

Bryan W. Shaw, Ph.D., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard Hyde, P.E., *Executive Director*



**Texas Commission on Environmental Quality**  
*Protecting Texas by Reducing and Preventing Pollution*

November 16, 2016

Pamela Henderson, Deputy Director  
Division Material Safety, State, Tribal,  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards  
U.S. Nuclear Regulatory Commission  
T8-E18  
Washington, D.C. 20555-0001

Dear Ms. Henderson:

Enclosed is a copy of the final revisions to the rules of the Texas Commission on Environmental Quality (TCEQ) in Title 30 Texas Administrative Code (TAC) Chapter 336 (Radioactive Substance Rules). The final regulations are identified by underlining and currently existing language that is to be removed is designated by [bracketing out]. No changes have been made from the proposed rules. The final regulations correspond to the equivalent amendments to NRC's regulations listed below. Please note that RATS ID 1999-1 and 2008-1 are included from a rulemaking that became effective June 25, 2015 and were not included in the letter concerning the proposed rules from this rulemaking.

Rats ID	Title	State Sections
• October 03, 2013 letter/ 1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities 10 CFR 40	§336.1127
• May 13, 2014 letter/ 2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20	§336.2(158)
• 2011-1	Decommissioning Planning	§336.315
• June 27, 2016 letter/ 2011-2	Licenses, Certifications, and Approvals for Materials Licensees	§336.1105
• 2012-3	Technical Corrections	§336.1113
• January 13, 2016 letter/ 2013-1	Physical Protection of Byproduct Material	§336.2, 336.357
• 2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions	§336.1105

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| • 2015-4 | Miscellaneous Corrections | \$336.357 |
| • 2015-5 | Miscellaneous Corrections | \$336.357 |

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

TCEQ is currently compatible with RATS 2013-1 through rulemaking and by adding a license condition to the TCEQ licenses that have category 1 and 2 quantities of radioactive material, as described in our letter to the NRC dated February 16, 2016. Please note that this rulemaking, once it becomes effective, will result in 30 TAC §336 being fully compatible with RATS 2013-1. This license condition will be removed from these radioactive material licenses after TCEQ receives the NRC final review letter that concurs that 30 TAC §336 is compatible with RATS 2013-1.

The following are two issues concerning the NRC letter dated September 10, 2016 concerning compatibility comments on the proposed rulemaking:

1. Comment numbers 1 and 2 concern NRC rules for which TCEQ does not have a corresponding rule. However, "Office of Information Services" has been replaced with "Office of the Chief Information Officer" in other TCEQ rules in this rulemaking in all places where it occurs, which should satisfy these two comments.
2. We were unable to change 30 TAC §336.356(c) according to comment number 3 in this rulemaking because this rule was not modified in the proposed rulemaking and thus was not open for modification for adoption. However, 30 TAC §336.356(c) will be changed according to comment 3 in the next rulemaking.

If you have any questions, please feel free to contact me at 512-239-5308 or Bobby Janecka of my staff at 512-239-6415 or [Bobby.Janecka@tceq.texas.gov](mailto:Bobby.Janecka@tceq.texas.gov).

Sincerely,



Charles Maguire, Division Director  
Radioactive Materials Division  
Texas Commission on Environmental Quality

Enclosures:  
Adopted Rule  
Cross walk.