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Texas Department of Health

Patti J. Patterson, M.D.
Commissioner

1100 West 49th Street
Austin, Texas 78756-3189
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Carol S. Daniels
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(512) 834-6688

Roy L. Hogan
Deputy Commissioner for Administration

December 16, 1996

Paul Lohaus, Deputy Director
Office of State Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Lohaus:

The Texas Department of Health, Bureau of Radiation Control has reviewed the proposed Management Directive 5.8, "Proposed 274b Agreements With States" (SP-96-117), and offers the following comments for consideration.

1. The proposed directive appears to dictate a formal phased approach to a fully completed Agreement. Such an implementation plan should only be used when requested by the state requesting Agreement State status.

The proposed directive speaks to coordination between the U.S. Nuclear Regulatory Commission (NRC) and the requesting state in inspections and license reviews, from simple to complex, during separate phases of implementation. This type of coordination should occur any time regulatory authority is being relinquished by one jurisdiction and assumed by another. There appears to be no need to formally phase-in such a transition by means of the official Agreement document.

Has the impact of such a phased transition on the licensees in the state been considered? All Agreement States do not classify licensees (as "simple" or "complex") according to NRC Inspection Manual Chapter 2800.

2. We agree with the comment by the Illinois Department of Nuclear Safety that in Section 5.8-03(035), the words, "and contaminated or potentially-contaminated sites and decommissioning records" should be added after the word "licenses" in the first bullet. It is essential that these issues be coordinated as well as licenses.

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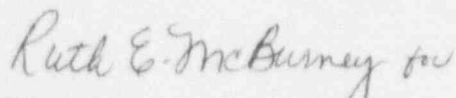
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Paul Lohaus, Deputy Director
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Page Two

3. The first sentence in Article VI should read, "The State/Commonwealth and the NRC agree to cooperate with each other in the formulation of standards..." The proposed wording contradicts all previous efforts toward early and substantive input to rulemaking and toward a partnership among regulators in establishing radiation protection standards.
4. In Article VI, the last paragraph of the third paragraph is questionable. Reporting events to NRC is now optional. It has still not been made clear as to the future uses of such data and the Agreement States should not be required to provide NRC with such data when the NRC does not in turn commit to providing the Agreement States with the compilation of data.
5. The last sentence of Article VIII should be modified. Agreement States need not be compatible with the Commission's program as a whole. Compatibility should be jointly determined between the Commission and the Agreement States when and only when interstate and national benefits are clear and agreed upon.

Thank you for the opportunity to provide input. If you have any questions concerning these comments, please contact me at (512)834-6688, or email address rratliff@brc1.tdh.state.tx.us.

Sincerely,



Richard A. Ratliff, P.E., Chief
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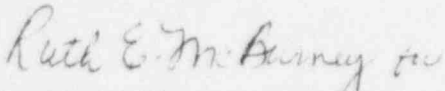
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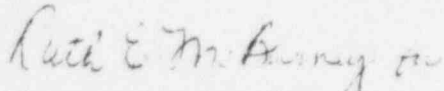
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