



DSI-23

(22)

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November 27, 1996

Mr. John C. Hoyle  
Secretary of the Commissioner  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001



ATTN: Chief of Docketing and Services Branch

Dear Mr. Hoyle:

The Texas Department of Health's Bureau of Radiation Control has reviewed several of the Direction Setting Issues Papers (DSI's) included in the U.S. Nuclear Regulatory Commission's (NRC) strategic and rebaselining initiative. Enclosed are our comments on the following DSI's:

DSI 2	DSI 9	DSI 14	DSI 23
DSI 4	DSI 12	DSI 20	DSI 24
DSI 5	DSI 11	DSI 21	
DSI 7	DSI 13	DSI 22	

We appreciate the opportunity to comment on these documents and to be part of the process.

Sincerely,

Richard A. Ratliff, P.E., Chief  
Bureau of Radiation Control

Enclosures

U. S. NUCLEAR REGULATORY COMMISSION  
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**Texas Department of Health  
Bureau of Radiation Control  
Comments on**

**NRC DIRECTION SETTING ISSUE PAPER 23**

**ENHANCING REGULATORY EXCELLENCE**

This issue paper appeared to be focused on a total quality management approach to the NRC's regulatory program. We concur with the Commission's initial views, that is, that the proactive approach to the regulatory framework is desirable, but it should not be limited to the areas discussed. Continual quality improvements in all areas and consultation with stakeholders should be sought. This approach should be used in reviewing regulations, eliminating or changing those that are too restrictive, exempting those sources that pose no significant risk to the general public, concentrating efforts on radioactive material uses of higher risk.

The discussion of regulatory excellence should lend itself to more explicit application of risk assessment so as to determine whether a degree of risk is acceptable without further regulatory action.

Communication with stakeholders is important, such as feedback on inspector performance from licensees, timeliness of licensing actions, clarity and appropriateness of rules and regulatory guides. Neither option includes a significant role for the regulated community, even though the external economic environment is a driving force to improve regulatory effectiveness. Licensees would like to reduce their direct and indirect costs, and lessen the need for NRC inspections. It would seem that they may have some ideas for demonstration of voluntary compliance, perhaps through compliance with industry established standards or increased self assessments.

The IMPEP process and the involvement of state personnel in this process has been beneficial thus far. More communication and collaboration is needed in this area. The states are finding, however, that in many other instances, NRC staff are not aware of how the Agreement State program functions - that the authority to regulate source, certain special nuclear and byproduct material is relinquished to the Agreement States, including management of incidents. In several cases, NRC still attempts to treat the Agreement States like licensees instead of the strategic partners that they are.

A thorough look at the processes involved in NRC's regulatory framework may reveal areas where budget savings could occur or where resource shifts could result in a more efficient program.

The document appeared to be more focused on reactor regulation than the materials program.