

TEXAS RADIATION ADVISORY BOARD MINUTES

First Quarter Meeting

January 12, 2002

Austin, Texas

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

The following members were absent: Susan E. Best, M.D., Ph.D.; Judith A. Pester, M.D.; and Eugene A. Coleman, Ph.D.

Guests present: Eddie Selig, Advocates for Responsible Disposal; Annette Glass, House Committee on Environmental Regulation; Bob Wilson, McGinnis, Lochridge, and Kilgore; Scott Henson, Sierra Club; Shawn McCabe, Waste Control Specialist; Rick Jacobi; Tommy Cardwell; and Matt Arno

Texas Department of Health (TDH) central office staff present: Richard Bays and Tom Godard

Bureau of Radiation Control (BRC) staff present: Richard A. Ratliff, P. E.; Margaret Henderson; Doris McCormick; Art Tate; Ruth E. McBurney, C.H.P.; Cindy Cardwell; Bill Silva; Bob Free; Pete Myers; Jerry Cogburn; Alice Rogers, P.E.; Gary Smith, Ph.D.; and Ruben Cortez

Texas Natural Resource Conservation Commission (TNRCC) staff present: George Fitzgerald; Tony Bennett; and Hygie Reynolds, Ph.D.

Texas Railroad Commission (RRC) staff present: Richard Ginn and Steve Seni

Minutes of the November 3, 2001 meeting were approved with one change to delete a redundancy.

Bob Free provided a presentation to the board members on lost and abandoned radioactive material sources.

Richard Ratliff stated that at the last meeting the board members requested staffing be reviewed. A report was mailed to the board prior to the meeting. A summary table showing the salary ranges compared to industry and the Nuclear Regulatory Commission (NRC) was

also included. Letters were drafted to the Board of Health, Representative Chisum, Senator Ellis, and Representative Junell, endorsing these issues. On motion and second, the board recommended sending these letters, as drafted, with the exception of adding a statement regarding how the funding would be acquired. Motion passed unanimously.

Mr. Ratliff asked Annette Glass to report on the House Interim Studies. The first hearing was held this week on issues and the Sunset Legislation involving TNRCC. Hearings will be held on radiation issues.

Ms. Glass encouraged the board members to visit individual legislators to offer any assistance and answer any questions regarding radiation issues. Advocates for Responsible Disposal is working with the Health Physics Society on a campaign to education to the legislators.

Mr. Ratliff stated the interim studies on lasers will involve what physician involvement there should be in using high intensity pulse light sources for removal of hair. The Texas Board of Medical Examiners has stated that a physician needs to be on site during these procedures. There is a group who wants physicians to be associated with these facilities, give guidance, and give written delegations. Some cosmetologists do not want any physician involvement.

Mr. Ratliff stated the staff reviewed the recommendations regarding security of radioactive material and believes a radiation advisory board guidance document sent to all radioactive

material licensees would be the best way to handle these issues. On motion and second, the board members approved the draft advisory to radioactive material licensees and two letters, one to the Governor and one to David Dewhurst, Chair of the Homeland Security Task Force. Motion passed unanimously.

The Medical Committee (Kim Howard, M.D., Chair) met and a quorum was present. The members were provided with a draft advisory on whole body CT screening. The advisory is to inform the public that currently there is not a strong indication in favor of whole body CT screening. On motion and second, the committee recommended the advisory for adoption and distribution. Motion passed unanimously.

On motion and second the committee recommended 25 TAC 289.230 - Certification of Mammography Systems and Accreditation of Mammography Facilities be forwarded to the Board of Health for final adoption. Motion passed unanimously.

The Executive Committee (Michael S. Ford, C.H.P., Vice Chair) met and a quorum was present. On motion and second the committee recommended 25 TAC 289.202 - Standards for Protection Against Radiation from Radioactive Material be forwarded to the Board of Health for final adoption. Motion passed unanimously. On motion and second, the committee recommended 25 TAC 289.203 - Notices , Instructions, and Reports to Workers, Inspections be forwarded to the Board of Health for final adoption. TRAB noted that ultimately actual, rather than estimated, dosimetry readings should be provided. Motion passed unanimously.

The Fee Committee (Earl P. Erdmann, Chair) met and a quorum was present. On motion and second the 25 TAC 289.404 - Fees for Certificates of Registration, Radioactive Material(s) Licenses, Emergency Planning and Implementation, and Other Regulatory Services be forwarded to the Board of Health for final adoption. Motion passed unanimously with the understanding that the additional 5% fee will not be collected unless it can be deposited into the Radiation Perpetual Care Fund instead of the General Revenue. Also, TRAB noted additional language is needed to define "oil well".

The Ad Hoc Committee (Michael S. Ford, C.H.P., Chair) met and a quorum was present. Mr. Ford asked Mr. Tony Bennett with the TNRCC to update the board on the rules adoption process of the drinking water standards. Two meetings have been held with outside stakeholders and a third meeting is scheduled for February 26, 2002. Surveys were sent to 127 water systems that currently have or may have a violation of the radium 226, radium 228, gross alpha or uranium standards as they will be adopted and implemented when the rule goes into effect. To date, 40 responses have been received. Plans are to publish the Radionuclides in Drinking Water Regulations in the *Texas Register* in May and bring the proposal to TRAB at the April meeting.

Program Reports:

- (1) A. TDH, BRC (Richard A. Ratliff, P.E., Chief)
 - (i) The Management Review Board reviewed the final report of the in depth

NRC review of the Texas program for compatibility and adequacy. A letter was received last week stating that the Texas program is fully adequate to protect public health and safety and compatible with the NRC.

- (ii) Three BRC staff will be recognized at the annual Texas Department of Health Awards banquet next week. A team award will also be received by the regulatory review team.
- (iii) A second agreement on the Uranium Resources, Inc., was signed by TDH and TNRCC to continue groundwater restoration.
- (iv) The Environmental Protection Agency (EPA) has made the Gulf Nuclear site in Webster, Texas, a priority cleanup. EPA is now on-site and a laboratory has been set up. The cleanup should take six to nine months. A press release will be released within the next two weeks.
- (v) The BRC Web Site is being updated.

B. Licensing, Registration, & Standards (Ruth McBurney, C.H.P.)

- (i) A license was signed last week for Waste Control Specialists to increase the amount of special nuclear material to be processed at that facility. An exemption from an NRC rule was required for an agreement state to be able to regulate that amount of special nuclear material.
- (ii) The Food and Drug Administration is requiring all accrediting bodies for

mammography to resubmit all materials for becoming an accrediting body.

C. Compliance and Inspection (Arthur Tate)

Since the last board meeting, BRC has been able to hire six new staff members including Alice Rogers who was introduced.

(2) RRC

- (i) Richard Ginn reported on Rule 94 which required the oil and gas operators to conduct surveys of their equipment. The first draft brought before the Commissioners was felt to be overly broad in terms of requiring surveys. Another draft rule should be available to the board members before the next meeting.
- (ii) The Commission is also considering, for readoption, the oil and gas division Rule 35 which regulates the lost radioactive sources down hole. No substantive changes to this rule are being considered.

(1) TNRCC

A. (George FitzGerald)

- (i) TNRCC also received a letter from NRC stating their program is adequate to protect the health and safety of the public and compatible with NRC.
- (ii) Staff is continuing to work on licensing and decommissioning buried radioactive waste disposal facilities. Plans are to have this program complete by the beginning of the next legislative session.
- (iii) TNRCC is also facing loss of staff due to retirement and salary ranges.

B. Hygie Reynolds, Ph.D.

- (i) All state agencies are required to review their rules every four years and determine if the need for the rule still exists. All the radiation rules at TNRCC are in one chapter and are due for review this year.

Public Comments:

Eddie Selig, Advocates for Responsible Disposal in Texas (ARDT), stated an educational campaign is being coordinated with the Health Physics Society for the legislature. Mr. Selig asked the board members to participate in the visits that will be made to the legislative offices.

Bob Wilson, representing Jack Hendricks, discussed a draft rule on financial qualifications

that is being considered in the response to the adoption of HB 1099 during the last legislative session. .

The next quarterly meetings were tentatively scheduled for April 6, 2002, and July 13, 2002, in Austin, Texas.

The meeting adjourned at 12:05 p.m.

Respectfully submitted,

Elaine L. Wells, Secretary

Texas Radiation Advisory Board