

TEXAS RADIATION ADVISORY BOARD MINUTES

First Quarter Meeting

April 6, 2002

Austin, Texas

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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: Eugene A. Coleman, 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; Judith A. Pester, M.D.; Elaine L. Wells; and Philip M. Wentworth

The following members were absent: Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Thomas M. Burnette; Earl P. Erdmann, and Ian Hamilton, Ph.D.

Guests present: Annette Glass, House Committee on Environmental Regulation; Bob Wilson, McGinnis, Lochridge, and Kilgore; and Rick Jacobi, P.E.

Texas Department of Health (TDH) central office staff present: 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; Brad Caskey; Pete Myers; Debbie Borden; and Ruben Cortez

Texas Natural Resource Conservation Commission (TNRCC) staff present: George FitzGerald; Tony Bennett; Hygie Reynolds, Ph.D.; Susan Jablonski; Richard Egan; Bob Beleckis; Susan White; Don Redmond and Ainaldo Mediris

Texas Railroad Commission (RRC) staff present: Steve Seni, Ph.D.

Minutes of the January 12, 2002 meeting were approved as submitted.

Debbie Borden provided a presentation to the board members on food irradiation.

Richard Ratliff reported on legislative issues. TDH is planning to sponsor a cleanup of a section in Chapter 401 and return the authority to the Bureau of Radiation Control (BRC) to consider the past compliance history of licensees. Perhaps someone will sponsor a bill on financial assurance. TDH plans to ask for a rider to be placed on the appropriations that would allow BRC to receive all monies above the cap if fees are raised.

Annette Glass reported on the House Committee on Environmental Regulation issues. She said that Representative Chisum expresses his appreciation for the work and expertise the TRAB members provide and considers them a highly valuable advisory board.

A public hearing is scheduled for April 29, 2002, to look at the committee's first two charges.

The Committee will be examining problems related to lost or stolen radioactive materials, including sources abandoned down hole; studying the production, transportation, use, and disposal of hazardous and radioactive materials that could be used in terrorists actions; reviewing the management and security of public drinking water systems; and reviewing government regulations and business practices to determine if legislation is needed to tighten them up.

The Medical Committee (Kim Howard, M.D., Chair) met and a quorum was present. Ruth McBurney provided an update on the Board of Medical Examiners plan to propose rules on lasers. BRC requires that use of a laser to perform hair removal be overseen by a physician. The Board of Medical Examiners will publish the proposed rules in the *Texas Register* soon.

Mrs. Glass reported that the Interim Study on lasers is assigned to the Licensing and Regulation Committee in the House, chaired by Representative Ron Wilson. She strongly recommended that the board members make it known that they are interested and give input.

The committee discussed the credentials of a physician whose training was in South Africa and has had experience in two other countries. The physician is applying to be on the staff at U.T.M.B. in Galveston. On motion and second the committee recommended that the physician be granted approval to use radioactive material. Motion passed unanimously.

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

The Executive Committee (Michael S. Ford, C.H.P., Chair) met and a quorum was present. On motion and second, TNRCC's 30 TAC Chapter 336, Radioactive Substance Rules was recommended for readoption. Motion passed unanimously.

Mr. Bob Wilson commented on the financial qualification of the Licensing of Radioactive Material rule which will be proposed in the future.

On motion and second the committee recommended 25 TAC 289.252 - Licensing of Radioactive Material 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 full board approved the committee recommendations. Motion passed unanimously.

The Waste and Industrial Committee (Michael S. Ford, C.H.P., Chair) met and a quorum was present. On motion and second the committee recommended 25 TAC 289.254, Licensing of Radioactive Waste Processing and Storage Facilities be forwarded to the Board of Health for proposal and publication in the *Texas Register* for public comment. Motion passed unanimously.

25 TAC 289.202(fff), Petition for Rulemaking on General Requirements for Waste Management was withdrawn; therefore, no action by the board members was necessary.

On motion and second the committee recommended TRAB's previous resolution on disposal of low-level radioactive waste with revised wording be adopted. Motion passed unanimously. Thereafter, on motion and second the committee recommended the revised draft of the resolution be placed on the agenda for final review at the next TRAB meeting. Motion passed unanimously.

On motion and second the committee recommended 25 TAC 289.260 Licensing of Uranium Recovery and Byproduct Material Disposal Facilities be forwarded to the Board of Health for proposal and publication in the *Texas Register* for public comment.

On motion and second the committee recommended TAC Rule 16 Part 1 Chapter 3.94, Disposal of Oil and Gas NORM Waste for proposal and publication in the *Texas Register* for public comment.

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

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 provide a presentation and update on the radionuclides in drinking water rules. TNRCC staff plans to present the rules to the Commission on May 8 and request publication in the *Texas Register* as a proposed rule.

On motion and second the committee recommended against proposal of 30 TAC, Chapter 290, Public Drinking Water, 290.180, Radiological Sampling and Analytical Requirements. Motion passed unanimously.

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

On motion and second, Mr. Ford will write a draft letter to the TNRCC Commissioners expressing TRAB's recommendations and objections to the rules. Motion passed unanimously.

Program Reports:

- (1) TNRCC, Susan Jablonski
 - (i) Ms. Jablonski suggested a copy of the letter referring to the drinking water

- standards be sent to the Environmental Protection Agency (EPA).
- (ii) Seven of the eighteen sites where radioactive waste is buried remain. One of the seven should be terminated within the next month and a second by the end of the year.
 - (iii) There are three operational low-level radioactive waste disposal sites in the United States. Texas generators have access to only two of these sites; the Envirocare of Utah site and the Barnwell South Carolina site.
 - (iv) There is a proposal for Envirocare to accept higher radioactivity, the Class B and C waste. There will be an administrative hearing on the license and three parties have been granted party status.
- (2) TDH, BRC (Richard A. Ratliff, P.E., Chief)
- A.
 - (i) EPA is in the process of cleaning up the Gulf Nuclear sites in Webster and Houston, Texas. EPA is doing this under their Action Removal Program. The Army Corp of Engineers is being used as the prime contractor since they have access to radioactive waste sites. U.S. Ecology will do the actual work.
 - (ii) California Radiation Program sent three staff to review BRC's computer system.
 - (iii) The Annual Conference of Radiation Control Program Directors (CRCPD) is scheduled for May in Wisconsin. Several staff will be attending who are on different task forces.
 - B. Licensing, Registration, & Standards (Ruth McBurney, C.H.P.)
 - (i) Mrs. McBurney stated Cindy Cardwell will be the incoming chairman of CRCPD and Richard Ratliff was recently elected chair-elect for the coming year.
 - (ii) Staff turnover of the division was discussed. One staff member transferred to the Compliance and Inspection Division. One staff member from the Standards Program will be going to TNRCC in two weeks.
 - (iii) The Nuclear Regulator Commission has stated that Part 35, the medical rules will be published as final rules soon. Guidance is being developed and workshops will be held on diagnostic nuclear medicine and on therapeutic uses. One of BRC's medical license reviewers will be participating in the workshop on therapy.
 - C. Compliance and Inspection (Arthur Tate)
 - (i) Currently there are three vacancies for radioactive material inspectors. Some inspections are being done by staff from the central office.

- (ii) Texas A & M will be presenting the five week health physics course again this year. There will be three staff attending.
- (iii) X-ray scanners are being used more in airports and some nuclear power plants and other areas. Two issues of concern are personal privacy and radiation exposure although the exposure is relatively low.
- (iv) The Radiological Defense staff has recently been relocated to the Exchange Building.

(3) RRC

Steve Seni, Ph.D., did not have any additional information to present.

The next quarterly meetings were tentatively scheduled for and July 13, 2002 and October 5, 2002 in Austin, Texas. However, the July meeting may be changed to the 20th.

The meeting adjourned at 12:45 p.m.

Respectfully submitted,

Elaine L. Wells, Secretary
Texas Radiation Advisory Board