



TEXAS RADIATION ADVISORY BOARD MINUTES

Friday, November 3, 2023
Scheduled to Convene at 10:45 a.m.

1. Call to order

William Pate, DrPH, Chair, called the meeting to order at 10:45 a.m. A quorum was present.

2. Roll call of TRAB members present.

Members present: Roland Benke, Ph.D.; Michael Britt; Mark Harvey, Ph.D.; Lisa Masters, D.D.S.; Darlene Metter, M.D.; Sanjay Narayan; William Pate, DrPH; Ken Peters; Doug Posey, DVM; Tim Powell; Kevin Raabe, REM; and Bob Redweik

Department of State Health Services (DSHS) staff present: Timothy Stevenson, Lisa Bruedigan, Gem Naivar, Jay Pavlica, Walquira Sanchez, Joanne Harthcock, Brian Vamvakias, Laurie Krnavek, and Karl Von Ahn

Texas Commission on Environmental Quality (TCEQ) staff present: Ashley Forbes, Chance Goodin, Guy Henry, and Michael Martinez

Texas Railroad Commission (RRC) staff present: Christine Peters and Betsy Peticolas

Guests present: Steven Raines, Low-Level Radioactive Waste Disposal Compact Commission (LLRWDC); Jason Johnson, Texas Division of Emergency Management (TDEM); David Carlson, Waste Control Specialist (WCS); Dan Snow, Lotus; Mark Silberman, Public; Jeannette Ruiz, Public; and James Parker, Public Blueprint

3. Review and, as needed, discuss and take possible action concerning amendment and approval of the minutes of the July 21, 2023, meeting

Mr. Britt motioned to approve the minutes. Dr. Masters seconded the motion, and the minutes were unanimously approved.

4. Public Comments

Dr. Pate established rules of conduct for making public comments, including time limits and communication decorum.

Mr. Dan Snow spoke regarding item 8D on the agenda. He gave some new information on this issue, and a handout was given to the board members.

5. TRAB Committee Reports and Recommendations

A. Industrial, Nuclear Power, Uranium and Waste Committee

Mr. Peters provided an overview of the INUW Committee meeting.

B. Medical Committee

Dr. Metter provided an overview of the Medical Committee meeting.

C. Topic Research Committee

Dr. Harvey provided an overview of the Topic Research Committee meeting.

6. Program Reports

A. Railroad Commission of Texas

Christine Peters discussed the program report.

B. Texas Commission on Environmental Quality

Ashley Forbes discussed the program report and gave some updates.

C. Texas Department of State Health Services

Lisa Bruedigan discussed the program report.

D. Texas Low-Level Radioactive Waste Disposal Compact Commission (TLLRWDC)

Steven Raines gave an update on activities at TLLRWDC.

E. Waste Control Specialists (WCS)

David Carlson gave an update on activities at WCS.

F. U.S. Nuclear Regulatory Commission (NRC) – TCEQ Commissioner Bobby Janecka, State Liaison Officer

Commissioner Janecka was not in attendance.

7. Routine and Continuing Business

A. Recognition of TRAB member's excused absence from this meeting

Darshan Sachde, Ph.D., and John Hageman, M.S., C.H.P. requested excused absences from this meeting. Dr. Metter motioned to approve these absences. Mr. Narayan seconded the motion. All approved.

B. Review of Draft DSHS Regulations & Subject Matter Expert Comments

- i) X-Ray (Major Revision): 25 TAC §289.229
- ii) Laser (Major Revision): 25 TAC §289.301
- iii) RAM (Minor Updates for NRC Compatibility): 25 TAC §289.201, §289.202, §289.253, §289.255, §289.256, §289.257, and §289.258

Ms. Bruedigan gave updates on these rule revisions which were included in the DSHS report.

8. New Business

A. Senate Bill 1592, 88th Legislature, Regular Session, 2023, Passage and Update of 25 TAC §289.120

Ms. Bruedigan reported that this rule is on target and should be effective in November of 2024. She also stated that once this rule becomes effective, it will require updates to the by-laws to reflect the changes being made.

B. Industrial Minimal Threat Update

Joann Harthcock, DSHS, gave a presentation titled "Industrial X-Ray Machines in Texas," which provided a breakdown of the differences between minimal threat, other industrial, and industrial radiography machines.

C. Regulation Differences between NRC and Texas

Ms. Bruedigan presented this topic. The states must have the same regulations as the federal level, but they can have additional regulations.

- Texas has specific requirements in that our radiation safety officer (RSO) requirements are listed in our actual regulations and NRC handles them through a guidance document. This allows the state, through enforcement cases, to handle any issues with the RSO requirements not being met.
- Texas has a specific industrial radiographer certification program that the NRC does not.
- Texas has the 30-mile rule which comes out of section 252, D2. The rule says that the State may require issuing a separate license for additional locations more than 30 miles from the main site on that license. The primary focus is to make sure that they can provide an accurate and timely oversight and response if needed. This is done on a case-by-case basis.
- Texas has the 24-month rule. This rule is in section 252 X11. This rule states that a licensee shall not hold radioactive waste sources or devices not authorized for disposal by decay in storage that are not in use for more than 24 months following the last physical activity.

D. TCEQ License R04100 with Waste Control Specialists – disposal of oil and gas NORM waste

Dr. Pate stated that there have been some concerns expressed to him by the TRAB legal council about the discussion of this particular agenda item. He asked for comments from Ms. Sanchez, who is part of the TRAB legal council. Ms. Sanchez stated that there is pending litigation between the parties involved in this matter and that by statute, the TRAB shouldn't answer any questions regarding this matter until the litigation is completed. Dr. Pate made a motion to table this agenda item until the pending litigation has been resolved. Dr. Posey seconded this motion. All agreed.

E. TRAB Vice-Chair and Secretary Elections

Dr. Pate sent out some emails and has one nominee for the vice-chair position, Tim Powell, and one nominee for the secretary position, Robert Redweik. He asked for other nominees. Dr. Metter made a motion to approve these candidates for these positions. Dr. Masters seconded the motion. All agreed.

9. Identification of Agenda Items and topics for next or future TRAB or TRAB Committee Meetings

- a) High Energy Laser presentation
- b) Emergency Response Drill presentation

It was agreed to have these presentations but to split between the following two meetings.

10. Adjourn

Mr. Britt motioned to adjourn the meeting. Dr. Metter seconded the motion. All agreed. Dr. Pate adjourned the meeting at 11:29 a.m.