

TEXAS RADIATION ADVISORY BOARD MINUTES
Fourth Quarter Meeting
October 5, 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.; Susan E. Best, M.D., Ph.D.; Thomas M. Burnette; Eugene A. Coleman, Ph.D.; 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.; Judith A. Pester, M.D.; Kevin L. Raabe; and Elaine L. Wells

The following member was absent: Philip M. Wentworth

Guests present: Annette Glass, House Committee on Environmental Regulation; Rick Jacobi, P.E.; Bill Dornsife, WCS; Shaun McCabe, WCS; Doris Bryan, Rad. Tech.; and Don Darling

Texas Department of Health (TDH) central office staff present: Tom Godard, Rick Bays, and Jackie McDonald

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; Alice Rogers, P.E.; Pete Myers; Gary Smith, Ph.D.; Debbie Borden; Robert Free; William Silva; Thomas Cardwell; Cathy Fontaine; and Ruben Cortez

Texas Natural Resource Conservation Commission (TNRCC) staff present: Susan Jablonski

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

On motion and second, Michael S. Ford was elected Chair, Jimmy L. Barker, Vice Chair, and Elaine Wells, Secretary.

Minutes of the July 20, 2002 meeting were approved as submitted.

Richard Ratliff provided a presentation to the board members on the Gulf Nuclear, Inc. remediation.

The Executive Committee (Michael Ford, Chair) met and a quorum was present. Jackie McDonald, Board of Health Office, asked the board members to complete a survey to assist the Board of Health Office in revising the advisory board rules. The survey deadline is December 1, 2002.

Mr. Ford reported on the joint hearing on Legislative Appropriations Request. Mr. Bays stated there was nothing additional to report since the hearing.

Mr. Ratliff reported on staff training expenditures. A report was provided to the board members on NRC courses attended by central office staff. Hopefully, salary savings can be used for training for the coming year.

On motion and second the committee recommended 25 TAC 289.252 Licensing of Radioactive Material to be forwarded to the Board of Health for final adoption. Motion passed unanimously.

On motion and second the committee recommended 25 TAC 289.201 General Provisions for Radioactive Material be forwarded to the Board of Health for proposal and publication in the *Texas Register* for public comment. Motion passed unanimously.

Doris Bryan stated the leak test portion of the rules is unworkable in industry and licensees are being forced to violate the regulations. It would be helpful if leak tests could be performed at an appropriate down time instead of at fixed intervals.

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

The Medical Committee (Kim Howard, M.D., Chair) met and a quorum was present. The committee discussed the possibility of a program for Radiologist Practitioner Assistants. The committee recommended seeking legal counsel comments from the Texas Department of Health on statutory or rule changes needed to recognize an advanced level of technologist.

The committee were advised by staff on the status of proposed rules on lasers, 22 TAC Chapter 193.11 Standing Delegation Orders.

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

The Waste and Industrial Committee (Michael S. Ford, Chair) met and a quorum was present. Mr. Ford as chair of the board, appointed Mr. Earl Erdmann as chair of the Waste and Industrial Committee effective immediately.

Mrs. Cardwell reported on the update on petition for rulemaking concerning disposal of certain low activity radioactive material. The issue is to be coordinated with EPA and NRC. BRC has written to both but has not received responses yet.

Bill Dornsife reported the rationale behind Waste Control Specialist's petition was a risk based analysis for wet and dry climates. The concentration limit is more a worker

protection issue and a per generator limit. He says the concept WCS uses is very similar to already existing short half-life rule.

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 final adoption. Motion passed unanimously.

On motion and second the committee recommended 25 TAC 289.253 Radiation Safety Requirements for Well Logging Service Operations and Tracer Studies, with comments discussed, 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 committee recommended 25 TAC 289.254 Licensing of Radioactive Waste Processing and Storage Facilities be forwarded to the Board of Health for final adoption. Motion passed unanimously.

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

Program Reports:

(1) TDH, BRC, Richard Ratliff, P.E., Chief

- A. (i) Mr. Ratliff reported on the Organization of Agreement States annual meeting held in Denver, Colorado, September 29, through October 3, 2002. Thirty-two states currently have an agreement with NRC.
- (ii) The Health Physics Society is planning a symposium on radiation safety aspects of homeland security and emergency response, January 2003 in San Antonio. Copies of the agenda will be mailed to the board members.
- (iii) A letter was received from a company working with the Department of Defense to develop pulse fast neutron analysis for screening shipments at the border.
- B. Licensing, Registration, & Standards, Ruth McBurney, C.H.P.
 - (i) Staff has completed review of a uranium license and are awaiting the Commissioner's signature on the license. A major amendment to the Exxon Mobile uranium license is also awaiting the Commissioner's signature.
- C. Compliance and Inspection, Arthur Tate
 - (i) In Montana a well logging source was left on a platform for an extended period of time and a similar incident occurred in Texas about a year earlier. Staff is working with NRC on these incidents.

- (ii) Iso-Tex facility contamination should be cleaned up soon.
- (iii) The issue of potassium iodide in the event of a nuclear power incident, has been raised in the media recently. Currently TDH policy recommends that emergency workers and people who cannot be readily evacuated receive potassium iodide and other people be evacuated to a reception centers.
- (iv) Staff has been working with a mammography company who filed bankruptcy in order to locate the films for the patients.
- (v) Three liquid-filled PVC pipes marked "caution radiation" were recently found in an Arboretum parking lot near a construction site. The Austin Fire Department examined the contents and found nothing noteworthy. The incident is still under investigation by the Austin Police Department for any criminal intent.
- (vi) Staff has been asked to participate in a dirty bomb exercise in Austin to be held in October 2002.

(2) Texas Commission on Environmental Quality, Susan Jablonski

- (i) There are several law suits between states and compacts. A decision ruled against Nebraska and a judge awarded \$151.4 million to the compact. There will be an appeal by the state against the decision.
- (ii) Texas generators still have the opportunity to dispose of waste in South Carolina and Utah. In July, decisions will be made to determine if the South Carolina site will continue to take out of compact waste.
- (iii) Staff continues to the work on the drinking water standards.

(3) RRC, Steve Seni, Ph.D.

- (i) The NORM rules were published in the *Texas Register* for comment in August of this year and the comment period should be completed soon.
- (ii) About two-thirds of all operators in Texas have financial assurance.

Annette Glass reported on the Texas Environmental Education Partnership's recent conference on environmental education in San Antonio. David Fogle and Susan Jablonski with the South Texas Chapter of the Health Physics Society set up a showcase of sources of radiation. As a result of this showcase, four teachers set up a time with David and Susan to talk about teaching the students at their schools about radiation.

Don Darling reported he does programs on Austin Community Access Television and see

young people who are waking up a lot earlier to the complexities our society faces. Young people have an awesome task before them to clean up the mess the older generation allowed to happen. He stated he believes everyone on this board is trying their best and doing a good job. He believes the radiation control staff of compliance and inspection is

doing an excellent job with the resources available to do the job. He encouraged everyone to acknowledge the risks and not ignore the consequences.

The next quarterly meetings were tentatively scheduled for January 25, 2003 and June 7, 2003 in Austin, Texas.

The meeting adjourned at 12:15 p.m.

Respectfully submitted,

Elaine L. Wells, Secretary
Texas Radiation Advisory Board