

JAN 14 1998

Ms. Kathy Vail
Underground Injection Control and
Radioactive Waste Section
Texas Natural Resource Conservation
Commission, MC131
P.O. Box 13087
Austin, TX 78711-3087

SUBJECT: PROPOSED REVISIONS TO 30 TAC 39, 305, AND 336

Dear Ms. Vail:

As requested, we have reviewed the draft revisions to 30 TAC 39, 305, and 336 submitted with Ms. Rogers' letter of November 14, 1997. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Part 20 sections 20.1003, 20.1009, 20.1101, and 20.1401-1406. We limited our review to the four proposed changes listed in Ms. Rogers' letter and within those changes to those sections required for compatibility or health and safety.

As a result of our review we have no comments. Under our current procedure, a finding that a State regulation meets the compatibility criteria 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 criteria as indicated in the OSP Internal Procedure B.7.

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 our All Agreement States Letter SP-96-027, "Request to Highlight Changes to Agreement State Regulations Submitted to NRC for Compatibility Review" (March 1, 1996), please highlight the final changes and send one copy in a computer readable format, if possible.

We note that in Appendix G, "Acceptable Surface Contamination Levels", of TAC 336.364, the levels indicated for transuranics, Ra-226, Ra-228, Th-230, Th-228, Pa-231, Ac-227, I-125, and I-129, are a factor of ten less restrictive than those provided in Table 1 of NRC's Regulatory Guide 1.86, "Termination of Operating Licenses for Nuclear Reactors." While this is not a matter of compatibility at this time, if a future rulemaking were to incorporate an appropriate revision to Table 1, an NRC and Agreement State evaluation would be necessary to determine whether contamination levels should be incorporated in equivalent Agreement State regulations, pursuant to the Policy Statement on Adequacy and Compatibility of Agreement State Programs.

If you have any questions regarding the compatibility criteria or the NRC regulations used in the review, please contact me at (301) 415-2326 or Tom O'Brien of my staff at (301) 415-2308 or INTERNET: TJO@NRC.GOV.

Sincerely, Original Signed By:

PAUL H. LOHAUS

Paul H. Lohaus, Deputy Director
Office of State Programs

Distribution:
DIR RF (7S308)
SDroggitis
JHMyers, ASPO



DCD (SP08)
PDR (YES✓)
Texas File

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DATE	12/30/97 *	12/31/97 *	01/12/98 *	01/14/98

9801220287 980114
PDR STPRG ESQTX
PDR

OSP FILE CODE: SP-AG-27

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Paul H. Lohaus, Deputy Director
Office of State Programs

Distribution:
DIR RF (7S308)
SDraggitts
JHMyers, ASPO
Texas State File

DCD (SP03)
PDR (YES✓)

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NAME	TJO'Brien:nb	PHLohaus	FCameron	RLBangart
DATE	12/30/97 *	12/31/97 *	01/1/98	01/1/98

OSP FILE CODE: SP-AG

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NAME	TJO'Brien:nb	PHLohaus	RLBangart			
DATE	12/30/97	12/ /97	/ /9			

OSP FILE CODE: SP-AG



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 14, 1998

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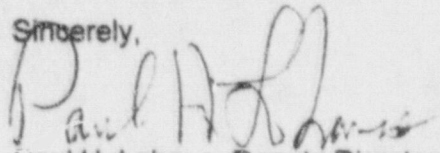
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Paul H. Lohaus, Deputy Director
Office of State Programs

EXECUTIVE TASK MANAGEMENT SYSTEM

<<< PRINT SCREEN UPDATE FORM >>>

TASK # - 7S308

DATF - 11/25/97

MAIL CTRL. - 1997

TASK STARTED - 11/25/97

TASK DUE - 01/14/98

TASK COMPLETED - / ,

TASK DESCRIPTION - TNRCC REGULATIONS ON PARTS 20 30, 40 AND 70

REQUESTING OFF. - TNRCC

REQUESTER - ROGERS

WITS - 0 FYP - N

PROG. - TJO

PERSON -

STAFF LEAD - TJO

PROG. AREA -

PROJECT STATUS -

TNRCC DUE DATE: 1/14/98

PLANNED ACC. - N

LEVEL CODE - 1