

Jon Niermann, *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 2, 2022

Ms. Theresa Clark, 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, District of Columbia 20555-0001

Dear Ms. Clark:

Enclosed is a copy of the final revisions to the rules of the Texas Commission on Environmental Quality (TCEQ) in Title 30 Texas Administrative Code (TAC) Chapter 336 (relating to Radioactive Substance Rules). The final regulations are identified by underlining and currently existing language that is to be removed is designated by [bracketing out]. The proposed rules have been changed based on NRC comments in the letter dated November 30, 2021. Changes in the adopted rules from the proposed rules are **highlighted in yellow** for additions and in ~~cross-out~~ for removals. The proposed regulations correspond to the following equivalent amendments to NRC's regulations. RATS 2021-1 was not included in the proposed rulemaking but was included as part of the response to the NRC comments.

<u>Rats ID</u>	<u>Title</u>	<u>State Sections</u>
• 2018-3	Miscellaneous Corrections	§336.357
• 2019-1	Miscellaneous Corrections	§336.357
• 2021-1	Miscellaneous Corrections	§336.357

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. Even though the TCEQ equivalent 30 TAC §336.351(a)(8) of 10 CFR §20.2207(h) has not yet been removed, adoption is not required for TCEQ to be compatible with this RATS since there is no longer a compatibility requirement. TCEQ plans to remove it in a future rulemaking.

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).

If you have any questions, please feel free to contact me at 512-239-0493 or Brad Broussard of my staff at 512-239-6380 or Brad.Broussard@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink that reads "Ashley Forbes".

Ashley Forbes, Deputy Director
Radioactive Materials Division
Office of Waste

Enclosures: Adopted Rule and Cross Walk