

TEXAS RADIATION ADVISORY BOARD MINUTES  
3rd Quarter Meeting  
July 14, 2007  
Austin, Texas

Michael Ford, C.H.P., Chair, called the meeting to order at 9:07 a.m. Members present for the meeting: Bradley Bunn; Rick Jacobi, P.E.; Mitchell Lucas; Odis Mack; Troy Marceleno, P.E.; Kevin Raabe; W. Kim Howard, M.D.; Darlene Metter, M.D.; Nora Janjan, M.D.

Members not present: Bruce Matson, D.D.S; Ana Cleveland, Ph.D.; Rosana Moreira, Ph.D.; Michael Walsh; Bob Haley; Earl Erdmann; Ian Hamilton, Ph.D.; Bruce Matson, D.D.S.

Guests present: Ed Selig, Advocates for Responsible Disposal of Texas; Doris Bryan, Radiation Technology; Pamela Zeleuski, Radiation Technology; Annette Glass, Rep. Chisum's Office; Geri Cooley, Lotus; Melvin Hodgkiss; Keith Lemoine, PSC; Roger Mulder, State Energy Conservation Office;

Texas Department of State Health Services (DSHS) central office staff present: Carolyn Wright

Department of State Health Services (DSHS) staff present: Richard A. Ratliff, P.E.; Susan Tennyson; Cindy Cardwell; Ruben Cortez; Jerry Cogburn; Pete Myers; Tommy Cardwell; Jo Turkette

Texas Commission of Environmental Quality (TCEQ) staff present: Devane Clark; Gary Smith, Ph.D.

Texas Railroad Commission (TRC) staff present: John Tintera; Leslie Savage

- I. Minutes of the April 14, 2007 Quarterly TRAB Meeting were submitted for approval.  
There was a motion to approve, with 2 members opposing because they did not have a chance to look over them.

II. Ad Hoc Committee on Financial Assurance (Mack, Raabe, Jacobi)

Mr. Mack had a conversation with Mark Worman. He is currently working with a couple of companies to see if they are willing to accept the risk proposal to entertain a remediation for a Stop Loss policy for Radiation & Perpetual Care. The policy would provide coverage for the remediation, costs, and overruns of any covered project resulting from the greater than anticipated contamination. The problem is that no one wants to take on a risk this small, as far as the

exposure issue. If there is not progress with these companies within the next quarter, the idea may need to be abandoned. Mr. Mack and Mr. Worman will be meeting again next week to discuss where they are on this issue, and to discuss which companies he is having talks with that may actually step forward and take this risk. There are some statutory changes that will need to be made if a company is willing to take this on.

III. Medical Committee (Howard, Cleveland, Haley, Janjan, Matson, Metter)

Dr. Howard updated the board on the status report of a letter sent to NRC chairman, Dr. Klein. There was a conference call meeting July 13<sup>th</sup>, with the NRC, TRAB Medical Committee, and staff members of the State. TRAB Medical Committee was requesting to maintain a more stringent set of requirements for training education. The NRC currently requires states to maintain a Compatibility Category B standard. The committee addressed the fact that it would be more beneficial for the state to be more stringent than the Compatibility Category B standard because there is some flexibility in Compatibility Category B. The NRC said that they would need to go back and look at what they were thinking about. TRAB will be sending a letter requesting a response from NRC before the end of the year.

The Medical Committee of TRAB met with Dr. Lakey to explain the basis for the TRAB's decision to not recommend proposal of the repeal and issuance of the new 25 TAC 289.256 in support of new 10 CFR 35 requirements. TRAB's point that they were trying to convey to Dr. Lakey was that by the NRC lowering the standards is counter to TRAB trying to maintain a higher level standards by protecting the public, patient, and healthcare workers.

VII. Waste & Industrial Committee (Erdmann, Bunn, Ford, Hamilton, Lucas, Moriera, Raabe, Walsh)

Cindy Cardwell discussed the proposal of 289.228, Radiation Safety Requirements for Radiation Machines. This rule is being looked at because of the four year review requirement that the Agency has established. It is just primarily being updated and bringing more clarification to a list of different industrial uses and industrial machines that the Agency regulates.

Regarding the proposal of 289.258, Licensing and Radiation Safety Requirements for Irradiators, this rule was also up for the 4 year review, and because of the Compatibility item. The language was made consistent with other sections of the rule dealing with personal monitoring devices having to be approved by the National Volunteer Laboratory Accreditation Program.

There was a recommendation of proposal for 289.228 and 289.258. The motion, by TRAB, was recommended to propose both.

VIII. Committee of the Whole Board

Proposal of 289.257, Packing and Transportation of Radioactive Material. The Compatibility items changes that were made affected the renumbering, that is why it was repealed and proposed as new.

Proposal of 289.205, Hearing and Enforcement Procedures, was done for the 4 year review. There were some changes that reflect the new structuring, in that the Texas Board of Health no longer exists, and the rules now go to the Executive Commissioner of the HHSC. The definitions of severity levels that are specific to the Increased Controls requirements were added.

Proposed repeal of 289.3, Control of Infrasonic, Sonic, and Ultrasonic Radiation. This rule has been in existence, and not been changed since 1976. This was part of the 4 year review. These rules were used by the old Audiometry Program, and they were left on the books because the Department did not have the expertise or need to change them, and the Program did not either.

Proposal of 289.130, Radiation Advisory Board Proposal. These were up for the 4 year review, it did not reflect the new structure of HHSC and how the Department sends rules through HHSC.

Proposal of 289.251, Exemptions, General Licenses, and General License Acknowledgements. This rule was looked at because of compatibility. There were some additions put in about exporting gauges, and the annual reports that are due to the agency about general license gauges. The two year license renewal was removed. There was a comment on the draft rule stating that requiring the serial number is sometimes impossible because the user does not have access. A requirement has been added that gauge users cannot hold gauges for longer than 2 years, after which time, they must be disposed.

Proposal of 289.252, Licensing of Radioactive Material. This was done for compatibility purposes, to increase the default financial assurance amounts. The 2 year renewal was returned to its previous state. The Increased Control requirement was added.

Public Comment:

Doris Bryan, of Radiation Technology, commented regarding rules 289.251 and 289.252. There will be problems complying with statement in the rules requiring the serial number on the sealed sources on an inventory, is making everything open for inspection infractions. Manufacturers are not required to put the sealed source serial numbers on each gauge tag. Unless this is done, many industrial

users don't know what the serial number is. Requiring that gauges not be held any longer than 2 years will be a major problem, because there is no place to put them.

Regarding 289.252, Ms. Bryan asked the question regarding the Increased Controls program. Texas put this in their regulation rules and NRC has not put it in theirs.

Cindy Cardwell responded, "Historically, we have tried to put something that large categories of users have to comply with within a rule. NRC has maintained that they intend to put this in their rules, it's just a prioritization of their workload and their resources."

Ms. Bryan also commented on the change of the word "physical" being added to the semi-annual inventory requirement. She is concerned that this will be taken literally by inspection staff, and believes this will cause a great chance of exposure to employees who will have to go in and physically inventory the sealed sources.

Ms. Cardwell responded, "The word "physical", was added because it is consistent with the same requirement in many of the other sections that the word has been in, it has not been put in this was as of yet. This is not only a safety concern, but a security concern. There should be some sort of verification, someone should be looking and seeing that the source is actually there." She will bring the issue back up with staff to address the issue.

Mike Ford commented with a recommendation of opening a certain percentage of the sealed sources during the inspection so that the inspector cannot only verify that the sources are physically there, but also have an idea of the facility's security procedure.

There was a motion recommended to put all rules forth for public comment.

IX. Waste & Industrial Committee (Erdmann, Bunn, Ford, Hamilton, Lucas, Moriera, Raabe, Walsh)

Railroad Commission Presentations on NORM Regulations

PowerPoint presentation by Geri Cooley, Lotus.

PowerPoint presentation by Leslie Savage, RRC

Industry presentation on RRC NORM Regulations

Powerpoint presentation by Keith Lemoine, PSC

X. Board member requests for agenda items for next meeting:

Item 7 a. of the agenda, TECQ and TRC share the 289.130 related MOUs with TRAB. Tabled until next meeting.

Presentation on the Nationwide Evaluation of X-ray Trends study

Process on processing RAM License with regard to checking legitimacy

Presentation on Compatibility

XI. Program Reports

See attached program reports for TCEQ, RRC, and DSHS.

XII. Public Comment

None

XIII. Next Meeting Date

October 13 or 20, 2007

XII. Meeting Adjourned

11:55 a.m.

ACTION ITEMS: