



TEXAS RADIATION ADVISORY BOARD

Minutes of the October 13, 2007 Board Meeting

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

1100 West 49th Street, Austin, Texas

Scheduled to Convene at 9:00 a.m.

1. Call to order

Michael Ford, C.H.P., Chair, called the meeting to order at 9:18 a.m. Members present for the meeting were: Rick Jacobi, P.E.; Troy Marceleno, P.E.; Ana Cleveland, Ph.D.; Rosana Moreira, Ph. D.; Ian Hamilton, Ph.D.; Michael Walsh; W. Kim Howard; Darlene Metter and Earl Erdman (participated via Speaker Phone).

Members not present: Bruce Matson, D.D.S.; Odis Mack; Bob Haley; Bradley Bunn; Nora Janjan, M.D.; Mitchell Lucas and Kevin Raabe.

Department of State Health Services (DSHS) staff present: Richard Ratliff, P.E.; Susan Tennyson; Debbie Peterson; Renee Clack; Cindy Cardwell; Ruben Cortez; Jerry Cogburn; Tommy Cardwell; Helen Watkins; Jo Turkette, Ray Jisha, Pete Myers, and Carolyn Wright.

Texas Commission of Environmental Quality (TCEQ) staff present: Susan Jablonski.

Texas Railroad Commission (TRC) staff present: Jill Hybner.

2. Introduction of guests

Guest present: Annette Glass, Rep. self; Roger Mulder, State Energy Conservation Office; Doris Bryan, Radiation Technology; Eddie Selig, ARDT.

3. Minutes of the July 14, 2007 meeting

Minutes of the July 14, 2007 Quarterly TRAB Meeting were submitted for approval. On motion and second, the board approved the minutes.

4. Election of Officers

Michael Ford was re-elected as Chairman; Ian Hamilton retained the position of Vice Chairman and Mitchell Lucas the position of Secretary.

5. Medical Committee, Dr. Howard, Chair

- a. Status Report: NRC's position regarding Compatibility Category B and whether Texas can maintain a more stringent set of requirements due to patient safety concerns.

Mr. Ford briefed the TRAB members on meetings with (1) NRC Chairman Klein following the OAS Meeting in Oklahoma City and (2) Jessica Olson of Governor Perry's staff. Mr. Ford stated that both spoken and written communications (e-mail) with the NRC Chairman had proven ineffective and that the next step would be formal written correspondence to Chairman Klein and his fellow commissioners. In the meeting with

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Ms. Olson, Mr. Ford was informed that Governor Perry's office would support the TRAB's efforts to maintain more stringent training and experience (T&E) requirements in Texas and would be willing to draft a letter of support when/if needed. Finally, Dr. Lakey had decided that DSHS would pull the proposed rule change implementing 10 CFR 35, in support of the TRAB's efforts to maintain the more stringent existing requirements.

- b. 25 TAC 289.232 Radiation Control Regulations for Dental Radiation Machines – Consideration for Proposal

On motion and second, the Medical Committee approved the recommendation of item 5.b for forwarding to the State Health Services Council for proposal

- c. 25 TAC 289.233 Radiation Control Regulations for Radiation Machines Used in Veterinary Medicine – Consideration for Proposal

On motion and second, the Medical Committee approved the recommendation of item 5.c for forwarding to the State Health Services Council for proposal

6. Waste & Industrial Committee, Mr. Erdmann, Chair

- a. TRAB/Agency discussion:
 - i. Impacts on Licensees from NRC's final rule on expanded definition of radioactive byproduct material
 - ii. Impacts on Licensees & AUs from new finger-printing requirements.

The general discussion indicated that the NRC would be implementing the new requirements by order as opposed to rulemaking. The full impacts of the new requirements are not yet known.

- b. Status report and agency actions needed for TRAB recommendation regarding path forward for alternative disposal, regarding review of 25 TAC §289.202 and DSHS (now TCEQ) recognition of NRC approvals of applications for alternative disposal made under 10 CFR 20.2002.

When questioned about the status of the existing request, Ms. Susan Jablonski (TCEQ) stated that the TRAB needed to formally communicate/transfer the request to TCEQ via letter. Mr. Ford stated that a letter would be sent to reinstate the evaluation of the recommendation.

- c. 30 TAC Chapter 336, Radioactive Substance Rules -Consideration for Adoption
- d. 30 TAC Chapter 281, Applications Processing- Consideration for Adoption
- e. 30 TAC Chapter 39, Public Notice - Consideration for Adoption
- f. 30 TAC Chapter 37, Financial Assurance - Consideration for Adoption

On motion and second, the Waste & Industrial Committee approved the recommendation of items 6.c through 6.f for adoption by the Texas Commission on Environmental Quality

- g. 25 TAC 289.255 Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography – Consideration for Adoption

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On motion and second, the Waste & Industrial committee approved the recommendation of item 6.g for forwarding to the State Health Services Council for adoption.

7. Fee Committee, Mr. Mack, Chair

- a. 25 TAC 289.204 Fees for Certificates of Registration, Radioactive Material Licenses, Emergency Planning and Implementation and Other Regulatory Services – Consideration for Proposal

On motion and second, the Fee Committee approved the recommendation of item 7.a for forwarding to the State Health Services Council for proposal.

8. Committee of the Whole Board

- a. TCEQ and TRC share the 289.130 related MOUs with TRAB.

There was a general discussion, but no MOUs were provided to the TRAB. MOUs have the effect of rule in the state of Texas.

- b. 25 TAC 289.202 Standards for Protection Against Radiation from Radioactive Material – Consideration for Adoption

On motion and second, the board approved item 8.b for forwarding to the State Health Services Council for adoption of the following DSHS rules:

- c. 25 TAC 289.226 Registration of Radiation Machine Use and Services – Consideration for Proposal
- d. 25 TAC 289.301 Registration and Radiation Safety Requirements for Lasers – Consideration for Proposal

On motion and second, the board approved items 8.c and 8.d for forwarding to the State Health Services Council for proposal.

Upon receipt of the motions from the standing committees and a second from the committee of the whole, items 5.b, 5.c, 6.c through 6.f, 6.g, and 7.a were approved for forwarding to the State Health Services Council for the stage of approval indicated in the committee discussions.

9. Program Reports

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

Program reports are attached.

10. Board member requests for agenda items for next meeting

Staff presentation on the National Evaluation of X-ray Trends (NEXT)

11. Public comment

Ms. Annette Glass of Representative Warren Chisum's office requested that TRAB members view and evaluate a webinar by Global Risk Advisors entitled, "Dirty Bombs,

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Chemical and Biological Threats, ‘Separating Fact from Fiction.’” The webinar lasts approximately 45 minutes.

12. Next meeting date

The next meeting date was proposed as a choice between February 9th and 23rd. Board members will be queried on their preferred date.

13. Adjourn

The meeting adjourned at 12 PM.