

From: Monica.Perez@dshs.state.tx.us
Sent: Tuesday, November 22, 2011 9:43 AM
To: Schneider, Kathleen; Barbaraj.Taylor@dshs.state.tx.us
Cc: Browder, Rachel
Subject: RE: Regarding the submission of TAC 255 Part 34 equivalent.
Attachments: 255 fn 10.2011.pdf

Kathy,

Attached for your review is the final (effective Oct 1, 2011) TX 25 TAC §289.255 relating to Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography.

This §289.255 rule revision does not include any related RATS IDs at this time.

Please let me know if there is any additional information you need regarding final TX Radiation Control Program rules.

Thank you,

Monica Perez
Radiation Control Rule Development Program
Texas Department of State Health Services
Work (512) 834-6770, x 2235
Fax (512) 834-6708

From: Schneider, Kathleen [<mailto:Kathleen.Schneider@nrc.gov>]
Sent: Monday, November 21, 2011 4:08 PM
To: Taylor,Barbaraj (DSHS)
Cc: Perez,Monica (DSHS); Browder, Rachel
Subject: RE: Regarding the submission of TAC 255 Part 34 equivalent.

Barbara,

In the first paragraph of March 8, 2011 email below, we accepted for review, changes to your equivalent to 34.47 for review. Also, it is noted on the last box on the SRS sheet attached to the April 25, 2011 letter in response to your March 2, 2011 submittal.

The Office of Federal and State Materials and Environmental Management Programs has received your March 2, 2011, letter transmitting the Texas proposed revisions incorporating RATS ID 2009-1 and changes not associated with specific RATS IDs that incorporate revisions corresponding to NRC's 34.47, 35.11, 35.63, 35.92, and 35.204 . We are also accepting for review Texas' proposed revisions to address previous NRC comments on final regulations incorporating RATS IDs 1995-3, 2002-2, 2003-1, 2004-1, 2005-2, 2006-1, 2007-3, and 2008-1. The review has been assigned to Maria Arribas-Colon and it is our goal to complete the review within 60 days.

The reference to 2000-2 in the second paragraph of the March 8, 2011 email was to all the requirements for the New Dosimetry Technology amendments (Parts 34, 36, 39) which I believe we discussed at the time. Since Texas regulations had already been reviewed and found meeting the compatibility designations for the RATS ID 2000-2 (letter dated January 21, 2010), but Texas was going back to revise only the 34.47 provisions, we noted our acceptance for the specific provision (34.47) only. We did not receive final regulation changes for your equivalent to Part 34 in your September 9, 2011 letter, and therefore, still have this listed as a proposed revision to a final regulation.

Although we discuss amendments to NRC's regulations that are captured as RATS IDs, in SA-201, *Review of State Regulatory Requirements*, SA-201 is not limited to only those requirements listed in RATS IDs. Any changes to the legal binding requirements that are required for compatibility are evaluated under the IMPEP process to ensure that the State continues to be adequate to protect public health and safety and compatible with the NRC's program.

As far as SA-201, in Section III, Background

B. Agreement States, and all States seeking an Agreement with NRC, are requested to submit for NRC staff review, proposed amendments to their regulations or other proposed generic LBR. Such requests should usually be submitted when they are published for public comment.

in Section IV, Guidance

A. The States

1. States should submit and request NRC comments on both proposed and final regulations to the Deputy Division Director, DMSSA. States are encouraged to submit regulations electronically. In accordance with NRC procedures, all incoming regulations will be entered into the NRC's Agencywide Document Access and Management System (ADAMS).

I hope this answers your question and I regret any confusion our call of November 18th may have caused. Please contact me at 301-415-2320 if you wish to additional discussion or clarification.

Kathy

From: Barbaraj.Taylor@dshs.state.tx.us [<mailto:Barbaraj.Taylor@dshs.state.tx.us>]

Sent: Friday, November 18, 2011 2:10 PM

To: Schneider, Kathleen; Browder, Rachel

Cc: Monica.Perez@dshs.state.tx.us

Subject: Regarding the submission of TAC 255 Part 34 equivalent.

Kathy and Rachel:

Below is the email you sent us regarding the review of our proposed 25 TAC §289.255 for NRC to review. It states “Note, we are not conducting a review of RATS ID 2000-2, 2001-1 or 2007-2 based on our review of the submitted package, our discussion on March 8, 2011 and your status sheet.”

Therefore, we did not submit 25 TAC §289.255 for review of the Final rule. The attachment includes the letter we sent with stepping stone equivalent (p. 7 for 255 item) for your review of the Proposed rules.

Please specify were in SA-201 that we must submit a rule even when there is no compatibility items. Why do we need to send the Final rule now after you informed us that NRC would not be reviewing it for proposed and when we had the opportunity to make any necessary changes?

Thank you,

Barbara J. Taylor, Manager
Radiation Group
Policy, Standards & Quality Assurance
Regulatory Services
Department of State Health Services
512 834-6770 x2010
512 834-6708 fax

From: Schneider, Kathleen [<mailto:Kathleen.Schneider@nrc.gov>]
Sent: Tuesday, March 08, 2011 1:59 PM
To: Taylor,Barbaraj (DSHS); Perez,Monica (DSHS)
Cc: Meyer, Karen; White, Duncan; Taylor, Torre; Reis, Terrence; Arribas-Colon, Maria; MSSA_Technical_Asst Resource; Erickson, Randy; Browder, Rachel; Katanic, Janine
Subject: FYI: Receipt of Texas proposed regulations to incorporate RATS ID: 2009-1, proposed revisions corresponding to NRC's Part 35, and proposed revised final regulations on 1995-3, 2002-2, 2003-1, 2004-1, 2005-2, 2006-1, 2007-3, and 2008-1

Dear Ms. Taylor:

The Office of Federal and State Materials and Environmental Management Programs has received your March 2, 2011, letter transmitting the Texas proposed revisions incorporating RATS ID 2009-1 and changes not associated with specific RATS IDs that incorporate revisions corresponding to NRC's 34.47, 35.11, 35.63, 35.92, and 35.204 . We are also accepting for review Texas' proposed revisions to address previous NRC comments on final regulations incorporating RATS IDs 1995-3, 2002-2, 2003-1, 2004-1, 2005-2, 2006-1, 2007-3, and 2008-1. The review has been assigned to Maria Arribas-Colon and it is our goal to complete the review within 60 days.

We appreciate the effort of your staff to prepare the table of cross reference to facility the review of the above RATS IDs and the status and proposed schedule for addressing all outstanding comments. Note, we are not conducting a review of RATS ID 2000-2, 2001-1 or 2007-2 based

on our review of the submitted package, our discussion on March 8, 2011 and your status sheet.

If we have omitted any provision or have incorrectly characterized your submittal, please let me know. If you have any further comments or questions, please contact me. Thank you for your attention.

Kathleen Schneider
Sr. Project Manager
State Regulation Review Coordinator
USNRC
Division of Materials Safety and State Agreements (MSSA)
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kathleen.schneider@nrc.gov
301-415-2320