

TEXAS RADIATION ADVISORY BOARD MINUTES
Fourth Quarter Meeting
November 3, 2001
Austin, Texas

The meeting was called to order at 9:05 a.m. by Dale E. Klein, Ph.D., P.E., Chair, with the following members present: Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Earl P. Erdmann; Michael S. Ford, C.H.P.; 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; Elaine L. Wells; and Philip M. Wentworth

The following members were absent: Thomas M. Burnette and Eugene A. Coleman, Ph.D.

Guests present: Eddie Selig, Advocates for Responsible Disposal; Annette Glass, House Committee on Environmental Regulation; John White, Univ. of Texas; and Don Darling

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; Bill Silva; Tommy Cardwell; Bob Free; Pete Myers; Mike Dunn; and Ruben Cortez

Texas Natural Resource Conservation Commission (TNRCC) staff present: Susan Jablonski; George Fitzgerald; and Tony Bennett

Texas Railroad Commission (RRC) staff present: Richard Ginn

Minutes of the July 21, 2001 meeting were approved as submitted.

Mr. Ratliff read a Memorial Resolution for Jack S. Krohmer, Ph.D. which was approved by unanimous vote. Dr. Klein signed the resolution to send to Mrs. Krohmer.

On motion and second, Michael S. Ford was elected Vice Chair and Elaine Wells was elected Secretary of the Texas Radiation Advisory Board (TRAB) by acclamation.

Mike Dunn provided a presentation to the board members on the decontamination and decommissioning of Gulf Nuclear at the Odessa site under the Superfund Action Removal Program.

Richard Ratliff reported on the review of the Texas program by the Nuclear Regulatory Commission (NRC). NRC found that the Texas program is adequate to protect public health and safety and compatible with NRC. A handout was provided of NRC's draft recommendations. Mid-December the management review board will look at these issues.

Mr. Ratliff next reported on the Elton Bomer Report of the Texas Department of Health (TDH), an in-depth review of all TDH's processes. One of the recommendations is that all regulatory programs in TDH have direct control over the regulatory staff which could include all staff in the regions.

Eduardo Sanchez, M.D. has been approved by the Governor, having been selected by the Board of Health as Commissioner of Health. Gary Bego has been selected as the Chief Operating Officer. Mr. Bego was a member of the Bomer team and has a good overview of TDH. A new TDH organizational chart should be available soon and will be provided to the board members.

Michael Ford reported on a teleconference held October 19, 2001, on security of radioactive material. The main concern was if the existing Texas regulations provided adequate security and control for radioactive gauges, but has expanded to security concerns for all radioactive materials. Mr. Ford provided the board members with copies of a report and asked for comments. Dr. Klein stated the report should be submitted to the BRC staff and recommendations finalized at the next meeting.

Ruth McBurney stated there are rule making activities in all three agencies (TDH, TNRCC, and RRC), regarding naturally occurring radioactive material (NORM). The three agencies are planning to meet in November to coordinate BRC's working paper to make sure there is no conflict. Approximately the first of the year a draft rule with be distributed to interested persons for comments.

Richard Ginn reported the RRC will amend its Rule 94 and require oil and gas operators to conduct surveys of their equipment. This draft rule was shared with TDH and TNRCC at an interagency meeting. The draft proposed rule with be taken to the RRC Tuesday to get approval to circulate for informal comments.

Tony Bennett reported TNRCC is progressing on the rule development process associated with the drinking water standards for radioactivity in drinking water. A stakeholders group has been established and identified the water systems in Texas that have a potential of having water that exceeds the drinking water standards. A stakeholders meeting is scheduled for November 13, 2001. TDH and RRC are asked to participate with TNRCC in communicating with stakeholders. Final draft rules will be available to the board members in December 2002.

Susan Jablonski reported on the status of NORM (naturally occurring radioactive material) rules and program at Texas Natural Resource Conservation Commission (TNRCC). TNRCC does not plan to initiate NORM rules until there is a need and someone petitions for rulemaking.

Arthur Tate discussed the status of staffing in the Compliance and Inspection Division at BRC. At present, there are ten professional openings within the central and regional offices. A low number of health physicists are graduating from schools. State salaries are so low they are not even competitive with the federal government; therefore it is difficult to fill vacant positions.

Dr. Klein recommended that the Executive Committee work with Mr. Ratliff on recommendations of what can be done to assist BRC in its staffing and present the information to the board at the next meeting. Dr. Klein asked that a plan to develop a program for paid interns be established.

The Medical Committee (Kim Howard, M.D., Chair) met and a quorum was present. The University of Texas Health Science Center requested approval of an investigational study using a bone densitometer to create a database for normal bone density scores for children. A report from Dr. Ambrose was provided to the board members which answered many of the issues that were questioned by TRAB previously. On motion and second, the committee recommended approval of Dr. Ambrose's report. Motion passed unanimously.

A video on computed tomography self-referral screening was shown. Citizens should carefully consider the risks and benefits of these screening scans in regard to the radiation exposure received. Dr. Klein suggested the committee provide the board with a statement and an action plan, at the next meeting, on how the message could be communicated to the public.

The Executive Committee (Dale E. Klein, Ph.D., P.E., Chair) met and a quorum was present. As the new secretary of the board, Mrs. Wells replaced Dr. Matson as a member of the Executive Committee. On motion and second, the committee recommended 25 TAC 289.204 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 proposal to be published in the *Texas Register* for public comment. Motion passed unanimously.

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 proposal to be published in the *Texas Register* for public comment. Motion passed unanimously.

Mrs. McBurney discussed the regulatory stakeholder meeting on financial qualifications held September 11, 2001. Proposed rules concerning financial qualifications will be provided the board members at the next meeting.

The Ad Hoc Committee (Ian Hamilton) met and a quorum was present. The committee checked with other states for their response to the regulations for radionuclides in drinking water. Dr. Hamilton will provide an update at the next meeting.

Program Reports:

(1) TNRCC

A. (Susan Jablonski)

Reported on waste generators meeting held October 1, 2001. Envirocare recently received an amendment to its license to accept Class A low-level waste in any form. Chem Nuclear's Barnwell site will be accepting low-level waste until July 2002.

B. (George FitzGerald)

- (i) Reported the NRC reviewed TNRCC's program and found it to be adequate for human health and safety and compatible with the NRC program. Texas will not require another review for four years.
- (ii) Staff continues to work on licensing and decommissioning buried waste sites. Eleven have been completed and seven are near resolution.

(2) A. TDH, Bureau of Radiation Control (Richard A. Ratliff, P.E., Chief)

- (i) A copy of the Texas Department of Health Regulatory Philosophy was provided the board members. TDH senior management adopted the philosophy and the Board of Health agreed.
- (ii) The annual meeting of the Agreement States with the NRC was held October 8 - 11, 2001 in Santa Fe, New Mexico. Minnesota, Wisconsin, and Pennsylvania have applied to become Agreement States.
- (iii) Mike Dunn discussed the Gulf Nuclear facility in Odessa. Another contaminated facility is located in Webster and EPA is working with staff to begin the cleanup.

B. Compliance and Inspection (Arthur Tate)

Mr. Tate passed around an annual report of the Radiological Emergency Preparedness Program. This program provides and maintains radiation detection instruments in every county in Texas.

C. Licensing, Registration, & Standards (Ruth McBurney)

- (i) Reported on a mammography seminar held October 20, 2001. Approximately 600 people attended. Staff thanked Dr. Howard for participating in the seminar.
- (ii) E-beam technology is becoming a popular method of food irradiation.

Staff expects to receive an application for an e-beam type irradiator for research at Texas A & M University.

Mr. Erdmann asked if BRC is able to assist the Border Patrol and Customs in preventing possible terrorist activities. Mr. Free has talked to agents and referred them to some radiation training available within Customs headquarters. BRC's RADEF program has provided El Paso with radiological instruments.

Miss Jablonski reported on a conference scheduled for November 27-28, 2001, in Carlsbad, New Mexico, sponsored by the DOE and the National Borders Technology Partnership Program, specifically dealing with sealed sources along the U.S./Mexico border.

Miss Jablonski announced the South Texas Chapter of the Health Physics Society is having a meeting in Galveston next week end.

Two members of the public made comments.

John White with the University of Texas discussed the increase in laser usage and urged the board to ask for funding at the next legislative session for the BRC to develop a laser program.

Don Darling stated that although all those in the room are highly qualified in their fields, he believes no one is qualified to deal with problems of today. Mr. Darling has not heard anything that advises the public about what has been done to minimize the possibility of attacks on nuclear facilities in Texas. Mr. Barker stated the nuclear power plants are exempt from open records requirements regarding their security details.

The next quarterly meetings were tentatively scheduled for January 12, 2002, and April 6, 2002, in Austin, Texas.

The meeting adjourned at 12:38 p.m.

Respectfully submitted,

Elaine L. Wells, Secretary
Texas Radiation Advisory Board