

TEXAS RADIATION ADVISORY BOARD MINUTES
Second Quarter Meeting
June 14, 2003
Austin, Texas

The meeting was called to order at 9:00 a.m. by Michael S. Ford, C.H.P., Chair, with the following members present: Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Earl P. Erdmann; Ian Hamilton, Ph.D.; W. Kim Howard, M.D.; Odis R. Mack; Troy Marceleno; Judith A. Pester, M.D.; Kevin L. Raabe; and Elaine L. Wells

The following members were absent: Thomas M. Burnette; Eugene A. Coleman, Ph.D.; Justin P. LeVasseur, M.D.; and Bruce A. Matson, D.D.S.

Guests present: Rick Jacobi, P.E.; Eddie Selig, Advocates for Responsible Disposal; and Bob Wilson, Jackson, Sjoberg, McCarthy & Wilson, LLP

Texas Department of Health (TDH) central office staff present: Tom Godard and Jackie McDonald

Bureau of Radiation Control (BRC) staff present: Richard A. Ratliff, P. E.; Margaret Henderson; Doris McCormick; Art Tate; Ruth E. McBurney, C.H.P.; Alice Rogers, P.E.; Gary Smith, Ph.D.; Debbie Borden; David Fogle; Helen Watkins; and Ruben Cortez

Texas Commission on Environmental Quality (TCEQ) staff present: Susan Jablonski, Susan White, and Tony Bennett

Texas Railroad Commission (RRC) staff present: Richard Ginn

Minutes of the January 25, 2003 meeting were approved as submitted.

Richard Ratliff provided a slide presentation to the board members on the 40th Anniversary of Texas as an Agreement State celebration.

Mr. Ratliff provided the members with a handout of legislative bills directly impacting radiation control. The board members discussed having a conference call regarding HB 2292 if there is opportunity during a special session. The decision was made to hold a conference call to approve or reject additional recommendations on HB 2292 if the bill came up again in the special session(s).

A handout was provided regarding the budget. There were no cuts or increases to the BRC budget.

A rider was added to allow fees to be appropriated so that TDH/BRC could become a

mammography certifying body with FDA.

The Medical Committee (Kim Howard, M.D., Chair) met and a quorum was present. Mrs. McBurney provided an update on Board of Medical Examiners - rules regarding Standing Delegation Orders as it applies to laser hair removal. Two stakeholder meetings were held in May. Plans are to publish new proposed rules on July 4 or July 11 for a 30 day comment period, hold a hearing on August 15, and make a final decision on the rules.

Mrs. McBurney reported a request was received from the University of Texas Medical Branch in Galveston for a physician on the staff to be approved as an authorized user for brachytherapy. Dr. Howard requested additional information be provided the committee members on the training the physician received in Italy and the individual's activities after training and up until this time.

The Executive Committee (Michael Ford, Chair) met and a quorum was present. On motion and second the committee recommended 25 TAC 289.205, Hearing and Enforcement Procedures be forwarded to the Board of Health for proposal and publication in the Texas Register for public comment. Motion passed unanimously.

On motion and second the committee recommended 25 TAC 289.130 - Radiation Advisory Board rules be forwarded to the Board of Health for final adoption. Motion passed unanimously.

On motion and second the full board approved the committee's recommendations. Motion passed unanimously.

Program Reports:

1. Texas Commission on Environmental Quality (TCEQ)
 - (i) Susan Jablonski reported there was a large cut in TCEQ's budget. Texas will be greatly impacted by the cut in superfund cleanups.
 - (ii) A handout was provided on the low-level waste bill that names TCEQ as the regulator. Money was appropriated for five additional staff. January 1, 2004 is the deadline for new rules to be finalized. A draft will be available at the next board meeting. A stakeholders meeting is planned for July.
 - (ii) Tony Bennett updated the board members on the NORM and drinking water rules. TCEQ received an extension from EPA to postpone the adoption of the rules until December 2004. TCEQ plans to propose rules soon.
2. Railroad Commission of Texas (RCT), Richard Ginn reported there were no bills in the recent legislative session that effected RCT's regulation of Oil and Gas NORM. In February 2003 new Oil and Gas NORM regulations were adopted. The preamble of the rule addressed the concerns the TRAB voiced at the January 2003 regular meeting.

The board requested a written response from RCT addressing their recommendations to the rules.

- 3, A. TDH, BRC, Richard Ratliff, P.E., Chief
 - (i) The cleanup of the Gulf Nuclear Houston and Webster sites has been completed at a cost of 17 million dollars. The Environmental Protection Agency entered into a contract with Waste Control Specialist to store the Class C waste in its Andrews County site.
 - (ii) As Chairman of the Conference of Radiation Control Program Directors, Mr. Ratliff recently briefed the President's Homeland Security Council staff on radiation issues in the states. Another meeting is scheduled for next week with the Department of Homeland Security and the Nuclear Regulatory Commission to look at the issues on radiation safety.

- B. Licensing, Registration, & Standards, Ruth McBurney, C.H.P.
 - (i) Presently, staff has three vacant positions.
 - (ii) The Food and Drug Administration (FDA) completed their review of the Texas accreditation program.
 - (iii) Staff will be updating several rules to be presented to the board at their next meeting.

- C. Compliance and Inspection, Arthur Tate
 - (i) For about 30 years TDH has conducted training for first responders around the state. After September 11, the number of requests increased significantly and last year over a thousand first responders were trained. Recently a bioterrorism grant of \$93,000 was received which is being used for contract instructors to assist in first responder training. Calibrated instruments are provided.
 - (ii) About a month ago an emergency response exercise was completed at the Pantex Plant in Amarillo.
 - (iii) A dress rehearsal for the annual emergency response exercise at the Comanche Peak nuclear power plant is scheduled for September 9 and 10, 2003. The full-scale exercise is scheduled for November 18, 19, and 20, 2003.
 - (iv) Currently, the Houston regional office has two radioactive material inspector positions and two x-ray inspector positions

- vacant.
- (v) The 2002 Environmental Report has been completed. For a copy of the report, contact the bureau.

The next quarterly meeting is tentatively scheduled for August 23, 2003, in Austin, Texas.

The meeting adjourned at 11:40 a.m.

Respectfully submitted,

Elaine L. Wells, Secretary
Texas Radiation Advisory Board