



## TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DAVID L. LAKEY, M.D.  
COMMISSIONER

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June 12, 2014

Mr. Duncan White, Chief  
Agreement State Programs Branch  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and  
Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852

Dear Mr. White,

We have reviewed your letter dated May 21, 2014 and attached recommendations from the February 2014 Integrated Materials Performance Evaluation Program (IMPEP) review team's draft report. Enclosed are the Texas Department of State Health Services' (DSHS) comments to the draft report.

Thank you and your team's daily updates for my staff and final closeout briefing with me and my senior managers.

If you have any questions, please contact me at 512-834-6660.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn C. Perkins".

Kathryn C. Perkins, RN, MBA  
Assistant Commissioner  
Division for Regulatory Services  
Texas Department of State Health Services

cc: Donna Janda NRC Region I  
Lisa Dimmick NRC Headquarters

enclosure

Texas Department of State Health Services Comments on the  
Draft IMPEP 2014 Report June 11, 2014

1. The review team concluded that the Department's training program is adequate to carry out its regulatory duties and noted that Texas management supports the Bureau radiation control program's training program.
2. There are a couple points in the licensing section that could use some clarification or explanation:
  - The third paragraph on page 6 says that all nine license reviewers have full signature authority. They do with regard to signing their own deficiency and follow-up letters and that may be what was meant. At the end of the fourth paragraph it states that the program coordinators sign the license which is correct, along with Richard and me as back-up.
  - The third paragraph later has a sentence saying that a ten year interval was implemented in 2012. It was implemented in 2005.
  - Near the top of page 7 it states that all new licensees receive a pre-licensing site visit. That is true if it is someone we do not consider a known entity (ex. previous licensee), so it depends on the meaning of the word "new" in this context.
  - In the SS&D section starting on the bottom of page 12 there is a comment about import/export licensing of foreign manufacturers. Two of the licensees have a Texas license and the third is a large company known to the industry that owns another Texas licensee, although we still should have asked for their license. All are able to import and export devices under an NRC exemption. Since we were aware that an exemption applied in these cases we did not ask for a copy of an import/export license.
3. In our IMPEP questionnaire response originally submitted to NRC, the following items have been omitted in this Draft report, pages 9-10:
  - The Department requested that the following item to be corrected on the DSHS State Regulation Status document but yet there is no statement included in this Draft report that NRC has corrected or will be correcting this noted item:

*The following RATS ID should be corrected to reflect TCEQ responsibility:  
RATS 1993-1 Decommissioning Recordkeeping and License Termination:  
Documentation Additions [Restricted areas and spill sites]; Parts 30 & 40; 58 FR  
39638.*

- This package should be included in this Draft report since the noted RATS IDs applicable to the Department's rules were submitted to NRC for review (§§289.202, 289.252 & 289.256) during the review period:

*RATS ID 2007-2 (NRC letter dated 11/19/2010*