Approved by OMB[1]
No. 3150-0183
Expires 08/31/2010

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

QUESTIONNAIRE

Texas
Reporting Period:

September 17, 2005 to the present for Licensing, Rulemaking, Compliance, and Enforcement Data
November 17, 2006 to the present for Inspection and Incident Data

Note: If there has been no change in the response to a specific question since the last IMPEP questionnaire, the State or Region may copy the previous answer, if appropriate.

A. GENERAL

1. Please prepare a summary of the status of the State's or Region's actions taken in response to the comments and recommendations following the last review.

The only open recommendation from the November 2006 IMPEP was: "The review team recommends that the Department report all significant and routine events, as well as follow up event information, to the NRC in accordance with FSME Procedure SA-300, "Reporting Material Events." (Section 2.4) (Open recommendation from the 2001 IMPEP Report).

Significant and routine events and follow up information are being reported to the NRC in accordance with FSME Procedure SA-300. Incident investigation staff members have received additional training in the NMED system and SA-300. In addition, a database has been developed that helps in tracking event reporting and need for follow-up.

All other recommendations from the September 2005 IMPEP were closed and the NRC MRB took the Texas Agreement State program off of heightened oversight status.

[1] Estimated burden per response to comply with this voluntary collection request: 53 hours. Forward comments regarding burden estimate to the Records Management Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0183), Office of Management and Budget, Washington, DC 20503. If an information collection does not display a currently valid OMB control number, NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

The program took action to address the outstanding comments and recommendation following the 2005 and 2006 review. The program was not only able to address the open recommendations, but did so during a period of multiple challenges to the program and its resources.

The addition of the increased controls (IC) requirements has significantly added to the workload in all organizational units. As of October 2006, Texas had 126 licensees to inspect against the ICs in the first year and 115 more during the following two years. License amendments were issued and increased controls inspections were performed within the designated timeframe. The program hosted an increased controls training course to accommodate the large number of staff needing training in a short timeframe. Time was dedicated to creating new inspection forms, standard violations, and policies and procedures related to increased controls, including handling of sensitive information. Inspection time and effort were increased, as were quality assurance review time and effort. The number of enforcement cases and preparation time for those cases also increased.

The new NRC fingerprinting requirements also required a large commitment of time in all program areas because it applied to the same number of licensees as the increased controls requirement. Staff members held two fingerprinting workshops for licensees when the fingerprinting license condition was issued in order to facilitate implementation.

The National Source Tracking System (NSTS) had the same impact. Staff members were sent to training, licensees were notified of the implementation date required for NSTS, and the program helped coordinate a NSTS workshop in Texas specifically for industrial radiographers.

In addition to addressing these NRC mandates, the program faced other significant challenges during this IMPEP review period. The building housing the program's central office flooded, requiring the department to implement a COOP plan. Staff members did not have access to the building, files, servers, databases, etc. for varying lengths of time. Office equipment and supplies that were not water-damaged were stored in warehouses for up to a year. Some PSQA groups, including Radiation did not move into permanent office space until a year after the flood.

During the reporting period, Texas was impacted by nine hurricanes; Katrina and Rita in 2005, Dean, Erin, and Humberto in 2007, and Dolly Edouard, Gustav, and Ike in 2008. Partially due to the level of emergency response

training provided to radiation staff because of commercial nuclear power planning and exercise requirements, significant numbers of staff were heavily involved in the emergency response efforts surrounding these storms. Several staff members stationed in the impacted areas were personally impacted by the storms.

In addition to our usual emergency response exercises, staff members were involved in a major RDD exercise. The exercise occurred in Waco in 2009 and involved approximately 600 participants.

There have been two legislative sessions since the last IMPEP review and both sessions produced legislation impacting the radiation control program. The 80th Legislature passed legislation moving some regulatory jurisdiction from DSHS to TCEQ, which is discussed in further detail later in this report. The 81st Legislature passed legislation requiring implementation of a new laser hair removal program. While this does not directly involve radioactive material, implementing this new program within the mandated timeframe requires a large amount of time and effort of staff members who have program-wide responsibilities.

The Radiation Control Program will be converting regulatory data from existing databases and reporting platforms to the Regulatory Automated System (RAS) used by all other programs within the Division of Regulatory Services. This will be the final phase of five phases involving conversion to RAS. Staff time will be dedicated to ensuring a smooth and efficient transition of data, including initial coordination, data verification, and user acceptance testing. The conversion process should be completed by the end of the year.

The program was able to identify program issues, implement corrective actions and was removed from heightened oversight status. We have maintained a quality program in spite of these challenges. We believe this is because DSHS continues to have well trained, experienced, and dedicated staff members. These staff members are often called on as resources by both federal and other state agencies as well as national and international scientific bodies, such as the International Atomic Energy Agency, the National Academy of Science and the National Council on Radiation Protection. Program staff members have and do serve on many NRC/OAS/CRCPD working groups and steering committees. DSHS continues to have well-trained inspection/investigation, quality assurance and licensing staff as well as staff specifically dedicated to rulemaking activities. The basic program is strong and mature. Regulations and licensing

policies are basically in step with new technologies that are being introduced in the state.

The program anticipates being able to maintain a quality radiation control program because the DSHS exceptional item for new staff and equipment for the radioactive materials program was approved by the 81st Legislature. This will provide additional staff to perform licensing, inspection, and quality assurance functions related to increased controls. However, in a letter dated January 15, 2010 (see Appendix A), Governor Rick Perry requested that each state agency submit a plan identifying a 5% savings in appropriations for fiscal years 2010 and 2011. The request is in response to an anticipated uncertainty in the state's short-term economic future. As a result of the Governor's request, Health and Human Services Executive Commissioner Suehs implemented a hiring freeze and other personnel-related cost saving actions. Kathy Perkins, Assistant Commissioner of the Division for Regulatory Services, is requesting a waiver from those actions. The waiver reflects the philosophy that "boots on the ground" positions are vital to our mission and therefore, essential to protecting the health and safety of our citizens. Assistant Commissioner Perkins will provide an update on the status of the waiver during the week of the IMPEP review.

B. COMMON PERFORMANCE INDICATORS

I. Technical Staffing and Training

2. Please provide the following organization charts, including names and positions:

   (a) A chart showing positions from Governor down to Radiation Control Program Director;

   The Governor, Rick Perry, appoints the Executive Commissioner of the Health and Human Services Commission, Thomas Suehs.

   See Appendix B-1
   See Appendix B-2
   See Appendix B-3

   (b) A chart showing positions of current radiation control program including management; and

   See Appendix B-4

(c) Equivalent charts for sealed source and device evaluation, low-level radioactive waste and uranium recovery programs, if applicable.

See Appendix B-5

3. Please provide a staffing plan, or complete a listing using the suggested format below, of the professional (technical) full-time equivalents (FTE) applied to the radioactive materials program by individual. Include the name, position, and, for Agreement States, the fraction of time spent in the following areas: administration, materials licensing & compliance, emergency response, low-level radioactive waste, uranium recovery, other. If these regulatory responsibilities are divided between offices, the table should be consolidated to include all personnel contributing to the radioactive materials program. Include all vacancies and identify all senior personnel assigned to monitor work of junior personnel. If consultants were used to carry out the program's radioactive materials responsibilities, include their efforts. The table heading should be:

Name	Position	Area of Effort	FTE%

See Appendix B-6

4. Please provide a listing of all new professional personnel hired since the last review, indicate the degree(s) they received, if applicable, and additional training and years of experience in health physics, or other disciplines, as appropriate.

See Appendix B-7

5. Please list all professional staff who have not yet met the qualification requirements for a license reviewer or materials inspector. For each, list the courses or equivalent training/experience they need and a tentative schedule for completion of these requirements.

All but two staff members have met the various qualification requirements for the Department for license reviewers, materials inspectors, quality assurance reviewers, and investigators. The newest inspector, Alicia Salzar and the newest license reviewer, Stephen Stoutenburg have not yet completed all qualifications.

However, the Department's waiting list for staff members to gain acceptance into NRC-sponsored training courses remains long.
See Appendix B-8. In response to this, the Department has offered to host several NRC-sponsored courses in Texas in an effort to provide more staff members an opportunity to attend the courses. In 2010, Texas will host both the Licensing and Inspection courses. Attendance at training

courses offered out-of-state where funding is covered by a sponsoring agency are very limited. Any state-paid out-of-state training is very difficult to attend due to strict limitations on travel cap.

6. Identify any changes to your qualification and training procedure that occurred during the review period.

See Appendix B-9 Qualification Program for RAM Inspectors
See Appendix B-10 Inspector Qualification Journal
See Appendix B-11 Orientation Training Example
See Appendix B-12 Interoffice Memorandum
See Appendix B-13 PSQA Training Procedure

7. Please identify the technical staff that left your program during the review period.

See Appendix B-14

8. List any vacant positions in your program, the length of time each position has been vacant, and a brief summary of efforts to fill the vacancy.

Position	Date Vacated	Attempts to Fill
Environmental Specialist	08/07	Posted but not filled. Currently requested reclassification.
Environmental Specialist	02/08	Not posted. Pending reclassification of other ES position.
Incident Investigator	New	Currently Posted

9. For Agreement States, does your program have an oversight board or committee which provides direction to the program and is composed of licensees and/or members of the public? If so, please describe the procedures used to avoid any potential conflict of interest.

The Texas Radiation Advisory Board (TRAB) is an 18 member, governor-appointed advisory board mandated by statute (Health and

Safety Code, Chapter 401). Representation on the board is specified in statute and includes:

- a representative of nuclear physics, science, or nuclear engineering;
- a representative of labor;
- a representative of agriculture;
- a representative of the insurance industry;
- a hospital administrator;
- a representative who is engaged in the use and application of nuclear physics in medicine and is certified by the American Board of Radiology or licensed by the Texas Board of Licensure for Professional Medical Physicists);
- an individual licensed by the Texas Medical Board who specializes in nuclear medicine;
- an individual licensed by the Texas Medical Board who specializes in pathology;
- an individual licensed by the Texas Medical Board who specializes in radiology;
- a representative of the nuclear utility industry;
- a representative of the radioactive waste industry;
- a representative of the petroleum industry;
- a health physicist certified by the American Board of Health Physics;
- an individual licensed by the Texas Dental Board;
- a representative of the uranium mining industry; and
- three representatives of the public.

TRAB provides recommendations and technical advice on matters relating to development, use, and regulation of sources of radiation to the three agencies with regulatory responsibility for radiation, DSHS, TCEQ and the Railroad Commission of Texas. Chapter 401 specifies the circumstances under which a person would not be eligible to serve on TRAB in order to avoid conflict of interest. The statute further requires that each TRAB member receive training in the appropriate statutes and rules, including conflict of interest laws. Chapter 289.130 contains rules governing the TRAB and its actions.

See Appendix B-15 for a list of current TRAB members.

II. Status of Materials Inspection Program

10. Please identify individual licensees or categories of licensees the State is inspecting less frequently than called for in NRC's Inspection Manual Chapter (IMC) 2800 and explain the reason for the difference. The list only needs to

include the following information: licensee name, license number, your inspection interval, and rationale for the difference.

None

11. Please provide the number of routine inspections of Priority 1, 2, and 3 licensees, as defined in IMC 2800; the number of initial inspections; and the number of increased controls inspections that were completed during the review period.

Total Priority 1, 2, and 3, inspections – routine (not initial) = 748
Priority 1 routine = 170
Priority 2 routine = 313
Priority 3 routine = 265

Total Initial inspections = 328
Priority 1 initial = 18
Priority 2 initial = 33
Priority 3 initial = 56
Priority 5 initial = 217
Other Priority initial = 4

Total inspections: 748 + 328 = 1076

12. Please submit a table, or a computer printout, that identifies inspections of Priority 1, 2, and 3 licensees, increased controls, and initial inspections that were conducted overdue per the applicable guidance. Priority 1, 2, and 3 licensees and initial inspections must be conducted at least as frequently as the inspection intervals established in IMC 2800. Increased controls inspections should be conducted at the intervals established in the Staff Requirements Memorandum for COMSECY-05-0028.

At a minimum, the list should include the following information for each inspection that was conducted overdue during the review period:
(1) Licensee Name
(2) License Number
(3) Priority (IMC 2800)
(4) Last inspection date or license issuance date, if initial inspection
(5) Date Due
(6) Date Performed
(7) Amount of Time Overdue
(8) Date inspection findings issued

See Appendix B-16

13. Please submit a table or computer printout that identifies any Priority 1, 2, and 3 licensees, increased controls, and initial inspections that are currently overdue, per the applicable guidance. At a minimum, the list should include the same

information for each overdue inspection provided for Question 12 plus your action plan for completing the inspection.

Currently, there are no overdue inspections. Due to database design, one site appears to be overdue, but in actuality is not. L05761 000, Doctors Hospital at Renaissance changed its use authorization in late June 2009. This change moved it from a priority 5 to a priority 2. On 6/26/09 therapy was added as an authorized use. The site should be inspected within 1 year of the site becoming a priority 2, June 26, 2010.

14. Please provide the number of reciprocity licensees that were candidates for inspection per year as described in IMC 1220 and the number of candidate licensee reciprocity inspections that were completed each year during the review period.

2007: 62 companies in state, 7 companies inspected, 11.3%
(Note: during this period of time the inspection manager had medical situations which took him away from the office this was further complicated by a number of inspector position vacancies. This manager retired and position was filled by a new manager in 2008.)

2008: 63 companies in state, 18 companies inspected, 28.5%

Up to 11/9/09: 68 companies in state, 18 companies inspected, 27.9%

III. Technical Quality of Inspections

15. What, if any, changes were made to your written inspection procedures during the reporting period?

See Appendix B-17 Prioritization Methodology for Increased Controls
See Appendix B-18 Radiation PSQA Procedures
See Appendix B-19 NSTS Inspection Guidance

16. Prepare a table showing the number and types of supervisory accompaniments made during the review period. Include:

Inspector	Supervisor	License Category	Date

See Appendix B-20

17. Describe or provide an update on your instrumentation, methods of calibration and laboratory capabilities. Are all instruments properly calibrated at the present time? Were there sufficient calibrated instruments available throughout the review period?

We have approximately 80-100 Ludlum 14Cs, two Ludlum 77-3* (high range stretch scopes), 15-20 Ludlum microR meters, 30 Eberline (Thermo) E600s, eight Eberline RO-2(0)s ion chambers, 30 Canberra mrad 113s, 10 Thermo Interceptor MCAs, and three BNC SAMs MCA systems. Six Exploraniums and 10 Ortec micronomad MCAs are available, but are being phased out of use by inspectors. In addition, we have access to 20 Ludlum 2241 emergency response kits and two Ludlum Portal monitors.

The Ludlum 14C is the workhorse of the radioactive materials program. Typically included with the meter are 3-4 probes, including Ludlum models 44-38 or 44-6 GM, 44-9 pancake GM, 44-2 1" x 1" NaI (Tl) scintillator, and finally 43-2 alpha scintillator or Model 44-3 - 1' x 1mm low-energy gamma scintillator.

The 14C is calibrated to mR/hr with the 44-38 or 44-6 GM probe. All of the inspectors have 44-38 energy-compensated probes. The 44-6 probes are primarily used on emergency response instruments. All of the other probes can be used with the 14C but are for detection only. We have several of Ludlum 3*, a Ludlum 12 and Ludlum 2221 scalar that are currently calibrated for use with 2" x 2" NaI(Tl) probes used for emergency response, incident investigation or site close outs. These instruments can be adjusted for use with model 43-1 alpha scintillator or 44-9 pancake GM detector or other detector.

Currently, six of the Eberline E600s are calibrated for use with the FIDDLER probe that is used primarily for the detection of special nuclear material, but have also been used for Am-241 detection in confirmation surveys of source manufacturer operations and close-out at a ruptured AmBe source site. Six of the E600 instruments are set up as field team instruments for response to incidents at nuclear power plants. These power plant kits contain a PG2 or 1x1 NaI(Tl) scintillation gamma detector, a GM pancake detector, and an energy-compensated GM detector. The remaining E600s are set up for use at the Pantex facility. Each Pantex kit has a low-energy gamma detector, 100 cm^2 alpha/beta scintillator, and energy-compensated GM detector.

We plan to replace the Ludlum 14C, currently used by inspectors, with Ludlum 2241i, using funds from the exceptional item. This change would allow calibrations of more than one probe for use with the instrument. Several of our inspectors have already received the

Ludlum 2241i kits for use and we plan to fully change out the instruments at the 2010 inspectors meeting.

All instruments are calibrated in accordance with the technical manual. Our calibration facility has a 1.2 Ci Cs-137 beam calibrator, a 120 mCi Cs-131 beam calibrator, 120 mCi pneumatic calibrator and various check sources. We also have access to the Radiological Emergency Preparedness Program's CDV-784 Cs-137 source for calibration of high range equipment. Currently, there are several 14Cs in need of repair due to the expected transition to Model 2241s. Our plan is to surplus these instruments if they fail calibration. The unavailability of these instruments does not affect daily operations of the radiation control program. See Appendix B-21 for calibration procedures.

IV. Technical Quality of Licensing Actions

18. How many specific radioactive material licenses does the Program regulate at this time?

1657 Specific and 278 General License Acknowledgements

19. Please identify any major, unusual, or complex licenses which were issued, received a major amendment, were terminated, decommissioned, submitted a bankruptcy notification or renewed in this period.

See Appendix B-22

20. Identify any licensees or groups of licensees that were issued increased controls during the review period. Those licensees that were initially identified during the initial implementation of increased controls need not be listed.

See Appendix B-23

21. Discuss any variances in licensing policies and procedures or exemptions from the regulations granted during the review period.

None

22. What, if any, changes were made in your written licensing procedures (new procedures, updates, policy memoranda, etc.) during the reporting period?

None

23. Identify by licensee name and license number any renewal applications that have been pending for one year or more. Please indicate why these reviews have been delayed and describe your action plan to reduce the backlog.

See Appendix B-24

The number of license renewals that are backlogged by more than a year is 10 out of 1657 active specific licenses. This is less than 1.0% of all licenses. The NORM decontamination licenses that were previously administered by the Uranium and Waste Program (transferred to TCEQ) are now in the Industrial Licensing Program. The operational status of those NORM licensees under timely renewal has remained static for the last 5 years, making these renewals a low priority. Staff is evaluating and revising regulatory guidance to assure new and renewal NORM licenses are licensed using a consistent more up-to-date approach. Four NORM decontamination licenses are currently in timely renewal and should be renewed by the 2nd quarter of 2010. One medical license, out of over 800 medical licenses, is under timely renewal. No industrial licenses exceed the one-year time limit for renewal. The majority of overdue renewals are scheduled to be completed in the 1st quarter of 2010 or 2nd quarter of 2010. Those renewal actions that have exceeded three years are either the more complicated licensing actions, have extenuating circumstances such as pending business sales, or are a portion of those licenses involved in transfer of responsibilities with the TCEQ. We anticipate being able to hire an additional Health Physicist/license reviewer to perform NSTS duties, other duties, and future federal mandates, that is currently accomplished primarily by the sole staff member in the Advanced Technology Licensing Program.

V. Technical Quality of Incident and Allegation Activities

24. For Agreement States, please provide a list of any reportable incidents not previously submitted to NRC (See Procedure SA-300, *Reporting Material Events*, for additional guidance, OMB clearance number 3150-0178). The list should be in the following format:

Licensee Name	License #	Date of Incident/Report	Type of Incident

All reportable events have been submitted to NRC.

25. During this review period, did any incidents occur that involved equipment or source failure or approved operating procedures that were deficient? If so, how and when were other State/NRC licensees who might be affected notified?

For States, was timely notification made to NRC? For Regions, was an appropriate and timely PN generated? For Agreement States, was information on the incident provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency? Please provide details for each case.

During the review period, there were no generic causes identified for failures related to source disconnects which required notifications to other licensee's or regulatory bodies. A letter was sent out to all Texas licensees' having nuclear gauges regarding shutter failures on nuclear gauges. No specific cause for the failures has been identified that would prompt notifications to other states or regulatory bodies.

During the review period, some events were not reported to the NRC Headquarters Operations Officer (HOO) in the timeframe required. These events involved source disconnects on radiography cameras and shutters on nuclear gauges that failed to operate properly.

Some shutter failure events were reported to the NRC previously using NMED. At the time the event was reported, SA-300, "Reporting Material Events", was used to determine the reporting criteria for the event. SA-300 references 10 CFR 31.5(c)(5), "failure or damage to shielding, on-off mechanism or indicator, or ≥ 0.0005 microcuries (185 Bq) removable radioactive materials…" for generally licensed devices and requires a 30-day report using the NMED reporting program. After reviewing NRC Information Notice 2009-18, "Performance of Required Shutter Checks and Reporting of Gauge Shutter Failures", it was determined that this report should have been made to the HOO. Information Notice 2009-18 interprets the regulatory requirements in 10 CFR 30.50(b)(2), "events involving equipment failure or disability to function as designed when equipment is required to be available and operable and no redundant equipment is available and operable" to mean that source disconnects and failures to retract sources, are reportable and require a 24-hour notification.

Some source disconnects were reported using the NMED reporting system and not to the HOO. These events were discovered after a review was conducted of all radiography related events reported in Texas from September 1, 2006 to March 31, 2009. The Department used 10 CFR 34.101 to report these events, and not 10 CFR 30.50(b)(2), due to conflicting interpretations of NRC rules requiring reporting.

Notifications were made to the agencies responsible for evaluation of the devices and details are available in a database for review on-site by the IMPEP team.

26. Identify any changes to your procedures for responding to incidents and allegations that occurred during the period of this review.

There have been several changes to our procedures. However, the changes have little impact to the actual response to incidents and allegations. They are related primarily to reporting to NMED and NRC's Operations Center. Currently, a new draft is under review and will be available at the time of the IMPEP review.

C. NON-COMMON PERFORMANCE INDICATORS

I. Compatibility Requirements

27. Please list all currently effective legislation that affects the radiation control program. Denote any legislation that was enacted or amended during the review period.

- Health and Safety Code, Chapter 401 (Texas Radiation Control Act)
- Government Code, Chapter 2001
- Government Code, Chapter 418

The 80th Legislature (2007) passed SB 1604, which amended the Texas Radiation Control Act. The amendment transferred regulatory jurisdiction for uranium recovery and byproduct material disposal, and low-level waste processing from DSHS to TCEQ. Subsequently, two rule sections were repealed from 25 Texas Administrative Code, Chapter 289, §289.254 concerning low-level waste processing and storage and §289.260 concerning uranium recovery and byproduct material disposal.

The 81st Legislature (2009) passed three bills amending Health and Safety Code, Chapter 401 and affecting the radiation control program. None of the three directly impact the radioactive materials portion of the program, but they impact resources of the overall radiation control program. Two bills concern mammography, one of which will require rulemaking. The third bill creates a new laser hair removal regulatory program. This bill included additional appropriations and FTEs. It also contained deadlines for rulemaking and registration and certification. The creation of this program has proven to be time-consuming and has involved the efforts of staff members who also do work within the radioactive materials program.

Additionally, the 81st Legislature passed an Appropriation Bill that included additional appropriations and FTEs for the Division of Regulatory Services. The radiation control program will receive some of the additional appropriations and FTEs.

28. Are your regulations subject to a "Sunset" or equivalent law? If so, explain and include the next expiration date for your regulations.

Government Code, Chapter 2001.039 requires Texas state agencies to assess whether the reasons for adopting each rule continue to exist and to review each rule to determine whether it is obsolete, whether it reflects current legal and policy considerations, and whether it reflects current procedures of the agency. As a part of this review, each agency is required to submit notice of intent to the Texas for publication. Each rule is required to be reviewed four years from the last effective date of the rule. Therefore, each section of 25 Texas Administrative Code, Chapter 289 (radiation control rules) has a different four-year review interval.

29. Please review and verify that the information in the enclosed State Regulation Status (SRS) sheet is correct. For those regulations that have not been adopted by the State, explain why they were not adopted, and discuss actions being taken to adopt them. If legally binding requirements were used in lieu of regulations, please describe their use.

The program is not aware of any regulations that have not been adopted or are not in some stage of the rulemaking process.

The SRS sheet attached to the questionnaire will not be correct at the time of the IMPEP review. Many states, including Texas do not propose and adopt rules in the same manner as NRC or "packaged" in the same rulemaking as NRC. We often combine many RATS ID packages into one rulemaking when particular sections of the rules are opened for other things, such as our four-year review requirement. This means some RATS ID packages are adopted early within the three-year timeframe and others later in the timeframe. We have adopted rules before NRC has adopted the same rule (the latest example being NSTS). This is the most efficient way to adopt rules within our rulemaking process.

Several of the RATS ID packages appear on the SRS sheet to be outstanding, but have been adopted. The final rule packages were not sent to NRC for review. Most of these occurred during the time of the building flood and subsequent multiple moves around the building until the permanent office space was rebuilt. These final packages have all been sent to NRC and we anticipate having

comments back prior to the IMPEP. These RATS ID packages include:

1995-3
1998-4
2002-2
2004-1
2006-1
2006-2
2006-3

Other RATS ID packages had NRC comments after review of the proposed rule. These have been addressed in a rulemaking package that will be adopted in January 2010 and the packages have been sent to NRC for review. These packages include:

2000-2
2002-1
2002-2
2003-1
2004-1

NRC had comments on the final rules in 25 TAC 289.256. Those comments are being addressed in a package that is currently in the rulemaking process. These comments were on RATS ID packages 2005-2, 2006-1, and 2002-2.

30. If you have not adopted all amendments within three years from the date of NRC rule promulgation, briefly describe your State's procedures for amending regulations in order to maintain compatibility with the NRC, showing the normal length of time anticipated to complete each step.

The DSHS rulemaking process is shown in the flowchart in Appendix C-1. The normal amount of time allowed for each step is shown in Appendix C-2, which shows a typical timeline for the department. The procedure for rule development by the program prior to entering the process for the department, including obtaining stakeholder input, is shown in the guidance document in Appendix C-3. A typical rule will take 15-18 months from the time drafting and stakeholder input begins to the effective date of an adopted rule.

II. Sealed Source and Device (SS&D) Evaluation Program

31. Prepare a table listing new and amended (including transfers to inactive status) SS&D registrations of devices issued during the review period. The table heading should be:

SS&D Registry Number	Manufacturer, Distributor or Custom User	Product Type or Use	Date Issued	Type of Action

See Appendix C-4

32. Please include information on the following questions in Section A, as they apply to the SS&D Program:

18. How many SS&D Safety Evaluations does the program manage?

297

19. Please identify any major, unusual, or complex SS&D Safety Evaluations which were issued, received a major amendment, or were retired.

See Appendix C-5

20. Identify any licensees or groups of licensees that were issued increased controls during the review period. Those licensees that were initially identified during the initial implementation of increased controls need not be listed.

Increased Controls question not pertinent to SS&Ds

21. Discuss any variances in policies and procedures or exemptions from the SS&D regulations during the review period:

None noted

22. What, if any, changes were made in your written SS&D Safety Evaluation procedures (new procedures, updates, policy memoranda, etc.) during the reporting period?

None noted

23. Identify by SS&D Safety Evaluation name, number and type, any reviews that have been pending for one year or more. Please indicate why these reviews have been delayed and describe your action plan to reduce the backlog:

None

Technical Staffing and Training - Questions 2-9

Technical Quality of Licensing Actions - Questions 18-23
Technical Quality of Incident and Allegation Activities - Questions 24-26

III. Low-Level Radioactive Waste Disposal Program

33. Please include information on the following questions in Section A, as they apply to the Low-Level Radioactive Waste Disposal Program:

Technical Staffing and Training - Questions 2-9
Status of Materials Inspection Program - Questions 10-14
Technical Quality of Inspections - Questions 15-17
Technical Quality of Licensing Actions - Questions 18-23
Technical Quality of Incident and Allegation Activities - Questions 24-26

IV. Uranium Recovery Program

34. Please include information on the following questions in Section A, as they apply to the Uranium Recovery Program:

Technical Staffing and Training - Questions 2-9
Status of Materials Inspection Program - Questions 10-14
Technical Quality of Inspections - Questions 15-17
Technical Quality of Licensing Actions - Questions 18-23
Technical Quality of Incident and Allegation Activities - Questions 24-26

MATERIALS REQUESTED TO BE AVAILABLE FOR
THE ON-SITE PORTION OF AN IMPEP REVIEW

Please have the following information available for use by the IMPEP review team when they arrive at your office:

- □ List of open license cases, with date of original request, and dates of followup actions.
- □ List of licenses terminated during review period.
- □ Copy of current log or other document used to track licensing actions.
- □ List of all licensing actions completed during the review period (sorted by license reviewer, if possible).
- □ Copy of current log or other document used to track inspections.
- □ List of all inspections completed during the review period (sorted by inspector, if possible).
- □ List of inspection frequencies by license type.
- □ List of all allegations occurring during the review period. Show whether the allegation is open or closed and whether it was referred by NRC.

ALSO, PLEASE HAVE THE FOLLOWING DOCUMENTS AVAILABLE:

- □ All State regulations
- □ Statutes affecting the regulatory authority of the State program
- □ Standard license conditions
- □ Technical procedures for licensing, model licenses, review guides
- □ SS&D review procedures, guides, and standards
- □ Instrument calibration records
- □ Inspection procedures and guides
- □ Inspection report forms
- □ Documented training plan, if applicable
- □ Records of results of supervisory accompaniments of inspectors
- □ Emergency plan and communications list
- □ Procedures for investigating allegations
- □ Procedures for investigating incidents
- □ Enforcement procedures, including procedures for escalated enforcement, severity levels, civil penalties (as applicable)
- □ Job description

STATE REGULATION STATUS

State: Texas Department of State Health Services

Tracking Ticket Number:

[# amendment(s) reviewed is identified by a ★ at the beginning of the equivalent NRC requirement.]

Date:

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 **(Superceded by 1997-5)**	01/10/1994	Final ML051520266	No Comments 10/31/2005 ML053050013	Texas has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 **(Superceded by 1997-5)**	None	Not Required	Not Required	Texas has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183;	01/01/1994	Final	No Comments 11/06/1997	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980;	10/15/1994	Final ML052060129	No Comments 09/29/2005 ML052720491	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 **(Superceded by 2002-2)**	01/27/1995	Not Required	Not Required	Texas has adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	None	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final ML052060129	Comments 09/29/2005 ML052720491	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final ML051520266	No Comments 08/12/2005 ML052280032	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable	Not Applicable	Texas DHSH does not have responsibility for these regulations. See SRS sheet for Texas CEQ.
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Final ML062860025	No Comments 11/21/2006 ML063200232	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	Texas CEQ Responsibility
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final ML052060129	No Comments 09/29/2005 ML052720491	
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final	No Comments 03/17/1999	
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final ML051520266	No Comments 10/31/2005 ML053050013	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	R[1] ML071370165	Comments 06/27/2007 ML071790090	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 **(Superceded by 1997-5)**	06/30/1998	Final ML051520266	No Comments 10/31/2005 ML053050013	Texas has adopted Final Regulations equivalent to RATS ID: 1997-5.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	Final	No Comments 03/17/1999	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final ML052060129	No Comments 09/29/2005 ML052720491	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 **(Superceded by 2002-2 and 2005-2)**	10/20/1998	Final ML051520266	No Comments 10/31/2005 ML053050013	Texas has not yet adopted Final Regulations equivalent to RATS ID: 2005-2.
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 **(Superceded by 2004-1)**	04/01/1999	Final ML052060129	Comments 09/29/2005 ML052720491	Texas has not yet adopted Final Regulations equivalent to RATS ID: 2004-1.
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999	Final ML062860025	No Comments 11/21/2006 ML063200232	Part 30 only. Part 61 applies to TXCEQ.
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final	No Comments 07/07/2000	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML063030232	No Comments 11/27/2006 ML063200389	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000	Final	No Comments 07/07/2000	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 **(Superceded by 2004-1)**	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Final	No Comments 07/07/2000	
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000	Final	No Comments 07/07/2000	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final ML052060129	No Comments 09/29/2005 ML052720491	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML063030232	No Comments 11/27/2006 ML063200389	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 **(Superceded by 2002-2)**	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Texas has adopted Final Regulations equivalent to RATS ID: 2002-2.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	R[1] ML071370165	No Comments 06/27/2007 ML071790090	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 35, 36 63 FR 39477; 63 FR 45393	10/26/2001	Final	No Comments 07/07/2000	
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final	No Comments 07/07/2000	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Final ML051520266	Comments 08/12/2005 ML052280032	
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML062750348	No Comments 11/21/2006 ML063200232	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML051520266	No Comments 11/30/2006 ML063340007	
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004	Final ML051520266 Proposed ML073170379	No Comments 08/12/2005 ML052280032 No Comments 01/02/2008 ML080020160	 Part 36 only in 2007 review

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	R[1] ML073170379	Comments 01/02/2008 ML080020160	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Proposed ML092260388	Comments 09/29/2009 ML092450682	
2002-2	Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249	10/24/2005	Final ML092390185 ML092400365	Comments 10/29/2009 ML092870302	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006	Proposed ML092260388	Comments 09/29/2009 ML092450682	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Proposed ML072560678	Comments 11/05/2007 ML073060016	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Proposed ML083250011	No Comments 01/13/2009 ML083440015	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML092390185 ML092400365	Comments 10/29/2009 ML092870302	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML052240226	No Comments 12/12/2005 ML053420404	
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	R[1] ML092650466	Comments 10/05/2009 ML092660410	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	R[1] ML083250011	No Comments 01/13/2009 ML083440015	
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	R[1] ML083250011	No Comments 01/13/2009 ML083440015	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010			
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010	Proposed ML092260388	Comments 09/29/2009 ML092450682	
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010	Proposed ML092260388	Comments 09/29/2009 ML092450682	
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML080350004	No Comments 02/13/2008 ML080440203	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	02/15/2011	Proposed Ml083250011	No Comments 01/13/2009 ML083440015	
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012			

[1] R stands for proposed changes to final regulations.

STATE REGULATION STATUS

State: Texas Commission on Environmental Quality

Tracking Ticket Number:

[# amendment(s) reviewed is identified by a ★ at the beginning of the equivalent NRC requirement.]

Date:

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 **(Superceded by 1997-5)**	01/10/1994	Not Applicable**Error! Main Document Only.Error! Main Document Only.**	Not Applicable	TX DSHS Responsibility
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 **(Superceded by 1997-5)**	none	Not Applicable**Error! Main Document Only.Error! Main Document Only.**	Not Applicable	TX DSHS Responsibility
1991-3	Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183;	01/01/1994	Final	No Comments 11/06/1997	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980;	10/15/1994	Final	No Comments 01/07/1998	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 **(Superceded by 2002-2)**	01/27/1995	Not Applicable**Error! Main Document Only.Error! Main Document Only.**	Not Applicable	TX DSHS Responsibility
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final	No Comments 01/07/1998	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Not Applicable**Error! Main Document Only.Error! Main Document Only.**	Not Applicable	TX DSHS Responsibility
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Final	No Comments 01/07/1998	
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Final	No Comments 01/07/1998	
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Final	No Comments 01/07/1998	
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final	No Comments 01/07/1998	
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Not Applicable	Not Applicable	TX DSHS Responsibility
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 01/07/1998	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	Final	No Comments 01/07/1998	

1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 **(Superceded by 1997-5)**	06/30/1998	Not Applicable	Not Applicable	TX DSHS Responsibility
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	Final	No Comments 01/07/1998	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final	No Comments 01/07/1998	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 **(Superceded by 2002-2 and 2005-2)**	10/20/1998	Not Applicable	Not Applicable	TX DSHS Responsibility
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 **(Superceded by 2004-1)**	04/01/1999	Not Applicable	Not Applicable	TX DSHS Responsibility
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999	Final	No Comments 01/07/1998	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML012610092	No Comments 11/26/01 ML013330250	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Not Applicable	Not Applicable	TX DSHS Responsibility

1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000	Not Applicable	Not Applicable	TX DSHS Responsibility
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 **(Superceded by 2004-1)**	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Not Applicable	Not Applicable	TX DSHS Responsibility
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000	Final ML063450071	No Comments 01/09/2007 ML070090204	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Not Applicable	Not Applicable	TX DSHS Responsibility
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001	F ML063450071	N 1/09/07 ML070090204	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 **(Superceded by 2002-2)**	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)

1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Not Applicable	Not Applicable	TX DSHS Responsibility
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 35, 36 63 FR 39477; 63 FR 45393	10/26/2001	Final ML012610092	No Comments 11/26/2001 ML013330250	
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML063450071	No Comments 01/09/2007 ML070090204	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Final ML091000165	Comments 05/13/2009 ML091180024	
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML012610092	No Comments 11/26/2001 ML013330250	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Not Applicable	Not Applicable	TX DSHS Responsibility
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004	Not Applicable	Not Applicable	TX DSHS Responsibility
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	Not Applicable	Not Applicable	TX DSHS Responsibility

2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	**Error! Main Document Only.Error! Main Document Only.**Final ML063450071	No Comments 01/09/2007 ML070090204	
2002-2	Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249	10/24/2005	Not Applicable	Not Applicable	TX DSHS Responsibility
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006	Final ML063450071	No Comments 01/09/2007 ML070090204	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Not Applicable	Not Applicable	TX DSHS Responsibility
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Not Applicable	Not Applicable	TX DSHS Responsibility
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Not Applicable	Not Applicable	TX DSHS Responsibility
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML052240226	No Comments 12/12/2005 ML053420404	
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009			
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Not Applicable	Not Applicable	TX DSHS Responsibility

2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Not Applicable	Not Applicable	TX DSHS Responsibility
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Not Applicable	Not Applicable	TX DSHS Responsibility
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010	Not Applicable	Not Applicable	TX DSHS Responsibility
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010			
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML082100350	No Comments 09/11/2008 ML082410019	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	02/15/2011			
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012			