

From: Stephen Salomon
To: James Myers
Date: Tue, Jul 27, 1999 2:16 PM
Subject: Fwd: Draft Changes to 25 TAC 289 (TRCR)

Jim,

Linda is unable to review these Texas regs. Because you are the Texas ASPO, are you able?

Steve

8/4/99

Brenda,

Myers has action. Due 8/16/99.

Steve

From: "Monica Gonzalez" <Monica.Gonzalez@tdh.state.tx.us>
To: ARL_DO.ARL_PO(MLM1)
Date: Thu, Jul 22, 1999 10:45 AM
Subject: Draft Changes to 25 TAC 289 (TRCR)

This e-mail bulletin is to notify you of draft changes to the following part(s) of the Texas Regulations for Control of Radiation (25 Texas Administrative Code, chapter 289), in which you have indicated interest:

Part 14 (o289.257), Packaging and Transportation of Radioactive Materials

These draft changes can be viewed at the following Internet address:

<http://www.tdh.state.tx.us/ech/rad/pages/brc.htm>

If you do not have World Wide Web access, you may request alternative ways to receive a copy of the draft changes by calling Cindy Cardwell at (512)834-6688, ext. 2239.

Written comments on the draft changes may be submitted via regular mail, electronic mail (Cindy.Cardwell@tdh.state.tx.us), or telefax at (512)834-6716. The deadline for submitting comments is August 16, 1999.

Thank you for your interest in the Bureau of Radiation Control's rulemaking process.

Sincerely,

LEGEND:

Single Underline = Proposed new language

[Bold-print and Brackets] = Current language proposed for deletion

Regular Print = Current language

(No change.) = No changes are being considered for designated subdivisions

§289.257 Packaging and Transportation of Radioactive Material.

(a) Purpose.

(1) (No change.)

(2) The packaging and transport of radioactive material are also subject to the requirements of **[§289.112 of this title (relating to Hearing and Enforcement Procedures), §289.114 of this title (relating to Notices, Instructions, and Reports to Workers; Inspections),]** §289.201 of this title (relating to General Provisions), §289.202 of this title (relating to Standards for Protection Against Radiation), §289.203 of this title (relating to Notices, Instructions, and Reports to Workers; Inspections), §289.204 of this title (relating to Fees for Certificates of Registration, Radioactive Material(s) Licenses, Emergency Planning and Implementation, and Other Regulatory Services), §289.205 of this title (relating to Hearing and Enforcement Procedures), §289.251 of this title (relating to Exemptions, General Licenses, and General License Acknowledgements), §289.252 of this title (relating to Licensing of Radioactive Material), and §289.254 of this title (relating to Licensing of Radioactive Waste Processing and Storage Facilities) and to the regulations of other agencies (e.g., the United States Department of Transportation (DOT) and the United States Postal Service) having jurisdiction over means of transport. The requirements of this section are in addition to, and not in substitution for, other requirements.

(b)-(c) (No change.)

(d) Definitions. The following words and terms when used in this section shall have the following meaning unless the context clearly indicates otherwise. To ensure compatibility with international transportation standards, all limits in this section are given in terms of dual units: The International System of Units (SI) followed or preceded by United States (U.S.) standard or customary units. The U.S. customary units are not exact equivalents, but are rounded to a convenient value, providing a functionally equivalent unit. For the purpose of this section, SI units shall be used.

(1)-(2) (No change.)

[(3) Authority - The Texas Low-Level Radioactive Waste Disposal Authority (TLLRWDA).]

(3) BRC Forms 540, 540A, 541, 541A, 542, and 542A - Official agency forms referenced in subsection (s)(5) of this section which includes the information required by DOT in 49 CFR Part 172. BRC Form 541B contains additional information for LLRW shipments to a Texas LLRW disposal facility. Licensees need not use originals of these forms as long as any substitute forms are equivalent to the original documentation in respect to content, clarity, size, and location of information. Upon agreement between the shipper and consignee, BRC Forms 541 (and 541A and 541B) and BRC Forms 542 (and 542A) may be completed, transmitted, and stored in electronic media. The electronic media must have the capability for producing legible, accurate, and complete records in the format of the uniform manifest.

(4)-(18) (No change.)

(19) Low-level radioactive waste (LLRW) - Waste containing radioactive material that:

(A)-(C) (No change.)

(D) does not include:

(i) **[irradiated reactor fuel,]** high level radioactive waste **[, or spent nuclear fuel]** as defined by 10 CFR Part 60.2 **[61]**;

(ii) spent nuclear fuel as defined in 10 CFR Part 72.3.

(iii) **[(ii)]** the tailings or wastes produced by or resulting from the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes; or

(iv) **[(iii)]** NORM waste or oil and gas NORM waste.

(20)-(28) (No change.)

(29) Shipper - The licensed entity (i.e., the waste generator, waste collector, or waste processor) who offers LLRW for transportation, typically consigning this type of waste to a licensed waste collector, waste processor, or land disposal facility operator. This definition applies only to shipments of LLRW shipped to a **[the]** Texas LLRW disposal facility.

(30)-(32) (No change.)

[(33) BRC Forms 540, 540A, 541, 541A, 542, and 542A - Official agency forms referenced in subsection (s)(5) of this section which includes the information required by DOT in 49 CFR Part 172. BRC Form 541B contains additional information for LLRW shipments to the Texas LLRW disposal facility. Licensees need not use originals of these forms as long as any substitute forms are equivalent to the original documentation in respect to content, clarity, size, and location of information. Upon agreement between the shipper and consignee, BRC Forms 541 (and 541A and 541B) and BRC Forms 542 (and 542A) may be completed, transmitted, and stored in electronic media. The electronic media must have the capability for producing legible, accurate, and complete records in the format of the uniform manifest.]

(33) [(34)] Uniform Low-Level Radioactive Waste Manifest or uniform manifest - The combination of BRC Forms 540, 541, and, if necessary, 542, and their respective continuation sheets as needed, or equivalent.

(34) [(35)] Uranium - Natural, depleted, enriched:

(A) Natural uranium - Uranium with the naturally occurring distribution of uranium isotopes (approximately 0.711 weight percent uranium-235, and the remainder by weight essentially uranium-238).

(B) Depleted uranium - Uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(C) Enriched uranium - Uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

(35) [(36)] Waste collector - An entity, operating under a NRC, agreement state, or agency license, whose principal purpose is to collect and consolidate waste generated by others, and to transfer this waste, without processing or repackaging the collected waste, to another licensed waste collector, licensed waste processor, or licensed land disposal facility.

(36) [(37)] Waste description - The physical, chemical and radiological description of a LLRW as called for on BRC Form 541.

(37) [(38)] Waste generator - An entity, operating under a NRC, agreement state, or agency license, who:

(A) possesses any material or component that contains radioactivity or is radioactively contaminated for which the licensee foresees no further use; and

(B) transfers this material or component to a licensed land disposal facility or to a licensed waste collector or processor for handling or treatment prior to disposal. A licensee performing processing or decontamination services may be a waste generator if the transfer of LLRW from its facility is defined as residual waste.

(38) [(39)] Waste processor - An entity, operating under a NRC or agreement state license, whose principal purpose is to process, repackage, or otherwise treat LLRW or waste generated by others prior to eventual transfer of waste to a licensed LLRW land disposal facility.

(39) [(40)] Waste type - A waste within a disposal container having a unique physical description (i.e., a specific waste descriptor code or description; or a waste sorbed on or solidified in a specifically defined media).

(e)-(f) (No change.)

(g) General license.

(1) NRC-approved package.

(A)-(C) (No change.)

(D) For radiography containers, a program for transport container inspection and maintenance limited to radiographic exposure devices, source changers, or packages transporting these devices and meeting the requirements of §289.255(i)(2)(B) of this title (relating to Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography), is deemed to satisfy the requirements of subparagraph (B) of this paragraph. (?)

(2)-(4) (No change.)

(h)-(q) (No change.)

(r) Fees.

(1) Each shipper shall be assessed a fee for shipments of LLRW originating in Texas or out-of-state being shipped to a licensed Texas LLRW disposal facility and these fees shall be:

(A) (No change.)

(B) collected by the Commission **[Authority]** and deposited to the credit of the radiation and perpetual care fund; and

(C) (No change.)

(2)-(3) (No change.)

(s) (No change.)