

The Texas Natural Resource Conservation Commission (commission) adopts an amendment to §305.54, concerning Additional Requirements for Radioactive Material Licenses. Section 305.54 is adopted without change to the proposed text as published in the April 24, 1998, issue of the *Texas Register* (23 TexReg 4015) and will not be republished.

#### EXPLANATION OF ADOPTED RULE

The purpose of these rules is to remove commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the Texas Department of Health (TDH) by Senate Bill (SB) 1857, 75th Legislature, 1997.

#### FINAL REGULATORY IMPACT ANALYSIS

The commission has reviewed the adopted rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225 and has determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a “major environmental rule” as defined in the act, and it does not meet any of the four applicability requirements listed in §2001.0225(a).

Although this rule is to protect the environment and reduce the risk to human health from environmental exposure, this is not a major environmental rule because it does not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

In addition, this rule does not exceed a standard set by federal law, exceed an express requirement of state law, exceed a requirement of a delegation agreement, or adopt a rule solely under the general powers of the agency.

#### TAKINGS IMPACT ASSESSMENT

The Commission has prepared a Takings Impact Assessment for these rules pursuant to Texas Government Code §2007.043. The following is a summary of that Assessment. The specific purpose of the rules is to remove commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the TDH by SB 1857, 75th Legislature, 1997. The rules will substantially advance this specific purpose by removing commission rule language related to the source material licensing and by-product disposal jurisdiction transferred to the TDH. Promulgation and enforcement of these rules will not burden private real property which is the subject of the rules because they merely delete commission rule language on a jurisdiction transferred to the TDH by statute.

#### COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW

The commission has reviewed the adopted rulemaking and found that the rule is neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, nor will it affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11. Therefore, the adoption is not subject to the Coastal Management Program.

#### HEARING AND COMMENTERS

A public hearing was not held for this rulemaking. The comment period closed May 26, 1998. No comments were received.

#### STATUTORY AUTHORITY

This amendment is adopted under the Texas Radiation Control Act, Texas Health and Safety Code §§401.011, 401.051, and 401.412, and Texas Water Code §5.103, which give the commission the authority to adopt rules necessary to carry out its responsibilities to regulate and license the disposal of radioactive substances.

**SUBCHAPTER C : APPLICATION FOR PERMIT**

**§305.54**

**§305.54. Additional Requirements for Radioactive Material Licenses.**

(a) - (d) (No change.)