



## TEXAS DEPARTMENT OF STATE HEALTH SERVICES

EDUARDO J. SANCHEZ, M.D., M.P.H.  
COMMISSIONER

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February 2, 2006

OFFICE OF NUCLEAR MATERIAL SAFETY  
AND SAFEGUARDS  
U.S. NUCLEAR REGULATORY COMMISSION  
ATTN MERRI L HORN  
WASHINGTON DC 20555-0001

Dear Ms. Horn:

Staff members of the Texas Department of State Health Services, Radiation Control Program have completed their review of the federal register notice (FRN) and final rule package related to establishment of the National Source Tracking System and have compiled the following comments on the FRN. Texas DSHS has no comments on the final rule.

**Section I, Continued Sentence at the Top of Page 4** - The phrase 'radiological exposure device' may not be appropriate for use in this instance as this terminology can be, and has been, applied to other non-malevolent uses. Industrial radiography cameras have also been known as, or construed to be, radiological exposure devices.

**Section I, Last Sentence in Second Paragraph of Page 6** - Although this statement has been previously addressed in comments received during the public comment period, it bears repeating. The basis of the sentence has been unproven and deals with too many variables. It is akin to forecasting. Either remove the sentence or change the verb from 'will' to "should."

**Section I, Second Sentence in the First Paragraph of Page 7** - Please fully describe what is intended by the statement that other agencies (Agreement States) will have "limited access." Provide a comprehensive listing of envisioned data manipulation (alpha listing of all licensees with nationally tracked sources, county breakdown of licensees that with nationally tracked sources, view licensee inventories, etc.) Agreement States will be able to conduct.

**Section I, First Sentence of Last Paragraph on Page 7** - Please provide a definition in the FRN for "sources of concern," (e.g., Categories 1 and 2 under the IAEA Code of Conduct.)

**Section I, Second Sentence of First Paragraph on Page 8** - How has this figure ("...over half of the licensees reported...") been extracted from a data source reliant on reporting of aggregate quantities? Please remove the sentence or report adjusted numbers if indeed aggregation was a factor in the statement.

**Section E, Last Sentence of Second Paragraph** - When the FRN of the final rule goes out, we suggest that the actual effective date be included in this statement, so that there exists no misunderstanding of when disposers need to begin to report inventories.

**Section F, Last Sentence of First Paragraph** - Please include a sentence that states that licensees will be able to submit multiple source creations and/or transfers via compatible computer program. To further quell concerns of workload, another sentence should be included stating that initial and reoccurring information such as licensee name, facility name, address and name of individual making report need not be entered for each and every source created as the web access program will allow for carry-over of information from one file to another.

**Section F, Last Sentence of Third Paragraph** - For clarification purposes, please include the word, 'physical', within the parenthesis before the word 'address.'

**Section G, Third Sentence of Second Paragraph** - Include a third sentence that further expands upon this thread by stating that, a source transfer transaction does include transfers from one storage (authorized) location to another even if the source never leaves the possession of the licensee.

**Section I, Second Sentence of Third Paragraph** - Replace the word 'ground' with the word 'facility.' Regulations do not speak to a burial "ground."

**Section I, Third Sentence of Fifth Paragraph** - Why couldn't the Agreement States directly enter the information into the system at the time of reporting to NRC operations Center? It would appear as though Agreement State data entry would be quicker (closer to real-time) and less likely to contain a translation error than if NRC did the entry from a verbal report.

**Section I, Fifth Sentence of Sixth Paragraph** - Again, why couldn't the Agreement States directly enter the information into the system at the time of reporting to NMED? It would appear as though Agreement State data entry would be quicker (closer to real-time) and less likely to contain a translation error than if NRC did the entry from reading a report.

**Section J, Third Sentence of Third Paragraph** - Because licensees' complete inventory will not be listed within the National Source Tracking Program, please include an indication that only licensees' Category 1 and Category 2 sealed sources will be provided for inventory information.

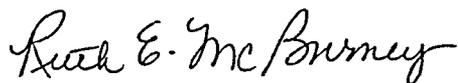
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Section J, Seventh Sentence of Third Paragraph - Besides NRC, Agreement State regulations also require physical inventories.

Subpart M - Reports, §20.2207 Reports of transactions involving nationally tracked sources, First Paragraph (Page 86) - For completeness, please include NRC Form 748 with the FRN so that information can be communicated to interested parties.

Thank you for the opportunity to comment on the FRN and rule. If you have any questions, please contact Mr. David Fogle of my staff at (512) 834-6688, extension 2203 or at David.Fogle@dshs.state.tx.us.

Sincerely,



Ruth E. McBurney, CHP, Manager  
Radiation Safety Licensing Branch