

DATED: APR 10, 1995;

SIGNED BY: RICHARD L. BANGART

David R. Smith, M.D.
Commissioner
Texas Department of Health
1100 West 49th Street
Austin, TX 78756

Dear Dr. Smith:

Thank you for your letter of February 9, 1995, responding to the comments and recommendations resulting from our 1994 review of the Texas agreement materials program.

Your responses provided detailed information on how you have addressed or are addressing each of the recommendations. We will evaluate the progress made in each area during our next program review.

You identified one discrepancy in our report, which concerned the indicators, Adequacy of Product Evaluations and Responses to Actual and Alleged Incidents. You are correct in noting that the Department did meet each of these indicators. Our recommendations regarding each indicator were directed at areas the Department should consider to further enhance the level of performance in each of these indicator areas. We apologize for any confusion that may have resulted from our comment letter and we will make every effort in the future to clearly present our findings and recommendations in our review letters and enclosures to those letters.

We have responded separately to the Bureau of Radiation Control question on misadministration inspection guidance for use in revising the Bureau's Inspection Manual.

We recognize the efforts the Department has undertaken with respect to regulatory changes necessary to meet NRC's compatibility requirements. Please advise us when the current changes become effective regulations, as we are unable to make a finding of compatibility for the Texas program until these amendments have been adopted as effective regulations.

David R. Smith, M.D.

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I appreciate the courtesy and cooperation extended by your staff to Mr. Doda and the other NRC representatives during the review.

Sincerely,

Richard L. Bangart, Director
Office of State Programs

cc:

Dan Pearson, Executive Director
Texas Natural Resource Conservation Commission

Richard A. Ratliff, Chief
Texas Bureau of Radiation Control, TDH

Minor Hibbs, Director
Industrial and Hazardous Waste Division, TNRCC

Alice Rogers, Manager
UIC, Uranium, and Radioactive Waste Section, TNRCC

Chairman, Texas Radiation Advisory Board
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Andy Barrett, Governor's Office

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