



DOCKET NUMBER
PROPOSED RULE

PR - 40 et al (44FR41468)

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Texas Department of Health

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August 22, 1979

Secretary of the Commission
U.S. Nuclear Regulatory Commission
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Washington, D.C. 20555



Gentlemen:

Reference is made to proposed changes to 10 CFR Parts 40, 50, 70, 75, 150, and 170 related to the US/IAEA agreement on safeguards on nuclear material which were published in the Federal Register (44 FR 41468) on July 17, 1979. Comments were solicited in that notice.

We wish to submit the following comments for your consideration; our comments are limited to those provisions that would directly impact upon Agreement State licensees.

1. Proposed changes to Part 150, specifically 150.17a(b), provides procedural guidance to Agreement State licensees who desire "to receive such source material" but does not provide guidance to cover those who already possess such source material. This situation should be addressed.
2. It is unclear how Agreement State licensees who already possess source material which will be subject to Part 75 will be notified of the requirement to obtain a license from the Commission and comply with the provisions of Part 75. It is suggested that the Commission provide copies of the proposed regulations as published in the Federal Register directly to potentially affected Agreement State licensees in order that their comments may be considered prior to adopting regulations that they will be required to abide by. Mailing lists of such licensees could be obtained from the appropriate regulatory agency in each Agreement State.

Thank you for the opportunity to comment on these proposed regulations. If you have any questions regarding our comments or if we can provide additional information, please let me know.

Yours truly,

David K. Lacker, Director
Division of Occupational Health
and Radiation Control

Acknowledged by card... 8/31

cc: Mr. G. Wayne Kerr

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