

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 29, 2019

Kevin Williams, 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 Mr. Williams:

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 2018-1 (Medical Use of Byproduct Material - Medical Event Definitions, Training and Experience, and Clarifying Amendments) and 2018-2 (Miscellaneous Corrections - Organizational Changes).

RATS number 2018-1 is solely the responsibility of the Texas Department of State Health Services (DSHS) and thus no crosswalk is provided for this RATS number. Attached is a crosswalk for RATS 2018-2 which identifies which rules are the sole responsibility of the DSHS. TCEQ has notified DSHS about which rules in RATS numbers 2018-1 and 2018-2 have been designated as the responsibility of DSHS.

If you have any questions, please contact Hans Weger at 512-239-6465 or Hans.Weger@tceq.texas.gov.

Sincerely,

A handwritten signature in cursive script that reads "Ashley Forbes".

for Ashley Forbes, Director
Radioactive Materials Division
Office of Waste

Enclosure: Crosswalk

AF/HW

cc: DSHS: Lisa Bruedigan, Brian Vamvakias

Miscellaneous Corrections – Organizational Changes
10 CFR Parts 37, 40, 70 and 71
([83 FR 57231](#)), Published November 21, 2018)
RATS ID: 2018-2
Effective Date: December 21, 2018
Date Due for State Adoption: December 21, 2021

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	<p>§ 37.7(a) is revised to read as follows:</p> <p>(a) By mail addressed to: ATTN: Document Control Desk; Director, Office of Nuclear Reactor Regulation; Director, Office of New Reactors; or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;</p>	N/A	N/A	State section has TCEQ contacts, not NRC, so there is no change in state rules.
§ 37.77	Advance notification of shipment of category 1 quantities of radioactive material	30 TAC 336.357 B: (u)(1)-(4) C: (u)(5)-(6)	<p>B: 37.77(a)-(d)</p> <p>C: 37.77(e) and (f)</p>	In § 37.77, wherever it appears, remove the title “Division of Security Policy,” and in paragraph (c)(1), remove the phrase “of Nuclear Security”.	N/A	N/A	State section has TCEQ contacts, not NRC, so there is no change in state section.
§ 37.81(g)	Reporting	336.357(w)(7)	C	In § 37.81(g)	N/A	N/A	The sentence

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
	of Events			introductory text, remove the third sentence.			that was removed was not in the state section
§ 40.23	General license for carriers of transient shipments of natural uranium other than in the form of ore or ore residue	N/A	NRC	<p>Amend § 40.23 as follows:</p> <p>a. In paragraph (b)(1), remove the title “Division of Security Policy,”;</p> <p>b. In paragraph (b)(2)(ix), remove the title “Division of Security Policy” and add in its place the title “Office of Nuclear Security and Incident Response”.</p> <p>c. In paragraph (c), remove the title “Division of Security Policy” and add in its place the title “Division of Physical and Cyber Security Policy”.</p> <p>d. In paragraph (d), remove the title “Division of Security Policy” and add in its place the title “Division of Physical and Cyber Security Policy”; and remove the telephone number</p>	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
				“(301) 415- 6828” and add in its place the telephone number “301-287- 3598”.			
§ 40.64	Reports	N/A	NRC	In § 40.64(c)(2) and (3), remove the last sentence in each paragraph.	N/A	N/A	N/A
§ 40.66	Requirements for advance notice of export shipments of natural uranium	N/A	NRC	Amend § 40.66 as follows: a. In paragraph (a), remove the title “Division of Security Policy,”; b. In paragraph (b)(5), remove the title “Division of Security Policy,” and add in its place the title “Director,”; and c. In paragraph (c), remove the title “Division of Security Policy,” and add in its place the title “Director,”.	N/A	N/A	N/A
§ 40.67	Requirement for advance notice of importation of natural uranium from countries that	N/A	NRC	Amend § 40.67 as follows: a. In paragraph (a), remove the title “Division of Security Policy,”; and	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
	are not party to the Convention on the Physical Protection of Nuclear Material			b. In paragraphs (c) and (d), remove the title "Division of Security Policy" and add in its place the phrase "Director, Office of Nuclear Security and Incident Response".			
§ 70.5	Communications	N/A	D	In § 70.5, wherever it appears, remove the title "Division of Security Policy,"	N/A	N/A	N/A
§ 70.20b	General license for carriers of transient shipments of formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance, special nuclear material of low strategic significance, and irradiated reactor fuel	N/A	NRC	In § 70.20b, wherever it appears, remove the title "Division of Security Policy,"	N/A	N/A	N/A
§ 70.32	Conditions of licenses	N/A	NRC: 70.32(a)(1) (a)(4) (a)(5), (a)(6),	In § 70.32, wherever it appears, remove the title "Division of Security Policy, Office	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
			(a)(7), (b)(1), (b)(3), (b)(4),(c), (d), (e), (f), (g), (h), (i), (j), & (k) C: 70.3 2 (a)(2), (a)(3), & (a)(8) H&S: 70.3 2 (a)(9) D: 70.3 2 (b)(2) & (b)(5)	of Nuclear Security and Incident Response” and add in its place the title “Office of Nuclear Material Safety and Safeguards”.			
§ 71.97	Advance notification of shipment of irradiated reactor fuel and nuclear waste	N/A	B	In § 71.97, wherever it appears, remove the title “Division of Security Policy,”	N/A	N/A	This is DSHS

71.97 is 25 TAC 289.257(q)