



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

February 25, 2010

Michael T. Lesar, Chief,
Rulemaking and Directives Branch (RDB)
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Sent via e-mail to (Michael.Lesar@nrc.gov)

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RULES AND DIRECTIVES
BRANCH
USNRC

RE: Docket ID NRC-2009-0485

Dear Mr. Lesar:

Florida has received and reviewed the above referenced document regarding U.S. Nuclear Regulatory Commission's (NRC) Draft Safety Culture Policy Statement: Request for Public Comments.

Florida does not feel that the time and resources should be spent on an ambiguous Safety Culture Policy Statement that cannot be enforced. This is not needed to enhance the safety and security of radioactive materials possessed by radioactive materials licensees licensed by the NRC or an Agreement State under 274(j) of the Atomic Energy Act. Since the questions asked in section (7) "Implementation of Policy" presumes the agreement that a Policy Statement is needed, we have not answered any of those questions.

Below is a list of the reasons why we do not agree with NRC that a Safety Culture Policy Statement is needed.

- NRC already has regulations regarding radioactive materials safety and security. It is part of every licensee's radiation safety program which is part of their radioactive materials license. A better use of resources would be to review how NRC implements these requirements through their licensing, inspection and enforcement programs.
- If NRC feels a certain gap or issue is needed to be addressed in a particular industry regarding safety or security of radioactive materials, then NRC should proceed with the rulemaking process to address these issues. We believe that the time and resources spent on a "Safety Culture Policy Statement" would be better spent in the rulemaking process. It comes down to the fact that without a rule, NRC does not have any regulatory mechanism other than issuing Orders to enforce the issues discussed in the Policy Statement.
- Most of the radioactive materials licensee examples listed that imply a need for a Safety Culture Policy Statement are a result of the licensee not following existing NRC or Agreement State rules or failure to follow licensing commitments required by their radioactive materials license. As stated above, it would be better to review

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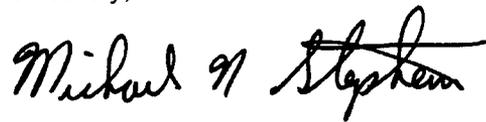
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Mr. Michael T. Lesar
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existing rules and how they are implemented through licensing, inspection and enforcement programs. This would include a review of NRC's NUREG 1556 series documents and model procedures, inspection procedures to consider whether a slightly more prescriptive inspection is needed, and a review of enforcement processes that encourages compliance.

Thank you for the opportunity to comment. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Michael N. Stephens". The signature is written in a cursive style with a large, sweeping initial "M".

Michael N. Stephens
Environmental Health Program Consultant

cc: Mr. William A. Passetti, Chief
Mr. Paul Vause, Program Administrator
NRC Dockets: Carol Gallagher (Carol.Gallagher@nrc.gov)
NRC Office of Enforcement: Alexander Sapountzis (Alexander.Sapountzis@nrc.gov)