

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS	TX RESPONSE
§289.251(d)(3)(E)	40.13(c)	2013-2	B	<p>NRC comment per letter dated June 16, 2016</p> <p>Unimportant quantities of source material Texas regulations identify exemptions as “depleted uranium” whereas 10 CFR 40.15 states “uranium”. Texas needs to change “depleted uranium” to “uranium” in order to meet the Compatibility Category B designation assigned to 10 CFR 40.15(c).</p>	Meets compatibility.
§289.251(e)(2)(C)	30.18	2007-2	B	<p>NRC comment per letter dated June 16, 2016</p> <p>Exempt quantities Texas regulations omit the word “transfer” in their equivalent regulation to 10 CFR 30.18(c) which states, “does not authorize for commercial distribution the production, packaging or repackaging or transfer of byproduct material”. Texas needs to add the word “transfer” to §289.251(e) (2) in order to meet the Compatibility Category B designation assigned to 10 CFR 30.18.</p>	Meets compatibility.

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§289.251(e)(3)(A)(i)	30.15	2007-2	B	<p>NRC comment per letter dated June 16, 2016</p> <p>Certain items containing byproduct material Texas regulations do not include the phrase, “or persons who initially transfer for sale or distribution the following products containing byproduct material” in §289.251(e)(3)(A)(i). Texas needs to add the phrase indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.15.</p>	Meets compatibility.
§289.251(e)(3)(A)(i)(I)(-h-)	30.15(a)(1)(viii)	2007-3	B	<p>NRC comment per letters dated February 8, 2016, and June 16, 2016</p> <p>Certain items containing byproduct material Texas uses the implementation date of January 1, 1986 instead of the NRC’s implementation date of November 30, 2007, which may cause transboundary implications. Texas needs to amend the implementation date as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR Part 30.15(a)(1)(viii).</p>	Meets compatibility.

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289.251(e)(3)(B)(ii)	30.19(b)	2012-4	B	<p>NRC comment per letter dated June 16, 2016</p> <p>Self luminous products containing tritium, krypton-85 and promethium-147 Texas regulations say "shall" where NRC regulations state "should". Texas needs to change their regulations in §289.251(e)(3) as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.19(b).</p>	Meets compatibility.
§289.251(e)(3)(C)(i)	30.20(a)	2007-3	B	<p>NRC comment per letters dated February 8, 2016, and June 16, 2016</p> <p>Gas and aerosol detectors containing byproduct material Texas adds the phrase "to protect life and property from fires and airbourne hazards" instead of "to protect health, safety and property" Texas needs to replace the phrase as indicated above to in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20(a).</p>	<p>Meets compatibility.</p> <p>Changes were made in DSHS rule effective 3-22-15</p>
§289.251(f)(3)(A)(iv)	40.22(d)	2013-2	B	<p>NRC comment per letter dated June 16, 2016</p>	Meets compatibility.

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				<p>Small quantities of source material</p> <p>Texas regulations refer to the Texas equivalent of Part 19 (289.203) but not to the equivalent for Part 21, which deals with notifications for noncompliance. Rather, they refer to 289.205 which deals with Hearing and Enforcement</p> <p>Texas needs to revise the reference as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.22(d).</p>	
§289.251(f)(4)(H)(ii)	31.5(b)(1)	2007-3	B	<p>NRC comment per letter dated June 16, 2016</p> <p>Certain detecting, measuring, gauging or controlling devices and/or an ionizing atmosphere.</p> <p>Texas equivalent to (b)(1)(i) and (ii) omits the requirement to register detecting, measuring, gauging or controlling devices.</p> <p>Texas needs to add a paragraph equivalent to §31.5(c)(13)(i) to §289.251(f)(4)(H)(ii) in order to meet the Compatibility Category B designation assigned to 10 CFR 31.5.</p>	Meets compatibility.
§289.251(f)(4)(H)(iv)(II)(-b-)	31.5	2007-2	B	<p>NRC comment per letter dated</p>	Meets compatibility.

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And §289.251(f)(4)(H)(iv)(III)				<p>June 16, 2016</p> <p>Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or ionized atmosphere</p> <p>Texas regulations add the phrase to the end of §289.251(f)(4)(H)(iv)(II)(b) – “provided that each source is tested for leakage within 6 months of being used or transferred.”</p> <p>Texas regulations add the phrase, “removal of manufacturer’s lock and initial alignment of the beam..” as examples of installation to §289.251(f)(4)(H)(iv)(III)</p> <p>Texas needs to remove the additional phrases identified above in order to meet the Compatibility Category B designation assigned to 10 CFR 31.5.</p>	
§289.251(f)(4)(K)(ii)	31.12(b) 31.12(a)(5)	2007-3	C	<p>NRC comment per letters dated May 26, 2015, February 8, 2016, and June 16, 2016</p> <p>General license for certain items and self-luminous products containing radium-226</p> <p>Texas omits:</p> <ul style="list-style-type: none"> • 31.12(b) which exempts general licensees from Part 19, 20, 21 etc. • The second sentence of 31.12(a)(5), “For the purposes of this paragraph, small radium 	Meets compatibility.

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				sources means discrete survey instrument check sources..” Texas needs to add requirements that meet the essential objectives of 31.12(b) and 31.12(a)(5) in order to meet the compatibility requirements of the category C designation assigned to 31.12.	
289.251(f)(4)(K)(ii)(V) and (VI)	31.12	2007-3	C	<p>NRC comment per letters dated May 26, 2015, February 8, 2016, and June 16, 2016</p> <p>General license for certain items and self-luminous products containing radium-226 Texas regulations state in part (v) “by specific license issued in accordance with this section”, it omitted that the specific license can also be issued by the NRC or another agreement state. Texas needs to add that specific licenses can be issued by the NRC or another agreement state to meet the Compatibility Category C designation assigned to 10 CFR 31.12.</p>	<p>Meets compatibility.</p> <p>Text corrected in DSHS rule effective 3-1-16</p>
§289.251(g)	31.5(c)(13)	2007-3	B	<p>NRC comment per letter dated June 16, 2016</p> <p>Certain detecting, measuring, gauging or controlling devices</p>	<p>Meets compatibility.</p> <p>Language already exists in 251(g)</p>

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				<p>and/or an ionizing atmosphere. Texas equivalent to (b)(1)(i) and (ii) omits the requirement to register detecting, measuring, gauging or controlling devices. Texas needs to add a paragraph equivalent to §31.5(c)(13)(i) to §289.251(f)(4)(H)(ii) in order to meet the Compatibility Category B designation assigned to 10 CFR 31.5.</p>	
§289.251(l)(2) Was listed as 289.252(l)(2) in one NRC letter	30.71 Sch B	2007-3	B	<p>NRC comment per letters dated February 8, 2016, and June 16, 2016</p> <p>Schedule B Texas added 3 isotopes to its Schedule B Table: beryllium – 7, radon-222 and strontium-87m. Texas needs to remove the isotopes and their associated microcurie values, as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.71 Schedule B</p>	<p>Meets compatibility.</p> <p>Isotopes were removed in DSHS rule effective 3-1-16</p>
§289.252(a)(2) and (3)	30.3(a)	2007-3	C	<p>NRC comment per letters dated February 8, 2016, and June 16, 2016</p> <p>Activities requiring license Texas omits the words “manufacture, produce” after the</p>	Meets compatibility.

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				phrase, "Unless otherwise exempted, no person shall..." Texas needs to include the words in 289.252(a)(2) as indicated above in order to meet the Compatibility Category C designation assigned to 10 CFR Part 30.3(a).	
§289.252(e)(2) See 253 new (d)	39.13	2011-2	H&S	<p>NRC comment per letters dated May 26, 2015, February 8, 2016, and June 16, 2016</p> <p>Specific licenses for well logging Texas omitted the revised 39.13 language from their regulations. Texas needs to add the revised language to 289.252(e) and 289.253(b) in order to meet the Compatibility Category H&S designation assigned to 10 CFR 39.13.</p>	Meets compatibility.
§289.252(v)(1)	32.210(a)	2012-4	B	<p>NRC comment per letters dated February 8, 2016, and June 16, 2016</p> <p>Registration of product information Texas changes the word "may" to "shall" in their regulations which may cause transboundary implications. Texas needs to replace the word "shall" with "may" in order to meet the Compatibility Category B</p>	Meets compatibility.

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				designation assigned to 10 CFR 32.210(a).	
§289.252(y)(4)(B)	30.36(d)	1993-1	H&S	Still not closed on tracking chart	Meets compatibility.
§289.252(cc)(6)(C)	40.61(a)(2)	2015-4	C		Meets compatibility.
§289.252(ee)(2)	150.20	2007-2	C	NRC comment per letter dated June 16, 2016 Recognition of Agreement State Licenses Texas regulations omit the revised requirements as stated in 10 CFR 150.20. Texas needs to submit requirements that meet the essential objectives of 10 CFR 150.20 in order to meet the Compatibility Category C designation assigned to 10 CFR 150.20.	Meets compatibility.
§289.252(gg)(7)(C)(iv)	30.35(g)(3)	1993-1	H&S	Still not closed on tracking chart	Meets compatibility.
§289.252(ii)(3)(B)(ii)	37.23(b)(2)	2015-4	B		Meets compatibility.
§289.252(ii)(5)(C)(i)	37.27	2015-5	B		Meets compatibility.

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§289.252(ii)(21)(A)(i)(I)	37.77(a)(1)	2015-5	B		Meets compatibility.
§289.252(jj)(7) Was listed in one NRC letter as (ii)(7)	30.72 Sch C	2007-3	H&S	<p>NRC comment per letters dated February 8, 2016, and June 16, 2016</p> <p>Schedule C – Quantities of radioactive material requiring consideration of the need for an emergency plan for responding to a release.</p> <p>Texas amends the curie quantity amount for cesium-137 from 3000 to 2000. Additionally, Texas uses the chemical symbol “Sr” used for strontium for sulfur-35 instead of the chemical symbol “S”.</p> <p>Texas needs to amend the curie quantity amount for cesium-137 and the chemical symbol for sulfur-35 in order to meet the Compatibility Category H&S designation assigned to 30.72.</p>	Meets compatibility.
§289.253 new (d) Was listed under 252(e) and 253 (b) on NRC letters	39.13	2011-2	H&S	<p>NRC comment per letters dated May 26, 2015, February 8, 2016, and June 16, 2016</p> <p>Specific licenses for well logging</p> <p>Texas omitted the revised 39.13 language from their regulations. Texas needs to add the revised</p>	Meets compatibility.

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				language to 289.252(e) and 289.253(b) in order to meet the Compatibility Category H&S designation assigned to 10 CFR 39.13.	
§289.256(a)(1) and (2)	35.11(a)	2007-3	C	<p>NRC comment per letters dated February 8, 2016, and June 16, 2016</p> <p>License required Texas omitted the words “manufacture, produce” after the phase in the second sentence, “unless otherwise exempted, no person shall...” Texas needs to include the omitted words to meet the Compatibility Category C designation assigned to 10 CFR 35.11(a).</p>	Meets compatibility.
§289.257(d) new (11)	71.4	2015-3	B		Meets compatibility.
§289.257(d)(12) now (13)	71.4	2015-3	B		Meets compatibility.
§289.257(d)(23) Now (24)	71.4	2015-5	B		Meets compatibility.
§289.257(d)(26) now (27)	71.4	2015-3	B		Meets compatibility.

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§289.257(d)(26)(A) now (27)(A)	71.4	2015-3	B		Meets compatibility.
§289.257(d)(26)(C) now (27)(C)	71.4	2015-3	B		Meets compatibility.
§289.257(d) new (42)	71.4	2015-3	B		Meets compatibility.
§289.257(d)(48)(A) now (50)(A)	71.4	2015-3	B		Meets compatibility.
§289.257(f)(1)(A)-(C)	71.14(a)(1)-(a)(3)	2015-3	B		Meets compatibility.
§289.257(h)(4)	71.15(d)	2015-3	B		Meets compatibility.
§289.257(i)(1)(C)(iii)	71.17	2015-3	B		Meets compatibility.
§289.257(i)(2)(B)(ii)	71.19	2015-3	NRC		Meets compatibility.
§289.257(i)(4)(A)	71.21	2015-3	B		Meets compatibility.
§289.257(i)(4)(D)(ii)	71.21	2015-3	B		Meets compatibility.
§289.257(k) new (4)	71.85	2015-3	B		Meets compatibility.

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§289.257(o)	71.91	2015-3	C		Meets compatibility.
§289.257(q)(4)(C)(ii)	71.97(c)(3)(ii)	2015-5	B		Meets compatibility.
§289.257(s)	71.101	2015-3	C		Meets compatibility.
§289.257(t)	71.103	2015-3	C		Meets compatibility.
§289.257(u) new (6)	71.106	2015-3	C		Meets compatibility.
§289.257(aa)	71.135	2015-3	C		Meets compatibility.
§289.257(ee)(6)	Appendix A to Part 71 Table A-1	2015-3	B		Meets compatibility.
§289.257(ee)(7)	Appendix A to Part 71 Table A-2	2015-3	B		Meets compatibility.
§289.257(ee)(8)	Appendix A to Part 71 Table A-3	2015-3	B		Meets compatibility.
§289.257(ff)(3)	Appendix G to Part 20	2015-5	B		Meets compatibility.