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Working Group

Texas Department of Health

Patti J. Patterson, M.D.
Commissioner

1100 West 49th Street
Austin, Texas 78756-3189
(512) 458-7111

Carol S. Daniels
Deputy Commissioner for Programs

Randy P. Washington
Deputy Commissioner for Health Care Financing

Radiation Control
(512) 834-6688

Roy L. Hogan
Deputy Commissioner for Administration

October 31, 1996

Richard L. Bangart, Director
Office of State Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Bangart:

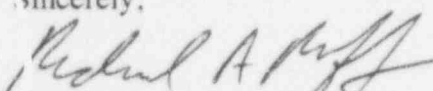
Staff of the Texas Department of Health's Bureau of Radiation Control has reviewed the report from the Joint NRC-Agreement State Working Group for Development of Implementing Procedures for the Policy Statement on Adequacy and Compatibility of Agreement State Programs. We applaud the efforts of the Working Group and find that the new procedure will be very useful in determining compatibility levels for new regulations.

We concur that the term "adequacy" should apply to the overall radiation control program and its ability to protect public health and safety, and compatibility should apply to regulations and policies promulgated by the radiation control program and the degree of consistency needed for the reasons set out in the report. We also concur with the findings of the Working Group on the issues of time frames for adoption. We agree that alternative legally binding requirements should be allowed for those situations in which a single application for a particular type of license (e.g., irradiator) is received by an agency when no rules have been adopted specific to that type of license.

The application of the flow chart developed by the Working Group and the resulting levels of compatibility appeared appropriate for most individual regulations. It was apparent that much thought and deliberation went into the designations and the resulting report.

We appreciate the opportunity to comment on the draft document. If you have any questions concerning this matter, please contact me at 512/834-6688.

Sincerely,


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

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