

DRAFT MINUTES
(Verified with meeting transcript)

CENTRAL INTERSTATE LLRW COMMISSION
Special Meeting
THURSDAY, November 18, 2021 at 10:00 A.M.

In compliance with Commission Bylaws and Rules, a meeting notice announcing the date, time, location, and agenda availability was emailed to the interested public on Thursday, November 11, 2021.

The Special Meeting of the Central Interstate Low-Level Radioactive Waste Compact Commission (CILLRWCC) was held Thursday, November 18, 2021 via Teleconference to discuss the audit, the conversion of files in storage to electronic files, and all other business to come before the Commission.

The meeting was called to order at approximately 10:05 a.m. and the first item agenda was for roll to be called. Responding to the roll call was Kelly Dixon, Oklahoma Commissioner and Chair; Scott Blackwell, Louisiana Commissioner; and Richard Brunetti, Alternate Kansas Commissioner.

The Administrator, Kristie Ann Valtierra; Alternate Oklahoma Commissioner, Mike Stickney; and Court Reporter, Christy Myers, Kendra Robben, Attorney, and Jon Roberts, previous Oklahoma Commissioner were also present on the conference call.

See transcript pages 3-4

The Chair addressed the second agenda item to discuss records retention recommendations from attorney and the status of the audit. The Chair began with asking Kendra Robben, Attorney to give a high-level summary of her recommendation she had submitted to the commission. Ms. Robben was assigned the task of reviewing the law relating to a records retention policy and found that digitizing records is acceptable in the host state; therefore, the Commission should adopt a records retention policy and operate in accordance with that policy. The Chair then passed the floor to the Administrator to discuss the status of the audit. The Administrator advised that she was working with the auditor to complete outstanding audits for Fiscal Years 2019, 2020, and 2021. The commission would receive three separate audits for these years. Currently, there is no pending delivery date.

See transcript pages 4-17

The Chair then addressed the fourth agenda item to discuss scheduling of a special meeting upon receipt of audit to stay on topic of the audit. It was determined that a meeting would be scheduled within 30 days of the receipt of the audits to give the commissioners time to review them.

See transcript pages 17-20

The Chair moved onto the previous agenda item to hear Commissioners' Reports. end of the month. All commissioners stated they had no new information to report.

See transcript pages 20-21

Adjournment – The meeting was adjourned at 10:28am.

See transcript page 21

Transcript is attached as an official part of these Minutes.

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TRANSCRIPT OF RECORDED TELECONFERENCE

SPECIAL MEETING OF THE

CENTRAL INTERSTATE LOW LEVEL RADIOACTIVE

WASTE COMMISSION

ON NOVEMBER 18, 2021, AT 10:00 A.M.

IN OKLAHOMA CITY, OKLAHOMA

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TRANSCRIBED BY: Christy A. Myers, C.S.R.

1 APPEARANCES BY TELECONFERENCE:

2
3 OKLAHOMA COMMISSIONER AND CHAIRPERSON,
4 KELLY DIXON, PRESENT

5 ALTERNATE OKLAHOMA COMMISSIONER, MIKE
6 STICKNEY, NOT PRESENT

7 ARKANSAS COMMISSIONER, GEORGE OVERBEY, NOT
8 PRESENT

9 KANSAS COMMISSIONER, RICHARD BRUNETTI,
10 PRESENT

11 LOUISIANA COMMISSIONER AND VICE-CHAIR,
12 SCOTT BLACKWELL, PRESENT

13 KRISTIE VALTIERRA, ADMINISTRATOR, PRESENT

14
15 ALSO PRESENT ON TELECONFERENCE CALL:

16 CHRISTY MYERS, COURT REPORTER

17 JON ROBERTS, PUBLIC, ODEQ

18 KENDRA ROBBEN, ATTORNEY

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RECORDED TELECONFERENCE MEETING

OKLAHOMA COMMISSIONER: All right.
Kristie, we can get started now.

MS. VALTIERRA: Okay. I'll go
ahead and call roll.

Kelly Dixon of Oklahoma?

OKLAHOMA COMMISSIONER: Here.

MS. VALTIERRA: Rick Brunetti of
Kansas?

KANSAS COMMISSIONER: Present.

MS. VALTIERRA: Scott Blackwell of
Louisiana?

LOUISIANA COMMISSIONER: Present.

MS. VALTIERRA: George Overbey of
Arkansas?

(No response)

MS. VALTIERRA: We have a quorum.
Any members of the public?

MR. ROBERTS: Jon Roberts, Oklahoma
DEQ.

MS. VALTIERRA: And our attorney
Kendra Robben.

MS. ROBBEN: Present.

OKLAHOMA COMMISSIONER: Okay. Good

1 morning, everyone. Thank you for calling in
2 on this agenda today. We're going to start
3 with the discussion on the records retention
4 recommendation that we passed to Kendra Robben
5 to do and I'm going to turn it over to her to
6 give sort of a high level summary of her
7 recommendation.

8 MS. ROBBEN: Thanks, Commissioner
9 Kelly. This is Kendra Robben. I believe
10 that you guys have gotten the report -- the
11 written report sent out to you which has sort
12 of a key conclusion summary. But I completed
13 the assigned task to review the law relating
14 to a records retention policy and,
15 essentially, the long and short of it is, is
16 that I believe that we have no issue about
17 digitizing records, that electronic versions
18 of records are absolutely acceptable in
19 Oklahoma which is the host state in which
20 governs, and so I think that there's not an
21 issue at all with the idea that we would
22 (inaudible) digitized records and maintain
23 records in a digitized format.

24 And then with regard to the
25 possibility that we would actually, you know,

1 start to shred and dispose of the physical
2 records that we have, because basically the
3 Commission sort of is adopt the law of the
4 host state in (inaudible) or the state of
5 where the office is. So Oklahoma law would
6 apply in that and essentially it requires
7 that we adopt a records retention policy and
8 have that approved by the archivist here and
9 then we can operate in accordance with that
10 policy and once we have that in place, if we
11 want to go ahead and dispose of physical
12 printed records, then we just work with our
13 policy and have it approved which is a very
14 simple process. So, I think that's kind of
15 the long -- or the short version of that.
16 And I'm happy to answer any questions that
17 you guys had about the specific report or
18 other, you know, thoughts and questions that
19 we would have about that.

20 KANSAS COMMISSIONER: Kendra --
21 Good morning. This is Rick Brunetti from
22 Kansas and I have a question for you in
23 regards to the -- in regards to the archived
24 records. You had spoken of the digitized
25 records being essentially as -- or in legal

1 circles essentially equivalent to a paper
2 copy. If the materials that were archived or
3 that are presently archived by -- by the low
4 level radioactive waste compact are put into
5 a digitized form, then is this going to be
6 required of us -- at that point and time
7 would we be able to just say that we have a
8 particular record archived then?

9 MS. ROBBEN: Yes. If we've got an
10 archived and portable digital copy, I think
11 that those would be considered electronic
12 records and that we wouldn't be disposing of
13 anything. It's really kind of an abundance
14 of caution thing that we might get approval
15 from the archivist to go ahead and shred the
16 paper copies.

17 KANSAS COMMISSIONER: Okay.

18 OKLAHOMA COMMISSIONER: This is
19 Kelly Dixon. And, Rick, just to add to that,
20 what Kendra is touching on is this state law
21 that relates to records retention and records
22 disposition. Since we're the host state and
23 we're trying to follow Oklahoma state law as
24 commissioned then there's just a formal
25 process that we would follow to go through

1 the records destruction, the ease of that.

2 KANSAS COMMISSIONER: Very good.
3 Okay. Thank you. Thank you for that
4 clarification.

5 OKLAHOMA COMMISSIONER: This is
6 Kelly, again. I have a question for the
7 group, which is that -- or something we need
8 to be thinking about. We're not taking any
9 action on this today, I just want people to
10 sort of review it and next time we meet we
11 can put it on the agenda to make a -- for
12 rulemaking. But the thing to think about to
13 me is that we can digitize everything we have
14 and save everything we have and the question
15 to me becomes, do we already know if there's
16 a subset of documents that don't really need
17 to be preserved for the records that we want
18 -- that are old enough and that don't have
19 any relevance to the Commission anymore that
20 we would want to just not retain at all. We
21 don't have to answer that today but I just
22 want people to be thinking about that. The
23 thing that comes to my mind are the export
24 applications and approvals. I'm not sure the
25 relevance of that and you guys may know

1 better than me, but I'm just throwing that on
2 the table.

3 MS. ROBBEN: This is Kendra,
4 again. And I think if we are just kind of
5 thinking about what would be things for --
6 for you guys to think about that I don't know
7 as much about because I'm not sure exactly
8 what types of records there might be, exactly
9 to Commissioner Kelly's point. At the very
10 end of the attachment or report that I sent,
11 there's kind of the beginning of what would
12 be a proposed draft of a record disposition
13 schedule that we would have. And if you are
14 kind of at the very last two pages of my
15 part, it's sort of, you know, broken out by
16 Commission governance records, minutes,
17 financial records, audit reports, I don't have
18 a good feel for what there are there but, you
19 know, I think that that would be the other
20 thing perhaps for Kristie as Administrator or
21 -- you know, to start to look at that and
22 make sure that they feel -- that you guys
23 feel that the -- because I just was kind of
24 suggesting a general thing here based on the
25 standard phase disposition schedule. But if

1 there were -- you know, kind of just looking
2 at that in light of what you feel that you do
3 have and then, yes, kind of deciding if there
4 are things that would be past the, you know,
5 the time that our proposed record retention
6 schedule would say we would need to keep them
7 at all, whether it would be worth it to
8 digitize in that instance or not.

9 OKLAHOMA COMMISSIONER: This is
10 Kelly, again. And to me the reason that's
11 important is, you know, we would be
12 contracting for the work to digitize the
13 documents. So if there's a subset of
14 documents that we don't think need to be
15 preserved, we wouldn't bother to go to the
16 expense to have those digitized. And, you
17 know, if we're not ready to make a decision,
18 I don't care. I think Kendra's
19 recommendation is that we can start digitizing
20 tomorrow or whenever we're ready. So I think
21 that's going to be probably our next step.

22 KANSAS COMMISSIONER: This is Rick
23 Brunetti. Does anyone know if the state of
24 Oklahoma has a state contract with a
25 digitizing company or are the various Oklahoma

1 departments of -- or in government, are they
2 just handling that on their own?

3 MS. VALTIERRA: Different agencies
4 use different companies.

5 KANSAS COMMISSIONER: Different
6 agencies, okay.

7 OKLAHOMA COMMISSIONER: This is
8 Kelly, again. Rick, for our agency, we have
9 a program where we are converting our
10 documents to digital documents, we do that
11 in-house, but I believe, Kristie, tell me if
12 I'm wrong, that we -- there are some
13 statewide contracts that are available and I
14 think if we're going to -- you know, we're
15 going to have to follow the bylaws in terms
16 of contracting to make sure we get an
17 appropriate bid and contractor to do the
18 work.

19 KANSAS COMMISSIONER: Yeah. I was
20 just wondering if one of the digitizing
21 companies that have the statewide contract, if
22 they might -- with some guidance from the
23 Board if they will be able to disseminate
24 between records that need to be digitized and
25 those that do not?

1 OKLAHOMA COMMISSIONER: This is
2 Kelly, again. I would say the answer is no.
3 I think that's going to be up to us to
4 determine what that is. I mean, that
5 wouldn't be their job.

6 KANSAS COMMISSIONER: Right. But
7 if we had a schedule or if -- if we approved
8 a schedule, would they be able to work from
9 that? You don't think they would be able to
10 work from that, Kelly, in order to
11 disseminate which records needed to be
12 digitized and which ones did not?

13 OKLAHOMA COMMISSIONER: This is
14 Kelly, again. Do you mean a schedule of
15 disposition?

16 KANSAS COMMISSIONER: Yes.

17 OKLAHOMA COMMISSIONER: Again, I
18 don't know. I'm not sure that they would be
19 able to identify or distinguish between which
20 types of documents. I would sort of see that
21 as our record -- Kendra, what did you call
22 it, a records retention officer?

23 MS. ROBBEN: Yes. This is Kendra.
24 Yeah. We would need appoint a records
25 retention officer and I would think that they

1 would be kind of the person responsible for,
2 you know, deciding what needs to stay, you
3 know, within the schedule and what can be
4 disposed of.

5 OKLAHOMA COMMISSIONER: Kelly
6 Dixon, again. From my perspective I would
7 say that the Administrator would be the
8 appropriate records retention administrator.
9 That's an idea I have but I don't know if you
10 guys have other ideas. The Administrator
11 would be one of us.

12 KANSAS COMMISSIONER: Yeah. This
13 is Rick Brunetti. I would totally agree with
14 you, Kelly, that the Administrator would be
15 the -- who would be the appropriate person,
16 maybe with -- you know, maybe with guidance
17 from that person.

18 OKLAHOMA COMMISSIONER: Absolutely,
19 I agree.

20 MS. VALTIERRA: We plan to do
21 inventory on everything that is in there and
22 create a sheet -- like a spreadsheet to let
23 all the Commissioners know exactly what is in
24 there and then we let them decide on what we
25 keep and what we dispose of.

1 KANSAS COMMISSIONER: This is Rick
2 Brunetti, again. Have we checked in order to
3 determine where the records are essentially
4 going to be retained? Are they just going to
5 be on a hard drive, is it going to be on a
6 cloud or is that something that we still need
7 to study and look into a little more?

8 MS. VALTIERRA: That is something
9 that will be included in the quote, and so
10 when we actually take action on this and
11 decide which way we want to go, we'll choose
12 from the quote.

13 KANSAS COMMISSIONER: Fantastic.

14 OKLAHOMA COMMISSIONER: This is
15 Kelly. And I just want to -- I think we need
16 to direct -- if we're going to get quotes, we
17 need to direct what we want the contractor to
18 do. And the question would be, do we want
19 them to put it in the cloud with a hard drive
20 backup, do we want a hard drive and a hard
21 drive backup? We get to direct that,
22 Kristie, so we need as a group to probably
23 figure out what type of storage we want.

24 MS. VALTIERRA: Right. They will
25 quote us with storage or without storage on

1 every quote that we get.

2 OKLAHOMA COMMISSIONER: This is
3 Kelly. In terms of how we store the
4 documents, does anyone have any preferences or
5 recommendations, hard drive versus cloud,
6 versus both?

7 KANSAS COMMISSIONER: This is Rick
8 Brunetti. And, Kelly, the only thing I would
9 recommend is to have something that is
10 searchable.

11 OKLAHOMA COMMISSIONER: Okay.
12 That's a very good aspect of records, I
13 think.

14 KANSAS COMMISSIONER: Me too.

15 OKLAHOMA COMMISSIONER: Are there
16 any other questions, comments, suggestions,
17 before we move on?

18 (No response)

19 OKLAHOMA COMMISSIONER: I think
20 what I will do to conclude to make sure that
21 we're clear what our next steps are, in our
22 next regular meeting I will -- well, I don't
23 know if we'll do it at the regular meeting or
24 a special meeting, we will put this on the
25 agenda to formalize a records retention policy

1 or program and, hopefully, we can also talk
2 about contracting for digitizing, and we'll
3 have the inventory at that time. So we'll
4 put -- we'll keep all that on the agenda and
5 we can work through it. And then, I guess,
6 the other thing we need to think about is if
7 we have a records management program, does
8 that need to be a part of the bylaws or is it
9 just a standalone thing? And I don't need an
10 answer today but, Kendra, maybe you could
11 think about that.

12 MS. ROBBEN: My inclination would
13 be that we would just adopt the records
14 retention policy as a separate standalone
15 policy and then it wouldn't require an
16 amendment of the bylaws to do so.

17 OKLAHOMA COMMISSIONER: Okay.

18 MS. ROBBEN: But I do think it
19 would be helpful once we get the -- kind of
20 an inventory for -- I mean, and I can
21 certainly work with Kristie on that to sort
22 of cross-reference the kind of records we
23 have with the draft -- the draft retention
24 policy just so that it seems that we're
25 clearly covering what you do have and it's

1 really clear to us which is what -- the
2 things that we already do have, what category
3 they're in and, therefore, what the policy
4 would be on each of them.

5 OKLAHOMA COMMISSIONER: Okay. If
6 there's no other questions or comments, we
7 can move on to the next topic which is a
8 discussion of the status of the audit. If
9 you remember, this special meeting was set to
10 approve the audit and I'm sorry to report
11 that we do not have the audit in. If you
12 remember we -- because of Covid and telework
13 and just disruption, we got behind and are
14 waiting for audits on fiscal year '19, '20
15 and '21, which is the current year. So I'm
16 going to turn it over to Kristie Valtierra,
17 the Administrator, to discuss what she knows
18 about the status of the audit and where we're
19 headed with it.

20 MS. VALTIERRA: This is Kristie.
21 I am working with Michael Kennan, the new
22 auditor, almost daily now. He's getting to
23 the very end of it. So, hopefully, we will
24 have it pretty soon. Brian, who normally did
25 our audit and who was very familiar with the

1 Commission, has left the firm. And so
2 because of Covid, and they've had some
3 staffing issues, that is why they have been
4 behind.

5 OKLAHOMA COMMISSIONER: Does anyone
6 have questions or comments about the status
7 of the audit?

8 LOUISIANA COMMISSIONER: This is
9 Scott Blackwell. Will we have to have
10 another meeting to approve those before our
11 regular meeting?

12 OKLAHOMA COMMISSIONER: We will.
13 This is Kelly. We will. We have that as an
14 agenda item below but we can talk about it
15 now since it's sort of on topic. I don't
16 want to anticipate the date certain when
17 we're going to have the audit. I know that
18 once we get it, we want to share it with the
19 Commissioners and give everyone a chance to
20 familiarize themselves with it before we sit
21 down to formally approve it.

22 Kristie, do you have an estimated
23 deadline from the auditor?

24 MS. VALTIERRA: He's still waiting
25 on bank forms to return because, you know, I

1 have to sign them and then he mails them out
2 and the bank fills it out and provides him
3 with the information, and he's still waiting
4 on a couple of those. So, I'm -- I can ask
5 him again but I'm not really sure at this
6 time.

7 OKLAHOMA COMMISSIONER: Scott --
8 this is Kelly, again -- I'm going to -- I'm
9 going to -- you know, I'm always the eternal
10 optimist, and I would hope that we would have
11 it before the end of the year but I'm not
12 certain that we will. So I'm just going to
13 let you know, as soon as we get it we will
14 get it out to you guys and I would -- maybe
15 we can agree today to try to schedule
16 something within "x" number of days of
17 getting the audit. So maybe that's where we
18 should head. Like, do we need 15, 20, 30
19 days, once we get it, before we have a
20 meeting? Do you guys have any ideas there?

21 KANSAS COMMISSIONER: Kelly -- this
22 is Rick Brunetti, again, Kansas. I have a
23 question. Since we do not have an audit for
24 '19, '20 and '21, are we going to get three
25 separate audits or are all three of the years

1 going to be commingled into one report?

2 OKLAHOMA COMMISSIONER: I believe
3 they're going to be separate audits.

4 KANSAS COMMISSIONER: Okay.

5 OKLAHOMA COMMISSIONER: Kristie,
6 can you confirm that?

7 MS. VALTIERRA: Yes. He's doing
8 them separately.

9 KANSAS COMMISSIONER: In that case,
10 since we have three separate audits to look
11 through, I might suggest that we extend that
12 time a little bit. I would think 30 days
13 would be appropriate but, you know, I
14 wouldn't try to schedule a call within a week
15 of getting all three of them --

16 OKLAHOMA COMMISSIONER: Okay.

17 KANSAS COMMISSIONER: -- because
18 that's just not going to give us enough time
19 to get through all three.

20 OKLAHOMA COMMISSIONER: Yes. I
21 agree with that. Why don't we -- and then
22 we'll have schedules to consider, too. So if
23 we could just sort of conceptually agree that
24 we'll try to start scheduling something within
25 -- after 30 days of receipt of and -- and

1 dissemination of those audit reports, then we
2 could at least get something scheduled.

3 KANSAS COMMISSIONER: Absolutely.

4 OKLAHOMA COMMISSIONER: If that
5 sounds okay to everybody.

6 KANSAS COMMISSIONER: You bet.

7 LOUISIANA COMMISSIONER: This is
8 Scott Blackwell. That sounds good.

9 OKLAHOMA COMMISSIONER: Okay.
10 Thank you. I'm hoping that we can nail this
11 down a little bit more tightly next year. So
12 that's one of my goals for myself.

13 Any more questions, comments,
14 suggestions, on the status of the audit on
15 that agenda item?

16 (No response)

17 OKLAHOMA COMMISSIONER: Okay.

18 Kristie, back to you.

19 MS. VALTIERRA: If we are ready to
20 adjourn --

21 OKLAHOMA COMMISSIONER: Well, you
22 have another agenda item on there.

23 MS. VALTIERRA: I'm sorry.

24 OKLAHOMA COMMISSIONER: The
25 Commissioners Report?

1 MS. VALTIERRA: Does anybody have
2 anything that they would like to report from
3 their state?

4 KANSAS COMMISSIONER: Nothing from
5 Kansas.

6 LOUISIANA COMMISSIONER: Nothing
7 from Louisiana.

8 OKLAHOMA COMMISSIONER: Nothing
9 from Oklahoma.

10 MS. VALTIERRA: Okay. Then if
11 everybody's in agreement, we can adjourn at
12 10:28.

13 KANSAS COMMISSIONER: Thank you.

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15 (Meeting adjourned at 10:28 a.m.)

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C E R T I F I C A T E

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

I, CHRISTY A. MYERS, Certified
Shorthand Reporter in and for the State of
Oklahoma, do hereby certify that the above
referenced meeting was recorded by audio and
thereafter transcribed by me to the best of
my ability; and that I am neither attorney
for, nor relative of any of said parties, nor
otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto
set my hand and official seal on this, the
7th day of December, 2021.

Christy Myers

Christy A. Myers, C.S.R.
Certificate No. 00310

