



Department of State Health Services (DSHS) First Quarter 2016 Program Report to the Texas Radiation Advisory Board (TRAB)

February 5, 2016

Radiation Safety Licensing Branch

Radioactive Material Licensing Group

- Thermo Process Instruments in Sugarland Texas completed their first shipment of low-level radioactive waste to the Texas compact facility. The first shipment was in-compact waste consisting of sealed sources.
- There have been no new water treatment licenses or amendments this quarter.
- There are presently 70 registered waste shippers and transporters, unchanged from last quarter. To date DSHS has billed \$1,012,179.70 to the waste shippers sending low-level radioactive waste to the Texas compact disposal site in Andrews County, Texas.

Radiation Machine Source Group

Representatives of The Food and Drug Administration (FDA), Division of Mammography Quality Standard Act (MQSA) conducted an annual audit of the State of Texas (STX) Mammography Certification Program on August 4, 2015 for evaluation period June 1, 2014 through July 20, 2015. The FDA performed a thorough review of items to include STX policy and procedures, issuance of interim notices and MQSA certifications, certification data transmissions, inspection and compliance activities and consumer and facility complaints. FDA concluded that the STX has fulfilled its responsibility as an FDA approved Certifying Agency.

Radiation Enforcement

- From September 2015 to December 2015, the Enforcement Unit 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 \$106,105.00 in administrative penalties. Of the 114 Orders issued, 30 were Revocation Orders. All but one of the Revocation Orders resulted from failing to pay registration or licensing fees. The remaining X-Ray Revocation resulted from a failure to comply with a Default Order (assessing administrative penalties).

Radiation Policy, Standards, and Quality Assurance Group

- The proposed RAM2 (Part 37) rule packet was presented at the TRAB meeting on June 12, 2015, and approved with edits.

§289.201 concerning general provisions for radioactive material

§289.202 concerning standards for protection against radiation from radioactive materials

§289.251 concerning exemptions, general licenses, and general license acknowledgements

§289.252 concerning licensing of radioactive material

§289.257 concerning packaging and transportation of radioactive material

- The proposed rules were presented to the DSHS Council on September 9 & 10, 2015; approved for publication by the Executive Commissioner of Health and Human Services on November 9, 2015; and published in the November 20, 2015, *Texas Register* for a 30-day comment period. A public meeting was held on December 9, 2015. Only one public member attended and made no comments at the meeting. The adoption rule packet has been approved by the Office of General Counsel and our Associate Commissioner and is currently waiting for DSHS and HHSC executive management approval.

Radiation Inspection Branch

Environmental Monitoring Group

Incident Investigations

- On December 14, 2015, the Agency received an anonymous complaint that alleged one of the registrant's technicians had over-irradiated pediatric patients by using an extremely high setting on the x-ray machine. The complainant further alleged that management had been advised but the technologist was still performing x-ray procedures of pediatric and adult patients. Lastly, the complainant alleged that during evening hours paramedics

were allowed to energize the machine while the technician held pediatric patients for the exam. The investigation substantiated the allegations. The technologist failed to adjust technique factors for a pediatric patient and used maximum machine settings. The settings would have been appropriate for a large adult. This resulted in a dose approximately 50 times the necessary imaging dose. The investigation findings have been referred to the Texas Medical Board, Medical Radiological Technologist program and the American Registry of Radiologic Technologists for action.

Emergency Planning

South Texas Project (STP)

- The next FEMA evaluated exercise is scheduled for July 13, 2016. DSHS Emergency Response Team and other agencies (TCEQ, DPS, and possibly 6th CST) will be participating with STP in training on April 19-20 and the Dress Rehearsal on June 1, 2016.

Comanche Peak Nuclear Power Plant (CPNPP)

- CPNPP has requested a name change through the NRC and will now be referred to as Comanche Peak (CP LLC).
- CP is still currently involved in a Chapter 11 Bankruptcy that will probably be extended through June of 2016. The bankruptcy process has not impacted the State's emergency preparedness planning for the site. Somervell County emergency preparedness has been affected by the proposed devaluation of the plant.

Waste Isolation Pilot Plant (WIPP)

- The WIPP recovery program continues to make significant progress and continues to move in a positive direction. After months of catch-up rock bolting and contamination mitigation, zone recovery activities along the pathway to Panel 7 have been completed. Panel 7, which consists of seven disposal rooms will be the active disposal area when waste emplacement activities resume. Although the pathway has been established, a significant number of activities, including installation and testing of interim and supplemental ventilation; completion of safety documentation and safety management program development; management assessments, and operational readiness reviews, will be necessary before waste emplacement can resume. In addition, as part of increased emergency response capabilities, the WIPP Fire Department and Emergency Response Team are participating in advanced training, improving overall capabilities and receiving advanced certifications. All WIPP firefighters are currently certified at Firefighter Level I/II. The current target date for resuming waste emplacement is early 2017.

- Local officials in Texas along the shipping corridor continue to be interested in the WIPP program and continue to request and support WIPP related training activities and exercises.

Pantex

- DSHS staff members continue to participate in the monthly notifications and communications testing activities with the Pantex site.
- Discussions are underway for an exercise to be held in the August 2016 time frame.

Mammography and Remote Inspections Group

- 381 remote x-ray inspections have been issued for FY2016. Staff are working on 474 open x-ray remote inspections.
- All mammography inspections are being conducted timely.
- Two more staff members were accepted into the FDA Mammography Quality Standards Act Inspector Training program for federal training in Silver Springs, Maryland and should be certified by August 31, 2016.

X-Ray Groups

- 2 x-ray inspectors received fluoroscopy and CT classroom training in January 2016 and are now working on hands on onsite inspections training.
- A staff meeting for x-ray inspectors and Policy, Standards, Quality Assurance (PSQA) staff is being planned for late spring. During this meeting staff will obtain the biennial continuing education credits required by statute and regulation for their inspection duties.

Radioactive Materials (RAM) Inspections Group

- With one position recently vacant, the Radioactive Materials Group is staffed with 13 inspectors located throughout the state; 9 fully trained, and 4 that have completed a substantial portion of their training.
- We are revising our security inspection procedures (increased controls) and inspection report forms to account for the changes to Section 252(ii). Section 252(ii) was revised to be essentially equivalent to Nuclear Regulatory Commission's (NRC's) Part 37 Physical Protection of Category 1 and Category 2 Radioactive Material.

- We are preparing for the NRC's Integrated Materials Performance Evaluation Program (IMPEP) periodic meeting to be held in February 10, 2016.