

TEXAS RADIATION ADVISORY BOARD MINUTES

First Quarter Meeting

January 31, 2004

Austin, Texas

The meeting was called to order at 9:00 a.m. by W. Kim Howard, M.D., with the following members present: Susan E. Best, M.D., Ph.D.; Thomas M. Burnette; Justin P. LeVasseur, M.D.; Troy Marceleno; and Kevin L. Raabe

The following members were absent: Jimmy L. Barker, P.E.; Eugene A. Coleman, Ph.D.; Earl P. Erdmann; Michael S. Ford, C.H.P.; Ian Hamilton, Ph.D.; Odis R. Mack; Bruce A. Matson, D.D.S.; Judith A. Pester, M.D.; and Elaine L. Wells

Guests present: Rick Jacobi, P.E.; Eddie Selig, Advocates for Responsible Disposal in Texas; Bob Wilson of Jackson, Sjoberg, McCarthy & Wilson, LLP; Doris Bryan, Radiation Technology; Mike Woodward of Hance, Scarborough, Wright; and Alfred Smith, Ph.D., Amy Hayes and Bud Norton of M.D. Anderson Cancer Center

Texas Department of Health (TDH) central office staff present: Tom Godard

Bureau of Radiation Control (BRC) staff present: Richard Ratliff, P.E., Alice H. Rogers, P.E., Ruth E. McBurney, C.H.P.; Margaret Henderson; Elva Ramirez; Gary Smith, Ph.D.;

Debbie Borden; Pete Myers; Cindy Cardwell; Thomas Cardwell; Robert Free; Helen Watkins; Latischa Hanson; and Ruben Cortez

Texas Commission on Environmental Quality (TCEQ) staff present: Devane Clark, Don Redmond, and Tony Bennett

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

Minutes of the August 23, 2003 meeting were not approved because a quorum was not present.

Margaret Henderson provided the board members an update on Michael S. Ford's recovery from a major illness.

- I. Executive Committee: No quorum was present and no action taken
 1. Members discussed the proposal of 25 TAC §289.301 concerning registration and radiation safety requirements for lasers. Dr. Howard asked that the definitions be expanded to provide more information instead of referencing ANSI standards. Cindy Cardwell agreed to see if this could be done.
 2. Richard Ratliff gave an update on solutions to the health physicist recruitment and retention issues. The requests for increasing salaries went to Human Resources and no action has been taken so far.
 3. An update on consolidation plans for radiation control program were given by Richard Ratliff. Proposals being considered will divide radiation control along functional lines.
- II. Waste and Industrial Committee: No quorum was present and no actions taken
 1. Members discussed proposal of 25 TAC §289.254 concerning licensing of waste processing and storage facilities.
 2. Members discussed proposal of 25 TAC §289.260 concerning licensing of uranium recovery and byproduct material disposal facilities.

3. Cindy Cardwell provided the board members an update on rule changes involving the two-year permit renewal required by House Bill 2292.

III. Program Reports

A. TDH, BRC, Richard Ratliff, P.E., Chief

- (1) Michael Ford's letter to the governor regarding salaries and short-term options of trying to upgrade the health physicist staff was distributed to members.
- (2) BRC is still going through consolidation process.
- (3) BRC put together a packet to request that the State Classification Office create a new classification of "health physicist." The packet was sent on January 30, 2004.
- (4) Texas Department of Health will become the Texas Department of State Health Services (TDSHS). Dr. Eduardo Sanchez was appointed to be the new commissioner.
- (5) BRC will be participating in a major emergency response exercise February 13, 2004 through February 22, 2004. The Fifth Army out of San Antonio and Division of Emergency Management will also be involved.

B. Licensing, Registration & Standards (LRS), Ruth McBurney,

C.H.P.

- (1) LRS has filled a medical licensing position (Hans Weger, Environmental Specialist IV). David Wood was rehired in the Waste and Academic position that was recently created.

- (2) LRS is in the process of hiring an engineer for the Uranium and Waste Technical Assessments.
- (3) LRS has 4 vacant Administrative Assistant positions.
- (4) The U.S. Food & Drug Administration will be reviewing the Texas Mammography Accreditation Program.
- (5) Some LRS staff members will participate in symposium on fusion imaging in Kansas City this month.
- (6) LRS is expecting a byproduct material disposal application to be filed in the coming months.

P.E. C. Division of Compliance and Inspection (DCI), Alice H. Rogers,

- (1) DCI has filled 4 vacant positions.
 - (a) Latischa Hanson, X-Ray Reviewer
 - (b) Helen Watkins, Environmental Specialist V in Enforcement
 - (c) A Radioactive Material Inspector position for Houston
 - (d) Administrative Technician position
- (2) DCI has 7 field staff positions and 3 central office positions vacant.

- (3) DCI is in the process of reviewing the soil sample analysis results from EPA's emergency superfund cleanup at the Gulf Nuclear site in Webster, Texas. Total cost of the clean up is \$20 million.
- (4) A hospital in Dallas filed bankruptcy. BRC is working with the Office of Attorney General to deal with bankruptcy court and bankruptcy trustees to ensure patients have access to mammography files and that films are protected.

D. TDH, Richard Bays, Associate Commissioner for Consumer Health Protection

Mr. Bays briefed the board members on TDH consolidation issues and reported that on September 1, 2004 TDH will become The Department of State Health Services. Mr. Bays talked about the transition of the department under the Health and Human Services Commission. The organizational model on the website is a high level model that does not show radiation control. The public hearings are progressing; Tuesday there will be one in Austin. By February 20, 2004 the department must have more detailed information to put behind the organizational model. February 13, 2004 is the deadline for public comment. September 1, 2004 is the start date for the new department (with changes in place).

The Board of Health will go away on September 1, 2004. A nine member advisory council will take its place. Advisory committees (like TRAB) remain intact. The relation of the

advisory boards (like TRAB) to the Advisory Council is unknown at this time.

About the health physicist salary issue, he commented that he has inquired with Human Resources and has had no response on how this is going. He advised the members that he plans to check again and truly believes the department needs to do this.

E. Texas Commission on Environmental Quality (TCEQ)

- (1) New low-level radioactive waste rules that became effective January 8, 2004 are published on TCEQ website and on the Secretary of State website.
- (2) TCEQ is in the process of preparing a response for petition for rule making, which was submitted last August regarding disposal of naturally occurring radioactive materials (NORM).
- (3) Tony Bennett reported TCEQ is in a dual primacy situation with EPA. Federal drinking water rules became effective December 2003. TCEQ was granted an extension until December 2004 to adopt these rules.

F. Railroad Commission of Texas (RCT)

Staffs of BRC and RCT plan to meet to develop training on new RCT rules.

Dr. Alfred Smith, Technical Director, M.D. Anderson Proton Therapy Facility, gave a presentation on plans for the facility and benefits of proton therapy.

The next quarterly meeting is tentatively scheduled for June 5, 2004, in Austin, Texas.

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The meeting adjourned at 11:30 a.m.

Respectfully submitted,

Texas Radiation Advisory Board