



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

**July 26, 2024
Radiation Section**

Licensing and Registration Activities

License Type	Companies	Sites
X-Ray Registrations	17915	22861
Laser	3975	4776

Registration Completed Actions March 2024 – May 2024				
	New	Renewal	Amendment	Termination
X-Ray	858	166	968	482
Laser	290	29	117	89
Total	2999			

RAM Licensing actions April 2024 – May 2024				
	New	Renewal	Amendment	Termination
General License Acknowledgment	2	0	11	3
RAM	12	26	288	14
Waste Shipper/Transporter	5	6	0	0
RAM Reciprocity	4	11	0	0
Sealed Source and Device	0	0	0	2

Industrial Radiographer Certification	
Application for Exam	574
Trainee Application	362
Renewal Application	67
Non-Texas Radiographer	37

Rulemaking

23R011 - Radioactive Materials

Ensuring compatibility with Nuclear Regulatory Commission Regulation Action/Amendment Tracking System

- NRC RATS ID 2020-1 Due 06/13/23
- NRC RATS ID 2020-3 Due 11/16/23
- NRC RATS ID 2021-1 Due 09/08/24

Revision of 25 TAC 289 sections in this project-

- §289.201 General Provisions for Radioactive Material
- §289.202 Standards for Protection Against Radiation from Radioactive Material
- §289.253 Radiation Safety Requirements for Well Logging Service Operations and Tracer Studies
- §289.255 Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography
- §289.256 Medical and Veterinary Use of Radioactive Material
- §289.257 Packaging and Transportation of Radioactive Material
- §289.258 Licensing and Radiation Safety Requirements for Irradiators

Progress

- Reviewed by TRAB April 2023.
- Reviewed by NRC on March 2024 with only one comment to keep a clause as "Reserved." The HHSC rules policy does not allow any part of the rule to be held as "reserved."
- The rule packet was significantly revised to meet "Plain Language" guidance.
- The rule has been moved to the May 2024 Executive Council meeting schedule.
- Under the May 2024 schedule,
 - The proposed rule will be published for a 31-day public comment from 6/21/24 to 7/15/24.
 - The rule will become effective on 10/23/2024.
- Comments
 - Reflexion Medical – commented on the conversion errors in 289.201. This was a result of a publishing error when the rule document was prepared for the Texas Register. The micro symbol was not printed and several places had (100 Ci – 3.7 MBq) instead of (100uCi – 3.7 MBq). This was identified shortly after the proposed rule was published and a correction was published in the Texas Register.
 - Texas Society of Radiologic Technologist sent comments that they support the proposed changes.

23R012 - Laser

§289.301 Registration and Radiation Safety Requirements for Lasers and Intense-Pulsed Light Devices

- Reviewed by TRAB April 2023.
- This rule project was moved to the August 15, 2024 Executive Council meeting schedule.
 - The Proposed rule public comment period will be from 9/20/2024 to 10/21/2024.
 - The rule will become effective on 1/28/2025.

23R013 - Accelerators

§289.229 Radiation Safety Requirements for Accelerators, Therapeutic Radiation Machines, Simulators, and Electronic Brachytherapy Devices

- Reviewed by TRAB April 2023.
- This rule project was moved to the May 2024 Executive Council meeting schedule.
 - The Proposed rule public comment period will be from 6/14/2024 to

7/15/2024.

- The rule will become effective on 10/23/2024.

Update

- Comments received
 - Staff commented on use of "person" vs "individual" at several places in the proposed language. As "person" is defined as an individual or business, it was suggested to use "individual" instead of "person" where the requirement pertains to a single individual.
 - RefleXion requested the requirement for §289.229(c)(4), "remote operation of radiation machines is prohibited," to be changed because it would restrict operation due to servicing. The language is updated to "remote operation of radiation machines on humans is prohibited."
 - Texas Society of Radiologic Technologist expressed support for the changes made to the rule, particularly the addition of 229(c)(4) that prohibits the remote operation of therapy machines.
 - Texas Medical Association commented on 229(b) where language was removed that required supervision of a certified physician or veterinarian when using a therapeutic machine. This language was moved from (b) Scope to (c) Prohibitions, as new paragraphs (5) and (6).
 - American Society of Radiologic Technologist provided support for the proposed changes.

23R048 Licensing of RAM

§289.252 Licensing of Radioactive Material

- Addresses NRC RATS 2021-2 due 12/30/2024 and NRC RATS 2023-1 due 9/25/2026.
- The draft went to public comment from December 15, 2023, until January 5, 2024.
- Reviewed by NRC with "No Comment" letter received February 6, 2024
- The project is currently on the May 2024 Executive Council meeting schedule.
 - The proposed public comment period will be from 7/19/2024 to 8/19/2024.
 - The rule will be effective 11/20/2024.

23R057 Texas Radiation Advisory Board (TRAB)

§289.130 Radiation Advisory Boards

- SB 1592 (88R) passed to increase the Texas Radiation Advisory Board membership to 19 members, adding a requirement for a member to be licensed by the Texas Veterinary Board.
- Significant revision was made to harmonize §289.130 with the advisory board rule template provided by the Rule Coordination Office.
- This rule project is on the November 2024 Executive Council meeting schedule.
 - The proposed public comment period will be 7/12/2024 to 8/12/2024.
 - The rule will be effective 11/11/2024.
- TRAB is reviewing this draft.

24R087 Radiation Safety Requirements for Mammography Machines

- This new rule project is to update §289.230 *Certification of Mammography Systems and Mammography Machines Used for Interventional Breast Radiography* to be compatible with the amended FDA regulations at 21 CFR 900 Mammography Quality Standards Act. This project will also repeal §289.234 *Mammography Accreditation*.

- Request made for assignment to a subject matter expert in the Medical Committee to review the draft version.
- Staff is waiting for a "Kick-off" meeting so that we know when the draft public comment period and proposed public comment period will be scheduled.

Inspection Data (FY24 to date)

Number of Inspections for FY23 total and 1 st QTR for FY24						
	FY 24 QTR 1 (9/1/23 – 11/30/23)		FY 24 QTR 2 (12/1/23 – 2/29/24)		FY 24 QTR 3 (3/1/24 – 5/31/24)	
	# Ins	# Insp with Violations	# Ins	# Insp with Violations	# Ins	# Insp with Violations
RAM	181	25 (13.8%)	204	31 (15.2%)	176	29 (16.5%)
X-Ray	963	394 (40.9%)	972	393 (40.4%)	1057	449 (42.4%)
X-Ray Remote	123	33 (26.8%)	106	30 (28.3%)	144	39 (27.1%)
Mammography	161	30 (18.6%)	169	32 (18.9%)	165	37 (22.4%)
Laser	4	4 (100%)	5	5 (100%)	16	16 (100%)

Technical Staff Vacancies

Position	Location	Anticipated Fill Date	Notes
X-ray/Mammography Inspector	Amarillo	TBD	To be reposted
X-ray Inspector	Austin	August 2024	Offer has been extended
X-ray Inspector	San Antonio	TBD	2 Postions to be posted
X-ray Inspector	Arlington	TBD	2 Positions to be posted
RAM Inspector	Arlington	September 2024	Interviewed – no applicants were selected. To be reposted.
RAM Inspector	Corpus Christi	September 2024	To be posted
RAM Inspector	Houston	October 2024	To be posted
RAM License Reviewer	Austin	TBD	Selection in process
RAM License Reviewer	Austin	TBD	Selection in process

Staff Training and Activities

- One Radioactive Materials Inspector attended the NRC G-205 Root Cause/Incident Investigation Workshop at the end of April 2024.
- Two emergency planners attended the RAPTER training in April 2024.
- Seven Radiation Section employees attended NREP conference in April 2024.
- Seven employees from inspections and registration attended the 15th Department of Energy Laser Safety Officer Workshop at the University of Texas at Austin from April 30- May 2, 2024.
- Three employees attended the 56th National Conference on Radiation Control in

Jacksonville, FL, from May 20-23, 2024. Lisa Bruedigan was presented with the Gerald S. Parker Award of Merit at this conference for her work with CRCPD in the field of radiation protection.

- An in-service staff meeting was held for Radioactive Materials License Reviewers on June 25, 2024.
- Two Radioactive Materials Inspectors and one Radioactive Materials License reviewer attended the NRC H-314 Safety Aspects of Well Logging course in May 2024.
- Ten Radiation Section employees participated in the TDEM conference and training in May 2024.
- Emergency planners participated in the NRC Pre-Hurricane coordination call for the South Texas Project in May 2024.
- Forty-five Radiological Emergency Response Team members participated in various emergency response training for the upcoming exercise in May 2024.

Compliance Activities

April 2024 to June 2024:

- Orders: 118
- Administrative Penalties: \$ 288,995.00
- Revocations:
 - 17 X-ray registrations
 - 4 Laser registrations
 - 0 Radioactive Material licenses

Radioactive Materials Inspection Branch

- Our current inspection staffing includes six fully qualified inspectors, four inspectors in training, and three vacant positions.
- The vacant position in Lubbock was filled as of April 22nd, 2024.
- One of the inspectors in training will be leaving to attend graduate school out of state.

Mammography Branch

- Two inspectors have completed their Mammography Quality Standards Act (MQSA) training and are now fully qualified MQSA inspectors.
- The Texas Mammography Accreditation Program continues to transition all State of Texas Accredited facilities to the American College of Radiology accreditation program. The target completion date is January 1, 2025.

Registration Branch

- The branch is fully staffed. Two new administrative assistants are currently in training. All other positions are fully trained.

Emergency Response Activities

South Texas Project Nuclear Power Plant (STP)

- Forty five Radiological Emergency Response Team members and assistance from 10 Texas Parks and Wildlife Department Game Wardens participated in the South Texas Project emergency exercise held on June 5, 2024. The graded FEMA exercise is scheduled for July 17, 2024.

Comanche Peak Nuclear Power Plant (CPNPP)

- June 4, 2024: FEMA-graded Glen Rose ISD drill was held.
- October 17, 2024: FEMA-graded Medical Services Drill (MSD) at Lake Granbury Medical Center and Texas EMS is scheduled.

Waste Isolation Pilot Plant (WIPP)

- WIPP will continue quarterly meetings and offer training, briefings, and equipment exchanges.
- Five Meter exchanges and calibrations have occurred since the last report.
- There have been seven WIPP shipments through Texas since the last report.
- Forrest Weston attended a virtual meeting on June 6, 2024, for the HLRWC and WIPP Transportation TAG Spring meeting.
- Forrest Weston completed the MERRTT program and “Train-The-Trainer” for the TEPP.

Pantex/Agreement in Principle (AIP)

- Tim Gibson and Shay Christian attended the quarterly AIP meeting in Austin on April 3, 2024.
- Local AIP meetings were attended in May and June. No local meeting was held for April.
- Tim Gibson and Shay Christian attended the following courses:
 - Completed the MERRTT program
 - Completed the “Train the Trainer” for the TEPP.
- Quarterly environmental sampling was performed in April 2024. Soil/Sediment, vegetation, surface water, and drinking water were obtained and sent to the DSHS Lab for analysis. OSLs were exchanged at the sampling locations on and around the Pantex plant on April 15, 2024. The samples were sent to the DSHS Lab for analysis. These results are pending.
- A Pantex Plant onsite exercise was supported by DSHS personnel on April 25, 2024.
- Calibrations were performed by Amarillo DSHS personnel in June 2024. The ERTF located at NPTH and BSA had eight Ludlum 26-1 meters calibrated. DSHS Washburn Staging Area had one Eberline E600 meter calibrated.
- Tim Gibson and Shay Christian provided radiation instrument training for the Washburn Volunteer Fire Department on May 7, 2024. Firefighters from the Pantex Plant were also in attendance.
- A radiation portal monitor test/evaluation was conducted with the AAOEM at their CRC on June 21, 2024.
- Tim Gibson has completed the required training with the Pantex Plant and is now a qualified ERO member. Shay Christian was qualified earlier in the year. This gives DSHS, two members with security clearances with full access to an onsite Pantex Plant emergency.

Oklahoma City Radiological Assistance Program (RAP)/Consequence Management (CM) Regional Drill

- Robin Phillips participated in this drill as an evaluator in Oklahoma City, OK, on July 9-11, 2024.

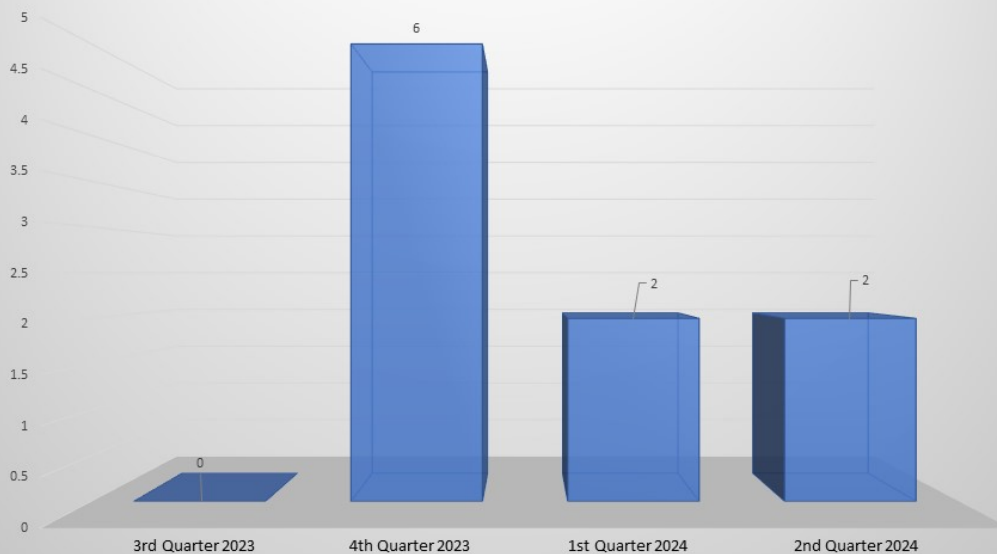
2024 River Bend Station Radiological Emergency Preparedness Plume Pathway Exercise

- Vanessa Danese and Trae Windham participated in this FEMA evaluated exercise in Louisiana on June 25, 2024. Mr. Windham participated as a county liaison. Ms. Danese participated as a controller.

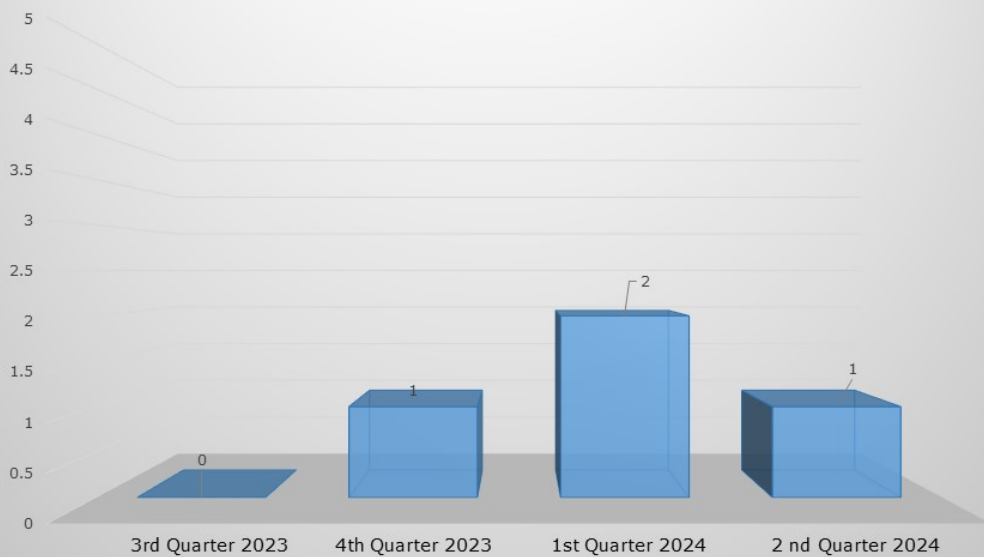
Incident Investigations

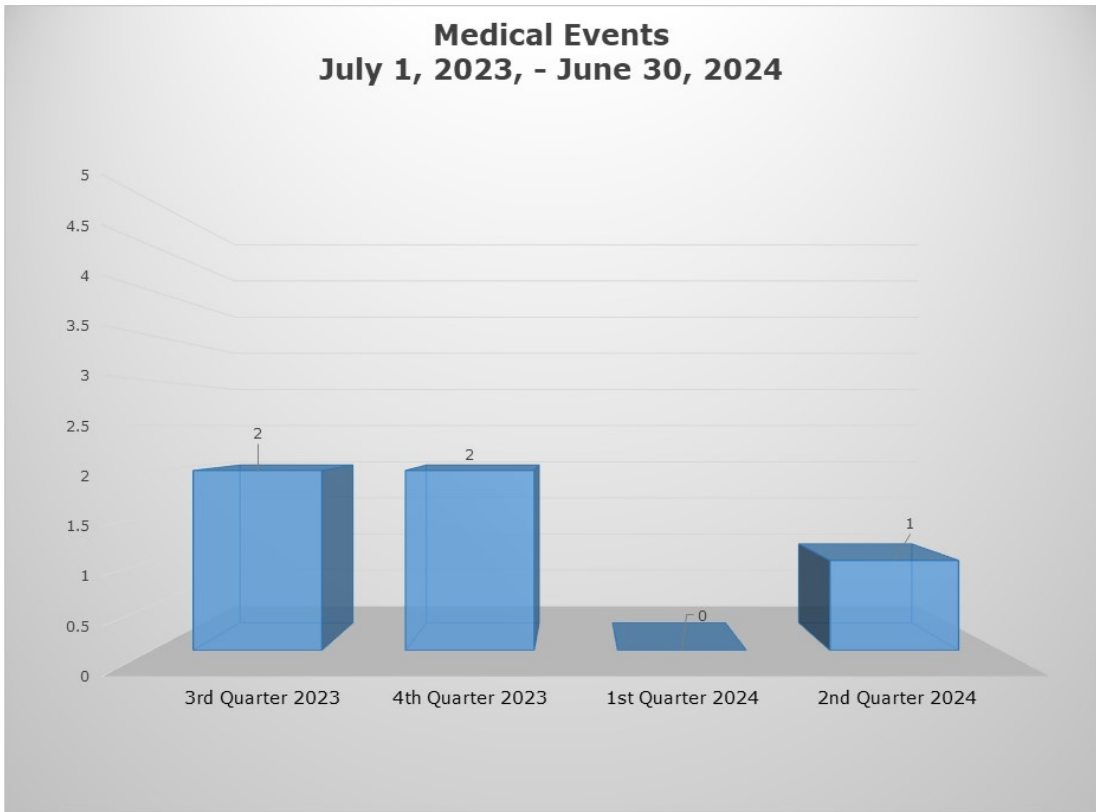
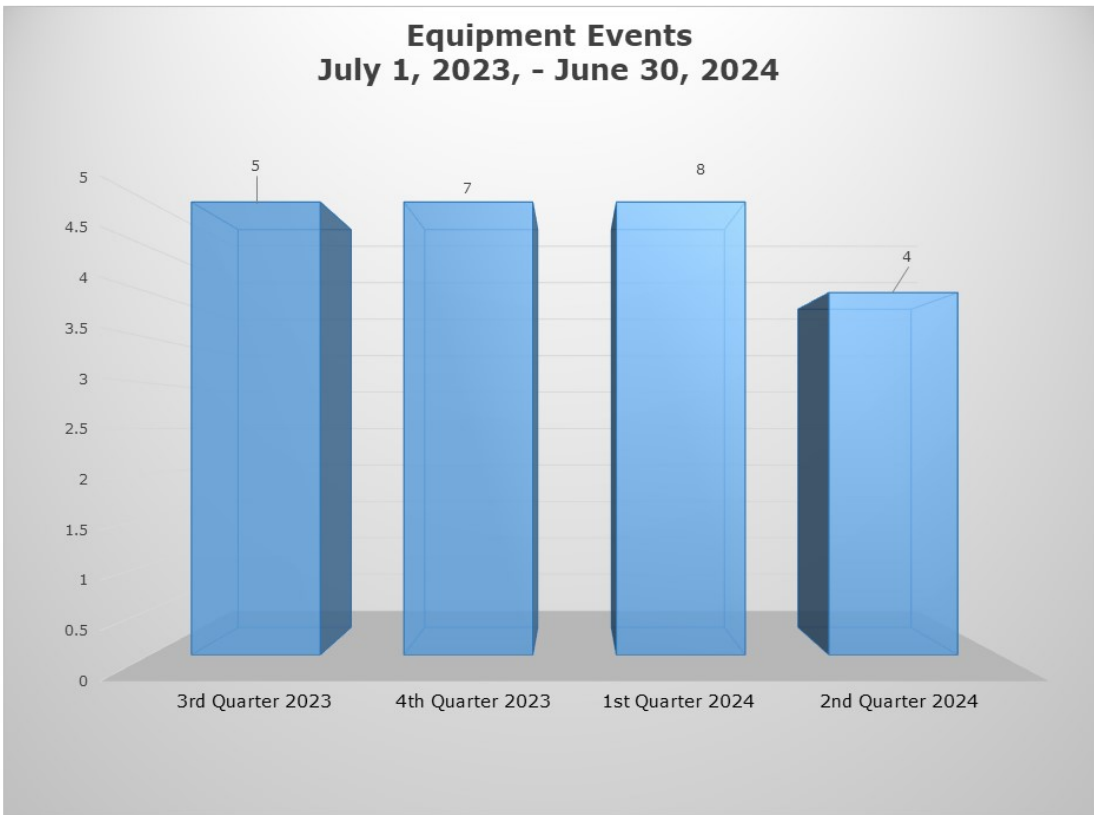
The graphs below reflect the numbers and categories of incidents received during this reporting period.

Lost/Stolen/Missing Events July 1, 2023, - June 30, 2024



Exposure Events July 1, 2023, - June 30, 2024





Medical Event Summaries:

I - 10101 - Therapy Event - Round Rock, Texas

On April 25, 2024, the Department was notified by the registrant that a therapy event had occurred at its facility. A patient was receiving treatments to three different sites. The patient was to receive the 4th of 5 treatments to site B but the treatment

plan for site C was inadeptly selected and used. The registrant stated both the patient and the prescribing physician have been notified. The registrant stated no adverse effects are expected for the patient. The registrant stated its review of the events determined the total treatment for site B is within an acceptable prescription dose. The registrant stated it has added additional steps in its timeout procedure. No violations were cited.

List of Acronyms

AAOEM	Amarillo Area Office of Emergency Management
AIP	Agreement in Principle
BSA	Baptist St. Anthony Medical Center
CMERRTT	Compressed Modular Emergency Response Radiological Transport Training
CPNPP	Comanche Peak Nuclear Power Plant
CRC	Community Reception Center
CRCPD	Conference of Radiation Control Program Directors
DOE	Department of Energy
DSHS	Department of State Health Services
EMC	Emergency Management Center
ERO	Emergency Response Organization
ERTF	Emergency Response Treatment Facility
FEMA	Federal Emergency Management Agency
HHSC	Health and Human Services Commission
HLRWC	High Level Radioactive Waste Committee
MERRTT	Modular Emergency Response Radiological Transportation Training
MQSA	Mammography Quality Standards Act
NREP	National Radiological Emergency Preparedness Conference
NRC	Nuclear Regulatory Commission
NWTH	Northwest Texas Hospital
OSL	Optically Stimulated Luminescence
PAG	Protective Action Guide
RAM	Radioactive Material
RAPTER	Radiological Assistance Program Team Training for Emergency Response
RATS	Regulation Action/Amendment Tracking System
SB	Senate Bill
STP	South Texas Project Nuclear Power Plant
TAC	Texas Administrative Code
TAG	Technical Advisory Group
TDEM	Texas Department of Emergency Management
TEPP	Transportation Emergency Preparedness Program
TRAB	Texas Radiation Advisory Board
WIPP	Waste Isolation Pilot Plant