

TEXAS RADIATION ADVISORY BOARD MINUTES
2nd Quarter Meeting
June 24, 2006
Austin, Texas

Michael Ford, C.H.P., Chair, called the meeting to order at 9:00 a.m. Members present for the meeting were: Bradley Bunn; Bob Haley; Rick Jacobi, P.E.; Nora Janjan, M.D.; Mitchell Lucas; Odis R. Mack; Bruce A. Matson, D.D.S.; Kevin Raabe; and Elaine Wells.

Members not present were: Earl Erdmann; W. Kim Howard, M.D.; Troy Marceleno, P.E.; Rosana Moreira, P.E., Ph.D.; Ian S. Hamilton, Ph.D.; and Michael Walsh

Guests present: Josh Leftwich, Mestena Uranium; Mike Woodward, WCS; Doris Bryan, Radiation Technology; Roger Mulder, State Energy Conservation Office; Rod Baltzer, WCS; Jeff Skov, WCS; and Ed Selig, Advocates for Responsible Disposal.

Texas Department of State Health Services (DSHS) central office staff present: Tom Godard

Department of State Health Services (DSHS) staff present: Richard A. Ratliff, P.E.; Cindy Cardwell; Tommy Cardwell; Ruben Cortez; Margaret Henderson; Gary Smith, Ph.D.; Alice Rogers, P.E.; Jerry Cogburn; Susan Tennyson; Helen Watkins; and Jo Turkette.

Texas Commission of Environmental Quality (TCEQ) staff present: None

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

Minutes of the February 4, 2006, Quarterly TRAB Meeting were submitted for approval. No corrections or comments were made in regard to these minutes.

On motion and second the full board approved the minutes.

Motion passed unanimously with the exception of one new member who abstained from voting.

IV. Waste and Industrial Committee (Ford, Raabe, Wells)

- (A) Proposed advisory regarding over exposures in industrial radiography industry as related to well logging

The chair explained that this issue was held over from last meeting because issues needed to be discussed regarding the overall structure of the advisory and content. Margaret Henderson sent out requests for

comments to board members and none were received. The advisory concerns a correlation between radiation over exposures and oil rig count. A member who expressed interest in making revisions was not present.

Richard expressed the concern that the audience may need to have information in a bullet format, giving them the simple facts. Considerable information is being distributed to licensees now related to the increased controls requirements from the Nuclear Regulatory Commission that are now being enforced by the DSHS. Providing the advisory in a simple form will make it more useful.

Michael Ford expressed his concern that it was indicated to Dr. Emery that the board would move forward with this advisory and there was no movement. Mr. Ford suggested holding off for another meeting to hear from Mr. Erdmann about concerns that he expressed.

The board members agreed to move forward with the proposal “as-is”, in a re-edited format to be completed after the meeting.

(B) Status of DSHS license application for 11e(2) byproduct material disposal facility at Andrews County, Texas

Gary Smith explained that keeping staff in place for this review has been an issue. There have been a total of three civil engineers in a total of nine months. A new civil engineer is currently in place now and is working diligently reviewing the application. The geological part of the application is moving forward as well. There will be a meeting soon between WCS and TCEQ experts to address some of the similar issues, and the geologist will be attending to listen to the experts talk about this issue. Gary explained also that process-engineering issues are minor at this point, and environmental health issues are fairly minor as well. The operational health physics issues are another stumbling block because the methods and procedures are still lacking and DSHS would like to see a little more detail. The socioeconomic review has been done. Regarding the timeline, it looks like it will be sometime in September before DSHS will have had enough time to go through the issues, but DSHS is being proactive in getting with the applicant before producing a deficiency letter.

V. Michael Ford asked about staffing levels being sufficient. Gary Smith explained that DSHS might need to get help with geology because of the complexity of the issue.

VI. Committee on Financial Assurance (Mack, Raabe, Jacobi)

Mr. Mack explained that the committee had a conference call to go over some options on environmental policies. They were able to find five that were available. There is a Cleanup Cost Cap Insurance Policy, a Remediation Stop Loss, a Pollution Liability Policy, Decontamination and Decommissioning Insurance Policy, and a Closure and Post closure Liability Insurance Policy. There are caps and exclusions that will be difficult to accept at this time. Price is also an issue. Mr. Mack also explained that the next step is to set up another call to see if there is any feasibility for using any of these products. Also, legislation might be required. Mr. Worman, of the State Board of Insurance, is assisting by contacting some insureds and also is reviewing some of the policies and has done an outstanding job in assisting the TRAB's efforts.

VI. Committee of the Whole Board

- a. Discussion and action on possible amendments to 25 TAC §289.202 to Allow for DSHS recognition of NRC approvals of applications for alternative disposal made under 10 CFR 20.2002.

DSHS submitted a letter to NRC with questions about the 2002 process. Cindy explained that DSHS is currently evaluating the response from NRC to those questions. DSHS will be coordinating that evaluation with TCEQ.

Board member Rick Jacobi asked what the schedule and next steps would be for evaluating response. He disclosed that he has worked for WCS on this project.

Cindy explained that staff will have to coordinate with TCEQ on a schedule. She also explained that Commissioner Hawkins, Executive Commissioner, directed the staff was to seek stakeholder input and if there was a consensus, to move forward on this effort. DSHS is at the stage of evaluating responses.

Mr. Ford expressed that the board would like to see the agencies come together and evaluate which direction to go, and to come to a conclusion in the near term. Mr. Ford also express concern that the agency received the faxed letter on 14 June 2004 and provided the Board with a copy of the letter on the morning of the meeting, 24 June 2006; the board members could have provided more informed comment on the letter had they been provided an opportunity to review it in advance. Bradley Bunn indicated a need to progress and formulate policy and move forward.

Mr. Ford decided to hold open this item and readdress it at the end of the meeting if anyone wanted to further discuss.

b. Action by the full board on recommendations of all committees

Mr. Ford recognized that he noticed all members voting on item IV A, so there would not be another vote taken on that item. The board will move forward with the proposed advisory.

c. Public comment

Mike Woodward, for WCS, expressed the importance of the applications that WCS has pending with the TCEQ for a low level radioactive waste disposal and also the application pending for byproduct material disposal facility. He stated that the WCS proposed site is such a good one that it is difficult to characterize using models and standard tests. He encouraged DSHS to work with the TCEQ consultants who are under contract for this review. WCS is hopeful that the State can continue to move forward on the rulemaking process on the NRC 2002 process also and he provided draft language for a proposed rule. Board member Rick Jacobi asked if they had determined the age of the water in the formation. Mr. Jacobi disclosed that he had worked for WCS on this project.

Mr. Ford asked for a copy of the rule language Mr. Woodward had drafted and copies were provided.

VII. Report from Mr. Bays (or designee), Associate Commissioner for Regulatory Affairs, on Status of Management Review of Radiation Control Program

Richard Ratliff reported that in order to contract with a private entity or individual to evaluate the radiation program, a minimum of \$30,000 was needed and DSHS would have to get the governor's and the LBB's (Legislative Budget Board's) approvals. DSHS is currently working through that process. DSHS is also having funding availability issues. Mr. Ford asked when a bid might be put out. Mr. Ratliff noted that money availability changes in September and that it could take less than a month to put out a bid. Mr. Ratliff also reported that Dr. Sanchez is going to resign October 7. Rick Bays is also proposing to retire at the end of July.

VIII Program Reports

The board members noted that they appreciated getting written statements from the agencies about items of interest and would like to continue to do so. Information could

be submitted a week prior to meetings to present current topics. Discussion at the meeting could elaborate on these issues or provide updated information that might be available.

- a. Department of State Health Services topics presented included:
 - Update on Richard Ratliff's congressional testimony on the Silicosis diagnosis issue
 - The appointment of Dr. Klein as the chairman of the U. S. Nuclear Regulatory Commission beginning July 1
 - NRC reorganization
 - NRC Part 35 existing and proposed changes to medical rules
 - the DSHS Environmental Monitoring Program
 - the Incident Investigation Program
 - Emergency response drills
- b. Texas Commission on Environmental Quality

Ms. Jablonski was not in attendance, but provided the Board with a written report. TCEQ is getting ready to amend the ISL Uranium Mining Rules. They will be producing a concept paper in September. If no legislation is required, they will be coming out with a proposed rule by the end of the year.

Mr. Ford addressed the fact that the Board sent TCEQ and the Railroad Commission letters about conformance with Government Code 2110 with respect to adopting rules regarding TRAB.

- c. Railroad Commission of Texas

Mr. Ford had a question about the placement of the continuous length source in a well by Halliburton Energy Services. Jill Hybner explained that this was a new issue to the Railroad Commission, and the Railroad Commission made comment to DSHS and to NRC. RRC has asked Halliburton to get in touch with them so that staff could work through the issue.

IX. Board Member Requests for Agenda Items For Next Meeting

Mr. Bunn suggested a presentation on the Research reactor in Andrews County, perhaps in the fall. .

South Texas Increased Controls presentation, postponed previously, will be moved to the next meeting, providing that Mr. Myers will be able to attend.

Cindy Cardwell was asked to prepare a one-page list of NRC Part 35 significant changes and areas of concern to include in the agenda packet.

New reactors for the South Texas Project have been mentioned in the news and board members would like an update on that issue.

An update on the alternative disposal (“2002 process”) was requested.

Mr. Ford suggested bringing forth resolutions in honor of the outgoing members.

X. Public Comment

Doris Bryan commented that Radiation Technology has a major interest in seeing the licensing on the waste site in Andrews County proceed. Also, she indicated the Increased Controls issue is very important to her and her clients throughout the U.S. She requested a copy of the DSHS report to the board. A copy was available at the meeting and given to her in person.

The next meeting date is set for August 19, 2006.

The meeting adjourned at 10:45 a.m.

Respectfully Submitted,

Mitchell Lucas, Secretary
Texas Radiation Advisory Board