



## TEXAS RADIATION ADVISORY BOARD

Minutes of the June 7, 2008 Board Meeting

Department of State Health Services (DSHS), Moreton Building, Room M 739

1100 West 49<sup>th</sup> Street, Austin, Texas

1. Call to order

Michael Ford C.H.P. Chair, called the meeting to order at 9:00 a.m. Members present for the meeting were: Anna Cleveland, Ph.D., Rick Jacobi, P.E., Mitchell Lucas, Troy Marceleno, Brad Bunn, Kevin Raabe, Melanie Marshall, D.D.S., Jay Murphy, P.E., John Hageman, C.H.P., Nora Janjan, M.D., MPSA, MBA and Bill Campbell.

Members not present: Bobby Haley, W. Kim Howard, M.D., Darlene Metter, M.D., Rosana G. Moreira, PhD., Mark Silberman, M.D., and Michael T. Walsh.

Department of State Health Services (DSHS) staff present: Richard Ratliff, P.E., Susan Tennyson, Cindy Cardwell, Tommy Cardwell, Darice Bailey, Jerry Cogburn, Jo Turkette, Mike Dunn, Helen Watkins, Robert Free, Rueben Cortez, Carolyn Wright.

Texas Commission on Environmental Quality (TCEQ) staff present: Susan Jablonski, P.E., Gary Smith, Ph.D.

Railroad Commission of Texas (RRC) staff present: Leslie Savage

2. Introduction of guests

Guests present: Doris Bryan, Radiation Technology; Eddie Selig, Advocates for Responsible Disposal in Texas (ARDT); Geri Cooley, Lotus.

Newly appointed board members were also introduced: Melanie Marshall, John Hageman, Bill Campbell and Jay Murphy.

3. Minutes of the February 9, 2008 meeting

Minutes of the February 9, 2008 quarterly TRAB meeting were submitted for approval. On motion and second, the board approved the minutes.

4. Election of new Vice-Chair

Kim Howard, M.D, was nominated as the vice-chair. On motion and second, the board approved. Dr. Nora Janjan was moved to chair of the medical committee.

5. Presentation by American Association of Physicists in Medicine.

Tabled until the next TRAB Meeting

## TEXAS RADIATION ADVISORY BOARD

### Minutes of the June 7, 2008 Meeting

#### 6. Meeting of the *Ad Hoc* Committee on Financial Assurance

##### a. *Status Report:*

Given the recent replacement of the Committee Chair, Mr. Mack, no status report was available. Mr. Ford requested that Mr. Jacobi take on the role of Chair for the Committee. Mr. Jacobi accepted.

##### b. *Industry comment/presentation:*

Representatives from the Willis Corporation will be invited to speak at next TRAB meeting.

#### 7. Meeting of the Medical Committee

Mr. Hageman and Dr. Marshall were asked to join the medical committee. A quorum was not present for the medical committee.

##### a. *Status Report: Ford letter to Nuclear Regulatory Commission (NRC) regarding Compatibility Category B and whether Texas can maintain a more stringent set of requirements due to patient safety concerns.*

TRAB received a response from NRC regarding its June 9th review of DSHS' program and the effect of not having NRC medical rule changes in place. Mr. Ford reiterated TRAB's concern with the changes to be proposed. Carolyn Wright, legal counsel, stated that DSHS is seeking additional clarification from NRC, but is also moving forward to re-propose rules in 25 Texas Administrative Code (TAC) §289.256. Ms. Wright also stated that the rule will not be brought to TRAB again for approval to publish but that TRAB's previous comments/positions in opposition would stand. The rule will be forwarded to Commissioner Hawkins for approval to publish in the Texas Register for public comment. TRAB's next opportunity for input would be during the 30 day comment period. Mr. Ford stated that the next step would be to communicate with Dr. Lakey and Executive Commissioner Hawkins, regarding TRAB's position on not recommending proposal.

##### b. *Status report on physician qualifications (Thomas Blevins, M.D. and Paul Moore, M.D.) for authorized user status on radioactive material licenses*

No status available.

#### 8. Meeting of the Waste & Industrial Committee

##### a. *Status report regarding Phase II TCEQ rulemaking and discussions regarding TRAB's comments.*

TRAB had two items to address with TCEQ in a letter dated May, 5, 2008. The first item is a new rule that would allow certain very low level radioactive material to be shipped and processed and disposed of in a RCRA landfill. This issue has been before the TRAB for some time, but not yet been officially presented to TCEQ. The second item is a request

## TEXAS RADIATION ADVISORY BOARD

### Minutes of the June 7, 2008 Meeting

that rules reflect performance based licensing which the NRC embraces and which TRAB would like to see implemented on a state level. Mr. Raabe asked for a status report from TCEQ.

Ms. Susan Jablonski (TCEQ) reported that the uranium rule making is underway; however the two items brought up by TRAB are not in the current authorized scope of rule making.

Mr. Rick Jacobi asked Ms. Jablonski what it would take for TCEQ to start implementing item # 1 of the letter. Ms. Jablonski suggested that TRAB could petition for rulemaking. Alternatively, Ms. Jablonski stated that TRAB could ask the commission to consider a rule change in a more informal way.

Mr. Ford is concerned that TRAB is not always provided adequate notice on proposed rules and has concerns that TRAB may not meet its statutory obligations to advise the agencies on radiation policy and proposed rules. Mr. Jacobi stated that the TCEQ does a good job on posting schedules and information on its website.

*b. Proposal to establish a working group to evaluate the current methods of NORM remediation.*

Mr. Jacobi reports that more complete information from the Railroad Commission in bid proposals could assist in bidding practices. Mr. Jacobi suggests creating a working group to discuss better ways to bid jobs more accurately. A representative from Lotus stated that they would like to participate in the proposed working group if possible.

Mr. Raabe responded with a suggestion to create a TRAB *ad hoc* committee and invite agencies and industry to participate as warranted. On motion and second, the board voted and approved an *ad hoc* committee on best practices in NORM remediation.

The Committee consists of Mr. Jacobi (Chair), Mr. Bunn, Mr. Marceleno and Dr. Cleveland.

Mr. Ford asked the Committee to develop a charter and set of goals for the next Board meeting.

9. Meeting of the Committee of the Whole

*a. Public Comment*

Ms. Doris Bryan, representing Radiation Technology, expressed her concern with the NRC's Increased Controls fingerprinting requirement that went into effect in 2005. Ms. Bryan stated that this requirement is causing problems with licensees due to fingerprints being rejected by the FBI. She stated that she has submitted fingerprints to three certified entities and has been rejected all three times. Ms. Bryant states it is time consuming and costly and is asking TRAB for any suggestions. Mr. Ford asked Ms. Bryan to submit her experience and concerns to TRAB.

## TEXAS RADIATION ADVISORY BOARD

### Minutes of the June 7, 2008 Meeting

- b. *Proposal of 289.201 relating to General Provisions for Radioactive Material*
- c. *Proposal of 289.202 relating to Standards for Protection Against Radiation from Radioactive Material*

On motion and second, the TRAB approved the recommendation for 8.b and 8.c to move forward for proposal.

- d. *Proposal to establish an ad hoc committee on interagency information management.*

Dr. Cleveland requested that an *ad hoc* committee be established on the process, exchange and delivery of information between different state agencies and to the public. Mr. Ford was in favor of forming a committee. Dr. Cleveland was named Chair of the committee. Other members of the committee are Dr. Janjan, Mr. Jacobi, and Mr. Marceleno. Mr. Ford asked the Committee to develop a charter and set of goals for the next Board meeting.

#### 10. Program reports

- a. *Department of State Health Services*
- b. *Texas Commission on Environmental Quality*
- c. *Railroad Commission of Texas*

Program reports are attached.

#### 11. Board member requests for agenda items for next meeting

- a. Presentation by the American Association of Physicists in Medicine.
- b. Nuclear Industry update, Mr. Selig representing ARDT.
- c. Financial Security presentation by representatives of the Willis Corporation.

#### 12. Public comment

None

#### 13. Next meeting date

The next meeting will be scheduled at the end of August or early September.

#### 14. Adjourn

The meeting was adjourned at 11:30 a.m.