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# Texas Department of Health

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February 7, 1995

Secretary  
ATTN: Docketing and Service Branch  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

DOCKET NUMBER  
PETITION RULE PRM 150-3  
(59FR50706) (17)

Dear Secretary:

Re: Docket No. PRM-150-3

These comments are in response to a petition for rulemaking in which the petitioner requests that NRC require Agreement States to notify NRC of all proposed and completed regulatory actions and that NRC publish such notices of Agreement States' rulemaking. While these comments are being submitted after the comment deadline, we hope they will be given consideration.

The Bureau of Radiation Control (BRC) opposes this petition and wishes to reiterate many of the same reasons the state of Washington cited in its opposition to the petition.

The Texas Government Code sets forth the procedures that we must follow in the adoption of any rule. It involves publication of the rule in the Texas Register with at least 30 days for public comment. In addition, the BRC maintains interested persons mailing lists and distributes drafts of rule revisions to those persons in order to obtain early input to the rulemaking process. This process of mailing drafts is not required, but we feel it is a method of facilitating communication with those we regulate. The NRC is one of those entities to which we mail draft, proposed, and final rules.

Also, by the end of 1995, the BRC will have the capability of posting draft and proposed rule revisions on an electronic bulletin board system to further facilitate communication. This represents an additional method of addressing the petitioner's concern, communication of rule changes.

We oppose any petition that proposes requirements that may be in conflict with existing state statutes concerning rulemaking time frames or that may further delay an already lengthy rulemaking process. However, we see no problem if the NRC wishes to publish informational notices of Agreement State rulemaking. As did the state of Washington, we recommend the petitioner develop a working relationship with the individual Agreement States.

Thank you for the opportunity to provide input. If you have any questions, please contact me at (512) 834-6688.

Sincerely,

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

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