

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
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Stephanie Bergeron Perdue, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 23, 2018

Kevin Williams, Deputy Director  
Division of Materials 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 Mr. Williams:

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 June 8, 2018 with a request for comments by July 10, 2018. We request NRC's comments by July 10, 2018. The proposed regulations are identified by underlining new language and currently existing language that is to be removed is designated by [bracketing out]. Changes to rules concerning fees and disposal rates which are part of this rulemaking are not included. The proposed regulations correspond to the following equivalent amendments to NRC's regulations.

Rats ID	Title	State Sections
2011-1	Soil and Vegetation Contamination Limits	§336.356(c)

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,

A handwritten signature in black ink, appearing to read "Charles Maguire".

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

CWM/HW

Enclosures:  
Proposed Rule  
Cross walk

# TCEQ Radioactive Substance Rule Update Crosswalk

Change to TCEQ Section	Title	NRC Section	Compatibility Category	Summary of Change	Differences Yes/No	Significant Yes/No	RATS ID	If Difference, Why or Why Not Was a Comment Generated
§336.356(c)	Soil and Vegetation Contamination Limits	§20.1406(c)	C	TCEQ omitted the requirement to minimize the introduction of radioactivity into the site. In § 336.356(c) TCEQ needs to add the word "site" or "facility" and include the phrase "including the subsurface" and reference their radiation protection requirements and their radiological criteria for license termination in order to meet the essential objectives of 10 CFR 20.1406(c).	Y	Y	2011-1	See proposed rule change.

Proposed Rule Changes to Title 30 Texas Administrative Code (TAC)

**§336.356. Soil and Vegetation Contamination Limits.**

(a) No licensee may possess, receive, use, or transfer licensed radioactive material in such a manner as to cause contamination of soil or vegetation in unrestricted areas that causes a member of the public to receive a total effective dose equivalent in excess of 25 millirem (mrem)/year from all pathways (excluding radium and its decay products) and to the extent that the contamination exceeds the background level by more than:

(1) for radium-226 or radium-228 in soil, the following limits, based on dry weight, averaged over any 100 square meters of area:

(A) 5 picocuries/gram (pCi/g), averaged over the first 15 centimeters of soil below the surface;

(B) 15 pCi/g, averaged over each 15-centimeter thick layer of soil below the first 15 centimeters below the surface; and

(2) for radium-226 or radium-228 in vegetation, 5 pCi/g, based on dry weight.

(b) Notwithstanding the limits set forth in subsection (a) of this section, each licensee shall make every reasonable effort to maintain any contamination of soil or vegetation as low as is reasonably achievable [(ALARA)].

(c) Licensees shall, to the extent practical, conduct operations to minimize the introduction of residual radioactivity into the site, including the subsurface in accordance with the existing radiation protection requirements in §336.304 of this title (relating to Radiation Protection Programs) and radiological criteria for license termination in Subchapter G of this chapter (relating to Decommissioning Standards). If contamination caused by the licensee is detected in an unrestricted area, the licensee shall decontaminate any unrestricted area which is contaminated above the limits specified in subsection (a) of this section.