

December 7, 2000

Alice Hamilton Rogers, P.E., Section Manager
Underground Injection Control and
Radioactive Waste Section
Texas Natural Resource Conservation Commission
P.O. Box 13087, MC-131
Austin, TX 78711-3087

Dear Ms. Rogers:

We have reviewed the final regulations to the Texas Administrative Code, 30 TAC 336, relating to general disposal and decommissioning requirements, including the implementation of the Texas Natural Resource Conservation Commission's new exemption from rule authority, the addition of exemptions from licensing requirements for facilities involved in Voluntary Cleanup Programs or Superfund cleanups, and the addition of an exemption permitting on-site low-level radioactive waste disposal at facilities which began low-level radioactive waste disposal before September 1, 1989. The final rule was published on September 8, 2000, and became effective on September 14, 2000. The regulations were sent on September 22, 2000. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 20, 30, 40 and 61. In addition, we reviewed our March 21, 2000, letter to you that addressed the proposed regulations. We also discussed our review with Dr. Hygie Reynolds on November 7, 2000.

As a result of the NRC review, we have determined that the Texas regulations, as adopted, meet the compatibility and health and safety categories established in the Office of State and Tribal Programs Procedure SA-200.

We have also summarized on the RATS Data Sheet our knowledge of the status of other Texas regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Vivian Campbell of the Region IV staff at 817-860-8143 or VHC@NRC.GOV.

Sincerely,

/RA/

Frederick C. Combs, Deputy Director
Office of State and Tribal Programs

Enclosure:
As stated

Alice Hamilton Rogers

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December 7, 2000

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Texas File

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STP- AG-27

REGULATION ASSESSMENT TRACKING SYSTEM
RATS DATA SHEET

State: Texas Natural Resource Conservation Commission
No final amendments (September 8, 2000) reviewed.

Tracking Ticket Number: 0-228
Date: December 7, 2000

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Standards for Protection Against Radiation-Part 20	56 FR 23360 56 FR 61352 57 FR 38588 57 FR 57877 58 FR 67657 59 FR 41641 60 FR 20183 (1/1/94)	1991-3	F-N	11/6/97	
Safety Requirements for Radiographic Equipment- Part 34	55 FR 843 (1/10/94)	1991-1			TX DOH responsibility
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2			Not required ³
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4	F-N	1/7/98	6/5/97
Quality Management Program and Misadministrations- Part 35	56 FR 34104 (1/27/95)	1992-1			TX DOH responsibility
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566 (none)	1992-2			Not required ³
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2			Not applicable SECY-95-112 ⁴
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3	F-N	1/7/98	6/5/97
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	F-N	1/7/98	6/5/97
Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70	58 FR 68726 59 FR 1618 (none)	1994-1	F-N	1/7/98	6/5/97 Not required ³
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2	F-N	1/7/98	6/5/97
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3	F-N	1/7/98	6/5/97
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767 59 FR 65243 60 FR 322 (1/1/98)	1995-1			TX DOH responsibility
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	F-N	1/7/98	6/5/97
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	F-N	1/7/98	6/5/97
Performance Requirements for Radiography Equipment- Part 34	60 FR 28323 (6/30/98)	1995-4			TX DOH responsibility

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Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	F-N	1/7/98	6/5/97
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6	F-N	1/7/98	6/5/97
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623 (10/20/98)	1995-7			TX DOH responsibility
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28723 (4/1/99)	1996-1			TX DOH responsibility
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required ³
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3	F-N	1/7/98	6/5/97
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120 (1/9/00)	1997-1	P-N	1/14/98	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4			Not required ³
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662 (2/27/00)	1997-2			
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3			TX DOH responsibility
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948 (6/27/00)	1997-5			TX DOH responsibility
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058 (8/20/00)	1997-6	P-N	1/14/98	
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634 (1/02/01)	1997-7			TX DOH responsibility
Deliberate Misconduct by Unlicensed Persons- Parts 30, 40, 61, 70, 150	63 FR 1890 63 FR 13773 (2/12/01)	1998-1			
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535 (none)	1998-2			Not required ³
License Term for Medical Use Licenses- Part 35	63 FR 31604 (none)	1998-3			Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059 (7/9/01)	1998-4			TX DOH responsibility
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477 63 FR 45393 (10/26/01)	1998-5			
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127 (11/20/01)	1998-6			
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506 (6/11/02)	1999-1			

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269 (none)	1999-2			Not required ³
Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543 64 FR 55525 (2/2/03)	1999-3			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications - Part 39	65 FR 20337 (5/17/03)	2000-1			TX DOH responsibility

1. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address.
N means "No," there are no comments in the review letter.
2. Or other generic Legally Binding Requirement.
3. Not required means these regulations are not required for purposes of compatibility.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.