

3 major outside influence occurring on

4 that. So I think it's going to be

5 left up to the Board. We'll just

6 kind of wait and see what happens, so

7 next Tuesday will sort of be

8 interesting, that's when the meeting

9 is, and we'll let you know when we

10 know something.

11 And a couple of things going

12 on. Last session the legislature

13 passed a bill that collapsed quite a

14 number of Councils into fewer numbers

15 of Councils. And for us, they moved

16 the -- I'm not quite sure what the

17 titles were but there were two Water

18 Councils that were collapsed together

19 into, I guess, the Water and Waste

20 Water Council now. And the

21 Laboratory Services Council was also

22 placed in that. They just gave the

23 Laboratory Services Council two or

24 three seats on the Council. I don't

25 think that the folks involved, the

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<p>Sheet 9 Page 30</p> <p>1 municipalities and industry were too 2 happy about that. I think they felt 3 like it gave them less representation 4 at the Board. And I don't recall how 5 many other agencies were affected but 6 there were a number. And I think the 7 cost savings were not that impressive 8 in terms of the total cost savings 9 projected. But there's a chance 10 there could be more action like that 11 next session. Hopefully, that's it, 12 that somebody can get to them and 13 help them understand that, you know, 14 this a good way to do rulemaking 15 allowing people to have a voice in it 16 that are effected by it or interested 17 in it and there's probably not -- it 18 certainly wouldn't be a good idea to 19 collapse this Council into one of our 20 other Councils, I don't think, 21 because of the expertise that's 22 required to understand the issues. 23 And I don't have any reason to 24 believe that they're thinking about 25 that but they don't always advertise</p>	<p>Page 32</p> <p>1 or down, but I don't think we're 2 going to seek any additional 3 appropriated dollars in the next 4 session but I'll find out maybe 5 Tuesday. If not, at the November 6 Board meeting, for sure what we're 7 going to request, if any. 8         And there's a legislative study 9 going on on fees. There was going to 10 be a fee moratorium with some bills 11 introduced to (inaudible) a fee 12 moratorium by the Speaker of the 13 House and then those bills were 14 (inaudible) didn't make it and 15 instead it was turned into a 16 legislative study on fees, so that 17 they would at least have some basis 18 to determine whether it was 19 appropriate to put moratorium on all 20 fees or not. So we'll just see how 21 it goes. 22         And unless an employee has 23 gotten a promotion in the last seven 24 years, almost all of the employees in 25 the Agency have not received -- or in</p>
<p>Page 31</p> <p>1 what they're going to introduce until 2 they do it. So again, if we have 3 any indication that any more of that 4 is occurring we'll pass the word to 5 everybody and you can take whatever 6 actions you choose to do on that, you 7 know, talk to the folks and explain 8 what this particular Council or other 9 Councils do. 10         In general, we did pretty well 11 in the legislative session. We 12 actually got an increase in 13 appropriated dollars for the first 14 time in I don't know when. Except 15 for we've got some site-specific 16 appropriations in times in the past 17 but we have been cut back to about 18 1993 appropriation levels, the same 19 as when we became an agency. And 20 this last year 1.5 billion was added 21 to cover some costs for public water 22 supply testing for small towns to 23 restore some funding that had been 24 lost basically. I anticipate 25 potential issues about our funding up</p>	<p>Page 33</p> <p>1 most State Government have not 2 received a raise, and that hurts a 3 little bit given the price of food 4 and transportation and cost of goods 5 and services over the last two years, 6 buying power has definitely decreased 7 for folks. I'm starting to get a 8 little bit concerned about that and 9 the Legislature, one thing that's 10 being floated this week is cutback on 11 State insurance benefits, that, you 12 know, our insurance is too good. 13 And, you know, if we continue this 14 trend, with no raises at all, I think 15 some of our folks that are really 16 good employees that do good a job for 17 us that are pretty much maxed out on 18 where they can go are going -- you 19 know, for financial reasons going to 20 have to look outside the Agency. I 21 think we've lost a few folks across 22 the Agency already for that reason 23 but I think, you know, if it looks 24 like you're never going to get 25 another raise again, and you have a</p>

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<p>Sheet 10 Page 34</p> <p>1 family, some of these folks are going 2 to have to look elsewhere. So that's 3 a little bit of a concern. We're 4 hoping the Governor proposes 5 something. Last year the Governor 6 proposed a three percent raise but it 7 didn't go anywhere, and they're doing 8 another study this last session to 9 compare salaries to the private 10 sector and the other government 11 entities. And the study they did the 12 year before, I think, we were about 13 19 percent below average, so -- 14 compared to the private sector. But 15 I don't expect it would actually be 16 raised in the private sector but it 17 would be nice if the people got some 18 cost of living increases or some 19 reasonable increase. So that's a 20 long term concern for us depending on 21 how that goes. (Inaudible) with no 22 raise again this next year. I don't 23 know but the Governor, you know, in 24 an interview said that State Agencies 25 have the opportunity to raise their</p>	<p>Page 36</p> <p>1 Hearing none, we'll move on to 2 the next -- scheduling the next 3 meeting. 4 Mr. Broderick. 5 MR. BRODERICK: Okay. 6 Actually I'm going to ask John Flynn 7 to take charge -- oh, how are you 8 doing Mr. Heldebrandt. I'm going to 9 ask John Flynn to take charge of this 10 part of the meeting. He's got a -- 11 we would like to have two meetings 12 next year because we're going to have 13 the adoption of Part 37, we will 14 definitely have. Now that we could 15 get by in one meeting. For things 16 like what we did today that are 17 basically mandatory I'm not 18 embarrassed to basically to just ask 19 you to pass something in one meeting. 20 But we aspire, anyway, to also do 21 this stuff in industrial radiographer 22 certification that I talked about, 23 and that, I'm not comfortable with 24 basically having you come here with 25 something you looked at in the mail</p>
<p>Page 35</p> <p>1 salaries themselves if they could 2 afford it but I think not too many 3 agencies are willing to stick their 4 necks out that far without some 5 blessing of the Legislature and the 6 Governor's office directly on a 7 specific amount. So we'll see what 8 happens there. There's a chance 9 Steve will do something on his way 10 out the door. That might help a lot. 11 I think that's all I have. If 12 you guys have any questions, I'd be 13 happy to answer them if I can. 14 MR. MACDURMON: Any 15 questions or comments for Mr. 16 Thompson? 17 Thank you, Mr. Thompson. 18 The next thing on the Agenda is 19 a report from me, and I have none. 20 So we can move on to the next 21 Agenda Item which is new business. 22 Any matter not known about or which 23 could not have reasonably been 24 foreseen prior to the posting of the 25 Agenda for this meeting.</p>	<p>Page 37</p> <p>1 and ask you in a short meeting to 2 approve it. I'd like to have a 3 meeting where we can get input from 4 people and then come back and pass 5 it. So we would like two meetings 6 next year. John has a couple of 7 proposed dates and he would like your 8 input. 9 (Discussion of proposed meeting 10 dates) 11 MR. BRODERICK: I'll mention 12 to you something that's guiding me 13 picking these dates and that is we're 14 scheduled in August of next year, the 15 NRC will come to our -- what they 16 call IMPEP -- it stands for 17 Integrated Materials Program 18 Evaluation -- I can't remember what 19 the last "T" is, but I refer to it 20 as a proctological exam on the 21 regular license program. They look 22 at everything on our stuff. And I 23 want to be able to tell them that 24 hopefully that we've -- at least on 25 the rulemaking and all the</p>

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<p>Sheet 11 Page 38</p> <p>1 administrative stuff for the Part 37, 2 I want to be able to tell them that 3 we are taking steps to fix the 4 problem we've identified with 5 industrial radiographer certification. 6 Because they are within their rights. 7 Their rules say you can't issue cards 8 if you don't have rules for 9 revocation and suspensions. They 10 would be within their rights to call 11 me on the phone and say, you've got 12 to stop issuing cards. I don't have 13 any indication that they will do that 14 but I want to be able to show them 15 that we fixed it. So that's what's 16 guided my timing of these meetings to 17 meet that.</p> <p>18 (More discussion about dates) 19 MR. FLYNN: Okay. We'll go 20 for April 3rd in Oklahoma City and 21 July 31st in Tulsa.</p> <p>22 (Discussion on dates) 23 MR. WOODS: I'll make a 24 motion to approve the dates of April 25 3rd and July 31st as our meeting</p>	<p>Page 40</p> <p>1 MR. HONIGSBERG: Second. 2 MS. FIELDS: Mr. Conway. 3 MR. CONWAY: Yes. 4 MS. FIELDS: Mr. 5 Heldebrandt. 6 MR. HELDEBRANDT: Yes. 7 MS. FIELDS: Mr. Honigsberg. 8 MR. HONIGSBERG: Yes. 9 MS. FIELDS: Mr. MacDurmon. 10 MR. MACDURMON: Yes. 11 MS. FIELDS: Mr. Mitchell. 12 MR. MITCHELL: Yes. 13 MS. FIELDS: Mr. Woods. 14 MR. WOODS: Yes. 15 MS. FIELDS: Motion passed. 16 MR. MACDURMON: Meeting is 17 adjourned. 18 (Proceedings concluded) 19 (Meeting adjourned)</p>
<p>Page 39</p> <p>1 dates in the calendar year 2014. 2 MR. MACDURMON: Do I have a 3 second? 4 MR. CONWAY: I'll second. 5 MS. FIELDS: Mr. Conway. 6 MR. CONWAY: Yes. 7 MS. FIELDS: Mr. 8 Heldebrandt. 9 MR. HELDEBRANDT: Yes. 10 MS. FIELDS: Mr. Honigsberg. 11 MR. HONIGSBERG: Yes. 12 MS. FIELDS: Mr. MacDurmon. 13 MR. MACDURMON: Yes. 14 MS. FIELDS: Mr. Mitchell. 15 MR. MITCHELL: Yes. 16 MS. FIELDS: Mr. Woods. 17 MR. WOODS: Yes. 18 MS. FIELDS: Motion passed. 19 MR. MACDURMON: I don't have 20 any announcements to make. 21 So with that, I would entertain 22 a motion to adjourn. 23 MR. WOODS: So moved. 24 MR. MACDURMON: Do I have a 25 second?</p>	<p>Page 41</p> <p>1 CERTIFICATE 2 STATE OF OKLAHOMA ) 3 ) ss: 4 COUNTY OF OKLAHOMA ) 5 I, CHRISTY A. MYERS, Certified 6 Shorthand Reporter in and for the 7 State of Oklahoma, do hereby certify 8 that the above meeting is the truth, 9 the whole truth, and nothing but the 10 truth; that the foregoing meeting was 11 taken down in shorthand and 12 thereafter transcribed by me; that 13 said meeting was taken on the 15th 14 day of August, 2013, at Tulsa, 15 Oklahoma; and that I am neither 16 attorney for, nor relative of any of 17 said parties, nor otherwise 18 interested in said action. 19 IN WITNESS WHEREOF, I have 20 hereunto set my hand and official 21 seal on this, the 5th day of 22 September, 2013. 23 <i>Christy A. Myers</i> 24 <u>CHRISTY A. MYERS, C.S.R.</u> 25 Certificate No. 00310</p>

