

Effective: December 8, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Permanent Rule Change

Rule Project No. 2016-035-336-WS
NRC Compatibility Updates

Chapter 336
Radioactive Substance Rules
Subchapters A, D, and L

1. Purpose. This change transmittal provides the page(s) that reflect changes and additions to the Texas Commission on Environmental Quality (TCEQ or commission) Volume of Permanent Rules.
2. Explanation of Change. On November 16, 2016, the commission adopted the amendments to §§336.2, 336.315, 336.357, 336.1105, and 336.1113 *without changes* to the proposed text as published in the August 19, 2016, issue of the *Texas Register* (41 TexReg 6160) and, therefore, were not republished.
3. Effects of Change. This rulemaking modified the definitions of Agreement State and category 2 quantity of radioactive material in §336.2; modified the rules regarding general requirements for surveys and monitoring in §336.315(a)(2)(C) to state that potential radiological hazards include radiation levels and residual radioactivity and added §336.315(e) to require the retention of subsurface residual radioactivity survey records; modified the rules regarding physical protection of category 1 and 2 quantities of radioactive materials in §336.357 to update a cross-reference, removed the requirement of notifying the Nuclear Regulatory Commission (NRC) in addition to notifying the TCEQ, replaced references to the NRC with TCEQ, modified contact information (mail addresses, phone numbers, internet address, and department names) of the NRC, and added a requirement protecting information against unauthorized disclosure; modified the definition of commencement of construction at §336.1105(10); amended §336.1105 to add a new definition for construction; modified the definition of unrefined and unprocessed ore in §336.1105(35); and modified §336.1113(2)(A) so that the licensee must notify TCEQ for any unusual conditions in the by-product material retention system that could result in a release of by-product material into unrestricted areas.