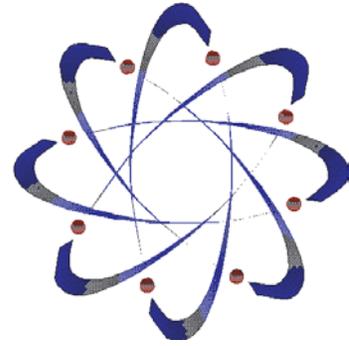


RADIATION REPORT



Vol. 26, No. 1

BUREAU OF RADIATION CONTROL

SUMMER - 2003

BRC Commemorates 40th Anniversary of Agreement

By Marilyn Kelso

On March 1, 1963, the State of Texas and the United States Atomic Energy Commission (now the U.S. Nuclear Regulatory Commission) signed an agreement that gave Texas licensing and regulatory authority over radioactive materials in the state, with the exception of special nuclear material in excess of a critical mass and radioactive material used by federal agencies.

To commemorate the 40th anniversary of Texas becoming an Agreement State, the Bureau of Radiation Control (BRC) held a celebration and educational exhibit. BRC Chief, Richard Ratliff, welcomed attendees and introduced speakers, including Commissioner of Health, Dr. Eduardo Sanchez; retired Commissioner of Health, Dr. Robert Bernstein; Charles Barden, P.E., past director of the Division of Occupational Health and Radiation; Dave Lacker, past bureau chief for the BRC; and Ron Fraass, Executive Director of the Conference of Radiation Control Program Directors (CRCPD), who presented the BRC with a plaque honoring Texas' 40-year agreement with the NRC.

Rep. Warren Chisum, who sponsored House Concurrent Resolution 20, commemorating the 40th anniversary of the agreement and honoring the individuals responsible for implementing it, made a special appearance to speak at the celebration and exhibit.

Being an Agreement State offers Texans a comprehensive radiation control program where there is one agency to contact for all radiation control issues, instead of several federal agencies. There is more direct interaction between licensees and regulators, which fosters a better understanding of our regulations



Photograph by: Julie Davis

Attendees and interested persons at the BRC's 40th Anniversary of the Agreement celebration in Austin on March 21, 2003.

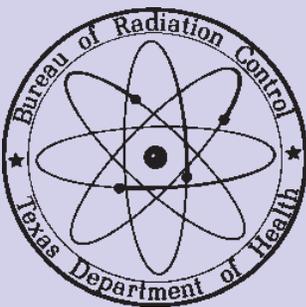
and a better understanding of those we regulate. As an Agreement State, Texas can offer more direct customer service with quicker response time to complaints, questions, and other radiation-related issues that affect Texans. Texas also charges lower regulatory fees than the federal government, which is fiscally beneficial to those in Texas who must be licensed to use radioactive material.

The Texas Department of Health, Bureau of Radiation Control regulates all radioactive material licensees, including uranium recovery licensees, and the Texas Commission on Environmental Quality regulates the disposal of low-level radioactive waste. Texas is one of only three states that also has regulatory authority over uranium recovery and low-level radioactive waste disposal. TDH BRC is also the lead agency for emergency response planning and response to nuclear accidents.



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Visit our website:
[http://
www.tdh.state.tx.us
/radiation](http://www.tdh.state.tx.us/radiation)

BRC NOTICE:

Changes Receiving Revised Rule Copies



In the past, the Texas Department of Health (TDH), Bureau of Radiation Control (BRC), has printed and mailed hard copies of applicable rule revisions to licensees and registrants. As a result of recent budget cuts, TDH-BRC regrets to inform you that we are no longer able to print and mail hard copies of the rules when they are revised. However, you may view and download the most up-to-date versions of the Texas Regulations for Control of Radiation (25 TAC §289) from the Bureau of Radiation Control's web site at: www.tdh.state.tx.us/radiation

Question: How will you know when a rule is revised?

Answer: BRC will mail a postcard to licensing and registration radiation safety officers as notification that rules applicable for the facility have been revised.



Are You HAZMAT Compliant?

By Robert Green

Since March of 1998, 25 TAC §289.257(e)(1) has included a reference to the U. S. Department of Transportation (DOT) training requirements for any employee who performs functions associated with the labeling, marking, preparation of shipping papers, preparation of packages for transport and/or transportation of hazardous materials, including Class 7 - "Radioactive" materials. This DOT training is presented in 49 CFR Part 172, Subpart H.

It is the hazardous material employer's responsibility to ensure that training is provided to all affected employees, initially within 90 days of employment, and thereafter, "at least once every three years." Documentation of this training must be maintained on file for inspection by DOT inspectors.

49 CFR 172.704 - "Training requirements" was amended March 25, 2003. Additional instruction in security awareness, responsibilities and procedures is now mandated. Time deadlines, all in 2003, have been established for employers to provide this expanded security training to all HAZMAT employees. Minimum criteria for subject matter to be included in training courses can be reviewed at the following web address:

<http://hazmat.dot.gov/regs/172.704.htm>

House Concurrent Resolution 20, sponsored by Rep. Warren Chisum, R-Pampa, was passed by both houses of the Legislature on March 11, 2003, and later signed by Governor Perry.

H.C.R. No. 20

HOUSE CONCURRENT RESOLUTION

WHEREAS, March 1, 2003, is the 40th anniversary of the agreement between the State of Texas and the U.S. Atomic Energy Commission giving Texas licensing and regulatory authority over radioactive materials in the state, and this occasion presents an opportune time to reflect on the development and importance of regulatory oversight of radioactive materials in Texas; and

WHEREAS, The Texas Department of Health (TDH) first became involved in radiological health activities in 1947 and during the next nine years conducted a series of short courses about radiological hazards, demonstrated the radiation hazards of shoe-fitting fluoroscopes, and adopted regulations governing radiation exposure; and

WHEREAS, In 1959 the Texas Legislature created the Radiation Study Committee to review all aspects of Texas' role in nuclear energy, and this led to the passage of the Texas Radiation Control Act in 1961 and subsequent creation of the Texas Radiation Advisory Board and designation of TDH as Texas' radiation control agency; and

WHEREAS, On March 1, 1963, when the agreement between the State of Texas and the Atomic Energy Commission became effective, there were 520 active radioactive material licenses, and today the Bureau of Radiation Control, which administers the radiation control program for TDH, regulates approximately 1,550 such licenses and 16,000 registrations for use of x-ray machines; and

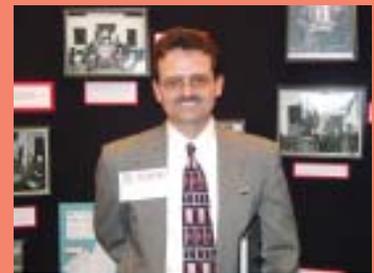
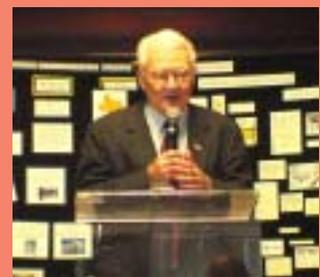
WHEREAS, Texas is one of only three states that also have regulatory authority over uranium recovery and low-level radioactive waste disposal in addition to the regulatory authority assumed by the signatory states under the basic agreement; TDH issues permits for uranium recovery, and the Texas Commission on Environmental Quality regulates the disposal of low-level radioactive waste; and

WHEREAS, Virtually every industry in Texas and many educational and medical facilities use radioactive materials, and the beneficial uses of radiation include diagnostic nuclear medicine, highway construction materials testing, pipeline radiography, emergency exit lighting, and malignant cancer treatment; and

WHEREAS, Texas' decision to accept authority for radioactive materials was a significant milestone that paved the way for subsequent efforts to ensure that the beneficial uses of radiation are maximized while unnecessary exposure to radiation affecting occupational workers and Texas citizens can be minimized; now, therefore, be it

RESOLVED, That the 78th Legislature of the State of Texas hereby commemorate the 40th anniversary of the agreement between Texas and the Atomic Energy Commission, and its successor agency, the Nuclear Regulatory Commission, and that it honor the individuals responsible for implementation of this historic compact.

BRC commemorated the 40th Anniversary of the Agreement with a celebration . . .



The Buck Doesn't Stop with the Mammography Technician

By Cathy McGuire

In recent months, the Bureau of Radiation Control's Escalated Enforcement Program has noticed a trend in facilities reprimanding, as well as, terminating Mammography Technicians when deficiencies occur in mammography quality assurance programs.

Most mammography cases are referred to the BRC Escalated Enforcement Program due to deficiencies in the facilities' quality assurance program. Numerous facilities have attended enforcement conferences, and when asked, "what corrective actions have been taken to correct the deficiencies in the program," the response has been, "we fired the technician."

In order to safeguard the integrity of mammography programs, Texas Administrative Code, Section 289.230 incorporates regulations that layer the responsibilities of quality assurance. The responsibilities are three fold, beginning with the Quality Control Tech-

nologist (§289.230(k)(1)(D)), followed by the Lead Interpreting Physician (§289.230(k)(1)(A)), and finally with the Medical Physicist



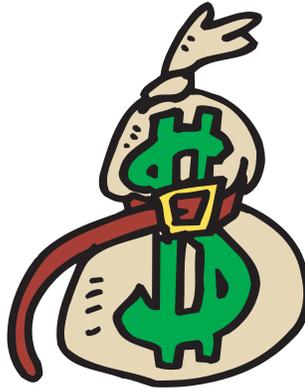
(§289.230(k)(1)(B). Each individual is responsible for integral parts of overall quality assurance within the facilities' program.

The intent of the regulations' layering of responsibilities is to provide for a check and balance of the quality assurance program within the mammography facility's own management

structure, so that problems can be self-identified and self corrected. Should a deficiency occur at the first level of review, then there are still two more levels of review in which the deficiency could be detected. In order to determine any shortcomings of the program, all areas of responsibility should be evaluated.

Ultimately, it is the responsibility of the facility to ensure that individuals assigned to the quality assurance program are qualified for the assignments, and are allowed adequate time to perform these duties (§289.230(k)(1). Therefore, when quality assurance problems occur at a mammography facility, the facility's senior management should look not only at the responsibilities of the mammography technologist, but also those of the Lead Interpreting Physician and the Medical Physicist to determine where improvements are to be made.

PRINTING OF RADIATION REPORT CEASED UNTIL FURTHER NOTICE



BUDGET CRUNCH AFFECTS RADIATION REPORT PRINTING!

This issue and possible future issues of the **Radiation Report** will not be printed. Due to the State of Texas' current budget cutbacks, the **Radiation Report's** printing has been affected.

The internet is the only way of receiving the Radiation Report until further notice.

The BRC encourages you to join the list of electronic subscribers, so you will be notified when a new issue is posted on the internet. You will be able to view the **Radiation Report** on your computer screen or print it out and read it. Also, you can pass along the link via email to others who are interested in reading the newsletter.

BRC will NOT give out your email address to outside entities.

In the Summer 2002 edition of the **Radiation Report**, the BRC began to collect email addresses in an effort to defeat the high cost of printing and mailing over 17,000 copies to our Licensees, Registrants and interested persons statewide. We are in the process of compiling a list and would like to hear from you.

If you want us to email notifications to you about the **Radiation Report**, simply fill out the form on Page 7. For your convenience, there are several ways for you send it back to us.

See Page 7 for details.



RADIATION REPORT

VIA ELECTRONIC MAIL

To receive future notifications of the **Radiation Report**, simply fill out the form below, and either fax it to us at (512) 834-6716 or mail it back to us at:

Bureau of Radiation Control
Texas Department of Health
Attention: Public Information and Training
1100 West 49th Street
Austin, Texas 78756-3189

OH YEAH, YOU CAN EMAIL US WITH THIS INFORMATION TOO!

Email: julie.davis@tdh.state.tx.us

*Please fill-out all of the **Required (*) fields** completely. This information will help us to better process and serve your requests. Don't Forget to include your **Phone Number and Email Address**. Thank You!!*

* Name: _____	* Phone number: _____
* Company: _____	* Licensee number: _____ (If you have it handy!)
* Mailing Address: _____	* E-Mail address: _____
* City, State & Zip: _____	_____

Two Texas Chairs Set Precedence in CRCPD History

By *Cindy Cardwell*

Richard Ratliff, Bureau Chief of Radiation Control, became Chairperson of the Conference of Radiation Control Program Directors, Inc. (CRCPD) as of May 7, 2003. Richard takes over the position from Cindy Cardwell, Deputy Director, Standards, Radiation Control. Cindy takes over as Past-Chairperson. Both Richard and Cindy will serve in these capacities for a year. This is the first time in the 35-year history of the organization that two chairpersons from the same state have served back-to-back terms.

The CRCPD is a nationwide organization with membership consisting primarily of state radiation control program staff. Members also include federal regulatory

agency staff and other members of the radiation safety community, including international members. The objectives of the organization are to promote consistent radiation protection practices, provide leadership in radiation issues, improve efficiency in providing radiation protection, and enhance relationships with members.

Many of the Bureau of Radiation Control staff are very active members of the CRCPD. Their involvement ensures that BRC stays current on the latest developments in radiation safety and security issues; that a solid network of resources from other state radiation control agencies, the federal government, and other radiation safety professionals is maintained, and that Texas practices and viewpoints are known on a



Left to right: Richard Ratliff, BRC Chief and Present CRCPD Chairperson as of May 7, 2003; Cindy Cardwell, BRC Standards Director and Past CRCPD Chairperson.

nationwide basis. The knowledge gained from BRC staff participation helps to ensure that BRC provides the best possible service to our licensees and registrants.

STATE HOLIDAYS

The BRC will be closed in observance of the following holidays:

- Emancipation Day - June 19th
- Independence Day - July 4th
- LBJ's Birthday - August 27th

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