

TEXAS RADIATION ADVISORY BOARD MINUTES  
Fourth Quarter Meeting  
December 11, 2004  
Austin, Texas

Michael S. Ford, C.H.P., Chair, called the meeting to order at 9:00 a.m., with the following members present: Susan E. Best, M.D., Ph.D.; Bradley Bunn; W. Kim Howard, M.D.; Troy Marceleno; Rick Jacobi, P.E.; Mitchell Lucas; Judith A. Pester, M.D.; and Elaine L. Wells, Secretary.

The following members were absent: Earl P. Erdmann; Ian Hamilton, Ph.D.; Odis R. Mack; Kevin L. Raabe; Bruce A. Matson, D.D.S.; Tom Burnette

Guest present: Don Darling, member of the public; Eddie Selig, Advocates for Responsible Disposal in Texas; Jay Stewart and Clay Nance, representing Waste Control Specialists Inc.; Annette Glass with Representative Warren Chisum's office.

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

Department of State Health Services staff present: Richard A. Ratliff, P.E., L.M.P.; Ruben Cortez; Margaret Henderson; Ruth E. McBurney, C.H.P.; Cindy Cardwell; Tommy Cardwell; Pete Myers; Bill Silva; Monica Perez, Barbara Taylor, Gary Smith, Ph.D.; and Susie Spears.

Texas Commission of Environmental Quality (TCEQ) staff present: Susan Jablonski, and George Fitzgerald.

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

Minutes of the September 18, 2004, meeting will be presented at the next meeting for approval. TRAB met without a quorum present.

Mr. Ford, Chair, reported that Mr. Mack is still attempting to contact American Nuclear Insurers to find out information about insurance as a means to fund Radiation Perpetual Care Account. TRAB will wait to hear an update at the next quarterly meeting.

Mr. Ford, Chair, gave board an update on information gathered by contacting the Ethics Commission regarding the relationship between TRAB vis-à-vis, state agencies, state government and the public. The Ethics Commission directed Mr. Ford to information on financial disclosure statements, but nothing on lobbying. Tom Godard will do more research on this since it doesn't clarify relationship with a state employee who is acting on the direction of an advisory body to make communications with legislatures.

Mr. Ford, Chair, discussed Sec. 1 Subtitle B, Title 4, Government Code, Chapter 421, §418.178 regarding confidentiality of information about radioactive material that is

“more than likely to be used in the construction or assembly of a nuclear weapon or weapon of mass destruction.” No TRAB member comments were received. Mr. Ford stated that confidentiality of information is related to open records policy. He also suggested to the board that it would be appropriate to write a letter to legislature encourage them to take a closer look at the issue. Tom Godard gave a scenario of withholding information on an open records request. He also discussed the difference between the Public Information Act and what an agency puts on the website. The issue will be brought up in the next meeting.

Mr. Ratliff gave an update on reorganization restructuring. At the last meeting, Mr. Bays gave three key suggestions for the success of DSHS. (1) Have management structure in place through out the agency (2) Collocate functional groups (3) Have a Comprehensive Integrated Automation System for data management. A proposal of 3 million dollars is being requested to put system in place.

Mr. Ratliff discussed the experience of other states in reorganizing radiation control operations. Mr. Ratliff and Margaret Henderson put together a questionnaire which was sent to four states that had gone through similar reorganization. Those four states are Nebraska, Kentucky, Colorado and Louisiana. A response was received from Nebraska and Louisiana. Nebraska explained what had happened there and how through time radiation control was reunited. Louisiana who stated they did not recreate the old radiation program but they did join all radiation groups with the Hazardous Response Group. Communication has been a concern with restructuring. Colorado has been reorganized four times in the last 5 years. The premier programs are Florida and Ohio because they have adequate funding and adequate staff.

Mrs. Ruth McBurney reported technical vacancies in Radiation Safety Licensing Branch. Review of the application for 11e(2) byproduct disposal requires a Civil Engineer and that position is vacant. Out-sourcing will be done for contractors in the interim. Radiation Control has requested as an exceptional item in the next legislative session for enough funding to cover both the Health Physicist reclassification and upgrade other technical positions such as engineers and geologist.

Mr. Ratliff gave an update on State Auditors review of Health Physicist Classification. It will be going before the legislature and he will notify board members of progress.

Cindy Cardwell gave an update on of closure, decommissioning, clearance, and other limits in agency rules.

- I. The Medical Committee (Kim Howard, M.D., Chair). The committee met December 11, 2004, and a quorum was present. Mrs. McBurney provided the committee a review of the medical training requirements of 25 TAC 289.256(ff)(1)(B) regarding license authorized users who have been listed on NRC or Agreement State Licenses. Requests to add physician user to license

continue to be a repeated question. Mrs. McBurney stated that rules require a Preceptor Statement; however, those licensed under NRC or an Agreement.

II. State license would be authorized for that same use in Texas. Rules will be modified later. The board agreed no formal proposal was needed. No action taken.

II. Waste and Industrial Committee (In the absence of the chair, the issues were heard by the Committee as a Whole) The board requested Mr. Ratliff explain the difference between NORM, 11e(2) waste and how they are generated which he did.

Jay Stewart, representing Waste Control Specialists, informed TRAB that they were present and have requests pending with DSHS regarding storage and disposal of by-product material.

IV. Program Reports

A. Texas Commission on Environmental Quality, TCEQ (Susan Jablonski, George Fitzgerald).

(1) Mr. Fitzgerald informed TRAB on review progress of the low level radioactive waste disposal license application. Mr. Fitzgerald gave the following outline of steps: (a) completion of Administrative review: (b) public meetings (c) recommendation of merit (d) initiate and do the technical review (e) hearings (f) final decision in December of 2007.

B. Railroad Commission of Texas (Steve Seni, Ph.D.)

(1) Dr. Seni informed the board that DSHS and TCEQ have completed going statewide giving seminars on NORM to members of the oil and gas community. Through seminars approximately 300 individuals were reached. Two more seminars may be given if funding is available.

(2) There is potential for TCEQ to work with DSHS to begin a Memorandum of Understanding.

C. DSHS (Richard Ratliff, P.E., L.M.P.)

- (1) Mr. Ratliff advised that the Nine Member Advisory Council for the Health Human Services Commission would be appointed soon. Mr. Ratliff reported that no one can apply laser radiation to an individual unless under the direct supervisor of a license practitioner who must be present which is a requirement of the rule. Tommy Cardwell gave a brief summary of complaints due to laser injury.

D. Radiation Safety Licensing Branch (Ruth McBurney, C.H.P.)

- (1) Mrs. McBurney talked briefly about the 2-year renewal, which has increased the workload. Texas on-line is now in progress. Electronic transfer is available for administrative renewals.

E. Inspection Unit, Radiation Branch (Thomas Cardwell)

- (1) Mr. Tommy Cardwell talked briefly about his new position and filling vacancies.

(V) Requested agenda items for next meeting are:

- (1) Mr. Ford, recommended inviting Dr. Robert Emery from The University of Texas Health Science Center of Houston to the next TRAB meeting to discuss his report on overexposures in the State of Texas and the correlation to oil rig count.
- (2) Approval of minutes of the September 18, 2004, meeting
- (3) Implementation of Government Code 418.178
- (4) Discussion on by-product material disposal and storage in Texas Department of Health

The next quarterly meeting is scheduled for February 26, 2005, in Austin, Texas.

The meeting adjourned at 11:40 a.m.

Respectfully submitted,

Elaine L. Wells, secretary  
Texas Radiation Advisory Board