

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*

August 3, 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 revisions to the proposed Texas Commission on Environmental Quality rules in Title 30 Texas Administrative Code (TAC) Chapter 336 (relating to Radioactive Substance Rules). The proposed revisions will be made available for public comment on August 19, 2016 with a request for comments by September 19, 2016. We request NRC's comments by September 19, 2016. The proposed regulations are identified by underlining new language and currently existing language that is to be removed is designated by [bracketing out]. The proposed regulations correspond to the following equivalent amendments to NRC's regulations.

Rats ID	Title	State Sections
• 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
• 2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions	§336.1105
• 2015-4	Miscellaneous Corrections	§336.357
• 2015-5	Miscellaneous Corrections	§336.357

- January 13, Physical Protection of Byproduct Material §336.2, 336.357  
2016 letter/  
2013-1

Please note that TCEQ is currently compatible with RATS 2013-1 through rulemaking and amending the TCEQ licensee that has category 1 and 2 quantities of radioactive material (see our letter dated February 16, 2016). This rulemaking will fix the deficiencies in 30 TAC §336.357 that were identified by the NRC in the letter dated January 13, 2016. After these deficiencies are corrected by this rulemaking, the license condition described in the letter dated February 16, 2016 will be removed.

Please note that if you need to reference 30 TAC in your review, these rules can be found at [http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=2&ti=30](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=2&ti=30).

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.

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:  
Proposed Rule  
Cross walk.