

MINUTES
RADIATION MANAGEMENT ADVISORY COUNCIL
March 12, 2003
DEQ Multipurpose Room
Oklahoma City, Oklahoma

Approved
September 10, 2003

Notice of Public Meeting The Radiation Management Advisory Council convened for a regular meeting at 10:00 a.m. on March 12, 2003, in the Multipurpose Room of the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma. This meeting was held in accordance with 25 O.S. Sections 301-314, with notice of the meeting given to the Secretary of State on December 6, 2002 and amended on December 11, 2002. The agenda was mailed to interested parties and posted at the entrance doors of the Department of Environmental Quality on March 10, 2003.

Chairman Gooden called the meeting to order. Roll call was taken and a quorum was confirmed.

MEMBERS PRESENT

Donald Brewer
Monte Goucher
Larry Hawkins
Burl Nethercutt
Steve Woods
David Gooden

MEMBERS ABSENT

Steve Clark
George Fowler
Karen Jennings

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.

Mr. McHard introduced Mr. Monte Goucher, the newest Council member; and also introduced the DEQ staff and members of the public.

Election of Chair -- Mr. McHard advised that the law requires that the Chair and Vice-Chair be elected at the Council's first meeting of the year. Mr. Woods nominated Dr. Gooden for the Chair and the second was made by Mr. Brewer. Dr. Gooden was elected with a unanimous vote and he voiced his appreciation for this re-election.

Roll Call		Burl Nethercutt	Yes
Donald Brewer	Yes	Steve Woods	Yes
Monte Goucher	Yes	David Gooden	Abstain
Mr. Hawkins	Yes	Motion Carried	

Election of Vice-Chair -- Mr. McHard opened the floor for nominations. Mr. Nethercutt recommended Mr. Woods and Mr. Brewer made the second. Mr. Woods was also

received unanimously. Mr. Woods thanked the Council for allowing him to serve in this capacity.

Roll Call		Burl Nethercutt	Yes
Donald Brewer	Yes	Steve Woods	Abstain
Monte Goucher	Yes	David Gooden	Yes
Mr. Hawkins	Yes	Motion Carried	

Approval of Minutes -- Dr. Gooden called agenda item number 6, Approval of Minutes of the November 6, 2002, Regular Meeting. Mr. Woods made motion to approve the Minutes and Mr. Nethercutt made the second. Mr. Hawkins stated that there had not been sufficient time for review of the Minutes and received an apology from staff that they had not been sent earlier. Dr. Gooden mentioned that he appreciated the transcript being added to the Minutes and asked for roll call to be taken. With four “ayes” and two abstentions, the motion was denied. Approval of the November 6, 2002 Minutes will be made a part of the next meeting agenda.

Roll Call		Burl Nethercutt	Yes
Donald Brewer	Yes	Steve Woods	Yes
Monte Goucher	Abstain	David Gooden	Yes
Mr. Hawkins	Abstain	Motion denied	

Discussion of changes needed in radiation rules -- Dr. Gooden called agenda item 9 and asked Mr. Mike Broderick to lead the discussion for some needed changes in the radiation rules. Mr. Broderick stated that there are a number of changes that will need to be made but pointed out two that were of the greatest interest: governing X-ray radiography and naturally-occurring and accelerator-produced radioactive materials. He provided Council with a draft version of the rules along with a summary of those changes proposed.

Mr. Broderick explained first about the X-ray radiography stating that there will be a requirement for a certification card to do X-ray radiography. He added that other states are concerned because Oklahoma does not require the certification and that Oklahoma’s radiographers would be in violation of their rules. Mr. Broderick felt that this could cause problems when doing business across state lines. He added that the changes proposed in Subchapter 15 support those needs. Dr. Gooden opened the floor for discussion of each of the proposed changes.

Agenda items 9D and 9E involved the timeframe to begin formal rulemaking of the proposed rule changes. Mr. Broderick advised that Council’s next regular meeting would be September 10. Dr. Gooden proposed a special meeting in June to give Council an opportunity for updates of staff’s proposals and to make sure the 2004 deadline is met. After discussion, it was decided that the special meeting could be held if necessary to finalize discussion from the September regular meeting. A special meeting was tentatively set for December 3, 2003 at the DEQ Multipurpose room.

Report of Radiation Management Section activities -- Mr. Broderick reported that Mr. Steve Woods had presented rulemaking on general license devices to the Environmental

Quality Board at its February 28 meeting. Mr. Broderick advised that the Board approved those rules and that he had received many favorable comments regarding Mr. Woods' presentation.

Division Director's Report – Mr. Scott Thompson reported on the latest legislative developments and the budget requirements.

Chairman's Report – Dr. Gooden stated that he had nothing in particular to discuss and adjourned the meeting at 12:05 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
OF RADIATION MANAGEMENT ADVISORY COUNCIL
HELD ON MARCH 12, 2003, AT 10:00 A.M.
IN OKLAHOMA CITY, OKLAHOMA

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REPORTED BY: Christy A. Myers, CSR

MYERS REPORTING SERVICE
(405) 721-2882

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MEMBERS OF THE COUNCIL

- DR. DAVID GOODEN, CHAIRMAN
- STEVE WOODS, VICE-CHAIRMAN
- MONTE GOUCHER, MEMBER
- DR. JENNIFER GALVIN, MEMBER
- KAREN JENNINGS, ABSENT
- BURL NETHERCUTT, MEMBER
- LARRY HAWKINS, MEMBER
- DONALD BREWER, MEMBER

STAFF MEMBERS

- MYRNA BRUCE, SECRETARY
- DALE MCHARD, STAFF
- MIKE BRODERICK, STAFF
- PAM BISHOP, STAFF
- PAM DIZIKES, STAFF ATTORNEY
- MARY JOHNSON, STAFF
- RENEE MCCONNELL, STAFF
- SCOTT THOMPSON, DIRECTOR

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PROCEEDINGS

DR. GOODEN: Let's bring this

5 meeting to order. We've got a number of
6 things to address this morning. Mr.
7 McHard, if you would call the roll, please.
8 MS. BRUCE: I think that might be
9 me, now.
10 Mr. Nethercutt.
11 MR. NETHERCUTT: Here.
12 MS. BRUCE: Mr. Clark is absent.
13 Mr. Hawkins.
14 MR. HAWKINS: Here.
15 MS. BRUCE: Mr. Goucher.
16 MR. GOUCHER: Here.
17 MS. BRUCE: Mr. Woods.
18 MR. WOODS: Here.
19 MS. BRUCE: Ms. Jennings is
20 absent. Mr. Brewer.
21 MR. BREWER: Here.
22 MS. BRUCE: Mr. Fowler is absent.
23 Dr. Gooden.
24 DR. GOODEN: Here.
25 Mr. McHard, would you welcome and

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1 introduce new Council Members, please?
2 MR. MCHARD: Yes, I'd be glad to.
3 Immediately to my right is Mr.
4 Goucher, who is our new Council Member.

5 His first name is Monte. And some brief
6 introductory information about him -- he
7 has a Bachelor of Science from Oklahoma
8 State University, presently working on an
9 M.S. Degree at Oklahoma State University.
10 He is the president of Goucher &
11 Associates, Inc., which is a civil
12 engineering firm in Clinton, Oklahoma, that
13 specializes in design, construction
14 management, and materials testing. And his
15 company does utilize radioactive material
16 for compaction testing of soils on
17 construction projects. He lives in
18 Clinton.

19 And we certainly welcome you to the
20 Council, Mr. Goucher. And we're pretty
21 informal, so we'll probably start calling
22 you Monte, if that's okay.

23 MR. GOUCHER: That would be fine.

24 Thank you.

25 MR. MCHARD: Again, welcome.

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1 Shall we go on to 4?

2 DR. GOODEN: Yes.

3 MR. BRODERICK: I would ask,

4 would it be for Mr. Goucher's benefit if --

5 would it be a good idea to introduce the
6 other members of the staff?

7 MR. MCHARD: Would you like for
8 me to do that?

9 DR. GOUCHER: Yes, if you would,
10 please.

11 MR. MCHARD: Over by the window
12 is Burl Nethercutt. He's from Tulsa, and
13 he formally was the RSO at American
14 Airlines facility in Tulsa. He kept those
15 airplanes flying, as I say.

16 Next to you, on your right, is Mr.
17 Hawkins, Larry Hawkins, from the University
18 of Oklahoma. He is the RSO at the OU
19 campus at Norman.

20 To my left is David Gooden. Dr.
21 Gooden is a medical physicist, and he's
22 been active on the Council for many years.

23 Next to him is Steve Woods. He's
24 with Haliburton in Duncan. He lives in
25 Sulphur. He's a professional engineer, as

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1 you are.

2 And then down the way is Donald
3 Brewer. Mr. Brewer, you may have to
4 correct me, but I think you're with LaBarge

5 Company, which is a company that makes
6 various steel things -- tanks, et ceteras,
7 if you don't mind my saying that. He lives
8 in Broken Arrow, but his plant where he
9 works is in Sapulpa.

10 MS. GALVIN: Pryor.

11 MR. MCHARD: Pryor, excuse me.

12 And then on the end is Jennifer
13 Galvin. Dr. Galvin has a Pd.D in
14 industrial hygiene. And this may be
15 something new to you, but each of the
16 Councils that are associated with the
17 Department of Environment Quality, have one
18 of those Environmental Quality Board
19 Members -- they're pictured up there on the
20 wall -- assigned to a particular Council.
21 Our representative from the EQ Board is Dr.
22 Galvin. We're very pleased to have her.

23 DR. GALVIN: I was the brunette
24 several years ago.

25 (Laughter from the Council)

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1 MR. MCHARD: She's the one on top
2 there, with the dark glasses. Dr. Galvin
3 is in charge of industrial hygiene and
4 related safety concerns for the Phillips

5 Company in Bartlesville. This is world-
6 wide, pretty much? Yeah. So, she has a
7 pretty hefty responsibility.

8 I'll mention that Mr. Clark, who is
9 missing, is also employed by Phillips 66 in
10 Bartlesville. The good doctor told him to
11 go to the east coast and solve a problem,
12 so that's why he's not here today.

13 And the empty chair is Ms. Jennings,
14 Karen Jennings. She is a school teacher,
15 who teaches in El Reno. And I expected her
16 today, but apparently she couldn't get off
17 of school. She has to get permission to
18 get off school to come to these meetings
19 when they are held at this time of the day.

20 Is that sufficient?

21 MR. GOUCHER: Thank you. It's
22 nice to meet you all.

23 MR. BRODERICK: You may want to
24 introduce the staff.

25 MR. MCHARD: Okay. While I'm at

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1 it, shall I just introduce the staff?

2 Let's see. I'm Dale McHard. You
3 and I have spoken several times on the
4 phone.

5 This lady here in the front is Pam
6 Bishop. She is our senior health physicist
7 for the Radiation Management section.

8 Next to her, in the blue coat, is my
9 boss, that's Mike Broderick. He is the
10 manager of the Radiation Management
11 section.

12 And directly in front of you, in the
13 brown suit, is Scott Thompson. He is our
14 Division Director of the Land Protection
15 Division, which is basically everybody on
16 the fifth floor of this building. It's a
17 pretty good-size responsibility for him to
18 have. He has a number of programs. I'll
19 let him tell you what those are, but
20 Radiation Management does fall under Land
21 Protection.

22 The other two divisions we have in
23 the agency are, Air Quality Division, and
24 Water Quality Division. So we have air,
25 water and land within DEQ. We do, usually

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1 very informally, refer to the agency as DEQ
2 and don't spell it out or say it.

3 Next to Mr. Thompson is our -- this
4 is for the whole Council, because she's new

5 -- this is Pam Dizikes. I knew I was going
6 to mispronounce your name, Pam. I
7 apologize. She is our new attorney of
8 record for the Council. Each of the
9 Councils do have an attorney, which comes
10 out of our legal division, that represents
11 that Council in matters that relate to
12 those types of things.

13 Let's see, other staff members --
14 way back in the back is Mary Johnson, who
15 is our executive secretary in the Land
16 Protection Division.

17 I believe that's all the staff over
18 there. And we have -- we do take word-for-
19 word transcription of these meetings and
20 that's Christy Myers, who is our court
21 reporter.

22 And then next to her, in the orange
23 suit, is Myrna Bruce, who is the --
24 basically she is kind of my boss. Since
25 I'm the secretary to one Council, she's the

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1 secretary to all the Councils as well as to
2 the EQ Board. And she handles those things
3 between the meetings that have to be
4 handled to satisfy legal requirements or

5 other problems that might pop up.

6 Did I introduce everybody? No, I
7 did not. The lady who signed everybody in,
8 sitting over there at the table, is Renee
9 McConnell. She is a part-time employee of
10 the Radiation Management section, and she's
11 also a part-time employee of --

12 MR. BRODERICK: Solid Waste
13 Program.

14 MR. MCHARD: -- Solid Waste,
15 which is another part of Land Protection
16 Division. Did I cover everybody but the
17 public that are attending? Have I
18 sufficiently confused you?

19 MR. GOUCHER: No.

20 MR. MCHARD: Okay.

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

23 Let's move to Agenda Item No. 4,
24 Election of Council Chair. Would you
25 handle that particular item?

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1 MR. MCHARD: Very well. I will
2 remind you -- and since Monte is new I will
3 certainly remind him, that the law requires
4 that, each year, during the first meeting

5 of a Council, that we elect both a Chairman
6 or Chairwoman, and a Vice-Chairman or Vice-
7 Chairwoman. And it does not barr the re-
8 election of the current two people who are
9 holding those positions. And for your
10 benefit, I will say that, at the moment,
11 Dr. Gooden is the Chairman, and Mr. Woods,
12 next to him, is the Vice-Chairman.

13 The other thing that I should remind
14 everybody, is that if you nominate a
15 person, you should have that person's
16 acquiescence, to not only be elected but
17 also to serve in this position. It does
18 require some extra work, depending upon how
19 many meetings we hold in a year's time, and
20 also whether we go with a proposed
21 rulemaking before the Environmental Quality
22 Board.

23 So with those remarks, I will open
24 the floor for nominations for the Council
25 Chairman or Chairwoman.

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1 David.

2 MR. WOODS: Mr. McHard, I'd like
3 to nominate Dr. Gooden for Chairman.

4 MR. BREWER: Second the motion.

6 Let's move to Agenda Item No. 5,
7 which is the election of the Vice-Chair.

8 And I will entertain motions.

9 MR. NETHERCUTT: I recommend Mr.
10 Woods.

11 MR. BREWER: Second. I second
12 the motion.

13 DR. GOODEN: We have a nomination
14 of Mr. Woods and a second. Are there any
15 other nominations? Third call for
16 additional nominations. Call for the
17 question.

18 All those in favor of Mr. Woods as
19 Vice-Chair signify by saying, aye.

20 COUNCIL MEMBERS: (Unanimously)
21 Aye.

22 DR. GOODEN: All opposed, nay.

23 COUNCIL MEMBERS: (No verbal
24 response.)

25 MR. MCHARD: I think that we

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1 really should have had a roll call, if I'm
2 not mistaken. What do you say, Pam?

3 MS. DIZIKES: Why don't you go
4 ahead and have a roll call.

5 MR. MCHARD: Okay. I see on my

6 record that I need to have a roll call. So
7 I'm going to call the roll for the election
8 of Dr. Gooden.

9 Mr. Brewer.

10 MR. BREWER: Yes.

11 MR. MCHARD: And that was -- that
12 was Mr. Nethercutt that was the person who
13 nominated?

14 MR. WOODS: I nominated.

15 MR. MCHARD: Oh, I'm sorry. Then
16 who was it that was --

17 DR. GOODEN: Mr. Woods nominated.

18 MR. MCHARD: Mr. Woods. Okay.

19 All right.

20 Mr. Brewer, I'll start again.

21 MR. BREWER: Yes.

22 MR. MCHARD: Mr. Goucher.

23 MR. GOUCHER: Yes.

24 MR. MCHARD: Mr. Hawkins.

25 MR. HAWKINS: Yes.

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1 MR. MCHARD: Mr. Nethercutt.

2 MR. NETHERCUTT: Yes.

3 MR. MCHARD: Mr. Woods.

4 MR. WOODS: Yes.

5 MR. MCHARD: And for the record,

6 that's five voting, aye. Dr. Gooden, do

7 you wish to vote?

8 DR. GOODEN: If you need my aye,
9 I'll give you my aye.

10 MR. MCHARD: I don't need your
11 aye.

12 DR. GOODEN: I will abstain then.

13 MR. MCHARD: Dr. Gooden is
14 abstaining. Therefore, I declare that Dr.
15 Gooden has been re-elected as Chairman of
16 the Council.

17 Now the nominee for Vice-Chairman
18 was Mr. Woods. By Mr. Nethercutt. And the
19 second was, Mr. Brewer --

20 MR. BREWER: Yeah.

21 MR. MCHARD: -- again? Okay.
22 And I will call the roll to determine the
23 vote. Mr. Brewer.

24 MR. BREWER: Yes.

25 MR. MCHARD: Mr. Goucher.

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1 MR. GOUCHER: Yes.

2 MR. MCHARD: Mr. Hawkins.

3 MR. HAWKINS: Yes.

4 MR. MCHARD: Mr. Nethercutt.

5 MR. NETHERCUTT: Yes.

6 MR. MCHARD: Dr. Gooden.

7 DR. GOODEN: Yes.

8 MR. MCHARD: And do you care to
9 vote, Mr. Woods?

10 MR. WOODS: No, I'll abstain.

11 MR. MCHARD: Mr. Woods abstains
12 from voting. And therefore, I declare that
13 Mr. Woods is elected on a vote of five ayes
14 and one abstention for the position of
15 Vice-Chairman for the calendar year 2003.

16 DR. GOODEN: Thank you, Mr.
17 McHard.

18 MR. WOODS: I'd like to thank the
19 Members of the Council for their continued
20 -- for allowing me to serve in this
21 capacity. Thank you.

22 DR. GOODEN: Moving to Agenda
23 Item No. 6. Approval of the Minutes of the
24 November 6, 2002 Meeting. Do I hear a
25 motion regarding approval of these Minutes?

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1 MR. WOODS: I make a motion to
2 approve the Minutes of November 6, 2002.

3 MR. NETHERCUTT: I second.

4 MR. MCHARD: That was Mr. Woods
5 who made the motion. Mr. Nethercutt
6 seconded.

7 MR. HAWKINS: I have a question
8 on the Minutes. Would it be possible for

9 us to have these before we arrive here?

10 MR. MCHARD: In the future, yes.

11 MR. HAWKINS: Okay. Because I
12 haven't had time to read through them for
13 this meeting.

14 MR. MCHARD: I don't want to
15 leave it at that, so I will say that the
16 delay was related to preparing for this
17 meeting and it had nothing to do with
18 Christy Myers at all. And it was simply a
19 matter of staff, basically Dale McHard, not
20 getting them out to you sooner.

21 MR. HAWKINS: All right, then.
22 That's okay with me then.

23 DR. GOODEN: I think this is the
24 first time we've had the official
25 transcript --

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1 MR. MCHARD: Yes. Yes.

2 DR. GOODEN: -- isn't it? I like
3 it very much, so I'm looking forward to
4 getting Minutes like this in the future.

5 (Comment by court reporter)

6 DR. GOODEN: So we have a motion
7 to approve the Minutes and a second. Any
8 discussion? Further discussion? Call for
9 the question.

10 MR. MCHARD: Mr. Brewer.
11 MR. BREWER: Yes.
12 MR. MCHARD: Mr. Goucher.
13 MR. GOUCHER: I will abstain,
14 since I did not attend this particular
15 meeting.
16 MR. MCHARD: Mr. Goucher
17 abstains. Mr. Nethercutt.
18 MR. NETHERCUTT: Yes.
19 MR. MCHARD: Mr. Woods.
20 MR. WOODS: Yes.
21 MR. MCHARD: Dr. Gooden.
22 DR. GOODEN: Yes.
23 MR. MCHARD: We have five ayes
24 and -- whoops, excuse me, we have four ayes
25 and one abstention. One, two, three, four

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1 --
2 MR. HAWKINS: You didn't call my
3 name.
4 MR. MCHARD: I'm sorry. Oh, man.
5 Mr. Hawkins.
6 MR. HAWKINS: I'm going to
7 abstain because I didn't attend this
8 meeting, and I don't -- haven't had a
9 chance to read the Minutes.
10 MR. MCHARD: So, Mr. Hawkins also

11 abstains. So we have two abstentions and
12 four ayes. And I do not know what to do in
13 this case.

14 DR. GOODEN: What is the number
15 needed for a quorum?

16 MR. MCHARD: Five.

17 DR. GOODEN: Five. Let's pose
18 this question to our legal --

19 MS. DIZIKES: There is no problem
20 putting off approval of the Minutes until
21 the next meeting. We will then have two
22 sets of Minutes to approve.

23 DR. GOODEN: Okay.

24 MR. MCHARD: That'll work.

25 DR. GOODEN: All right. Well, we

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1 will address the issue of the approval of
2 the November 6, 2002 Minutes at our next
3 meeting.

4 And let's move to the next agenda
5 item, which is introduction of members of
6 the public. Mr. McHard, if you would help
7 me with that, I would appreciate it.

8 MR. MCHARD: Okay. As I usually
9 start off this introduction, I will do so
10 again. I apologize in advance if I

11 mispronounce your name, particularly those
12 of you that I have just recently met, or
13 met for the first time this morning. And I
14 will start with Dr. Ficken. Vernon Ficken
15 is the gentleman by the window. Good to
16 see you again, sir.

17 DR. FICKEN: Thank you.

18 MR. MCHARD: And down that table,
19 in a white shirt, is George MacDurmon, who
20 is the RSO and health physicist at the
21 University of Oklahoma Health Sciences
22 Center. Good to see you, George.

23 And next to him in the orange
24 sweater is Carrie --

25 DR. GOODEN: Carrie.

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1 MR. MCHARD: Carrie, I apologize.
2 Carrie Arside, is that correct? Carrie
3 Arside, she is a medical physicist who is
4 associated with Dr. Gooden's group in
5 Tulsa.

6 Robert -- let's see. Let me --

7 MR. TYE: Tye.

8 MR. MCHARD: Robert Tye, is it,
9 sir?

10 MR. TYE: Yes.

11 MR. MCHARD: Robert Tye, he is

12 with the Oklahoma City Bomb Squad.

13 MR. TYE: County.

14 MR. MCHARD: County. Oklahoma
15 County, okay. I had better write that
16 down. Oklahoma County. All right -- Bomb
17 Squad. And they do use X-rays, X-ray
18 machines.

19 Next to him is Mike McPherson --

20 MR. MCPHERSON: Oklahoma City
21 Bomb Squad.

22 MR. MCHARD: He's with the
23 Oklahoma City Police Department Bomb Squad.
24 Again, they do use industrial X-ray for
25 identification purposes.

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1 And next to him is Roger Waynan?

2 MR. WAGONNER: Wagonner.

3 MR. MCHARD: Wagonner.

4 MR. WAGONNER: Oklahoma City Bomb
5 Squad.

6 MR. MCHARD: And that's W-A-G-O-
7 N-N-E-R?

8 MR. WAGONNER: Yes, sir.

9 MR. MCHARD: Okay. I'm spelling
10 these names out for those of you that don't
11 -- aren't aware that, as Myers does make

12 every effort to get names spelled
13 correctly, and we appreciate that.

14 COURT REPORTER: Thank you.

15 MR. MCHARD: And, I believe
16 that's all the members of the public that
17 are present.

18 DR. GOODEN: I'd like to welcome
19 each of you, and it's unusual to have this
20 much talent in one of our meetings, so I
21 hope we'll have some discussion from the
22 public towards the end of the meeting. So,
23 we look forward to that.

24 (Item No. 8 Concluded)

25

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1 (Item No. 9)

2 DR. GOODEN: Moving on to Agenda
3 Item No. 9. We do need to discuss some
4 changes that are needed in our radiation
5 rules. And Mr. Broderick, if you would
6 lead us in that discussion, I would
7 appreciate it.

8 MR. BRODERICK: Certainly. There
9 are a number of changes we need to make.
10 I've briefed the Council on most of these
11 before. The two that are probably of the
12 greatest interest are: governing X-ray

13 radiography; and the second one is the
14 integration of accelerator-produced in
15 certain types of naturally-produced
16 radioactive materials, in with the
17 agreement STAGS rules. I'll cover the X-
18 ray radiography first. Dale is passing out
19 for you, a summary of the changes that we
20 are proposing.

21 Basically, the background -- I know
22 most of the Council Members have heard
23 this, but for the Bomb Squad, I know you
24 guys have. tremendous interest in this, why
25 this is proposed. For the people that do

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1 commercial radiography, there is a
2 requirement that they be -- in many states,
3 that they be certified in X-ray -- to do X-
4 ray radiography. Texas in particular has
5 that kind of requirement, and a lot of our
6 radiographers do, up here in Oklahoma, go
7 to Texas, do a fair amount of business.
8 For people who do materials radiography, I
9 don't -- you, as I understand it, don't do
10 materials radiography, but you're probably
11 aware that you can do industrial
12 radiography with a radioactive material

13 instead of an X-ray machine.

14 Nationally, that certification card
15 is required for material. For X-ray, only
16 certain states require it. Oklahoma does
17 not require such a card. We do issue a
18 card -- actually we don't issue a card just
19 for X-raying, but we issue a "both" card
20 that authorizes materials and X-ray.

21 Now, some of the other states that
22 require X-ray radiography, have
23 communicated to us, they are concerned that
24 our X-ray radiography rules in Oklahoma are
25 not as stringent as those of the other --

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1 at least of the states that require the
2 certification. And they are concerned that
3 radiographers from Oklahoma will go on
4 business into those states and do
5 radiography, and do it in the manner
6 they're accustomed to do in Oklahoma, which
7 -- and in the way, what's called
8 reciprocity. The way this transporter
9 stuff works, our radiographers would be in
10 violation of their rules then. And
11 basically, they have told us that they will
12 stop recognizing the card that we issue, if
13 we don't change our rules to be in line

14 with that.

15 Now for the most part, with a couple
16 of exceptions, I felt like our -- I
17 personally felt like our X-ray, radiography
18 rules were adequate before this, so that
19 doesn't cause me, in terms of as a
20 regulator, great grief. But it would
21 create a problem for the radiographers in
22 the state to do business across the state
23 lines, and we want to support them as much
24 as we can. So, we're proposing these
25 changes.

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1 And there are a couple of things
2 they brought up, which I have to admit,
3 that need to be changed. I was a little
4 embarrassed they weren't in the rules to
5 begin with. So, that's what the purpose of
6 these rules are today. You have a list of
7 changes here. I don't know how much detail
8 you want me to go into. Do we want to go
9 bullet-by-bullet on the changes? Or how do
10 you want to do it?

11 DR. GOODEN: Well, if we're
12 talking about X-ray, is that one of the
13 subchapters, or --

14 MR. BRODERICK: Subchapter 15,
15 is where at least the great bulk of the X-
16 ray changes are. Subchapter 15 deals with
17 X-ray, radiography.

18 DR. GOODEN: Let's touch on each
19 of these points.

20 MR. BRODERICK: Okay. Well, the
21 biggest change -- basically, the biggest
22 change that we have, there are three -- I
23 forget the exact term, but the legal term -
24 - subsections added at the end. And these
25 are all to address the concerns of these

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1 other states. One of them is utilization
2 logs. Basically, with materials
3 radiography you have to have a utilization
4 log, where the cameras are stored. And you
5 -- basically it's a thing where you sign
6 out the equipment. And it says, Josh
7 Medlap signed out machine number six, and
8 he's going to the ABC Company to do -- and
9 he signed it out at 6:00 A.M. on June 15th,
10 that kind of thing. And so 15-8, it's on
11 page thirty of my copy, and I think it's
12 the same as everybody's, page thirty, rule
13 410-15-8 would require a utilization log,
14 basically.

15 And then 15-9 sets out the personnel
16 monitoring. This is probably the biggest
17 change -- the one that will have the
18 broadest effect. Basically, what we have
19 done is made the rules for the personnel
20 monitoring equipment for X-ray radiography
21 the same -- as best we can. The same as
22 they are for materials radiography. And
23 that basically requires three different
24 devices to be worn. One of them is an
25 alarm rate meter, which is basically a

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1 little box that you can set to a certain
2 level -- I believe it's usually set at two
3 mill -- but basically when it gives a
4 radiation field above a certain level, it
5 starts beeping.

6 One of them is a pocket dosimeter.
7 Basically, there is -- the most common form
8 you have seen probably in the movies, the
9 little pen-shaped things that you look
10 through at the light, and it gives you a
11 reading, an instant and on-the-spot reading
12 of your radiation level. Some of -- there
13 are newer ones that are electronic that do
14 the same job, that are already used.

15 And the third one is the one we've
16 always required. It's basically a -- what
17 we call the individual badge. There was a
18 lot of debate among the staff of what the
19 best term to use for these different -- the
20 terminology, that wouldn't be confusing.
21 But the individual badge -- it's the film,
22 basically it either has film in it or
23 something that is sensitive to radiation,
24 so that it can be processed off by a
25 laboratory and give a very precise reading.

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1 But you can't get an instantaneous reading.
2 But the dosimeters, the pocket dosimeters
3 are not very precise, but you can get an
4 on-the-spot reading. Whereas the badges
5 are much more precise, and they're still
6 not real precise, but they're more precise,
7 but they can't be read instantaneously.

8 Now the presence of the Bomb Squad
9 people here has reminded me of an issue
10 which, frankly, I hadn't thought of in
11 connection with this. I know -- you guys
12 are fortunate in one sense, because I was
13 in the Army at one time and I was trained -
14 - fortunately I never had to do it for
15 real, but I was trained to disarm mines,

16 boobie-traps and things. I know in that
17 environment, you want to work, you don't
18 want anything in contact -- at least the
19 way I was trained, and I understand yours
20 is similar, you don't want anything that
21 doesn't absolutely have to be there in
22 contact with your upper body and your hands
23 and things. Because it reduces your
24 senses, and it can catch on wires and
25 things like that. I assume that that's

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1 what you're especially interested in.
2 Now in the past -- and, Pam, correct
3 me on this, but haven't we usually,
4 basically said that when they're operating
5 with bomb -- in a real environment, whether
6 disarming a real bomb or suspected bomb,
7 with the radiation that comes from the X-
8 ray machine is the least of your worries,
9 as far as safety. And basically we haven't
10 held them to that account; isn't that
11 correct? Is that what your concern is? I
12 assume -- am I misreading your intention?
13 I assume you're extremely interested in
14 that issue; is that correct?
15 MR. MCPHERSON: We're extremely

16 interested in that --

17 COURT REPORTER: Sir, I'm sorry.

18 Would tell me your name again?

19 MR. MCPHERSON: Dwight McPherson,

20 OCPD.

21 COURT REPORTER: Thank you.

22 MR. MCPHERSON: And we're kind of

23 concerned about -- there's an exemption in

24 here for us paying the fees, the two

25 hundred and eighty dollars. In my case

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1 it's two hundred and eighty dollars a year.

2 We have three of our X-ray machines

3 registered. When we use our machines,

4 there is basically no one around, except

5 for the Bomb Tech, and he is without range

6 of the X-ray machines. My understanding is

7 that there's nobody in the state that has a

8 tester that can even test our machine,

9 because ours is --

10 MR. BRODERICK: You have the

11 pulse?

12 MR. MCPHERSON: -- the pulse is

13 so fast, that your tester machines will not

14 even test it. And we're like everybody

15 else, in a budget crunch like we are right

16 now, if we can save two hundred and eighty

17 dollars by having the fees exempt.

18 MR. BRODERICK: Okay, I'm going
19 to let you say your -- as far as the
20 dosimetry issue, we have -- I think for a
21 good reason I think you've got a very valid
22 concern, and we're with you on the
23 dosimetry issue. We don't intend to hold
24 you to that. I am not eager to exempt you
25 from -- I'm going to defer to Scott, if he

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1 wants to --

2 MR. THOMPSON: Well, I say we
3 take that under consideration. You might
4 give us a letter or something, expressing
5 your concern and exactly the nature of the
6 exemption you require. Just take it under
7 consideration as we all do.

8 MR. BRODERICK: These rules are
9 not going in place immediately.

10 MR. MCPHERSON: In the new rule
11 you're going to exempt us from that?

12 MR. BRODERICK: Pardon me?

13 MR. MCPHERSON: I said, in the
14 new rule you're going -- the dosimeter
15 badges and all that, we're going to be
16 exempt from that --

17 MR. BRODERICK: That's correct,
18 I'm with you on that. I think you've got a
19 very valid concern, and I'm with you.

20 MR. MCPHERSON: Ours is like
21 every other state that's requiring you to
22 do this. Where we're trained is at Red
23 Stone Arsenal, in Alabama. And we've been
24 through the whole scenario with the other
25 states. And basically, they're exempt from

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1 the fees, because it's a governmental
2 agency. And with our type of X-ray, I mean
3 we have to -- if we're going to X-ray a
4 package, we're going to evacuate everybody
5 around it. There's no concern except for
6 that one Bomb Tech, and he's going to be,
7 usually, three hundred feet from the
8 machine when he does his X-ray, because of
9 the fact that there are switches out there
10 that can detect X-ray, and, when we shoot
11 it, there's a possibility that that bomb
12 can go off. So we're going to be back a
13 safe distance anyway.

14 DR. GOODEN: And you have an
15 imaging device that's remote to your X-ray
16 machine. It's back with the tech.

17 MR. MCPHERSON: Yeah, most of the

18 time we do a (inaudible), we shoot it, we
19 will re-approach, take our dosimeter
20 machine back, we'll develop the film --

21 DR. GOODEN: Okay.

22 MR. MCPHERSON : -- we do have
23 live imaging with RTR4, and it's basically
24 -- it has its imager -- if that package
25 happens to be far enough away from the

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1 wall, we can get the big computerized
2 imager back there that, yeah, we will set
3 that in our computer, and be three hundred
4 feet away. And we'll see what we get on
5 the X-ray from there. We can re-shoot, or
6 whatever, right from that console.

7 DR. GOODEN: Since this is an
8 area that we don't know much about, if you
9 had a call to a package that was
10 suspicious, what's the probably that you
11 would use X-ray? Is it a real high
12 probability that you'll use X-ray, or a
13 real low probability that you'll use it?

14 MR. MCPHERSON: Most generally we
15 will use it.

16 DR. GOODEN: Will you?

17 MR. MCPHERSON: There's very few
18 instances that we're not going to. You

19 know, the old three sticks of dynamite with
20 a time-clock -- we haven't got enough time,
21 we're going to disrupt it right there
22 before we even mess with it.

23 DR. GOODEN: Uh-huh.

24 MR. MCPHERSON: Most of the other
25 times, yeah, we want to see what's in that

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1 package before we do anything to disrupt
2 the package.

3 MR. BRODERICK: If you want to
4 pursue that, you can write -- well,
5 basically based on what Scott said -- and I
6 would encourage you to write us a letter.
7 Something which I should have explained at
8 the start of this, and I neglected to do.
9 We are not in the form of a rule-making
10 stage, yet. There is a thing for Oklahoma
11 where basically they have to put a notice
12 in the Oklahoma Register, and some legal
13 stuff that's -- what we're required to do.
14 We have not done that. We're bringing this
15 today, because this is the staffs re-
16 wright, and in some cases, in particular,
17 the radioactive materials stuff, we're
18 going to make some fairly fundamental
19 changes in the rules. And I think -- I

20 have a fairly smart staff, but I don't
21 think we're smart enough to anticipate all
22 the problems that are out there. So we
23 want to kick this out in front of you guys.
24 Each of you has a better knowledge of the
25 individual issues that you face, than we

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1 do, and to get your comments. At the end
2 of this, I'll talk about the -- try to get
3 the Council's opinion on how you guys want
4 to proceed with that.

5 MR. TYE: I know, as far as our
6 agency is concerned, and I'm sure Oklahoma
7 City is the same, as far as registering the
8 machines, and operation of the machines,
9 there's no problem with that. The people
10 that have come out in the past just -- the
11 payment of the fee for -- basically it's a
12 piece of paper (inaudible) problem.
13 Especially when there's no way to test the
14 machines to make sure that they're
15 operating properly.

16 MR. BRODERICK: The last
17 requirement of these new sections, is 15-
18 10, which is on page thirty-one of my copy.
19 Now this one, I admit that I was a little

20 embarrassed that we did not have a
21 requirement for this in our rules for X-ray
22 machines. We had it for radioactive
23 materials, but because of a quirk in the
24 way it was written, it didn't cover X-ray
25 machines.

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1 It basically says, if -- that X-ray
2 machine -- if one of the safety, critical
3 components of it fails to work properly,
4 that basically you need to report it. The
5 purpose being so that the manufacturer can
6 learn about these things, if there's a
7 design flaw in any of the equipment, that
8 the manufacturer can, you know, learn about
9 it, and evaluate it and consider if a
10 change needs to be made. There is a
11 requirement like this for radioactive
12 materials, radiography, and I think it's
13 very appropriate that we have a similar
14 requirement.

15 Now, those three sections, as I
16 said, those are the biggest new
17 requirements. There are some other ones if
18 you go through here. Many of them -- we're
19 taking this advantage, since we're changing
20 the rules -- since we're modifying the

21 rules and going through this process
22 anyway, to do some things to clarify the
23 rules, basically. Like, if you look on
24 page twenty-eight, in 15-2(b), there's a
25 number of small changes that we made, like

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1 radiation signs and barriers must be placed
2 -- we've added the "must be placed" to make
3 it clearer. That kind of thing. Those are
4 the key changes for Subchapter 15 for the
5 X-ray radiography.

6 There's one other that is closely
7 related to this, that I'm just going to
8 draw your attention to. This is a
9 clarification. In Subchapter 5, that's our
10 rules governing the certification of
11 industrial radiographers, which is driving
12 this whole process. Subchapter 5, there is
13 a clarification. 5-5 on page twenty.

14 Basically, in an attempt to make a system
15 that, you know, was held together and was
16 coherent, we have all of our different
17 recognitions, basically our licenses and
18 permits are in one system, I guess you'd
19 say, that's governed in -- I believe it's
20 Subchapter 3 -- but basically there are
21 things that are common to all

22 authorizations. And for the reciprocity,
23 which is where when you come in from one
24 state, say from Missouri and come in to
25 Oklahoma and operate, reciprocity is also

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1 covered under that system.

2 Now for most reciprocity things,
3 like if you have an X-ray machine and you
4 want to bring it into Oklahoma,
5 temporarily, you can get a reciprocity
6 recognition -- somebody from Missouri, say,
7 could get a reciprocity recognition based
8 on their Missouri permit, and that would be
9 fine.

10 Now, for X-ray machines and such, we
11 figure if they are going to operate for
12 more than 180 days in Oklahoma, that's
13 effectively a permanent presence, and they
14 need to get a license rather than
15 reciprocity. And that's adopted from the
16 NRC rules, and that's the way for our
17 licenses and permits for the actual
18 machines that work. For that certification
19 card, we folded it into that set of
20 requirements, and it wasn't really
21 appropriate, because the certification card

22 is intended to be like a driver's license.
23 You can get your certification card in
24 Georgia, and you can work indefinitely in
25 Oklahoma, or vice versa. It was agreed

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1 upon among the states, that were doing the
2 certification that started this and the
3 Feds -- the NRC is brought into this once
4 they started certification. It was agreed
5 upon that this was the system that they'd
6 use. But anyway, as a result of that, what
7 we are expected to do, I guess you'd say,
8 nationally, is recognize other people's
9 certification card for 365 days, but we
10 folded it into this rule, general
11 reciprocity rule, and we did not think
12 about it at the time, but the general
13 reciprocity rule limits them to 180 days.

14 That's not our intention. Our intention is
15 that the certification card is good
16 everywhere, for any length of time.

17 So we have a number of
18 radiographers, particularly in Oklahoma.
19 Because we only started being able to issue
20 an Oklahoma card very recently, about two
21 years ago when we became an agreement
22 state. Up until that time we gave, on

23 behalf of Texas, the Texas radiography
24 certification test, and we even, our own
25 department, issued a bunch of Texas

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1 radiography certification cards to people.
2 Well, those people have been in Oklahoma,
3 and -- you know, they've issued it with a
4 card they got through us. But they have
5 technically been in violation of the rules,
6 because -- at least if they work more than
7 180 days they were. Because they had this
8 card, which they even got through DEQ, but
9 they were using it for more than 180 days.
10 Obviously, we haven't enforced that against
11 anybody without a reason -- we don't intend
12 to enforce it. But we want to fix that
13 rule here. There's an exception -- I spent
14 a great deal of time explaining this in
15 detail, but we've basically fixed that here
16 that says that the radiography
17 certification card is good for the whole
18 year, it's not limited to 180 days.

19 I'm going to either ask -- invite
20 questions, or invite Pam -- and Pam, if you
21 can think of anything important in the
22 radiography -- we're just talking about
23 radiography now, rules that I haven't

24 covered, would you bring it up? And
25 otherwise --

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1 MS. BISHOP: Well --

2 MR. BRODERICK: We don't have on
3 the agenda, at least as I understand it, we
4 haven't done a separate thing for public
5 comment and so forth. So I'm just going
6 to, if it's okay with the Council -- are
7 there any questions or anything else that
8 you see in looking through here?

9 DR. GOODEN: Mike, on page
10 thirty.

11 MR. BRODERICK: Yes, sir.

12 DR. GOODEN: Down near the bottom
13 of the page, Item number C on that page,
14 periodic maintenance of monitoring devices.
15 I note that you use the word, film badge,
16 at the first of that sentence.

17 MR. BRODERICK: Yes.

18 DR. GOODEN: Where above you were
19 very careful to just put badges --

20 MR. BRODERICK: Yes.

21 DR. GOODEN: -- so I don't know
22 whether you want to --

23 MR. BRODERICK: Well, the film

24 badge in material industrial radiography,
25 in my understanding is a limitation of the

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1 technology. Burl, you're more likely to
2 know about it, but basically when the
3 radiographers use film badges, they change
4 them out every month.

5 MR. NETHERCUTT: Every month.

6 MR. BRODERICK: Literally film
7 badges as opposed to a TLD or a OSL, one of
8 the other individual badges.

9 DR. GOODEN: And you are
10 intentionally restricting this to a monthly
11 change-out?

12 MR. BRODERICK: My understanding
13 -- Burl, you may know more about it, but
14 basically if you go for over a month with
15 the film badge at those high levels you can
16 run into, I guess, where it whites out, or
17 what -- I don't know exactly what the
18 problem is --

19 MR. NETHERCUTT: With the LS, I'm
20 not real sure on that, either. I just know
21 that we always change it out on a monthly
22 basis, and it made for a lot better keeping
23 up with what individuals were getting.

24 MR. BRODERICK: Yeah, the fog

25 out, basically.

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1 MR. NETHERCUTT: I know that's --
2 I think I'm right, and some companies were
3 going on a three month basis.

4 MR. BRODERICK: For film badges?

5 MR. NETHERCUTT: Yes. At one
6 point in time, they were. But there wasn't
7 -- it just was not a hard-fact rule, in
8 some cases.

9 MR. BRODERICK: Certainly, at
10 least it is my understanding, it's
11 considered good practice in radiography
12 where you have the high levels, for the
13 film badges. Now this doesn't affect TLD's
14 and OSL's that you change out every month.
15 We've got that other individual package --

16 MS. BISHOP: It's a rule.

17 MR. BRODERICK: It is an NRC
18 rule?

19 MS. BISHOP: Uh-huh.

20 MR. BRODERICK: Okay. Well, it's
21 in the NRC rules. And we try to align
22 these as much as we can with the NRC rules.
23 That's the source there.

24 MR. BREWER: Mike, they generally

25 in the industrial side have always been

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1 monthly. I think the first place it
2 relaxed some was on the medical side.

3 MR. BRODERICK: Yeah.

4 DR. GOODEN: I think what you are
5 attempting to do here is to make sure it's
6 monthly, that's probably --

7 MR. BRODERICK: For film badges,
8 yes.

9 DR. GOODEN: Well, okay. There
10 may be some other technologies that you
11 could use monthly.

12 MR. BRODERICK: Well, I certainly
13 don't have a problem with people changing
14 out more often.

15 DR. GOODEN: Yeah. Well --

16 MS. BISHOP: TLD's could be
17 changed more often.

18 MR. BRODERICK: Yeah, they could.

19 MR. BREWER: I have TLD's, and I
20 do mine monthly.

21 MS. BISHOP: Right.

22 DR. GOODEN: Yeah. What I'm
23 saying is, since you were so careful to
24 look at that word "badges", why then
25 distract from everything you put into the

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1 word badges by putting "film" in front of
2 it.

3 MR. BRODERICK: If there's
4 another term that's clearer to indicate
5 that we're talking about the film --

6 DR. GOODEN: But you don't have
7 to -- what I'm saying is you don't have to
8 be talking about the film. You're just
9 talking about a badge that will be changed
10 monthly. It's not the film that's the
11 deal, it's the monthly that's the important
12 thing.

13 MS. BISHOP: But here it is the
14 film.

15 DR. GOODEN: Pardon?

16 MS. BISHOP: I believe here it
17 is, the film.

18 DR. GOODEN: Okay.

19 MR. BRODERICK: There's -- that I
20 know of, there may be others, but that I
21 know of, there's three technologies you can
22 use in the individual little badge, like
23 Pam just showed.

24 DR. GOODEN: Yeah. Right.

25 MR. BRODERICK: Either you can do

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1 film, and TL, Thermal Luminescent dosimetry
2 -- those have been around a long time. And
3 there's a new one, optically stimulated
4 something or other --

5 MS. BISHOP: Luminescence.

6 MR. BRODERICK: Luminescence. OSL
7 is the new technology. It's a limitation
8 of the film, at least it works better. It
9 doesn't fog with this high -- when you're
10 around high-density sources, if you change
11 them out every month. And that's tied to
12 the film, it's not tied to the badge, it's
13 tied to the badge that has film.

14 DR. GOODEN: Yeah, I know. And
15 the TLD, as Don says, you can change those
16 out monthly, also.

17 MR. BRODERICK: You can, yes.

18 DR. GOODEN: Yeah. The Luxell --
19 I don't know that they will change those
20 monthly. They will only change them every
21 two months. But I really think that what
22 you're attempting to hit here is the
23 monthly, not the fact that it be measured
24 with film.

25 MR. WOODS: Well, I think what

1 they're looking at there, Dr. Gooden, is
2 that X-ray radiography that can be done --
3 like in our instance, we have an enclosed
4 area where the radiography equipment -- the
5 X-ray it is kept away from individuals.
6 They go in, they stage their equipment,
7 they shut the doors, they go through the
8 interlocks, then they turn the X-ray
9 machines on. Those individuals typically
10 get very, very small exposures, if
11 measurable. And for instances like that,
12 where they are not to be exposed to an open
13 beam, or have the potential of being in
14 there where the beam is at, those type of
15 situations could be on a quarterly change-
16 out, as opposed to a monthly change-out.

17 Whereas, with the source
18 radiography, there is the potential that
19 they are having a live source they're
20 handling every day, where they do have the
21 potential of getting exposure, and do get
22 exposure.

23 DR. GOODEN: But you are saying
24 they will not change out the X-ray badges
25 on a monthly basis, too?

1 MR. WOODS: No, just the film
2 ones on a monthly basis, due to the
3 technology. Then the OSL's, the other
4 ones, could be done on a quarterly basis.
5 That's the way I read that.

6 DR. GOODEN: Oh, okay. Well, if
7 that's the way it's read, that's -- is that
8 the way you meant it? You don't have to
9 have something that is changed out on a
10 monthly basis.

11 MS. BISHOP: Right.

12 MR. BRODERICK: Right.

13 DR. GOODEN: Okay. Mr.
14 Broderick, do you want to move to the
15 second item of that, number B.

16 MR. BRODERICK: Okay.

17 MR. HAWKINS: While we're still
18 on this section, I'm not for sure the legal
19 wording on this, but under monitoring
20 devices, do we intend for this word,
21 direct-reading dosimeter, such as a pocket
22 dosimeter, or electronic dosimeter, and an
23 alarm ratemeter?

24 MR. BRODERICK: Yes, that's
25 basically -- those are required for

1 materials radiography, and what we've tried
2 to do here is align the X-ray materials
3 radiography.

4 MR. HAWKINS: Okay. I just
5 wanted to make sure it was the right word
6 there.

7 MR. BRODERICK: There is an
8 exception, I believe, if they have a vault,
9 like Steve was talking about, with some
10 interlocks, and so forth, there's an
11 exception basically that says they are
12 required for that. Am I right, Pam? You
13 look a little sour for some reason.

14 MS. BISHOP: I am.

15 MR. BRODERICK: Okay.

16 MR. BREWER: Mike, most people
17 are still going to use the film badge in
18 dosimeter anyway.

19 MR. BRODERICK: Okay, any other
20 comments -- we are very interested, and I
21 realize we have just handed this to you --
22 for Mr. Brewer and Mr. Nethercutt. We are
23 very interested in the comments,
24 particularly of radiographers. We haven't
25 written this -- we're trying to write this

1 so it doesn't mess anybody up severely.
2 The only thing that I can think of here,
3 that basically anybody might -- that would
4 require any substantial problem -- expense
5 or problem for anybody, is the requirement
6 to wear an alarming ratemeter and pocket
7 dosimeter.

8 MR. BREWER: Right.

9 MR. BRODERICK: That's a new
10 requirement.

11 MR. BREWER: Okay. We use -- I
12 use in my facility -- I don't know what
13 Steve uses in his -- we use the badge, and
14 we use the dosimeter. Now, we have not
15 used the rate alarm meters since we
16 discontinued source radiation about eight
17 or nine years ago. But I don't have a
18 problem, and it causes me no grief to add
19 it back in, and we can pick them up. The
20 only problem is, the X-ray is a little
21 different than the gamma radiation, and at
22 times you can't find one off the shelf. So
23 it takes a little while to find one.

24 MR. BRODERICK: This basically --
25 well anyway, I'll describe the -- sort of

1 the schedule we're on and get your input,
2 Council's input, about the schedule, but
3 this is certainly not something that's
4 going to come into effect overnight.

5 MR. BREWER: We understand.

6 MR. BRODERICK: So that there
7 will be time for that.

8 MS. BISHOP: Now, just one
9 comment about the exception that is on page
10 thirty-one, part (e). It just accepts the
11 alarming ratemeter. The pocket dosimeter
12 would still be require.

13 MS. BISHOP: Well, work sites
14 where there are appropriate alarming or
15 warning devices.

16 MR. NETHERCUTT: You're dropping
17 the alarm rate meter, in that particular
18 case?

19 MS. BISHOP: Right.

20 MR. BRODERICK: That basically
21 talks about interlocks on the vault. It's
22 not just the presence of a vault, it's if
23 they have a vault with interlocks; is that
24 right?

25 MS. BISHOP: Well, with alarming

1 or warning devices, so the interlocks
2 aren't there, no. It doesn't necessarily
3 matter if there are interlocks.

4 MR. BRODERICK: Okay. So there's
5 an alarm if the interlocks fail?

6 MS. BISHOP: Well, that doesn't
7 say anything about interlocks. It's just
8 that flashing lights and alarms.

9 MR. BREWER: You've got your
10 bells and your lights --

11 MS. BISHOP: Right.

12 MR. BRODERICK: Okay. Bells and
13 whistles, if you have bells and whistles.
14 Okay.

15 We'll move on to the radioactive
16 materials, I think -- yeah, naturally
17 occurring and accelerator-produced
18 radioactive materials. That's the next --
19 we had intended to have language for you,
20 to hand out today. And, basically, at Pam
21 Dizikes' request, she is still integrating
22 that language into our broader language,
23 trying to make sure all the references and
24 other rules and stuff still apply. And she
25 was not ready to hand that out today. So

1 we deferred handing it out today. But I
2 will tell you what our approach is, and I'm
3 very interested in (inaudible, due to
4 cough). We have an existing Subchapter 10
5 in our rules. It's not in this packet that
6 was handed out today, because it's not
7 changed -- there's not a changed version.
8 But if you have a copy of our rules with
9 the green picture of the Wichita Mountains
10 on the front, that will have Subchapter 10
11 in it.

12 Subchapter 10, as it currently
13 exists, refers to the Agreement State
14 Program. And basically that applies to the
15 stuff that is delegated from the NRC,
16 source, by-product and special nuclear
17 material. We are proposing to change the
18 title of Subchapter 10 from Agreement State
19 Program, to State Radioactive Materials
20 Program, and put a paragraph at the
21 beginning that says, the purposes of
22 licensing that, basically -- that all
23 accelerator-produced materials, and sealed
24 sources of naturally occurring radioactive
25 material -- and to my knowledge, that's

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1 just radium, but there may be other sealed
2 sources out there. Those will be subject
3 to the licensing requirements, the same as
4 if they were NRC material, the same as if,
5 specifically, they were by-product
6 material. In other words, they'll be
7 subject to 10 CFR 30, of the -- you have to
8 get a license. We're still -- there are
9 some things -- that won't be something that
10 we can just turn on a light and have
11 happen. There will be some integration
12 things. First off, I don't want to tell
13 everyone who has a license now, a by-
14 product material license, but also has
15 accelerator-produced, I don't want to tell
16 everyone that you cannot operate with your
17 accelerator-produced materials until you
18 get a license. I mean, that's
19 unreasonable.

20 So we're going to have to have some
21 language in there that will cover -- that
22 will allow people to continue to operate,
23 under the -- with the by-product material
24 with the accelerator, while we get an
25 amendment in, and get it approved.

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1 The other issue -- and Dr. Ritcher
2 and Dr. Ficken brought to my attention, and
3 it's a good one, there is some accelerator-
4 produced material that is used medically.
5 Valium 201 comes to mind; I'm sure there
6 are lots of others. Those physicians, as
7 things stand now -- basically there's no
8 requirements for qualifications for an
9 authorized user, like there are in medical
10 rules now. And basically, what we are
11 proposing to do -- and I'm very interested
12 in any input from you -- is give a grace
13 period. Three years, we're kicking around,
14 but I don't know -- but I'd be very
15 interested -- to give some sort of grace
16 period for those people to continue to
17 authorize if there's, hypothetically
18 somebody who is authorizing -- who has not
19 been using that, to give him some time, or
20 her, to get some time to get the
21 qualifications that are needed to become an
22 authorized user. And how we handle that
23 transition is, obviously, of great
24 interest. So that's an issue that we're
25 interested in input on.

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1 There may be other transition
2 issues. Those are the ones that we've
3 identified, or else that somebody has
4 brought to our attention, but there may be
5 others out there for the accelerator or for
6 radium. I don't think there are a lot of
7 radium sources -- sealed sources out there,
8 but -- anyway, we're very interested in
9 hearing about any other transition issues,
10 from the Council, or from the industry, or
11 from the affected people.

12 DR. GOODEN: Do you want to
13 address it now for a few minutes?

14 MR. BRODERICK: If somebody has
15 something, then certainly we're interested
16 in hearing about it.

17 DR. GOODEN: Well, I'd be
18 interested in Vernon's thoughts on it. He
19 probably has given this a little bit of
20 thought. Vernon.

21 MR. FICKEN: Vernon Ficken,
22 Oklahoma City. I think there would be at
23 least one more, and that would be radiation
24 safety officers, that serve in these
25 registered facilities like this, that won't

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1 meet the qualifications under Part 35. So
2 it would be the same thing.

3 MR. BRODERICK: Okay. Well, I am
4 receptive to giving that some sort of
5 transition period. I don't want to give
6 them a permanent exemption, but I'm
7 receptive to a transition period. My
8 intention, unless somebody can show a
9 really good reason, is not to put anybody
10 out of business, even temporarily, from
11 this. (Inaudible) basically, integration.
12 I'm receptive to that and we need to --

13 DR. GOODEN: Mike, what are
14 contiguous states doing regarding this
15 issue? Kansas state --

16 MR. BRODERICK: Every other state
17 that I am aware of -- or every other
18 agreement state that I'm aware of, they
19 treat, basically, naturally occurring
20 materials and accelerator-produced
21 materials the same as NRC --

22 DR. GOODEN: They bring it into
23 their licensing process?

24 MR. BRODERICK: Yes. We didn't
25 do it this way, basically, because as you

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1 know, because of budget and some other
2 things, we were in a hurry to get the
3 Agreement State Program done. And I made
4 the decision years ago, and talked about it
5 to the Council, you know, we've been over
6 it before, that the fastest way to do it,
7 was just to bring in the NRC program, and
8 not try to integrate the accelerator-
9 produced stuff at the same time.

10 DR. GOODEN: You have any
11 thoughts?

12 MR. MACDURMAN: The ones that
13 Vernon raised are, I think, probably the
14 most acute issues. There's licensing
15 issues. I think there's, like, PET
16 centers, that currently now have no
17 licensing requirement. Most of us have a
18 mixture of this stuff, and we're licensed
19 to the by-product, and we manage the
20 accelerator in the same program. So for
21 me, it would be transparent.

22 But there are places that only use
23 accelerator-produced materials, that are
24 going to have to scramble for assistance in
25 getting license applications written in

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1 addition.

2 MR. BRODERICK: The PET center.
3 That issue is a good one. There are PET
4 cyclotrons, as you know, they are places
5 where basically they have a large, pre-
6 built cyclotron, from a power-point
7 accelerator, that make fluorine 18 and
8 other isotopes that they use for PET, which
9 is Positron Emmission Tomography, for a
10 form of scanning diagnostic use. That is a
11 relatively new -- or it's new anyway, in
12 its broad acceptance -- relatively new
13 technology. And our rules largely have a
14 blind spot in them. At least my
15 (inaudible) on that is that under -- when
16 and if this rule is adopted, that those, at
17 the very least, they'll be a nuclear
18 pharmacy. They'll have to get a nuclear
19 pharmacy license? And the same with them
20 as the others. I don't want to do
21 something that puts them out of business
22 overnight. I want to have some sort of
23 transition period.

24 MR. MACDURMAN: Right. And
25 you'll have the authorized nuclear

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1 pharmacist qualifications as well, and all
2 of the distribution issues that come with

3 licenses.

4 DR. GOODEN: Has the department
5 made any decisions on what credentials
6 they're going to accept for physicians?
7 Like, the cardiologists are going to be
8 looking for user status, based on some of
9 these --

10 MR. BRODERICK: What I would like
11 to do is treat them -- integrate this with
12 the materials -- pardon me -- with the
13 Agreement State Program use the same ones
14 the NRC uses. And that, unfortunately, is
15 influx. The NRC is, I imagine you know,
16 Dr. Gooden, some of the others -- I'm sure
17 Vernon and George know -- they've changed
18 the part 35. They have indicated that they
19 expect to change the qualifications part --
20 they've got the new change but it's only
21 been in effect for a short time with the
22 NRC. But they've already indicated they
23 are going to go back and look at the
24 authorized user qualifications again. And
25 I basically -- I suggest that we not go to

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1 the new part 35 until they settle down on
2 their qualifications, until they've done

3 that.

4 DR. GOODEN: And generally, the
5 requirements are going to be a little less
6 stringent; is that correct? Not really?

7 MR. BRODERICK: Pam knows more
8 about that than I do. I'm going to let her
9 talk about it first. I may add something
10 later.

11 DR. GOODEN: Your perception is
12 that they're not going to be a little less
13 --

14 MS. BISHOP: Well, what I've seen
15 so far is that they didn't relax the part
16 that maybe needed to be relaxed. They did
17 do away with some of the clinical
18 requirements, but the educational
19 requirements -- if their Boards are in a
20 state of flux, what Boards they'll
21 recognize. All they've recognized so far
22 is the Cardiology Board. Which, of course,
23 the cardiologists are happy about that.
24 But like the Radiology Boards, they don't
25 recognize any of the Radiology Boards any

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1 more. And that's where they're doing the
2 rulemaking now, and trying to come up with
3 a list that they will recognize. And

4 they're fighting with the Boards. And I
5 think they are going to get that
6 straightened out.

7 But what we've had problems with, is
8 the educational requirements on the
9 preceptor statements, that the docs don't
10 want to go back and get more education, and
11 I don't blame them. But we have to come to
12 terms with that. And I think we're kind of
13 working some of those things out. But
14 that's where cardiologists, of course, have
15 to come in with preceptor statements and
16 show that they've had training in radiation
17 -- the different radiation calculations and
18 all of that, and they don't want to go do
19 that, because they're very busy with their
20 practices. But they want to be authorized
21 users. And it all comes with collecting,
22 you know, reading the film and collecting
23 the fees associated with that. And of
24 course, the cardiologists have gone off,
25 and they're using accelerator-produced

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1 material so that they don't have to be on a
2 license and go through that trouble.

3 MR. BRODERICK: There is another
4 issue that I understand has a number of the

5 physician groups upset. There is a
6 requirement in the NRC rules as they
7 adopted them, that basically says, that
8 once you're trained in the preceptor
9 statement -- or a new used -- new
10 authorized user is trained in the -- his
11 preceptor has to write a thing that says,
12 Dr. Smith is qualified to perform whatever
13 --

14 MS. BISHOP: Is competent.

15 MR. BRODERICK: -- or is
16 competent, pardon me, is competent to
17 perform such-and-such. And because of
18 liability concerns, they're very concerned
19 -- some of the physicians are very
20 concerned over making that statement. They
21 would prefer to say, Dr. Smith has
22 completed so many hours of didactic
23 training, he's done so many supervised
24 cases -- they just want to say, he did
25 these things, rather than, he or she is

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1 competent.

2 MS. BISHOP: Yes, the Boards
3 don't want to -- that's the basis of it.

4 MR. BRODERICK: That's also a big
5 issue.

6 MS. BISHOP: So, if we wait to
7 adopt the new part 35, then there will be
8 no phase-in period.

9 MR. BRODERICK: At least I'm
10 assuming -- I may be wrong -- the NRC
11 hasn't published rules -- published, even
12 drafted rules, that I know of. But I'm
13 assuming that NRC will have some sort of a
14 phase-in on the new rules. I may be wrong
15 on that, but that's what I'm assuming.

16 MS. BISHOP: Yeah, we're hoping
17 that. If we adopt it as it is now, we're
18 going to have the same problems NRC is
19 having, where we have no way really of
20 approving physicians under the new rules.

21 MR. BRODERICK: So, I'd rather
22 keep the status quo until we know what the
23 final is going to be, rather than have an
24 interim that we know we're going to get rid
25 of. If the Council -- if there's some real

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1 problem with that, I'm willing to talk
2 about it, but that would be my
3 recommendation.

4 Okay. Is there any other discussion
5 on the accelerator-produced materials?

6 DR. GOODEN: Let me ask just a

7 little question regarding NORM --

8 MR. BRODERICK: Sure.

9 DR. GOODEN: -- since this
10 Council remembered that's a topic that's of
11 great interest to me. Do you plan to
12 address all of the technically-enhanced
13 industrial NORM in this section, too?

14 MR. BRODERICK: I'm not
15 interested in writing licenses for
16 Feistaware. At least the way I phrased
17 this -- if you remember I said for sealed
18 sources -- all accelerator-producing
19 material and sealed sources --

20 DR. GOODEN: Okay. I understand.

21 MR. BRODERICK: -- of naturally
22 occurring radioactive material and -- well
23 okay, Pam has pointed out another issue.
24 But anyway, my intention in doing that,
25 frankly, was to -- because the NORM rule,

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1 as you know, was a very lengthy and volume
2 thing --

3 DR. GOODEN: Absolutely.

4 MR. BRODERICK: -- and I would
5 like to do this as quickly as --

6 DR. GOODEN: Separate the two.

7 MR. BRODERICK: Yes.

8 DR. GOODEN: Okay. I understand.
9 That's fine.

10 MR. BRODERICK: Pam pointed out
11 something that -- yes -- I should have
12 mentioned and I didn't. We have, as you
13 know, an existing XRF instrument rule, a
14 rule covering XRF instruments for lead-
15 based paint detection that use accelerator-
16 produced material. Basically, we're going
17 to integrate those. There is a language in
18 there that deletes the exemption. There's
19 a current exemption from that rule for any
20 of those machines that are regulated under
21 the Atomic Energy Act, that have NRC
22 material in them. We're proposing to
23 delete that, and to bring them in with the
24 other stuff.

25 The effect of that -- there are some

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1 machines out there -- without going into
2 great detail, there are some machines out
3 there where the material can be made either
4 with a nuclear reactor, or you can make
5 them with an accelerator. And the
6 manufacturer is at least claiming --
7 telling us that they're making all this
8 material from reactors. And, therefore,

9 they're exempt from the rule. And
10 basically this would end that exemption.
11 Okay. As far as changes in the
12 existing rule regarding clarification and
13 typographical matters, is the next portion.
14 There are probably others -- Pam Dizikes
15 and Pam Bishop may be able to help me. The
16 main one that I remember from there -- I
17 believe it's in Subchapter 7. There's one
18 case for therapeutic accelerators. We had
19 some requirements -- a list of requirements
20 that was in the wrong place. Actually, it
21 was in Subchapter 3, pardon me. It's on
22 page seventeen of your hand-out, down near
23 the bottom of the page, you see something
24 that says, (f) Location. All records must
25 be kept in the principal office of the

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1 permittee and made available for DEQ

2 review.

3 That's supposed to be there.

4 There's some other language following that,

5 that deals with what documents you have to

6 have in therapeutic accelerators. That

7 location thing was just intended to be a

8 general thing for where the requirements

9 were. Anyway, we've moved that to the

10 proper place.

11 Further up the page, under (b) (8),
12 you can see in your copy where there are
13 some things that have been stricken out,
14 under (f), and they've been inserted under
15 (h), just above (c) there. That basically
16 is a clerical error. There are probably
17 others. I can't think of them off-hand. I
18 would invite Pam Dizikes or Pam Bishop, if
19 there are any of particular interest, to
20 point them out.

21 MS. BISHOP: Did you want to
22 mention the thing about training?

23 MR. BRODERICK: You can mention
24 it. Oh, yeah. Why don't you talk about
25 that? There's one that's not strictly a

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1 clerical error, but it's basically a
2 clarification that we want to -- a change
3 we would like to make.

4 MS. DIZIKES: May I recommend
5 that you talk about changes to Subchapter
6 20, and the addition of the new Subchapter
7 23.

8 MR. BRODERICK: Good.

9 MS. BISHOP: Well, this is
10 different.

11 MR. BRODERICK: Okay. Anyway, to
12 make a long story short, on the exposure
13 restrictions, as it stands now, there is
14 language in there that says, you won't
15 expose people to radiation for purposes of
16 training. That's a legacy from the old
17 diagnostic X-ray days -- students in
18 diagnostic X-ray used to X-ray each other,
19 repeatedly, for training, and that was
20 intended to prohibit that, back in the
21 diagnostic X-ray days. That has created a
22 problem for at least one fellow in the
23 state that trains industrial radiographers,
24 because he can't train his people and have
25 them go out and work with the equipment,

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1 without being exposed to radiation. And
2 so, technically, he was in violation. And
3 we want him to be able to train people,
4 obviously.

5 So what we're proposing to do is put
6 in language that says, you won't expose
7 anyone for purposes of training to
8 radiation levels that exceed the public
9 dose standard. You can get up to a hundred
10 milirams a year in training.

11 MS. BISHOP: But, that isn't --

12 MR. BRODERICK: For some reason,
13 somehow in our last iteration of this this
14 afternoon, that got dropped. So, we're
15 going to have to clarify that. It's in 20-
16 8, is where it is, but we need to adjust
17 that. Basically, what we've got here is
18 the old language, I believe.

19 MR. NETHERCUTT: And the
20 statement is pretty much the same as it
21 was.

22 MR. BRODERICK: And that's not
23 what we intended to put in there --

24 MS. BISHOP: And that's not what
25 we intended to put in there.

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1 MR. BRODERICK: -- somehow, in
2 the last edit of this -- we were working on
3 this until yesterday afternoon, and that
4 didn't get put in.

5 There is one other very important
6 thing -- yes, Pam Dizikes -- one other --
7 again, it's not a clerical change, but it
8 corrects an oversight. There are some
9 requirements in the NRC rules that are
10 governed under 10 CFR 19, basically
11 regarding that you have to give workers
12 information who are around radiation. You

13 have to give them certain amounts of
14 information about what dose they receive,
15 and have a copy of the permit posted, and
16 so forth.

17 The way that we wrote the rules that
18 are enforced now, those requirements only
19 apply to Agreement State stuff, agreements
20 to radioactive material. And we think,
21 particularly for the things like the dose -
22 - I felt that the person who works with X-
23 rays would be entitled to be informed of
24 the dose that they receive under X-ray. So
25 basically, we're proposing to move 10 CFR

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1 19 out of the Agreement State rule, and
2 move it in to the main body of the rule so
3 it affects all sources of radiation.

4 The rule, 10 CFR 19, is written that
5 way. I don't know if the NRC intended
6 this, or what but it's written very clearly
7 so it covers all sources of radiation. The
8 problem is that we, unintentionally, in
9 Subchapter 10 we simply said, this stuff
10 only applies to source by-product and
11 special nuclear materials. If we hadn't
12 put that in there, the 10 CFR 19 would
13 cover it. But to correct that oversight,

14 we're going to move it out. What we wanted
15 to do, was put it in Subchapter 19 of our
16 rules. However, Subchapter 19 is already
17 the XRF rules, and it ends up it's a
18 statute, apparently. Once you have a
19 subchapter assigned to a particular area,
20 you cannot change -- we have Subchapter 19
21 talking about one thing now, we can't
22 change our rules and have Subchapter 19
23 referring to something else.

24 So, as a result of that, rather than
25 putting it in Subchapter 19 in our rules,

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1 we're putting it in the next numerically
2 available section, Subchapter 23 of our
3 rules.

4 I think most, if not all, of the
5 facilities that work with radiation, are
6 doing, or at least intend to do this type
7 of thing already. So I don't expect this
8 to be a big deal.

9 One thing that we will need to do --
10 those of you who have Agreement State
11 licenses, or had NRC licenses, you have a
12 DEQ form -- 410-3, we call it -- it's a
13 sheet of paper about eighteen inches
14 across, and six inches high, that you post

15 for the worker that says -- post it like,
16 usually where the time-clock is, or
17 somewhere where your announcements go, that
18 says you have the right to not be exposed
19 to more than certain levels, you have the
20 right to information about the radiation,
21 you know, how it's used, and so forth.
22 We're going to have to modify our Form 3 to
23 cover the X-ray. That's the only change
24 that I would expect at most of the
25 facilities we see.

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1 Pam or Pam, can either of you think
2 of anything else we need to cover?

3 There may be a couple of other typos
4 in there. But if there are, they are
5 strike-out and underlined in here. And to
6 my knowledge, all those are clerical
7 errors. There was one place where we had
8 an "or" where there should be an "of", that
9 kind of thing.

10 DR. GOODEN: Mike, let's combine
11 Items D and E of Agenda Item No. 9, and
12 discuss the schedule for addressing these
13 different issues --

14 MR. FICKEN: (Inaudible) this
15 other part first?

16 DR. GOODEN: Sure.

17 MR. BRODERICK: I'm sorry, I
18 couldn't hear you.

19 MR. FICKEN: I just wanted to ask
20 a question about this other department.
21 What you've just been talking about.

22 MR. BRODERICK: Okay.

23 MR. FICKEN: It was my
24 understanding that we were operating --
25 say, like parts 20, 30, 35, under what,

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1 1994 NRC rules?

2 MR. BRODERICK: I think actually
3 we've adopted them through 2001 -- through
4 2001 --

5 MR. FICKEN: With the exception
6 of Part 35? So does it continue to say
7 that in here under the general provisions?
8 I don't see where it says where we are.

9 MR. BRODERICK: I don't have it
10 in front of me. Pam says it's in 1-7.
11 There's somewhere in there where it says
12 the NRC rules are adopted -- references the
13 NRC rules that refer to the -- I think it's
14 January 1, 2001 edition of the NCR. There
15 is a place -- it's in the one's someplace.

16 MR. FICKEN: Then are those in

17 printed form, available? You know, when
18 you look at what we have now before us, it
19 says we've adopted something. You don't
20 know what the rule is.

21 MR. BRODERICK: Those are
22 available just like the Federal -- they are
23 the Federal rules. Those are available.
24 There's also -- they're available on the
25 internet, frankly, is how I suggest you get

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1 to them. There is a link -- if you go to
2 the DEQ -- the Radiation portion of the DEQ
3 website, there is a link to that specific
4 edition of the CFR.

5 MR. FICKEN: So it's on your
6 website now?

7 MR. BRODERICK: Yeah, there's a
8 link -- the rules themselves are on a, I
9 think, an NRC or GPO website, but there's a
10 link to them in our website.

11 MR. FICKEN: To the correct year?

12 MR. BRODERICK: To the ones that
13 we've adopted. Yeah. It's not the current
14 NRC rule edition that we're using.

15 DR. GOODEN: Can someone give us
16 that website address?

17 MR. BRODERICK: I can run up and,

18 I guess, get it off of my computer --
19 DR. GOODEN: Anyone have it?
20 MR. BRODERICK: I don't have it
21 written out on the email. But if you go to
22 the DEQ web -- the DEQ website I can tell
23 you. That's www.DEQ.state.ok.us. And if
24 you find the section there for Land
25 Protection, which is the division we're a

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1 part of, which Scott is the head of -- and
2 there's a place there for radiation and
3 links, and it's in the radiation links on
4 that website.

5 DR. GOODEN: Okay.

6 MR. BRODERICK: It takes you to
7 the correct year, yes.

8 DR. GOODEN: All right.

9 MS. GALVIN: That is DEQ, and not
10 ODEQ.

11 MR. BRODERICK: That's correct.
12 www.DEQ.state.ok.us.

13 DR. GOODEN: Okay, Mike. Do you
14 want to address Items D and E?

15 MR. BRODERICK: There's a
16 schedule for adoption of how we adopt these
17 rules, which we need to discuss. Some of
18 the users of the accelerator-produced

19 materials, have asked that we integrate
20 these as soon as is decently possible.

21 What I would recommend that we do --
22 under the normal course of rulemaking, the
23 soonest that we could adopt these rules and
24 have them go into effect now, would be if
25 the Council voted on them by, roughly,

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1 January of 2004, assuming that the Council
2 approved them before that. Then they would
3 go to the Environmental Quality Board in
4 the spring meeting and become effective.

5 Help me out here, Pam. I intended
6 to organize my thoughts for this issue
7 before this meeting, I guess. But I
8 believe they become effective in the
9 spring.

10 MS. DIZIKES: Well, if the rules
11 are brought to the Board with sufficient
12 time for the rules, then, to be presented
13 to the legislature --

14 MR. BRODERICK: Yeah, there is a
15 legislative --

16 MS. DIZIKES: -- which there is a
17 30 day requirement, then they will become
18 effective at the end of June in 2004. Now
19 that will mean that they will have to, at

20 the latest, go to the first Board meeting
21 in 2004.

22 MR. BRODERICK: So that would
23 basically be by, roughly, January of 2004,
24 the Council would have to approve them.
25 Now, if the Council feels that there is a

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1 great rush, there is a provision for
2 emergency adoption of a rule, which makes
3 it effective as soon as the Governor signs
4 it.

5 MS. DIZIKES: I do not believe
6 that option would be open to us under these
7 circumstances.

8 MR. BRODERICK: It would have to
9 be documented in some way --

10 MS. DIZIKES: There would have to
11 be a finding --

12 MR. BRODERICK: -- that there was
13 a real emergency, and that is more Pam's
14 ball of wax than mine, for how to document
15 -- but that's probably the soonest that we
16 can do that.

17 MR. GOODEN: Well, I think that
18 we can meet the deadlines that you're
19 talking about. I would guess that you have
20 a lot on your plates; is that true?

21 MR. BRODERICK: We have a fair
22 amount on our plates. We have a meeting
23 scheduled for November. Dale should have
24 the exact date. There's a meeting already
25 scheduled --

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1 DR. GOODEN: For the Council?

2 MR. BRODERICK: For this Council,
3 for November. You agreed on it, I think at
4 our last meeting.

5 MR. MCHARD: Actually, it's
6 September 10 --

7 MR. BRODERICK: September, pardon
8 me.

9 MR. MCHARD: -- is the date that
10 we -- that the Council agreed on. That's
11 what's listed in the Q-drive, which doesn't
12 mean anything to you all, but it's a list
13 of Environmental Quality Board and Advisory
14 Council meetings for the year. And it's
15 shown very clearly, September 10th. Now,
16 that is not a firm date, Mr. Chairman.

17 DR. GOODEN: I thought --

18 MR. MCHARD: It can be changed.

19 DR. GOODEN: We could have a
20 meeting in June if we chose to?

21 MR. MCHARD: You could. May I

22 ask that you recognize Mr. Goucher? I
23 think he has something he wants to say
24 about a meeting.

25 DR. GOODEN: Sure.

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1 MR. MCHARD: Remember what we
2 talked about, Monte?

3 MR. GOUCHER: Oh, yeah. At some
4 point if -- Mr. McHard had mentioned to me
5 that sometimes you rotate the meetings at
6 different places. I would like to invite
7 the Council, at some point in time, to
8 Clinton, if they would like to come out to
9 Clinton. We're opening our new conference
10 center there in Clinton, and you would
11 certainly be welcome, and we'd like to have
12 you at some point in the future.

13 DR. GOODEN: I think that's a
14 great idea. It might be that we would want
15 to do a June meeting and address some of
16 these issues, either in Tulsa or Oklahoma
17 City, for this reason. There may be some
18 people who really want to have some input
19 to these issues --

20 MR. MCHARD: Sure.

21 DR. GOODEN: -- and we ought to
22 give them the greatest opportunity to do

23 that.

24 MR. MCHARD: Well, Mr. Chairman,

25 I would suggest that for the X-ray

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1 radiography, that it would be better to
2 have it in Tulsa, because Tulsa is the
3 capitol of radiography companies.

4 DR. GOODEN: Yeah. I'm going to
5 propose, if someone will give me a
6 mechanism to propose it, that we meet in
7 June of this year to make sure we can stay
8 on schedule.

9 MR. MCHARD: Okay. If you'll
10 hold on a minute, I do have a calendar with
11 me, somewhere.

12 (Multiple Inaudible Conversations)

13 MR. BRODERICK: Okay. Pam is
14 concerned because she -- Pam is planning to
15 take a couple of weeks of vacation in June.
16 And what I'm going to ask -- she needs to
17 get her calendar.

18 (Multiple Inaudible Conversations)

19 DR. GOODEN: I think this is
20 something we should discuss, if anyone has
21 any additional input into it, Mike. But my
22 fear is that we'll get to the September
23 meeting and there will be a lot of issues

24 on this, and we will not be able to meet
25 our early 2004 deadline.

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1 MR. BRODERICK: I'm amenable to
2 that. That's why I specifically asked Dale
3 to put this on the calendar.

4 DR. GOODEN: Okay, we have a
5 calendar here if anyone needs it.

6 MS. DIZIKES: There's also the
7 option of holding a couple -- one, or maybe
8 even more than one, workshop, that would be
9 open to the public. And then go ahead with
10 the normally scheduled meetings. That way
11 there could be a very free discussion of
12 the rules. That would also require that
13 you be fairly confident that the rule could
14 pass in September. But even if you
15 couldn't get it passed in September, there
16 would be an option to call a special
17 meeting, then, maybe in November, following
18 the September --

19 MR. BRODERICK: I'm much happier
20 to hear of a September -- I somehow had in
21 my mind it was in November. September we
22 do have enough time to do the notice
23 requirements and so forth, to have a

24 meeting late in the year.

25 DR. GOODEN: Later in the year?

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1 MR. BRODERICK: Yeah. But I
2 still like the idea of having a meeting in
3 June if we can work it out.

4 DR. GOODEN: Mike. If there's no
5 -- I think your idea is a very good one,
6 Pam, but I would prefer not to have a
7 workshop. And the reason for that is just,
8 our group hasn't been real successful with
9 workshops. We've had a couple, haven't we?

10 MR. MCHARD: Yeah.

11 DR. GOODEN: And we haven't had
12 much success with those. Where we've had a
13 lot of success in these meetings, if we
14 have public who really want to provide some
15 input, they have done it. As you know,
16 we've had them come in -- fly people in
17 from all over the country.

18 So, I just want to make sure that we
19 -- if we have a September meeting, we can
20 have another one if we need to.

21 MR. BRODERICK: At least as far
22 as I understand it, we could still have one
23 in, say, December. If we waited until
24 September, we would still have time to --

25 if we didn't feel we had it smoothed out

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1 then, to have a meeting in December, or
2 possibly January.

3 MS. DIZIKES: To be on the safe
4 side, you might schedule that meeting.

5 DR. GOODEN: Now? Today?

6 MR. BRODERICK: Schedule the
7 back-up meeting, so to speak?

8 MS. DIZIKES: Right. Or within
9 the next month or so.

10 MR. BRODERICK: Okay. I would
11 just toss out there early December,
12 possibly.

13 DR. GOODEN: I think that's the
14 best time, maybe the first week or the
15 second week in December. Because December
16 is going to be a month where people do
17 things, also.

18 MR. BRODERICK: I think it needs
19 to be early if we do it, yeah.

20 MR. MCHARD: Do you still prefer
21 Wednesday?

22 DR. GOODEN: Yes.

23 MR. MCHARD: Okay.

24 DR. GOODEN: Is that good for
25 everyone?

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1 MR. MCHARD: That would be --
2 Wednesday in December would be Wednesday
3 the 3rd, or Wednesday the 10th, without
4 going too deep into the month. November --

5 DR. GOODEN: We don't need to go
6 into November, I don't think.

7 MR. MCHARD: Well, just as a
8 possibility, Wednesday the 19th, or
9 Wednesday -- Wednesday the 19th would be
10 it, because Wednesday the 26th is the day
11 before Thanksgiving.

12 DR. GOODEN: Let's schedule a
13 meeting for December the 3rd, Wednesday
14 December the 3rd. And if we find that we
15 don't need to have that meeting, we'll just
16 cancel it. Okay?

17 MS. DIZIKES: Are there any other
18 Councils then?

19 MR. MCHARD: It means that -- for
20 the Council's benefit, at least, it means
21 that we, on the staff, Myrna and Pam and I,
22 we have to notify the Secretary of State of
23 that meeting schedule, and we have to
24 identify the location eventually of --
25 would the December meeting be amenable to

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1 Clinton, Monte? Or do you want to postpone
2 the visit to Clinton until next year?

3 DR. GOODEN: That would be a
4 wonderful time to do it in Clinton.

5 MR. GOUCHER: That's fine with
6 me, I mean that's --

7 DR. GOODEN: And people will have
8 to -- if they have any issues, they can
9 just come visit with us in Clinton.

10 MR. GOUCHER: And that -- you
11 mentioned something. If this is an item
12 that you feel like would be more, you know
13 -- participation would be better, be more
14 conducive to be held in Oklahoma City or
15 Tulsa, that's not a problem.

16 MR. BRODERICK: For the X-ray
17 radiography, when we do those rules -- at
18 least when we do -- the first real meeting
19 we have, I really think we need to do it in
20 Tulsa, because as Dale pointed out, there's
21 a lot of radiographers in Tulsa.

22 DR. GOODEN: Let's tentatively
23 plan on meeting in Clinton on December the
24 3rd. And if we have to change that at the
25 last minute; is that a big deal?

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2 DR. GOODEN: Sure.

3 MR. MCHARD: -- before we get
4 off this. May I ask just for the record,
5 that the September 10th date is firm now;
6 is that correct, sir?

7 DR. GOODEN: It's firm as far as
8 I'm concerned. I have no --

9 MR. MCHARD: And it's going to be
10 in Tulsa, correct?

11 DR. GOODEN: That is correct.

12 MR. MCHARD: And that means that
13 in all likelihood it will be at the Tulsa
14 Technology Center where we met last time,
15 unless we're unable to obtain space there.
16 In which case I will probably be asking
17 you, or the other people from Tulsa, to
18 suggest other spaces. We, perhaps, could
19 do it at the Shusterman Center, where we
20 met once.

21 DR. GOODEN: That works. Thank
22 you. Mike, you want to discuss any
23 additional activities within the --

24 MR. BRODERICK: In the radiation
25 --

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1 DR. GOODEN: -- section?

2 MR. BRODERICK: Move on to Item

3 10?

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DR. GOODEN: Uh-huh.

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(Item No. 9 Concluded)

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(Item No. 10)

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MR. BRODERICK: We had the Board

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meeting about two weeks ago, and Steve

4 Woods represented the Council very ably. I
5 got several favorable comments about his
6 presentation. So we appreciate his help
7 there.

8 Actually, that's all really. Yes,
9 Dale?

10 MR. MCHARD: What happened?

11 MR. BRODERICK: Oh, I'm sorry.

12 The rule --

13 (Laughter from the Council)

14 MR. BRODERICK: The rule that was
15 up before them on general licensed devices
16 was approved. I'm sorry. It was approved.
17 That's actually all that I have as far as
18 this section.

19 Pam -- oh, actually there is one
20 thing. For those of you who deal with Pam
21 Bishop, she has moved. She has an office
22 now, as opposed to a cube, and her phone
23 number is 702-5141. And for anybody who
24 hadn't learned of that yet, I would make
25 that statement. That's the only thing that

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1 I have.

2 DR. GOODEN: Okay, great.

3 (Item No. 10 Concluded)

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(Item No. 11)

DR. GOODEN: Mr. Thompson, do you
have any words of wisdom for this group?

MR. THOMPSON: Well, I'll give
you a quick run-down on the budget and

6 legislative issues. There are no
7 legislative issues that I'm aware of that
8 would affect the radiation program. No
9 bills up that we've seen so far that would
10 have any impact. There seem to be fewer
11 bills this year, I think, in general, than
12 there have been in the last few years. It
13 seems a little more streamlined session,
14 possibly.

15 Of course, the budget is going to
16 dominate the end of the session, and
17 they're still scrambling. I don't think we
18 have a good feel for how things are going
19 to turn out in that regard. What we're
20 looking at -- some information that just
21 came out that I saw today, indicating we
22 would probably have a thirteen percent cut
23 in state-appropriated money in this current
24 year, for each month of the last three
25 months.

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1 So, that's going to hurt some of our
2 divisions that ride very heavily on state-
3 appropriated funds. The Land Protection
4 Division, and the Radiation Program,
5 operate predominately on fee money, so it's
6 not going to be a significant issue in our

7 division, other than that everybody is
8 going to share the pain somewhat across the
9 whole agency.

10 We have taken a number of steps over
11 the last several months, as the budget
12 picture tends to get gloomier and gloomier,
13 to restrict travel and restrict spending,
14 et cetera, across the whole agency. And
15 that's going to affect us to some degree.

16 We still are sending folks to
17 training and things that are absolutely
18 critical to do. And we're looking at, we
19 think, a twelve percent, or so, cut next
20 year in the falling budget. Again, mostly
21 it's going to affect our programs in the
22 laboratory, customer assistance in our
23 county offices, and some of our water and
24 air programs that are funded predominately
25 with appropriated monies. I think if it

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1 doesn't get any worse than that, we'll
2 survive okay. If cuts get up in the twenty
3 or thirty percent range, then it's going to
4 really hit the agency pretty hard, and
5 we'll maybe be looking at rifts and stuff.
6 But at this point, it doesn't look quite

7 that gloomy. Although we haven't seen too
8 many -- even though there are, like,
9 natural gas -- income from natural gas
10 taxes is up quite a bit, that has not
11 offset some of the losses in just general
12 revenues through income tax, and sales
13 taxes. And that's basically all I have.

14 (Item No. 11 Concluded)

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1 (Item Nos. 12-15)

2 DR. GOODEN: Thank you. I don't
3 have anything particular to report. These
4 are exciting and challenging times that we
5 are living in. And they can be fun, or
6 they can be sort of stressful. But
7 hopefully, we'll have the fun part of it.

8 I think we'll ask the public if they

9 have any additional comments or discussion.
10 Anything?

11 Any new business that couldn't have
12 been foreseen? Council Members? Public?

13 MR. WOODS: I've got one question
14 for Mr. Thompson. How is the negotiation
15 lawsuit with the compact going?

16 MR. THOMPSON: Well, I'm sure you
17 all remember that we basically won that.
18 And the ruling was in our favor. I think
19 the other folks are going to appeal.

20 I haven't heard that we made any
21 substantial progress in negotiations with
22 them. I'm not quite sure of the status of
23 this, but I think there were some moves
24 afoot to take Nebraska out of the compact,
25 because of their bad-faith efforts. I'm

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1 not quite sure how that has worked out.
2 I'll have to check with Catherine Sharp,
3 who is the Chairman of that now for us, and
4 get the most recent feedback. I think
5 we're in pretty good shape, given that we
6 won the first round, and that we would
7 expect to get some sort of a settlement, or
8 win the second round outright.

9 I'm not sure the schedule of when we
10 might be up for the court dates, or
11 whatever, on the appeals.

12 MR. WOODS: Thank you.

13 DR. GOODEN: Anything else? It's
14 about lunch time. I'm going to invite
15 everyone to join what number of us will go
16 down to the little sandwich shop here for
17 lunch. So, hopefully, some of you will be
18 there.

19 If there's no other issues, this
20 meeting is adjourned.

21 (End of Proceedings)

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C E R T I F I C A T E

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STATE OF OKLAHOMA)

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COUNTY OF OKLAHOMA)

ss:

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I, CHRISTY A. MYERS, Certified

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Shorthand Reporter in and for the State of

7

Oklahoma, do hereby certify that the above

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proceedings is the truth, the whole truth,

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and nothing but the truth; that the

10 foregoing proceedings were taken by me in
11 shorthand and thereafter transcribed under
12 my direction; that said proceedings were
13 taken on the 12th day of March, 2003, at
14 Oklahoma City, Oklahoma; and that I am
15 neither attorney for nor relative of any of
16 said parties, nor otherwise interested in
17 said action.

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand and official seal on this, the
20 27th day of March, 2003.

21

22 CHRISTY A. MYERS, C.S.R.
23 Certificate No. 00310

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