



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

September 20, 2019

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.

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.

As part of the process review we have generated the forms RC 257-1 "Application for Low Level Radioactive Waste Shipper Registration" and RC 257-2 "Application for A Low Level Radioactive Waste Transporter Registration". These application forms are available from the Radiation Control Program web page. Previously, we did not have forms for applicants to submit waste shipper and waste transporter registration requests. Regulatory Guide 2.19 for submitting waste shipper and waste transporter applications has been withdrawn. The guidance and instructions for submitting an application are now part of each application form.

The Business Filing and Verification Unit, and the Consumer Protection Division as a whole, are looking at modifying licensing rules to comply with SB 1200. The bill requires we have rules in place by December 1, 2019. SB1200 permits spouses of active military personnel to have their out of state licenses reviewed and accepted for use in Texas at no charge for up to

three years. The review requirements are listed in the SB 1200 text for recognition of the out of state licenses.

Radiation Machine Source Unit – Jo Turkette, Manager

The Texas Mammography Accreditation Program was recognized for outstanding collaboration with the Food and Drug Administration, Mammography Quality Standards Act Accreditation Team, along with three other accrediting bodies; American College of Radiology, States of Arkansas and Iowa for establishing accreditation programs for digital breast tomosynthesis. Kaye Jividen and Jo Turkette attended the award ceremony in Silver Spring, Maryland on August 14, 2019.

Radiation Surveillance Section-Radiation Unit

Radioactive Materials Inspection Group – Eric Skotak, Manager

The Radioactive Materials Group (Inspections) attended the American Association of Physicists in Medicine annual meeting in San Antonio in July. An average of 18 hours of continuing education hours was acquired by our staff.

Management will be attending the Radiological Security Leader's Meeting in September. This meeting is presented by the National Nuclear Security Administration (NNSA) Office of Radiological Security. The NNSA's 2020 Cities Initiative focuses on enhancing radiological security in major U.S. cities.

Mammography and Remote Inspections Group – Trae Windham, Manager

This summer Jo Turkette and Kaye Jividen were recognized by the FDA for their invaluable work in mammography. This was a special honor and a great testament to the extraordinary work that these two individuals have done in leading the state of Texas Mammography Program.

All Mammography inspectors throughout the state attended the annual American Association of Physicists in Medicine conference held in San Antonio in July. There they were able to attend lectures, see presentations, gain exposure to new equipment, and meet medical physicists from around the world. This conference will expand and solidify each inspector's knowledge of machine testing and operation, as well as giving them the tools to more effectively ensure the safe use of radiation throughout the entire state of Texas.

The program has an additional inspector that has met all the requirements for qualification as a certified Mammography inspector. This inspector will be based in Region 11 and ensure continued monitoring in South Texas.

The remote inspections program has completed its successful transition to being a fully digital program. This move has made the program more efficient and thorough, allowing us to adequately review remote inspection packets in a timely manner.

X-Ray Group – Shannon Quinn, Manager

The x-ray inspections staff attended the annual conference of the American Association of Physicists in Medicine held July 14-18, 2019 in San Antonio. Lectures included topics such as radiation protection, new advances in CT and fluoroscopy, and quality control in imaging.

The open position for manager of X-Ray South inspectors has been recently filled and an announcement will be made soon.

Three inspectors in Region 6 and one inspector in Region 7 completed the third phase of training, which included training on radiation therapy inspections. One inspector in Region 3 completed the second phase of training, which included training on CT and fluoroscopy inspections.

One inspector in Region 6 will be transferring to a float position, one inspector in Region 3 will be transferring to Region 6.

Environmental Monitoring Group – Bob Free, Manager

Incident Investigations:

Going forward, incidents and investigations will be included after they are closed and the appropriate processes within the Radiation Program have been completed.

South Texas Project (STP):

DSHS participated in a limited combined functional Drill with STP on June 12, 2019. DSHS Radiological Emergency Response Teams provided assessment, Joint Information and STP rumor control support for the drill. On September 5, 2019, DSHS participated in STP Medical Day and presented information on DSHS's role in response to a potential event at STP.

Comanche Peak:

DSHS and Comanche Peak continue to prepare for the upcoming Federal Emergency Management Agency (FEMA) Plume Phase evaluated exercise on November 6, 2019. The dress rehearsal will be held on October 2, 2019.

The Hood County emergency operation center was activated on September 10, 2019 for training of the new judge and emergency management coordinator in preparation for the evaluated exercise.

Training for the DSHS Field team and Radiation Officer for Hood and Somerville counties was held on September 11, 2019. The training included Department of Public Safety commercial vehicle enforcement troopers, Hood and Somerville counties. The training included basic radiation, biological effects, nuclear power plant basics and emergency action levels. Comanche Peak also provided a tour of the control room simulator and DSHS was allowed to use their contamination control personnel monitoring room.

A FEMA evaluated MS-1 medical drill will be held on September 25, 2019 at the Texas Health Cleburne medical center.

Waste Isolation Pilot Plant (WIPP):

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

WIPP program staff provided Radiological Emergency Response training to eight emergency responders in Longview during the week of June 3 – 7, 2019.

In addition, during the week of August 5 – 9, 2019, Radiological Emergency Response training was provided to 14 emergency responders and local officials in Abilene, Texas.

Pantex:

Planning is beginning on 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 continues to support local emergency responders who are trained to respond to events at Pantex Plant.

Environmental samples (soil, water and vegetation) from the area around the Pantex plant were taken and were sent for analysis. These samples are taken to satisfy requirements in the AIP grant from the Department of Energy.

Compliance Section

Environmental and Radiation Control Unit – Alyson Henry

From June 2019 – August 2019, the Compliance Section issued 114 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 \$158,345.00 in administrative penalties. Fifteen X-ray registrations and seven Laser registrations were revoked as a result of failing to terminate or timely notify the Department of changes that would render the information contained in the certificate of registration inaccurate. These facilities are typically no longer in business. One Industrial Radiographer certification was revoked by default as a result of not responding to the proposal to revoke.

On July 12, 2019, a State Office of Administrative Hearings (SOAH) Administrative Law Judge (ALJ) issued a Final Order of Dismissal and Remand on a case heard before SOAH on June 17, 2019. This Order remanded the case back to DSHS to issue the final Order which is pending at the time of this report.

On August 26, 2019, DSHS Commissioner issued a Final Order adopting the findings of fact and conclusions of law of the SOAH ALJs' Proposal for Decision (PFD) that affirmed that the Department's evidence failed to establish that Respondent caused, suffered, allowed, or permitted a registrant to violate the Texas Regulations for Control of Radiation and determined that Respondent is not subject to the assessment of administrative penalties.

Policy, Standards, and Quality Assurance Section

Radiation Unit – Brian Vamvakias, Manager

The revision of Regulatory Guide 4.3, *GUIDE FOR THE PREPARATION OF OPERATING AND SAFETY PROCEDURES FOR THE HEALING ARTS OF MEDICINE, PODIATRY, AND CHIROPRACTIC* is complete. Special thanks to

the Surveillance Section, X-Ray Group, for their efforts in making the necessary updates.

The revision of Regulatory Guide 4.4, *GUIDE FOR THE PREPARATION OF OPERATING AND SAFETY PROCEDURES FOR DENTAL RADIATION MACHINES* has been revised.

Upcoming rules:

- §289.233, Radiation Control Regulations for Radiation Machines used in Veterinary Medicine will be the next x-ray rule to be revised. Request to open the rule for changes, Rule Notification Form (RNF), has been submitted and awaiting final approval.
- §289.226, Radiation Control Regulations for Registration of Radiation Machines Use and Services will be revised to meet 4-year review requirements. RNF has been submitted and awaiting final approval.
- At this time, the next Nuclear Regulatory Commission required changes to radioactive material rules will include:
 - §289.201, General Provisions for Radioactive Material
 - §289.202, Standards for Protection Against Radiation from Radioactive Materials
 - §289.251, Exemptions, General Licenses, and General License Acknowledgements
 - §289.252, Licensing of Radioactive Material
 - §289.255, Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography
 - §289.256, Medical and Veterinary Use of Radioactive Material and
 - §289.257, Packaging and Transportation of Radioactive Material.

Brian Vamvakias attended the 2019 Annual Meeting of the Organization of Agreement States (OAS) in Minneapolis, MN. The topics covered during that week included medical use of radioactive materials, updates on the National Materials Program, inspection procedures, and emergency response. As a state voting member, the travel expenses were covered by the Nuclear Regulatory Commission (NRC).