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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 4, 2020

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:

We are sending this letter to inform the Nuclear Regulatory Commission that no rulemaking is required for the Texas Commission on Environmental Quality (TCEQ) to satisfy the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200 for Regulation Action Tracking System (RATS) numbers 2019-2 (Organizational Changes and Conforming Amendments), 2020-1 (Individual Monitoring Devices), and 2020-2 (Social Security Number Fraud Prevention).

RATS numbers 2019-2, 2020-1, and 2020-2 are solely the responsibility of the Texas Department of State Health Services (DSHS). The crosswalks are attached. We have discussed this with our counterpart at DSHS and they agree.

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

Enclosure: Crosswalk

AF/hw

Organizational Changes and Conforming Amendments
10 CFR Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150
(84 FR 65639, Published November 29, 2019 and 84 FR 66561, Published December 5, 2019)

RATS ID: 2019-2

Effective Date: December 30, 2019

Date Due for State Adoption: December 30, 2022

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 37.7(a)	Communications	N/A	D	In § 37.7(a), remove “; Director, Office of New Reactors;”.	N/A	N/A	N/A
§ 40.64(a) & (b)(2)	Reports	N/A	NRC	In § 40.64(a) and (b)(2), remove “Division of Fuel Cycle Safety, Safeguards, and Environmental Review” and add in its place “Division of Fuel Management”.	N/A	N/A	N/A
§ 71.1	Communications and Records	N/A	D	In § 71.1 wherever it appears, remove “Division of Spent Fuel Management” and add in its place “Division of Fuel Management”.	N/A	N/A	N/A
§ 71.17(c)(3)	General License: NRC approved package	N/A	B	In § 71.17(c)(3), remove “Division of Spent Fuel Storage and Transportation” and add in its place “Division of Fuel Management”.	N/A	N/A	Texas Department of State Health Services responsibility
§ 71.95	Reports	N/A	D	In § 71.95 wherever it appears, remove “Division of Spent Fuel Management” and add in its	N/A	N/A	N/A

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				place "Division of Fuel Management".			
§ 71.101	Quality Assurance requirements	N/A	C	In § 71.101 wherever it appears, remove "Division of Spent Fuel Management" and add in its place "Division of Fuel Management". [NOTE: This does not apply to 71.101(c)(1) for the Agreement States, since this subsection in the equivalent Agreement State regulations should require that the quality assurance plan be sent to the State agency and not to the NRC.	N/A	N/A	N/A
§ 150.16	Submission to Commission of nuclear material transaction reports	N/A	NRC	Wherever it appears, remove "Division of Fuel Cycle Safety, Safeguards, and Environmental Review" and add in its place "Division of Fuel Management"; and b. Wherever it appears, remove "Division of Fuel Cycle Safety and Safeguards" and add in its place "Division of Fuel Management".	N/A	N/A	N/A
§ 150.17	Submission to Commission of nuclear material	N/A	NRC	Wherever it appears, remove "Division of Fuel Cycle Safety, Safeguards, and Environmental	N/A	N/A	N/A

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	transaction reports			Review” and add in its place “Division of Fuel Management”; and b. Wherever it appears, remove “Division of Fuel Cycle Safety and Safeguards” and add in its place “Division of Fuel Management”.			

Individual Monitoring Devices
10 CFR Parts 34, 36, and 39
([85 FR 15347](#), Published March 18, 2020)
RATS ID: 2020-1
Effective Date: June 16, 2020
Date Due for State Adoption: June 16, 2023

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 34.47	Personnel monitoring	N/A	C	<p>In § 34.47:</p> <p>a. In paragraph (a) introductory text remove the phrase “that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor”;</p> <p>b. Revise paragraph (a)(3);</p> <p>c. Remove paragraph (a)(4); and</p> <p>d. Revise paragraphs (d) and (f) to read as follows:</p> <p>(a) * * *</p> <p>(3) Film badges must be replaced</p>	N/A	N/A	Texas Department of State Health Services (TX DSHS) responsibility

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>at least monthly and all other personnel dosimeters that require replacement must be replaced at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after replacement, whichever is more frequent.</p> <p style="text-align: center;">* * * * *</p> <p>(d) If an individual's pocket chamber is found to be off-scale, or if his or her electronic personal dosimeter reads greater than 2 millisieverts (200 millirems), and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel dosimeter that requires processing must be sent for processing and evaluation within 24 hours. For</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>personnel dosimeters that do not require processing, evaluation of the dosimeter must be started within 24 hours. In addition, the individual may not resume work associated with licensed material use until a determination of the individual's radiation dose has been made. This determination must be made by the RSO or the RSO's designee. The results of this determination must be included in the records maintained in accordance with § 34.83.</p> <p>* * * * *</p> <p>(f) Dosimetry results must be retained in accordance with § 34.83.</p> <p>* * * * *</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 34.83	Records of personnel monitoring	N/A	C	<p>In § 34.83(c):</p> <p>Remove the phrase “received from the accredited NVLAP processor”.</p>	N/A	N/A	TX DSHS responsibility
§ 36.55	Personnel monitoring	N/A	H&S	<p>In § 36.55, revise paragraph (a) to read as follows:</p> <p>(a) Irradiator operators shall wear a personnel dosimeter while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The personnel dosimeter must be capable of detecting high energy photons in the normal and accident dose ranges. Each personnel dosimeter must be assigned to and worn by only</p>	N/A	N/A	TX DSHS responsibility

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>one individual. Film badges must be replaced at least monthly and all other personnel dosimeters that require replacement must be replaced at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after replacement, whichever is more frequent.</p> <p>* * * * *</p>			
§ 39.65	Personnel monitoring devices	N/A	C	<p>In § 39.65, revise paragraph (a) to read as follows:</p>	N/A	N/A	TX DSHS responsibility

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(a) The licensee may not permit an individual to act as a logging supervisor or logging assistant unless that person wears a personnel dosimeter at all times during the handling of licensed radioactive materials. Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be replaced at least monthly and all other personnel dosimeters that require replacement must be replaced at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after replacement, whichever is more frequent.</p> <p>* * * * *</p>			

Social Security Number Fraud Prevention
10 CFR Parts 9 and 35
[\(85 FR 33527, Published June 2, 2020 and 85 FR 44685 \(confirmation of effective date\)\)](#)

RATS ID: 2020-2

Effective Date: August 17, 2020

Date Due for State Adoption: August 17, 2023

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 35.3045(g)(1)(ii)	Report and notification of a medical event	N/A	C	<p>In § 35.3045, revise paragraph (g)(1)(ii) to read as follows:</p> <p style="text-align: center;">* * * * *</p> <p>(g) * * *</p> <p>(1) * * *</p> <p style="text-align: center;">(ii) Identification number or if no other identification number is available, the social security number of the individual who is the subject of the event; and</p> <p style="text-align: center;">* * * * *</p>	N/A	N/A	Texas Department of State Health Services (TX DSHS) responsibility
§ 35.3047(f)(1)(ii)	Report and notification of a dose to an embryo/fetus or a nursing child	N/A	C	<p>In § 35.3047, revise paragraph (f)(1)(ii) to read as follows:</p> <p style="text-align: center;">* * * * *</p> <p>(f) * * *</p> <p>(1) * * *</p> <p style="text-align: center;">(ii) Identification number or if no other identification</p>	N/A	N/A	TX DSHS responsibility

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				number is available, the social security number of the individual who is the subject of the event; and * * * * *			