

March 21, 2000

Alice Hamilton Rogers, P.E., Section Manager  
Underground Injection Control and  
Radioactive Waste Section  
Texas Natural Resource Conservation Commission  
P.O. Box 13087, MC-131  
Austin, Texas 78711-3087

Dear Ms. Rogers:

As requested, we have reviewed the proposed revisions to the *Texas Administrative Code, 30 TAC 336*, relating to general disposal and decommissioning requirements, including the implementation of Texas Natural Resource Conservation Commission's new exemption from rule authority, the addition of exemptions from licensing requirements for facilities involved in Voluntary Cleanup Programs or Superfund cleanups, and the addition of an exemption for on-site low-level radioactive waste disposal that was licensed before September 9, 1989. Your request for our review of these revisions was submitted by letter dated January 14, 2000. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 20, 30, 40 and 61.

As a result of our review, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety. The proposed revisions did not appear to address any new NRC compatibility issues beyond the definition of low-level radioactive waste. Under our current procedure, a finding that a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted without significant change, they would meet the compatibility and health and safety categories established in the Office of State Programs (OSP) Procedure SA-200. In addition, Mr. Mark R. Shaffer discussed our review of the regulations with Ms. Kathy Vail of your staff on February 9, 2000.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in OSP Procedure SA-201, Review of State Regulations (November 10, 1998), please highlight the final changes and send one copy in a computer readable format, if possible.

We have also summarized on the Regulation Assessment Tracking System (RATS) Data Sheet our knowledge of the status of other Texas regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

Alice Hamilton Rogers

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If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Mark Shaffer at (817) 860-8287 or by e-mail at [mrs@nrc.gov](mailto:mrs@nrc.gov).

Sincerely,

***/RA/***

Frederick C. Combs, Deputy Director  
Office of State Programs

Enclosure:  
As stated

Distribution:

DIR RF (0-20)  
PHLohaus  
SCDroggitis  
JMyers, ASPO  
BUilton  
Texas File

DCD (SP08)  
PDR (YES✓)

Response to Incoming Document: ML003692599

**DOCUMENT NAME: C:\tnrcc.wpd**

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**OSP FILE CODE: SP-AG-27**

**REGULATION ASSESSMENT TRACKING SYSTEM  
RATS DATA SHEET**

**State:** Texas Natural Resource Conservation Commission  
[No proposed/final amendments (date) identified by★]

**Tracking Ticket Number:** 0-20  
**Date:** March 21, 2000

<b>NRC Chronology Identification</b>	<b>FR Notice (State Due Date)</b>	<b>RATS ID</b>	<b>Proposed/Final-Comment (Y/N)<sup>1</sup></b>	<b>NRC Review Date</b>	<b>Final State Regulation<sup>2</sup> (Effective Date)</b>
Standards for Protection Against Radiation-Part 20	56 FR 23360 plus others (1/1/94)	1991-3	F-N	11/6/97	
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843 (1/10/94)	1991-1			Not applicable to TNRCC
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2			Not required <sup>3</sup>
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4	F-N	1/7/98	6/5/97
Quality Management Program and Misadministrations-Part 35	56 FR 34104 (1/27/95)	1992-1			Not applicable to TNRCC
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566 (none)	1992-2			Not required <sup>3</sup>
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2			Not applicable to TNRCC
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3	F-N	1/7/98	6/5/97
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	F-N	1/7/98	6/5/97
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726 59 FR 1618 (none)	1994-1	F-N	1/7/98	Not required <sup>3</sup> 6/5/97
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2	F-N	1/7/98	6/5/97
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3	F-N	1/7/98	6/5/97
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767 59 FR 65243 60 FR 322 (1/1/98)	1995-1			Not applicable to TNRCC
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	F-N	1/7/98	6/5/97

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Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	F-N	1/7/98	6/5/97
Performance Requirements for Radiography Equipment- Part 34	60 FR 28323 (6/30/98)	1995-4			Not applicable to TNRCC
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	F-N	1/7/98	6/5/97
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6	F-N	1/7/98	6/5/97
Medical Administration of Radiation and Radioactive Materials - Parts 20, 35	60 FR 48623 (10/20/98)	1995-7			Not applicable to TNRCC
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28724 (4/1/99)	1996-1			Not applicable to TNRCC
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required <sup>3</sup>
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3	F-N	1/7/98	6/5/97
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65119 (1/9/00)	1997-1	P-N	1/14/98	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4			Not required <sup>3</sup>
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662 (2/27/00)	1997-2			
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3			
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948 (6/27/00)	1997-5			
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057 (8/20/00)	1997-6	P-N	1/14/98	
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634 (1/02/01)	1997-7			
Deliberate Misconduct by Unlicensed Persons- Parts 30, 40, 61, 70, 150	63 FR 1890 63 FR 13773 (2/12/01)	1998-1			
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535 (none)	1998-2			Not required <sup>3</sup>
License Term for Medical Use Licenses- Part 35	63 FR 31604 (none)	1998-3			Not required <sup>3</sup>

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Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059 (7/9/01)	1998-4			
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39347 63 FR 45393 (10/26/01)	1998-5			
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127 (11/20/01)	1998-6			
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506 (6/11/02)	1999-1			
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269 (none)	1999-2			Not required <sup>3</sup>
Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543 64 FR 55525 (2/2/03)	1999-3			

1. (Y/N) Y means "Yes," there are comments in the review letter that the State need to address. N means "No," there are no comments in the review letter.
2. Or other generic Legally Binding Requirement.
3. Not required means these regulations are not required for purposes of compatibility.