



State of Utah

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Environmental Quality

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Executive Director

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL

Douglas J. Hansen  
Director

September 7, 2022

Theresa V. 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, D.C. 20555-001

RE: Proposed Rule Changes Associated with RATS ID 2020-1

Dear Ms. Clark:

Enclosed are copies of the proposed revisions to R313-15, R313-34, R313-36, and R313-38 of the Utah Radiation Control Rules, Utah Administrative Code, to incorporate regulations associated with RATS ID 2020-1.

The proposed rule changes are identified by underline/strikeout text and highlighted in yellow in the attached copies. Rule adoption crosswalks are also enclosed to aid in the review of the proposed rule changes.

<u>RATS ID</u>	<u>Title</u>	<u>State Sections</u>
2020-1	Individual Monitoring Devices	R313-15-501, R313-34-3, R313-36-3, R313-38-3

Following the NRC's review, the proposed rule changes will be presented to the Utah Waste Management and Radiation Control Board (Board) for approval to proceed with formal rulemaking in accordance Utah's administrative rulemaking requirements, including an opportunity for public comment. We believe that the future adoption of these revisions will satisfy the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

(Over)

If you have any questions, please call Tom Ball at (801) 536-0251.

Sincerely,



Douglas J. Hansen, Director

Division of Waste Management and Radiation Control

DJH/TIB/wa

Enclosures: Utah Rule R313-15-501 (DRC-2022-020601), Utah Rule R313-34-3 (DRC-2022-020584), Utah Rule R313-36-3 (DRC-2022-020604), R313-38-3 (DRC-2022-020605), Rule Adoption Crosswalk for RATS ID 2020-1 (DRC-2022-020586)

c: Michelle Beardsley, NRC, State Regulation Review Coordinator  
Theresa V. Clark, Deputy Director, Division of Materials Safety, Security, State and Tribal Programs (Email)  
Spencer Wickham, Division of Waste Management and Radiation Control, UDEQ

**R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**

**R313-15. Standards for Protection Against Radiation.**

**R313-15-501. Surveys and Monitoring - General.**

- (1) Each licensee or registrant shall make, or cause to be made, surveys of areas, including the subsurface, that:
  - (a) May be necessary for the licensee or registrant to comply with Rule R313-15; and
  - (b) Are reasonable under the circumstances to evaluate:
    - (i) The magnitude and the extent of radiation levels; and
    - (ii) Concentrations or quantities of residual radioactive material; and
    - (iii) The potential radiological hazards of the radiation levels and residual radioactivity detected.
- (2) Notwithstanding R313-15-1103(1), records from surveys describing the location and amount of subsurface residual radioactivity identified at the site shall be kept with records important for decommissioning, and such records shall be retained in accordance with R313-22-35(7), as applicable.
- (3) The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements, for example, dose rate and effluent monitoring, are calibrated at intervals not to exceed 12 months for the radiation measured, except when a more frequent interval is specified in another applicable part of these rules or a license condition.
- (4) All personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, that require processing to determine the radiation dose and that are used by licensees and registrants to comply with Section R313-15-201, with other applicable provisions of these rules, or with conditions specified in a license or registration shall be evaluated at least quarterly or promptly after replacement, whichever is more frequent. ~~processed and evaluated by a dosimetry processor:~~
  - ~~(a) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and~~
  - ~~(b) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.~~
- (5) The licensee or registrant shall ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.

**KEY: radioactive materials, contamination, waste disposal, safety**

**Date of Enactment or Last Substantive Amendment: February 14, 2020**

**Notice of Continuation: January 17, 2017**

**Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-104**

**R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**

**R313-34. Requirements for Irradiators.**

**R313-34-3. Clarifications or Exemptions.**

For purposes of Rule R313-34, 10 CFR 36, [2014]2020 ed., is incorporated by reference with the following clarifications or exceptions:

- (1) The exclusion of the following 10 CFR sections: 36.1, 36.5, 36.8, 36.11, 36.17, 36.19(a), 36.91, and 36.93;
- (2) The substitution of the following:
  - (a) Radiation Control Act for Atomic Energy Act of 1954;
  - (b) Utah Radiation Control Rules for the reference to NRC regulations and the Commission's regulations;
  - (c) The Director or the Executive Secretary's for the Commission or the Commission's, and NRC in the following 10 CFR sections: 36.13, 36.13(f), 36.15, 36.19(b), 36.53(c), 36.69, and 36.81(a), 36.81(d) and 36.81(e); and
  - (d) In 10 CFR 36.51(a)(1), Rule R313-15 for NRC;
- (3) Appendix B of 10 CFR Part 20 refers to the 2014 ed. of 10 CFR; and
- (4) The substitution of Title R313 references for the following 10 CFR references:
  - (a) Section R313-12-51 for reference to 10 CFR 30.51;
  - (b) Rule R313-15 for the reference to 10 CFR 20;
  - (c) Subsection R313-15-501(3) for the reference to 10 CFR 20.1501(c);
  - (d) Section R313-15-902 for the reference to 10 CFR 20.1902;
  - (e) Rule R313-18 for the reference to 10 CFR 19;
  - (f) Section R313-19-41 for the reference to 10 CFR 30.41;
  - (g) Section R313-19-50 for the reference to 10 CFR 30.50;
  - (h) Section R313-22-33 for the reference to 10 CFR 30.33;
  - (i) Section R313-22-210 for the reference to 10 CFR 32.210;
  - (j) Section R313-22-35 for the reference to 10 CFR 30.35; and
  - (k) Rule R313-70 for the reference to 10 CFR 170.31.

**KEY: irradiators, survey, radiation, radiation safety**

**Date of Enactment or Last Substantive Amendment: May 5, 2015**

**Notice of Continuation: January 17, 2017**

**Authorizing, and Implemented or Interpreted Law: 19-3-104(4); 19-3-104(7)**

### **R313. Environmental Quality, Radiation Control.**

#### **R313-36. Special Requirements for Industrial Radiographic Operations.**

##### **R313-36-3. Clarifications or Exceptions.**

For purposes of Rule R313-36, 10 CFR 34.3; 34.13; 34.20(a)(1); 34.20(b) through 34.41(b); 34.42(a) through 34.42(c); 34.43(a)(1); 34.43(b) through 34.45(a)(8); **34.45(a)(10) through 34.101 [(2019)](2020)**, are incorporated by reference with the following clarifications or exceptions:

- (1) The exclusion of the following:
  - (a) in 10 CFR 34.3, exclude definitions for "Lay-barge radiography," "Offshore platform radiography," and "Underwater radiography";
  - (b) in 10 CFR 34.27(d), exclude "A copy of the report must be sent to the Administrator of the appropriate Nuclear Regulatory Commission's Regional Office listed in appendix D of 10 CFR part 20 of this chapter "Standards for Protection Against Radiation."; and
  - (c) in 10 CFR 34.27(e), exclude "Licensees will have until June 27, 1998, to comply with the DU leak-testing requirements of this paragraph."
- (2) The substitution of the following wording:
  - (a) "radioactive materials" for references to "byproduct materials";
  - (b) "Utah Radiation Control Rules" for references to:
    - (i) "Commission's regulations";
    - (ii) "Federal regulations";
    - (iii) "NRC regulations"; and
    - (iv) "Commission regulations.";
  - (c) "Director" for references to:
    - (i) "Commission";
    - (ii) "appropriate NRC regional office listed in Section 30.6(b)(2)";
    - (iii) "Director, Office of Nuclear Material Safety and Safeguards" except as used in 10 CFR 34.43(a)(1); and
    - (iv) "NRC's Office of Nuclear Material Safety and Safeguards";
  - (d) "Director, the U.S. Nuclear Regulatory Commission, or an Agreement State" for references to:
    - (i) "NRC or an Agreement State"; and
    - (ii) "Commission or an Agreement State";
  - (e) "Director, the U.S. Nuclear Regulatory Commission, or by an Agreement State" for references to "Commission or by an Agreement State";
  - (f) "License(s)" for references to "NRC license(s)";
  - (g) "NRC or Agreement State License" for references to "Agreement State license"; and
  - (h) "the Utah Radiation Control Rules" for references to "this chapter."
- (3) The substitution of the following rule references:
  - (a) In 10 CFR 34.51, "R313-12" for references to "10 CFR part 20 of this chapter";
  - (b) "Rule R313-15" for references to "10 CFR part 20" and "10 CFR part 20 of this chapter" except as found in 10 CFR 34.51;
  - (c) "Subsection R313-15-601(1)(a)" for references to "Subsection 20.1601(a)(1) of this chapter";
  - (d) "Subsections R313-15-902(1) and R313-15-902(2)" for references to "10 CFR 20.1902(a) and (b) of this chapter";
  - (e) "Section R313-15-903" for references to "Section 20.1903 of this chapter";
  - (f) "Section R313-15-1203" for references to "10 CFR 20.2203" and "Section 20.2203 of this chapter";
  - (g) "Section R313-12-110" for references to "Section 30.6(a) of this chapter" except as used in 10 CFR 34.43(a)(1);
  - (h) "Section R313-19-30" for references to "Section 150.20 of this chapter";
  - (i) "Section R313-19-50" for references to "Section 30.50";
  - (j) "Section R313-19-100" for references to "10 CFR part 71", and "49 CFR parts 171 - 173";
  - (k) "Section R313-22-33" for references to "Section 30.33 of this chapter";
  - (l) "Rule R313-36" for references to "NRC regulations contained in this part";
  - (m) "Subsection R313-19-100(5)" for references to "Section 71.5 of this chapter"; and
  - (n) "Section R313-19-5" for references to "Sections 30.7, 30.9, and 30.10 of this chapter."

**KEY: industry, radioactive material, licensing, surveys**

**Date of Enactment or Last Substantive Amendment: January 15, 2021**

**Notice of Continuation: July 1, 2016**

**Authorizing, and Implemented or Interpreted Law: 19-3-103.1(1)(a); 19-3-104**

**R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**

**R313-38. Licenses and Radiation Safety Requirements for Well Logging.**

**R313-38-3. Clarifications or Exceptions.**

For purposes of Rule R313-38, 10 CFR 39 [~~(2013)~~](2020), is incorporated by reference with the following clarifications or exceptions:

- (1) The exclusion of the following 10 CFR sections: 39.1, 39.5, 39.8, 39.11, 39.101, and 39.103;
- (2) The exclusion of the following 10 CFR references within 10 CFR 39: Sec. 40.32, and Sec. 70.23;
- (3) The exclusion of "licensed material" in 10 CFR 39.2 definitions;
- (4) The substitution of the following wording:
  - (a) License for reference to NRC license;
  - (b) Utah Radiation Control Rules for the references to:
    - (i) The Commission's regulations;
    - (ii) The NRC regulations;
    - (iii) NRC regulations; and
    - (iv) Pertinent Federal regulations;
  - (c) Director for reference to Commission, except as stated in Subsection R313-38-3(4) (d);
  - (d) Representatives of the Director for the references to the Commission in:
    - (i) 10 CFR 39.33(d);
    - (ii) 10 CFR 39.35(a);
    - (iii) 10 CFR 39.37;
    - (iv) 10 CFR 39.39(b); and
    - (v) 10 CFR 39.67(f);
    - (e) Director for references to:
      - (i) NRC in:
        - (A) 10 CFR 39.63(1);
        - (B) 10 CFR 39.77(c) (1) (i) and (ii); and
        - (C) 10 CFR 39.77(d) (9); and
      - (ii) Appropriate NRC Regional Office in:
        - (A) 10 CFR 39.77(a);
        - (B) 10 CFR 39.77(c) (1); and
        - (C) 10 CFR 39.77(d);
      - (iii) Appropriate NRC Regional Office listed in appendix D of part 20 of this chapter in:
        - (A) 10 CFR 39.35(d) (2)
    - (f) Director, the U.S. Nuclear Regulatory Commission or an Agreement State for the references to:
      - (i) Commission or an Agreement State in:

- (A) 10 CFR 39.35(b); and
- (B) 10 CFR 39.43(d) and (e); and
- (ii) Commission pursuant to Sec. 39.13(c) or by an Agreement State in:
  - (A) 10 CFR 39.43(c); and
  - (B) 10 CFR 39.51;
  - (g) In 10 CFR 39.35(d)(1), persons specifically licensed by the Director, the U.S. Nuclear Regulatory Commission, or an Agreement State for the reference to an NRC or Agreement State licensee that is authorized;
  - (h) In 10 CFR 39.75(e), a U.S. Nuclear Regulatory Commission or an Agreement State for the reference to the Agreement State;
  - (5) The substitution of the following Title R313 references for specific 10 CFR references:
    - (a) Section R313-12-3 for the reference to Sec. 20.1003 of this chapter;
    - (b) Section R313-12-54 for the reference to 10 CFR 39.17;
    - (c) Subsection R313-12-55(1) for the reference to 10 CFR 39.91;
    - (d) Rule R313-15 for references to:
      - (i) Part 20; and
      - (ii) Part 20 of this chapter;
    - (e) Subsection R313-15-901(1) for the reference to Sec. 20.1901(a);
    - (f) Section R313-15-906 for the reference to Sec. 20.1906 of this chapter;
    - (g) Sections R313-15-1201 through R313-15-1203 for the references to:
      - (i) Secs. 20.2201-20.2202; and
      - (ii) Sec. 20.2203;
    - (h) Rule R313-18 for the reference to part 19;
    - (i) Section R313-19-30 for the reference to Sec. 150.20 of this chapter;
    - (j) Section R313-19-50 for the references to:
      - (i) Sec. 30.50; and
      - (ii) Part 21 of this chapter;
    - (k) Section R313-19-71 for the reference to Sec. 30.71;
    - (l) Section R313-19-100 for the references to:
      - (i) 10 CFR Part 71; and
      - (ii) Sec. 71.5 of this chapter; and
    - (m) Section R313-22-33 for the reference to 10 CFR 30.33;
    - (n) Rules R313-15, R313-18, and R313-38 for corresponding references to:
      - (i) Parts 19, 20, and 39 of this chapter;
      - (ii) A copy of parts 19, 20, and 39 of NRC regulations.

**KEY: radioactive materials, well logging, surveys, subsurface**

tracer studies

Date of Enactment or Last Substantive Amendment: March 17, 2015

Notice of Continuation: January 17, 2017

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-107





UTAH DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL

RATS ID 2020-1

( 85 FR 15347, Published March 18, 2020)

Individual Monitoring Devices

10 CFR Parts 34, 36, and 39

Rule Adoption Crosswalk

Code of Federal Regulations		Utah Administrative Code*		
TITLE	10 CFR	R313-	COMPATIBILITY	NOTES
Personnel monitoring	§34.47	15-501 Includes language requiring personnel dosimeters to be processed by a processor accredited by NVLAP.  36-3 Introductory paragraph incorporates 34.45(a)(10) through 34.101 by reference.	C	The rule was revised to remove the NVLAP requirement and state that dosimeters tha require processing shall be evaluated at least quarterly or promptly after replacement, whichever is more frequent.  The date of incorporation by reference is updated to 2020.
Records of personnel monitoring	§34.83	36-3 Introductory paragraph incorporates 34.45(a)(10) through 336-3 Introductory paragraph incorporates 34.45(a)(10) through 34.101 by reference.	C	The date of the incorporation by reference is updated to 2020.
Personnel monitoring	§36.55	34-3 Introductory paragraph incorporates 10 CFR 36 by reference	H&S	The date of the incorporation by reference is updated to 2020.
Personnel monitoring devices	§39.65	38-3 Introductory paragraph incorporates 10 CFR 39 by reference.	C	The date of incorporation by reference is updated to 2020.

\* Official version of the Utah Radiation Control Rules can be obtained online at <https://adminrules.utah.gov/public/search//Current%20Rules>.