

TEXAS RADIATION ADVISORY BOARD MINUTES  
Third Quarter Meeting  
July 20, 2002  
Austin, Texas

The meeting was called to order at 9:05 a.m. by Elaine L. Wells, Secretary, with the following members present: Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Thomas M. Burnette; Eugene A. Coleman, Ph.D.; Ian Hamilton, Ph.D.; W. Kim Howard, M.D.; Justin P. LeVasseur, M.D.; Odis R. Mack; Troy Marceleno; Judith A. Pester, M.D.; Kevin L. Raabe; and Philip M. Wentworth

The following members were absent: Earl P. Erdmann, Michael S. Ford, C.H.P.; and Bruce A. Matson, D.D.S.

Mrs. Wells asked for nominations from the floor for a Chair Pro-tem. On motion and second Jimmy L. Barker was unanimously elected Chair Pro-tem.

Guests present: Annette Glass, House Committee on Environmental Regulation; Bob Wilson, McGinnis, Lochridge, and Kilgore; Rick Jacobi, P.E.; Doris Bryan, Radiation Technology, Inc.; John Euard, TU Electric; Stacy Krieger, Public; Kenneth Krieger, Earth Tech.; and Edie Selig, Advocates for Responsible Disposal

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; Pete Myers; Debbie Borden; Ruben Cortez; Thomas Cardwell; Scott Flowerday; Gary Smith, Ph.D.; Alice Rogers, P.E.; Bill Silva; and Diane Kaczmarcik

Texas Natural Resource Conservation Commission (TNRCC) staff present: Tony Bennett; Don Redmond; Susan Jablonski; John Deering; and Susan White

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

Minutes of the April 6, 2002 meeting were approved as submitted.

Ruth McBurney provided a presentation to the board members on "Steering a Course Through the Regulatory Maze".

The Executive Committee (Jimmy L. Barker, Acting Chair) met and a quorum was present. Minutes of the Executive Committee Conference Call June 20, 2002 were approved as submitted.

Richard Ratliff discussed the policy for the State of Texas on distribution and use of potassium iodide in nuclear emergencies. Mr. Barker read a resolution which speaks to the State of Texas' policy on stockpiling and distributing potassium iodide. It was suggested that a statement be added that the Texas Radiation Advisory Board supports the BRC program of not stockpiling for distribution to the general public. On motion and second the committee recommended adoption of this resolution. Motion passed unanimously.

Mr. Ratliff discussed the Legislative Appropriations Request (LAR) for FY 04-05. The Board of Health will be approving the Exceptional Items next week which includes technical staff salary increases.

On motion and second the committee recommended writing a cover letter to appropriate legislative committees identifying several key factors for continuing the radiation safety efforts in Texas. These include the LAR, FY 02-03 budget, technical staff salary increase, and need for a laser and IPL program, the Radiation Perpetual Care Fund, and mammography cap increase. Motion passed unanimously.

Annette Glass spoke at the subcommittee hearing of the Board of Health this week on behalf of Representative Chisum. He supports the technical staff salary increase, a laser and IPL program, and the Radiation Perpetual Care Fund.

Mrs. Glass reported on the House Committee on Environmental Regulation hearing held April 29, 2002.

Richard Bays, Associate Commissioner for Consumer Health Protection, TDH, briefed the board on consolidation issues and discussed the Legislative Appropriations Request and the exceptional items.

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

The Medical Committee (Kim Howard, M.D., Chair) met and a quorum was present. The Texas Board of Medical Examiners Standing Delegation Orders, 22 TAC Chapter 193.11 for use of lasers was discussed. On motion and second the committee recommended a letter be sent to the Texas Board of Medical Examiners recommending its proposed rules designate the number of initial training hours required for assistants. Motion passed unanimously.

Ruth McBurney briefed the board on NRC Part 35 Regulations on Medical Uses. These rules should be on the NRC Web site as draft rules soon.

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

passed unanimously.

The Waste and Industrial Committee (Jimmy I. Barker, Acting Chair) met and a quorum was present. On motion and second, the Resolution on Disposal of Low-level Radioactive Waste was approved with modifications. Motion passed unanimously.

Doris Bryan mentioned that in the Resolution on Disposal of Low-level Radioactive Waste, it states that the Barnwell, South Carolina, low-level radioactive waste disposal facility is scheduled to permanently restrict out of state waste in the year 2008. She noted the words "Out of Compact" should be added.

Susan Jablonski stated that the Barnwell will take out of compact waste until June 2003. After June 2003 the Barnwell site will decide on a year to year basis if they will take out of compact waste.

On motion and second, TRAB recommended withdrawal and proposal of the Railroad Commission of Texas Title 16 Economic Regulation Part 1, 16 TAC Section 3.94, Oil and Gas NORM. Motion passed unanimously.

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

The Ad Hoc Committee (Ian Hamilton, Ph.D., Acting Chair) met and a quorum was present.

Tony Bennett provided the board with an update on TNRCC's drinking water rules. No action was taken.

Margaret Henderson reported that no single member had missed more than one half the meetings. Therefore, a vote to approve absences was not required.

#### Program Reports:

- (1) Railroad Commission of Texas, Steve Seni, Ph.D.
  - (i) Dr. Seni suggested the Railroad Commission and TDH staff work together to put on a series of workshops to assist the operators in understanding the new Oil and Gas NORM rules.
  - (ii) A Memorandum of Understanding might also be appropriate between the RRC and TDH to consider.
  
- (2) TNRCC, Susan Jablonski
  - (i) Effective September 1, 2002, TNRCC's name will be changing to Texas Commission on Environmental Quality.
  - (ii) The U.S. Senate has approved the Yucca Mountain facility for high-level radioactive waste disposal and the projection date for opening is 2010.
  - (iii) There has been no new action on the EnviroCare of Utah site license.
  - (iv) The State of Maine did pass legislation earlier this year to withdraw from the Texas Compact but that does not take effect for two years. There is some

discussion regarding Maine coming back into the Compact.

- (3) TDH, BRC, Richard Ratliff, P.E., Chief
- A. (i) Loss of Health Physics staff continues. Six staff have been able to retire and return to their initial position. Other vacancies exist.
- (ii) Staff has been working with the Environmental Protection Agency (EPA) in Webster, Texas on the cleanup of the Gulf Nuclear site. Completion is expected after the first of 2003. The cost is estimated to be ten million dollars. The EPA's criminal investigators are looking at BRC records to determine persons involved with the site.
- (iii) The board members were provided with a copy of BRC's Program Operations Plans. This will be placed on the Internet.
- (iv) Mr. Ratliff plans to retire at the end of July, will be out for the month of August, and return to his position, September 1, 2002. During August, Mrs. McBurney will be acting chief of the BRC.
- (v) The Sunset Commission reviews each agency every twelve years. TDH was reviewed four years ago and the Sunset Commission plans to do a followup review August through December.
- B. Licensing, Registration, & Standards, Ruth McBurney, C.H.P.
- (i) Staff recently completed the review of a uranium license application for a new facility. There will be an opportunity for hearing.
- (ii) Staff is working on compatibility rules and will be presenting several rule changes to the board at the next meeting.
- C. Compliance and Inspection, Arthur Tate
- (i) Currently there are thirteen radioactive material license inspectors in the state. There are five vacancies due to retirements and resignations. Staff from the central office assists with inspections in the regional offices.
- (ii) The week of August 5, 2002, the EPA is sending their scanner van to the Midland/Odessa area. They will be checking an old Gulf Nuclear site in the area that was cleaned up by EPA's remediation group.

Mr. Barker read a Resolution presented to Mr. Ratliff for his thirty year career with TDH. On motion and second, the full board unanimously passed the Resolution.

The next quarterly meetings were tentatively scheduled for October 5, 2002 and January 25, 2002, in Austin, Texas.

The meeting adjourned at 11:50 a.m.

Respectfully submitted,

Elaine L. Wells, Secretary  
Texas Radiation Advisory Board