

	State section	NRC Section	RATS ID	Category	Subject and Comment
1	<p>20.3.3.307 FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>E. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(4) the license required report of events or notification in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81 shall use the following address when applicable: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469.</p> <p>20.3.4.425 SECURITY AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION:</p> <p>A. The licensee shall secure from unauthorized</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> <p>§ 37.77 Advance notification of shipment of category 1 quantities of radioactive material.</p> <p>As specified in paragraphs (a) and (b) of this section, each licensee shall provide advance notification to the NRC and the governor of a State, or the governor's designee, of the shipment of licensed material in a category 1 quantity, through or across the boundary of the State, before the transport, or delivery to a carrier for transport of the licensed material outside the confines of the licensee's facility or other place of use or storage.</p> <p>(a) Procedures for submitting advance notification.</p> <p>(1) The notification must be made to the NRC and to the office of each appropriate governor or governor's designee. The contact information, including telephone and mailing addresses, of governors and governors' designees, is available on the NRC's Web site at</p>	2018-2	B: 37.77(a)-(d) C: 37.77(e) and (f)	Sent to NRC for review and comment prior to implementation of the revisions

<p>removal or access licensed materials that are stored in controlled or unrestricted areas. The licensee possessing category 1 and category 2 quantities of radioactive materials shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(4) for any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81, the licensee shall use the following address <u>when applicable</u>: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p> <p>20.3.5.10 SPECIFIC LICENSE FOR INDUSTRIAL RADIOGRAPHY:</p> <p>B. An application for a specific license of</p>	<p>https://scp.nrc.gov/special/designee.pdf. A list of the contact information is also available upon request from the Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Notifications to the NRC must be to the NRC's Director, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The notification to the NRC may be made by email to RAMQC_SHIPMENTS@nrc.gov or by fax to 301-816-5151.</p> <p>(2) A notification delivered by mail must be postmarked at least 7 days before transport of the shipment commences at the shipping facility.</p> <p>(3) A notification delivered by any means other than mail must reach NRC at least 4 days before the transport of the shipment commences and must reach the office of the governor or the governor's designee at least 4 days before transport of a shipment within or through the State.</p> <p>(b) Information to be furnished in advance notification of shipment. Each advance notification of shipment of</p>			
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<p>category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(4) for any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81 the licensee shall use the following address <u>when applicable</u>: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p> <p>20.3.7.700 GENERAL REGULATORY REQUIREMENTS:</p> <p>E. Application for license, amendment or renewal.</p> <p>(3)(d) for any reporting or notification requirements that the</p>	<p>category 1 quantities of radioactive material must contain the following information, if available at the time of notification:</p> <p>(1) The name, address, and telephone number of the shipper, carrier, and receiver of the category 1 radioactive material;</p> <p>(2) The license numbers of the shipper and receiver;</p> <p>(3) A description of the radioactive material contained in the shipment, including the radionuclides and quantity;</p> <p>(4) The point of origin of the shipment and the estimated time and date that shipment will commence;</p> <p>(5) The estimated time and date that the shipment is expected to enter each State along the route;</p> <p>(6) The estimated time and date of arrival of the shipment at the destination; and</p> <p>(7) A point of contact, with a telephone number, for current shipment information.</p>			
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<p>licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81, the licensee shall use the following address <u>when applicable</u>: New Mexico environment department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p> <p>20.3.12.9 SPECIFIC LICENSES FOR WELL LOGGING:</p> <p>B. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(4) for any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81, the licensee shall use the following address <u>when applicable</u>: New Mexico</p>	<p>(c) Revision notice. (1) The licensee shall provide any information not previously available at the time of the initial notification, as soon as the information becomes available but not later than commencement of the shipment, to the governor of the State or the governor's designee and to the NRC's Director, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.</p> <p>(2) A licensee shall promptly notify the governor of the State or the governor's designee of any changes to the information provided in accordance with paragraphs (b) and (c)(1) of this section. The licensee shall also immediately notify the NRC's Director, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 of any such changes.</p> <p>(d) Cancellation notice. Each licensee who cancels a shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor's designee previously notified and to the NRC's Director, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission,</p>			
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<p>Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p> <p>20.3.15.1502 SPECIFIC LICENSES FOR IRRADIATORS:</p> <p>B. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(4) for any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), 10 CFR 37.81, the licensee shall use, <u>when applicable</u>: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p>	<p>Washington, DC 20555–0001. The licensee shall send the cancellation notice before the shipment would have commenced or as soon thereafter as possible. The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being cancelled.</p> <p>(e) Records. The licensee shall retain a copy of the advance notification and any revision and cancellation notices as a record for 3 years.</p> <p>(f) Protection of information. State officials, State employees, and other individuals, whether or not licensees of the Commission or an Agreement State, who receive schedule information of the kind specified in § 37.77(b) shall protect that information against unauthorized disclosure as specified in § 37.43(d) of this part.</p>			
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2	<p>20.3.3.307 FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>E. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(4) the license required report of events or notification in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81 shall use the following address: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469.</p> <p>20.3.4.425 SECURITY AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION:</p> <p>A. The licensee shall secure from unauthorized removal or access licensed materials that are stored</p>	<p>In § 37.81(g) introductory text, remove the third sentence.</p> <p>§ 37.81 Reporting of events.</p> <p>(a) The shipping licensee shall notify the appropriate LLEA and the NRC's Operations Center (301-816-5100) within 1 hour of its determination that a shipment of category 1 quantities of radioactive material is lost or missing. The appropriate LLEA would be the law enforcement agency in the area of the shipment's last confirmed location. During the investigation required by § 37.79(c), the shipping licensee will provide agreed upon updates to the NRC's Operations Center on the status of the investigation.</p>	2018-2	C	Sent to NRC for review and comment prior to implementation of the revisions
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<p>in controlled or unrestricted areas. The licensee possessing category 1 and category 2 quantities of radioactive materials shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(4) for any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81, the licensee shall use the following address: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p> <p>20.3.7.700 GENERAL REGULATORY REQUIREMENTS:</p> <p>E. Application for license, amendment or renewal.</p>				
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<p>(d) for any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81, the licensee shall use the following address: New Mexico environment department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p>				
<p>20.3.15.1502 SPECIFIC LICENSES FOR IRRADIATORS:</p>				
<p>B. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p>				
<p>(4) for any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57,</p>				

	10 CFR 37.77(a) through (d), 10 CFR 37.81 , the licensee shall use New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.				
3	<p>20.3.3.317 TERMS AND CONDITIONS OF LICENSES:</p> <p>A. Each license issued pursuant to the requirements in this part shall be subject to all the provisions of the act, now or hereafter in effect, and to all rules, regulations and orders of the board or department.</p> <p><u>(1) No right to the special nuclear material shall be conferred by the license except as defined by the license;</u></p> <p><u>(2) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of 20.3.3.317 NMAC;</u></p>	<p>§ 70.32 Conditions of licenses.</p> <p>(a) Each license shall contain and be subject to the following conditions:</p> <p>(2) No right to the special nuclear material shall be conferred by the license except as defined by the license;</p> <p>(3) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Act;</p>	2018-2	<p>C: 70.32 (a)(2), (a)(3), & (a)(8)</p> <p>H&S: 70.32 (a)(9)</p>	Sent to NRC for review and comment prior to implementation of the revisions

	<p><u>(3) The license shall be subject to and the licensee shall observe, all applicable rules, regulations and orders of the department.</u></p> <p>E. Filing for bankruptcy.</p> <p>1) Each general licensee that is required to register by Paragraph (m) of Subsection B of 20.3.3.305 NMAC and each specific licensee shall notify the department <u>and appropriate NRC Regional Administrator</u> in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (bankruptcy) of the United States Code by or against:</p>	<p>(8) The license shall be subject to and the licensee shall observe, all applicable rules, regulations and orders of the Commission.</p> <p>(9)(i) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:</p>			
4	20.3.3.306 TRANSPORTATION OF RADIOACTIVE MATERIAL:	In § 71.97, wherever it appears, remove the title "Division of Security Policy,"	2018-2	B	Sent to NRC for review and comment prior to implementation of the revisions

<p>A. Except as specified in Subsection D of this section, the regulations of the United States NRC set forth in 10 CFR 71 are hereby incorporated by reference.</p> <p>B. Shipment and transport of radioactive material shall be in accordance with the provisions of Subsection A of this section.</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(1) "commission" means the department or NRC;</p> <p>(2) "act" means the Radiation Protection Act, Sections 74-3-1 through 74-3-16 NMSA 1978; and</p> <p>(3) "byproduct material" means radioactive material as defined in 20.3.1.7 NMAC.</p> <p>D. The following provisions contained in 10 CFR 71 are not</p>	<p>§ 71.97 Advance notification of shipment of irradiated reactor fuel and nuclear waste.</p> <p>(a)(1) As specified in paragraphs (b), (c), and (d) of this section, each licensee shall provide advance notification to the governor of a State, or the governor's designee, of the shipment of licensed material, within or across the boundary of the State, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.</p> <p>(2) As specified in paragraphs (b), (c), and (d) of this section, after June 11, 2013, each licensee shall provide advance notification to the Tribal official of participating Tribes referenced in paragraph (c)(3)(iii) of this section, or the official's designee, of the shipment of licensed material, within or across the boundary of the Tribe's reservation, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.</p> <p>(b) Advance notification is also required under this section for the shipment of licensed material, other than irradiated</p>			
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<p>incorporated in this section: 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.101(c)(2), (d), and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.</p> <p>20.3.3.307.E NMAC E. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows: (1) any reference to the commission or NRC shall be deemed a reference to the department; (2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable; (3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable; and</p>	<p>fuel, meeting the following three conditions:</p> <p>(1) The licensed material is required by this part to be in Type B packaging for transportation;</p> <p>(2) The licensed material is being transported to or across a State boundary in route to a disposal facility or to a collection point for transport to a disposal facility; and</p> <p>(3) The quantity of licensed material in a single package exceeds the least of the following:</p> <p>(i) 3000 times the A1 value of the radionuclides as specified in appendix A, Table A–1 for special form radioactive material;</p> <p>(ii) 3000 times the A2 value of the radionuclides as specified in appendix A, Table A–1 for normal form radioactive material; or</p> <p>(iii) 1000 TBq (27,000 Ci).</p> <p>(c) Procedures for submitting advance notification. (1) The notification must be made in writing to:</p>			
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<p>(4) the license required report of events or notification in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 71, 10 CFR 37.77(a) through (d), and 10 CFR 37.81 shall use the following address: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469.</p>	<p>(i) The office of each appropriate governor or governor's designee;</p> <p>(ii) The office of each appropriate Tribal official or Tribal official's designee; and</p> <p>(iii) The Director, Office of Nuclear Security and Incident Response.</p> <p>(2) A notification delivered by mail must be postmarked at least 7 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur.</p> <p>(3) A notification delivered by any other means than mail must reach the office of the governor or of the governor's designee or the Tribal official or Tribal official's designee at least 4 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur.</p> <p>(i) A list of the names and mailing addresses of the governors' designees receiving advance notification of transportation of nuclear waste was published in the Federal Register on June 30, 1995 (60 FR 34306).</p> <p>(ii) Contact information for each State, including telephone and mailing addresses of governors and governors'</p>			
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	<p>designees, and participating Tribes, including telephone and mailing addresses of Tribal officials and Tribal official's designees, is available on the NRC Web site at: https://scp.nrc.gov/special/designee.pdf.</p> <p>(iii) A list of the names and mailing addresses of the governors' designees and Tribal officials' designees of participating Tribes is available on request from the Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.</p> <p>(4) The licensee shall retain a copy of the notification as a record for 3 years.</p> <p>(d) Information to be furnished in advance notification of shipment. Each advance notification of shipment of irradiated reactor fuel or nuclear waste must contain the following information:</p> <p>(1) The name, address, and telephone number of the shipper, carrier, and receiver of the irradiated reactor fuel or nuclear waste shipment;</p> <p>(2) A description of the irradiated reactor fuel or nuclear waste contained in the</p>			
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	<p>shipment, as specified in the regulations of DOT in 49 CFR 172.202 and 172.203(d);</p> <p>(3) The point of origin of the shipment and the 7-day period during which departure of the shipment is estimated to occur;</p> <p>(4) The 7-day period during which arrival of the shipment at State boundaries or Tribal reservation boundaries is estimated to occur;</p> <p>(5) The destination of the shipment, and the 7-day period during which arrival of the shipment is estimated to occur; and</p> <p>(6) A point of contact, with a telephone number, for current shipment information.</p> <p>(e) Revision notice. A licensee who finds that schedule information previously furnished to a governor or governor's designee or a Tribal official or Tribal official's designee, in accordance with this section, will not be met, shall telephone a responsible individual in the office of the governor of the State or of the governor's designee or the Tribal official or the Tribal official's designee and inform that individual of the extent of the delay beyond the schedule</p>			
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		<p>originally reported. The licensee shall maintain a record of the name of the individual contacted for 3 years.</p> <p>(f) Cancellation notice. (1) Each licensee who cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor's designee previously notified, each Tribal official or to the Tribal official's designee previously notified, and to the Director, Office of Nuclear Security and Incident Response.</p> <p>(2) The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being canceled. The licensee shall retain a copy of the notice as a record for 3 years.</p>			