



December 27, 2023

Ms. Theresa V. Clark, Deputy Director
Division of Material Safety, Security, State
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001

Dear Ms. Clark:

Attached is a copy of the draft revisions to the Texas Regulations for Control of Radiation, 25 Texas Administrative Code (TAC), §289.252, concerning Licensing of Radioactive Material. The draft revisions were made available for public comment from December 15, 2023 to January 6, 2024. Amended regulations are identified by underlined text for new text and [~~brackets and strike-through~~] for deleted text.

The following chart identifies the outstanding required changes that have been addressed in these draft rules to ensure NRC compatibility requirements are met:

<u>RATS ID</u>	<u>NRC Title</u>	<u>State Section</u>
2021-2	Miscellaneous Corrections	§289.252
2023-1	Miscellaneous Corrections	§289.252

We believe the final adoption of these revisions will satisfy the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

We request that the NRC address the following issues:

1. The proposed rules have undergone extensive edits to comply with the Texas Health and Human Services plain language policy, which extends this writing practice to regulatory statute. This has been done with the intention of maintaining compliance with compatibility requirements of SA-200.

2. We have deleted paragraphs (9) and (14) of subsection (d) establishing license application timelines and fee reimbursement provisions. After some deliberation, we determined

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that these provisions do not exist in NRC regulation but request confirmation that they can be deleted.

If you have any questions, please get in touch with Brian Vamvakias at 512-834-6655; Brian.Vamvakias@dshs.texas.gov; or Lisa Bruedigan at 512-924-6862, or Lisa.Bruedigan@dshs.texas.gov.

Sincerely,

Lisa Bruedigan

Lisa Bruedigan
Director, Radiation Section
Consumer Protection Division
Texas Department of State Health Services

Attachments