

**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**

*Revised 11/25/19 to add reviewer note for 37.77

Change to NRC Section	Title	State Section	Compat. 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	<p>Not applicable to Colorado rule/Agreement States.</p> <p>Except where otherwise specified in rule, licensee communications are sent to the Department.</p>	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>			
§ 37.77	Advance notification of shipment of category 1 quantities of radioactive material	<p>Not applicable to Colorado rule/Agreement States.</p> <p>*Reviewer note: The Agreement States should</p>	<p>B: 37.77(a)-(d)</p> <p>C: 37.77(e) and (f)</p>	<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”.</p>			

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		<p>not have the NRC organization titles in their regulations, since these notifications should go to their State Agency.</p> <p>[See the FR notice above, Comment D.12.]</p>					
§ 37.81(g)	Reporting of Events	<p>Not applicable to Colorado rule.</p> <p>Except where otherwise required in rule, licensee communications are sent to the Agreement State Agency, not NRC.</p>	C	In § 37.81(g) introductory text, remove the third sentence.			
§ 40.23	General license for carriers of transient shipments of natural uranium	N/A – NRC ONLY	NRC	<p>Amend § 40.23 as follows:</p> <p>a. In paragraph (b)(1), remove the title “Division of Security Policy,”;</p>			

Change to NRC Section	Title	State Section	Compat. Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	other than in the form of ore or ore residue			<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 "(301) 415-6828" and add in its place the telephone number "301-287-3598".</p>			
§ 40.64	Reports	N/A – NRC ONLY	NRC	In § 40.64(c)(2) and (3), remove the last sentence in each paragraph.			
§ 40.66	Requirements for advance notice of export	N/A – NRC ONLY	NRC	<p>Amend § 40.66 as follows:</p> <p>a. In paragraph (a), remove the title "Division of Security Policy,";</p>			

Change to NRC Section	Title	State Section	Compat. Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	shipments of natural uranium			<p>b. In paragraph (b)(5), remove the title "Division of Security Policy," and add in its place the title "Director,"; and</p> <p>c. In paragraph (c), remove the title "Division of Security Policy," and add in its place the title "Director,".</p>			
§ 40.67	Requirement for advance notice of importation of natural uranium from countries that are not party to the Convention on the Physical Protection of Nuclear Material	N/A – NRC ONLY	NRC	<p>Amend § 40.67 as follows:</p> <p>a. In paragraph (a), remove the title "Division of Security Policy,"; and</p> <p>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".</p>			
§ 70.5	Communications	<p>Not applicable to Colorado rule.</p> <p>Colorado has no equivalent regulation to Part 70.</p>	D	In § 70.5, wherever it appears, remove the title "Division of Security Policy,"			

Change to NRC Section	Title	State Section	Compat. Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 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 ONLY	NRC	In § 70.20b, wherever it appears, remove the title “Division of Security Policy,”			
§ 70.32	Conditions of licenses	<p>Not applicable to Colorado rule.</p> <p>Colorado has no equivalent regulation to Part 70.</p>	<p>NRC:</p> <p>70.32(a)(1)</p> <p>) (a)(4)</p> <p>(a)(5),</p> <p>(a)(6),</p> <p>(a)(7),</p> <p>(b)(1),</p> <p>(b)(3),</p> <p>(b)(4),(c),</p>	In § 70.32, wherever it appears, remove the title “Division of Security Policy, Office of Nuclear Security and Incident Response” and add in its place the title “Office of Nuclear Material Safety and Safeguards”.			

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			(d), (e), (f), (g), (h), (i), (j), & (k) C: 70.32 (a)(2), (a)(3), & (a)(8) H&S: 70.32 (a)(9) D: 70.32 (b)(2) & (b)(5)				
§ 71.97	Advance notification of shipment of irradiated reactor fuel and nuclear waste	Not applicable to Colorado rule/Agreement States. Except where otherwise required in rule, licensee communications	B	In § 71.97, wherever it appears, remove the title "Division of Security Policy,"			

Change to NRC Section	Title	State Section	Compat. Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
		are sent to the Agreement State Agency, not NRC.					

Miscellaneous Corrections
10 CFR Parts 1, 2, 34, 37, 50, 71, 73, and 140
(83 FR 30285), Published June 28, 2018)
RATS ID: 2018-3
Effective Date: July 30, 2018
Date Due for State Adoption: July 30, 2022 (extended)

CORRECTED VERSION 01/2020

Change to NRC Section	Title	State Section	Compat. Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 34.101(c)	Notifications	Not applicable to CO rule. Change(s) not applicable to Agreement States since this notification is to our	C	In § 34.101(c), remove the reference “§ 30.6(a)(2)” and add in its place the reference “§ 30.6(b)(2)”.			

		agency and not to NRC.				
§ 37.23(b)(2)	Access authorization program requirements	<p>Language added to CO Part 22 proposed rule in 22.9.2.B, consistent with the intent of NRCs language.</p> <p>Oath and affirmations are to be sent to the agreement state agency only and not NRC.</p>	B	<p>In § 37.23(b)(2), after the second sentence, this final rule adds the sentence, "Provide oath or affirmation certifications to the ATTN: Document Control Desk; Director, Office of Nuclear Material Safety and Safeguards." to read as follows:</p> <p>§ 37.23 Access authorization program requirements. * * * * *</p> <p>(b) * * *</p> <p>(2) Each licensee shall name one or more individuals to be reviewing officials. After completing the background investigation on the reviewing official, the licensee shall provide</p>		

under oath or affirmation, a certification that the reviewing official is deemed trustworthy and reliable by the licensee. Provide oath or affirmation certifications to the ATTN: Document Control Desk; Director, Office of Nuclear Material Safety and Safeguards. The fingerprints of the named reviewing official must be taken by a law enforcement agency, Federal or State agencies that provide fingerprinting services to the public, or commercial fingerprinting services authorized by a State to take fingerprints. The licensee shall recertify that the reviewing official is deemed trustworthy and reliable every 10 years in accordance with § 37.25(c).

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<p>§ 37.43(d)(2), (d)(3) introductory text, (d)(3)(i), (d)(5) through (7), and (d)(8)(ii)</p>	<p>General security program requirements</p>	<p>Change(s) incorporated into CO Part 22 proposed rule in 22.16.4.</p>	<p>C</p>	<p>In § 37.43, paragraphs (d)(2) and (3), and paragraphs (d)(5) through (8), this final rule has been revised to add the phrase "the list of individuals that have been approved for unescorted access" to provide the full list of information required to be protected as follows:</p> <p>§ 37.43 General security program requirements. * * * * *</p> <p>(d) * * *</p> <p>(2) Efforts to limit access shall include the development, implementation, and maintenance of written policies and procedures for controlling access to, and for proper handling and protection against</p>			
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				<p>unauthorized disclosure of, the security plan, implementing procedures, and the list of individuals that have been approved for unescorted access.</p> <p>(3) Before granting an individual access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access, licensees shall:</p> <p>(i) Evaluate an individual's need to know the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access; and</p> <p>* * * * *</p> <p>(5) The licensee shall document the basis for concluding that an individual is trustworthy and reliable and should be granted access to the security plan, implementing procedures, or the</p>			
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				<p>list of individuals that have been approved for unescorted access. (6) Licensees shall maintain a list of persons currently approved for access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access. When a licensee determines that a person no longer needs access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access, or no longer meets the access authorization requirements for access to the information, the licensee shall remove the person from the approved list as soon as possible, but no later than 7 working days, and take prompt measures to ensure that the individual is unable to obtain the</p>			
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				<p>security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.</p> <p>(7) When not in use, the licensee shall store its security plan, implementing procedures, and the list of individuals that have been approved for unescorted access in a manner to prevent unauthorized access.</p> <p>Information stored in nonremovable electronic form must be password protected.</p> <p>(8) * * *</p> <p>(ii) The list of individuals approved for access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.</p>			
§ 37.45(b)	LLEA coordination	Not applicable to CO rule. Notification is to	B	In § 37.45(b), remove the reference “§ 30.6(a)(2)” and add			

		our agency and not to NRC.		in its place the reference “§ 30.6(b)(2)”.			
§ 37.77(a)(1)	Advance notification of shipment of category I quantities of radioactive material.	Change(s) incorporated into CO Part 22 proposed rule in 22.27.1.A.1.	B	In § 37.77(a)(1), remove the title “Division of Material Safety, State, Tribal, and Rulemaking Programs” and add in its place the title “Division of Materials Safety, Security, State, and Tribal Programs”.			
§ 71.97(c)(3)	Advance notification of shipment of irradiated reactor fuel and nuclear waste.	Change(s) incorporated into CO Part 17 proposed rule in 17.11.4.3(3).	B	In § 71.97(c)(3)(iii), remove the title “Division of Material Safety, State, Tribal, and Rulemaking Programs” and add in its place the title “Division of Materials Safety, Security, State, and Tribal Programs”.			

Miscellaneous Corrections
10 CFR Parts 2, 21, 37, 50, 52, 73, and 110
(84 FR 63565), Published November 18, 2019)
RATS ID: 2019-1
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Revised to add reviewer note on 1/7/2020

Change to NRC Section	Title	State Section	Compat. Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 37.23(b)(2)	Access authorization program requirements	Not applicable to CO rule. Agreement State licensees should submit the oath and affirmations to the applicable state agency and not the NRC.	B	In § 37.23(b)(2), remove the phrase "ATTN: Document Control Desk; Director, Office of Nuclear Material Safety and Safeguards." and add in its place the phrase "Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; ATTN: Source Management and Protection Branch."			
§ 37.27(c)(1) and (2)	Requirements for criminal history records checks of individuals granted unescorted	Language incorporated into CO Part 22 proposed rule, Section 22.11.3.A., and 22.11.3.B.	B	In § 37.27, revise paragraphs (c)(1) and (2) to read as follows: * * * * * (c) * * * (1) For the purposes of complying with this subpart,			

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	access to category 1 or category 2 quantities of radioactive material			<p>licensees shall use an appropriate method listed in § 37.7 to submit to the U.S. Nuclear Regulatory Commission, Director, Division of Physical and Cyber Security Policy, 11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop T-8B20, Rockville, MD 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material. Copies of these forms may be obtained by emailing MAILSVS.Resource@nrc.gov. Guidance on submitting electronic fingerprints can be found at https://www.nrc.gov/security/chp.html.</p> <p>(2) Fees for the processing of fingerprint checks are due upon application.</p>			

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				<p>Licensees shall submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to "U.S. NRC." (For guidance on making electronic payments, contact the Division of Physical and Cyber Security Policy by e-mailing Crimhist.Resource@nrc.gov.) Combined payment for multiple applications is acceptable. The Commission publishes the amount of the fingerprint check application fee on the NRC's public Web site. (To find the current fee amount, go to the Licensee Criminal History Records Checks & Firearms Background Check information page at https://www.nrc.gov/security/chp.html and see the link for How do I determine how much to pay for the request?).</p> <p>* * * * *</p>			

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	Compat. 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	Not applicable to CO rule. This language does not currently appear in CO Part 22.	D	In § 37.7(a), remove “; Director, Office of New Reactors;”.			
§ 40.64(a) & (b)(2)	Reports	N/A – NRC Only Item	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”.			
§ 71.1	Communications and Records	Not applicable to CO rule. This language does not currently appear in CO Part 17.	D	In § 71.1 wherever it appears, remove “Division of Spent Fuel Management” and add in its place “Division of Fuel Management”.			
§ 71.17(c)(3)	General License: NRC	Change incorporated	B	In § 71.17(c)(3), remove “Division of Spent Fuel Storage			

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	approved package	into CO Part 17, proposed rule, provision 17.7.3.3.		and Transportation” and add in its place “Division of Fuel Management”.			
§ 71.95	Reports	Not applicable to CO rule. This language does not appear in CO Part 17.	D	In § 71.95 wherever it appears, remove “Division of Spent Fuel Management” and add in its place “Division of Fuel Management”.			
§ 71.101	Quality Assurance requirements	Language is added to the CO Part 17 proposed rule, provision 17.10.1 to clarify that the QA plan be sent to the department per this RATS item.	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.			
§ 150.16	Submission to Commission of nuclear material	N/A – NRC Only Item	NRC	Wherever it appears, remove “Division of Fuel Cycle Safety, Safeguards, and Environmental Review” and add in its place			

Change to NRC Section	Title	State Section	Compat. Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	transaction reports			<p>“Division of Fuel Management”; and</p> <p>b. Wherever it appears, remove “Division of Fuel Cycle Safety and Safeguards” and add in its place “Division of Fuel Management”.</p>			
§ 150.17	Submission to Commission of nuclear material transaction reports	N/A – NRC Only Item	NRC	<p>Wherever it appears, remove “Division of Fuel Cycle Safety, Safeguards, and Environmental Review” and add in its place “Division of Fuel Management”; and</p> <p>b. Wherever it appears, remove “Division of Fuel Cycle Safety and Safeguards” and add in its place “Division of Fuel Management”.</p>			