



PR 30,32,33,34,35,36,37,39,51,71, and 73
(75FR33901)

44

TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DOCKETED
USNRC

DAVID L. LAKEY, M.D.
COMMISSIONER

October 27, 2010 (8:45am)

OFFICE OF SECRETARY
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October 27, 2010

Josephine Piccone, Director
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Docket ID NRC-2008-0120 Opportunity to Comment on Proposed Rule to Amend 10 CFR
Parts 30, 32, 33, 34, 35, 36, 37, 39, 51, 71 and 73 - Physical Protection of Byproduct Material
(FSME-10-048)

Dear Ms. Piccone:

Please find below additional comments regarding these proposed rules.

The proposed rules contain requirements that appear to be intended to ensure that honest employees of a facility are actually honest. However, the proposed rules do not contain any punitive provisions regarding situations where employees or outside persons compromise safety and/or security. For instance, there are no provisions that can be cited in the event that a licensee or an unlicensed person attempts or achieves to obtain unauthorized access, breach security systems, or otherwise compromises the security of radioactive material.

We appreciate the opportunity to comment on the proposed rule. If you have questions about our comments and concerns, contact Barbara Taylor at BarbaraJ.Taylor@dshs.state.tx.us or 512-834-6770, ext. 2010.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Taylor".

Barbara Taylor, Manager
Radiation Policy, Standards and Quality Assurance Group
Division of Regulatory Services

Josephine Piccone, Director
October 20, 2009
Page 2

Rulemaking Comments

From: Taylor, Barbaraj [Barbaraj.Taylor@dshs.state.tx.us]
Sent: Tuesday, October 26, 2010 4:47 PM
To: Rulemaking Comments
Subject: FW: NRC Comments on Part 37 Proposed 10-21-2010 (2).doc
Attachments: NRC Comments on Part 37 Proposed 10-21-2010 (2).doc

Barbara J. Taylor, Manager
Radiation Group
Policy, Standards & Quality Assurance
Regulatory Services
Department of State Health Services
512 834-6770 x2010
512 834-6708 fax

Received: from mail1.nrc.gov (148.184.176.41) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.1.393.1; Tue, 26 Oct 2010
16:47:06 -0400
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Content-Class: urn:content-classes:message
Return-Receipt-To: "Taylor, Barbaraj" <Barbaraj.Taylor@dshs.state.tx.us>
MIME-Version: 1.0
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From: "Taylor, Barbaraj" <Barbaraj.Taylor@dshs.state.tx.us>
To: <rulemaking.comments@nrc.gov>
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