



**Department of State Health Services (DSHS)
Program Report to the Texas Radiation Advisory Board (TRAB)
Consumer Protection Division**

February 28, 2020

Business Filing and Verification Section

Radioactive Material Unit – Karl Von Ahn, Manager

As of August 1, 2019, we started entering and storing licensing and other documents on an internal SharePoint site. In addition to creating an electronic filing system, internal procedures and business rules are being created and amended. The goal is to switch to an electronic filing system instead of adding to our paper based records and microfiche.

As of December 4, 2019, the RAM licensing section discontinued filing hardcopy licensing documents. The official records are now contained electronically in an internal SharePoint site.

We continue to update and review rule guides and application guides for office and public use. The documents require a substantial rewrite, and must now meet the DSHS report document formatting. The guide updating process is currently a lower priority than the internal paperless system development.

Radiation Surveillance Section-Radiation Unit

Radioactive Materials Inspection Group – Eric Skotak, Manager

The Radioactive Materials Group (Inspections) is preparing for the upcoming NRC periodic meeting in February.

Mammography and Remote Inspections Group – Trae Windham, Manager

The mammography program has initiated a training and standardization effort named M.I.S.E. (Mammography Inspection Skills Enhancement). This program will help further solidify the great work being done by mammography inspectors throughout the state.

The state of Texas has successfully nominated a new individual for Mammography Quality Standards Act training with the FDA. This extensive 4-5-month training process will certify them to perform mammography inspections.

X-Ray Group – Shannon Quinn, Manager

Shannon Quinn attended the RSNA conference in December 2019.

Lisa Bruedigan gave an interview about the new dental rules on the Texas Dental Association's podcast (<https://www.tda.org/Member-Resources/TDA SoundByte>).

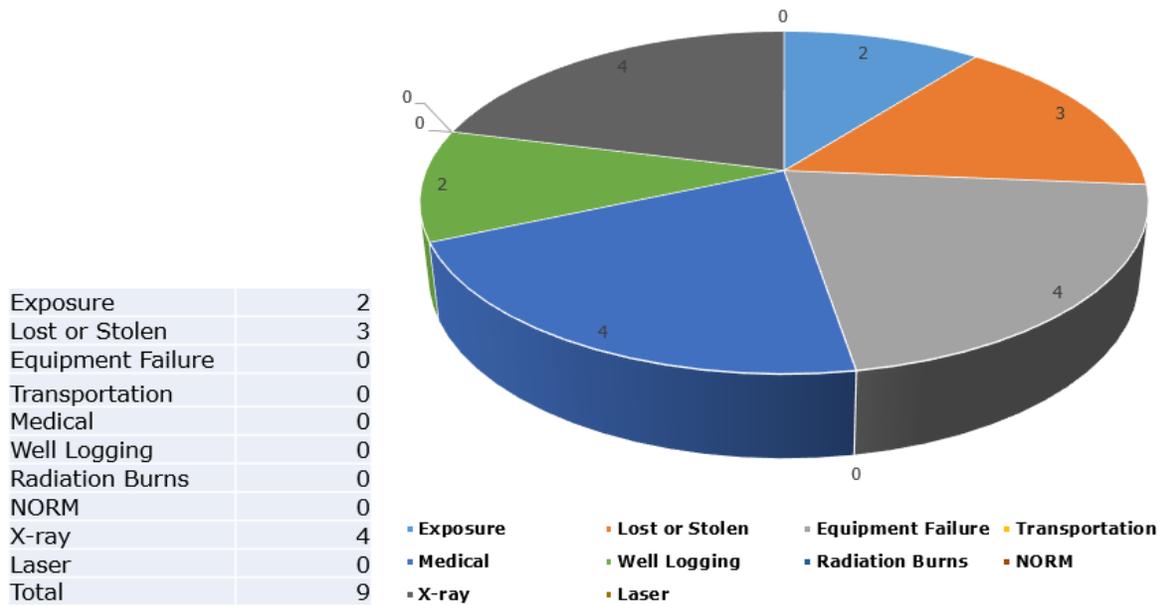
One of our inspectors in Region 3 accepted a position as a Radioactive Materials inspector in the same region.

Environmental Monitoring Group – Bob Free, Manager

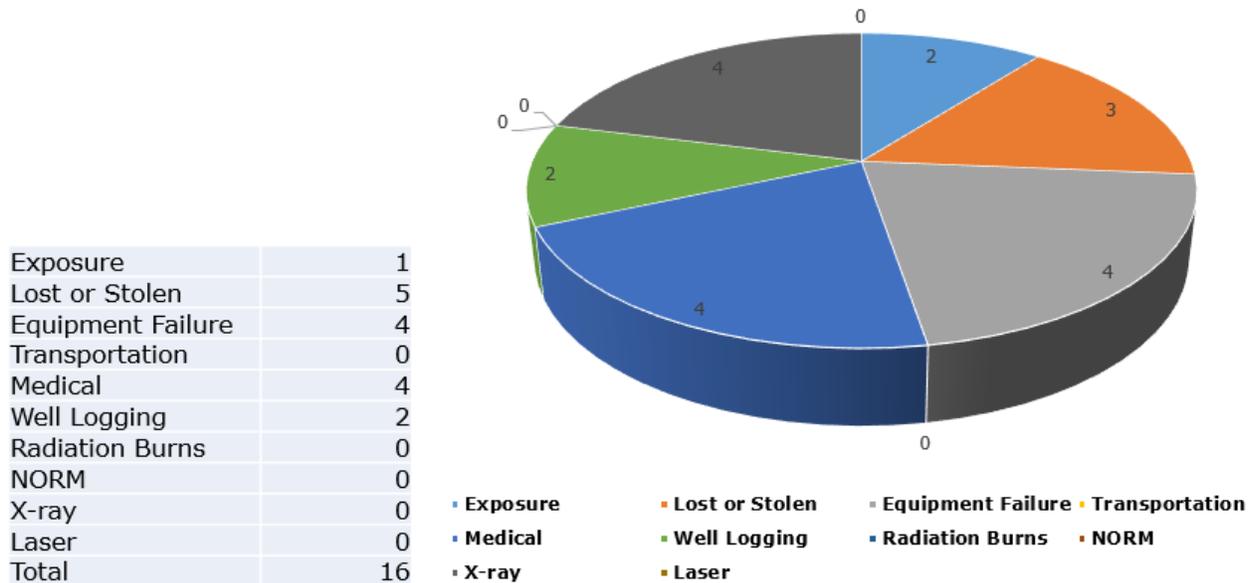
Incident Investigations:

There were no significant events reported during this reporting period. The pie charts below reflect the numbers and categories of incidents and complaints received during this reporting period.

Complaints November 1, 2019 – January 31, 2020



Incidents November 1, 2019 – January 31, 2020



South Texas Project (STP):

There were no drills or exercises scheduled for this reporting period.

Comanche Peak Nuclear Power Plant (CPNPP):

DSHS received the FEMA After Action Report for 2019 CPNPP Graded Exercise. Two plan DSHS plan issues were identified and the program has addressed them. Based on the results of the Exercise, the offsite radiological emergency

response plans and preparedness for the CPNPP and the affected local jurisdictions were deemed adequate to provide reasonable assurance that appropriate measures can be taken to protect the health and safety of the public in the event of a radiological emergency.

Waste Isolation Pilot Plant (WIPP):

The Department of Energy continues to ship transuranic waste through Texas to the WIPP site located southeast of Carlsbad, New Mexico. Approximately four to five shipments per month continue to be transported from the Oak Ridge National Laboratories in Tennessee.

16 radiological instrument sets were inspected, calibrated, and reissued to emergency first responders in Nolan, Callahan, Howard, Tarrant, Mitchell and Martin counties located in and along the Interstate Highway 20 WIPP transportation route.

In addition, a total of ten WIPP related briefings were provided to 21 local officials in Nolan, Taylor, Callahan, Howard, Tarrant, Mitchell and Martin counties.

A program exhibitor booth was provided and staffed for the 2019 Texas EMS Conference in Fort Worth, Texas. The booth provided information regarding WIPP and a brief overall review of the agencies Radiation Control Program. Information provided was to educate and promote an understanding of radiation exposure and contamination to First Responders.

Pantex:

Planning is beginning a Tabletop Exercise focused on recovery from an event at the Pantex plant. This will include DOE and FEMA, as well as state and local officials from the surrounding counties. The date is tentatively scheduled for Spring 2020.

DSHS is working on development of a drone program for emergency response and environmental sampling. A demonstration was held in Amarillo for AIP partners at the AIP Task II meeting at Carson County Law Enforcement center.

Compliance Section

Environmental and Radiation Control Unit – Alyson Henry

From November 2019 – December 2019, the Compliance Section issued 65 Orders against individuals and companies that were found to have violated

the Texas Regulations for Control of Radiation (25 Texas Administrative Code §§289.201 – 302). These Orders have resulted in the assessment of \$63,665.00 in administrative penalties. Nineteen X-ray registrations and six laser registrations were revoked during this period.

On December 19, 2019, a Proposal for Decision (PFD) was issued by the Administrative Law Judge (ALJ), State Office of Administrative Hearings (SOAH), for an enforcement case related to an entity that failed to comply with a Department Order. In the PFD, the ALJ ruled that the Department should assess a \$5,000 per day administrative penalty against Respondent for 93 days in the amount of \$465,000. The case is pending the DSHS Commissioner's review and issuance of a final order.

Policy, Standards, and Quality Assurance Section

Radiation Unit – Brian Vamvakias, Manager

- Upcoming rules:
 - §289.233, Radiation Control Regulations for Radiation Machines used in Veterinary Medicine. A draft is being reviewed internally. The anticipated schedule is for the draft rule to be available for public review in March 2020, the proposed rule in September 2020 and the final rule to be effective in January 2021.
 - §289.226, Radiation Control Regulations for Registration of Radiation Machines Use and Services will be revised to meet 4-year review requirements. The Rules Notification Form (RNF) has been approved. PSQA is still working on a draft for internal review. Optimistically, the department will have a draft ready for public review in June 2020, a proposed rule in December 2020 and a final rule effective in early 2021.
 - Medical Use of Byproduct Material (NRC 10 CFR 30, 32, and 35) rule changes became effective January 2019. Texas must amend the associated Sections in Chapter 289 TAC by January 2022. PSQA staff is developing an RNF for approval to start the project and working on a draft for internal review.