



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 26, 2019

ALL AGREEMENT STATES

REVISION OF THE CHRONOLOGY OF THE U.S. NUCLEAR REGULATORY COMMISSION (NRC) AMENDMENTS INCLUDING SUMMARY OF CHANGE DOCUMENT FOR MISCELLANEOUS CORRECTIONS TO 10 CFR PARTS 1, 2, 34, 37, 50, 71, 73, and 140 [RATS ID 2018-3] (STC-19-077)

Purpose: To provide the Agreement States with the Chronology of the U.S. Nuclear Regulatory Commission (NRC) Amendments including RATS ID 2018-3. We recognize that this rulemaking is being issued out of chronological order, however, the Agreement States were not sent a notice of this rulemaking in 2018.

Background: The NRC is amending its regulations to make miscellaneous administrative updates and corrections. The amendments update descriptions of agency organizations and functions, correct cross reference, typographical and grammatical errors, and add a certification recipient and clarifying language.

Discussion: The final rule, published on June 28, 2018, is posted in the *Federal Register* (FR) [83 FR 30285](#), with an effective date of July 30, 2018. The chronology is enclosed in its entirety and includes RATS ID: 2018-3, as maintained by the Office of Nuclear Material Safety and Safeguards (NMSS). The chronology is for your use to plan rulemaking actions that are needed to satisfy the compatibility and health and safety category designations of the NRC regulations. This document will also be used by the Integrated Materials Performance Evaluation Program (IMPEP) teams during upcoming program reviews.

In addition, a Summary of Change document for the June 28, 2018 amendment has been enclosed with this letter. This summary is for your use to identify the changes to the *Code of Federal Regulations* text as well as the compatibility categories associated with those changes.

Since the Agreement States were not made aware of this rulemaking until now, the date for adoption by the Agreement States is extended until no later than July 30, 2022. We request that both proposed regulations and final regulations be provided to us for review in accordance with NMSS Procedure SA-201, "Review of State Regulatory Requirements."

If you have any questions regarding this correspondence, please contact me or the individual named below.

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Enclosures:

1. Chronology of NRC Amendments
2. Summary of Change Document

Chronology of NRC Amendments

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Safety Requirements for Radiographic Equipment - Part 34	55 FR 843; (1/10/94)	1991-1
ASNT Certification of Radiographers - Part 34	56 FR 11504; (none)	1991-2
Standards for Protection Against Radiation - Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3
Notification of Incidents - Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4
Quality Management Program and Misadministrations - Part 35	56 FR 34104; (1/27/95)	1992-1
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions - Parts 30,35	57 FR 45566; (none)	1992-2
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] - Parts 30, 40	58 FR 39628; (10/25/96)	1993-1
Licensing and Radiation Safety Requirements for Irradiators - Part 36	58 FR 7715; (7/1/96)	1993-2
Definition of Land Disposal and Waste Site QA Program - Part 61	58 FR 33886; (7/22/96)	1993-3
Self-Guarantee as an Additional Financial Mechanism - Parts 30, 40, 70	58 FR 68726; 59 FR 1618; (none)	1994-1
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards - Part 40	59 FR 28220; (7/1/97)	1994-2
Timeliness in Decommissioning Material Facilities - Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use - Parts 30, 32, 35	59 FR 61767; 59 FR 65243; 60 FR 322; (1/1/98)	1995-1
Frequency of Medical Examinations for Use of Respiratory Protection Equipment - Part 20	60 FR 7900; (3/13/98)	1995-2
Low-Level Waste Shipment Manifest Information and Reporting - Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3

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Performance Requirements for Radiography Equipment - Part 34	60 FR 28323; (6/30/98)	1995-4
Radiation Protection Requirements: Amended Definitions and Criteria - Parts 19, 20	60 FR 36038; (8/14/98)	1995-5
Clarification of Decommissioning Funding Requirements - Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6
Medical Administration of Radiation and Radioactive Materials - Parts 20, 35	60 FR 48623; (10/20/98)	1995-7
Compatibility with the International Atomic Energy Agency - Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses - Parts 30, 40, 70	61 FR 1109; (none)	1996-2
Termination or Transfer of Licensed Activities: Recordkeeping Requirements - Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act - Part 20	61 FR 65120; (1/9/00)	1997-1
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State - Part 150	62 FR 1662; (2/27/00)	1997-2
Criteria for the Release of Individuals Administered Radioactive Material - Parts 20, 35	62 FR 4120; (5/29/00)	1997-3
Fissile Material Shipments and Exemptions - Part 71	62 FR 5907; (none)	1997-4
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations - Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5
Radiological Criteria for License Termination - Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea - Part 30	62 FR 63634; (1/02/01)	1997-7
Deliberate Misconduct by Unlicensed Persons - Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees - Parts 30, 40, 70	63 FR 29535; (none)	1998-2
License Term for Medical Use Licenses - Part 35	63 FR 31604; (none)	1998-3

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Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations - Part 34	63 FR 37059; (7/9/01)	1998-4
Minor Corrections, Clarifying Changes, and a Minor Policy Change - Parts 20, 32, 35, 36 and 39	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment - Part 20	63 FR 50127; (11/20/01)	1998-6
Radiological Criteria for License Termination of Uranium Recovery Facilities - Part 40	64 FR 17506; (6/11/02)	1999-1
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information - Part 31	64 FR 42269; (none)	1999-2
Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications - Part 39	65 FR 20337; (5/17/03)	2000-1
New Dosimetry Technology - Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1
Revision of the Skin Dose Limit - Part 20	67 FR 16298; (4/5/05)	2002-1
Medical Use of Byproduct Material - Parts 20, 32, and 35	67 FR 20249; (10/24/05)	2002-2
Financial Assurance for Materials Licensees B - Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments B - Part 71.	69 FR 3697; (10/01/07)	2004-1
Security Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1
Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; 71 FR 1926 (4/29/08)	2005-2
Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090)	70 FR 72128 (12/01/2005)	2005-3
Minor Amendments - Parts 20, 30,32, 35, 40, 70	71 FR 15005 (03/27/09)	2006-1

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National Source Tracking System - Serialization Requirements - Part 32 (with reference to Part 20 Appendix E)	71 FR 65685 (02/06/07)	2006-2
National Source Tracking System - Part 20	71 FR 65685 (01/31/09 Cat I and Cat II)	2006-3
Medical Use of Byproduct Material - Minor Corrections and Clarifications - Parts 32 and 35	72 FR 45147, 54207 (10/29/10)	2007-1
Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements - Parts 30, 31, 32, and 150	72 FR 58473 (12/17/10)	2007-2
Requirements for Expanded Definition of Byproduct Material Parts - 20, 30, 31, 32, 33, 35, 61, and 150	72 FR 55864, 73 FR 42672 (11/30/10)	2007-3
Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material (Order EA-07-305)	72 FR 70901 (06/05/08)	2007-4
Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent Parts – 19 and 20	72 FR 68043, 72233 (02/15/11)	2008-1
Medical Use of Byproduct Material—Authorized User Clarification - Part 35	74 FR 33901 (09/28/12)	2009-1
Decommissioning Planning - Parts 20, 30, 40, and 70	76 FR 35512 (12/17/2015)	2011-1
Licenses, Certifications, and Approvals for Materials Licensees - Parts 30, 36, 39, 40, 51, 70, and 150	76 FR 56951 (11/14/2014)	2011-2
Change of Compatibility of 10 CFR 31.5 and 31.6 in the Withdrawal of Proposed Rule and Closure of Petition For Rulemaking: Organization of Agreement States and Florida Department of Health, Bureau of Radiation Control	77 FR 3640 (01/25/2015)	2012-1
Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste – Part 71	77 FR 34194 (08/10/2015)	2012-2
Technical Corrections – Parts 30, 34, 40, and 71	77 FR 39899 (08/06/2015)	2012-3
Requirements for Distribution of Byproduct Material - Parts 30, 31, 32, 40, and 70	77 FR 43666 (10/23/2015)	2012-4
Physical Protection of Byproduct Material - Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71	78 FR 16922 (March 19, 2016)	2013-1
Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions - Parts 30, 40, and 70	78 FR 16922 (August 27, 2016)	2013-2

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Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments - Part 70	79 FR 57721, 80 FR 143 (January 26, 2018)	2015-1
Safeguards Information - Modified Handling Categorization, Change for Materials Facilities - Parts 30, 37, 73, and 150	79 FR 58664, 80 FR 3865 (January 28, 2018)	2015-2
Revisions to Transportation Safety Requirements and Harmonization With International Atomic Energy Agency Transportation Requirements - Part 71	80 FR 33987 (July 13, 2018)	2015-3
Miscellaneous Corrections - Parts 37 and 40	80 FR 45841 (September 2, 2018)	2015-4
Miscellaneous Corrections - 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150	80 FR 74974 (December 31, 2018)	2015-5
Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments - Parts 30, 32 and 35	83 FR 33046 (January 14, 2022)	2018-1
Miscellaneous Corrections – Organizational Changes - Parts 37, 40, 70, and 71	83 FR 57231 (December 21, 2021)	2018-2
Miscellaneous Corrections - Parts 1, 2, 34, 37, 50, 71, 73, and 140	83 FR 30285 (July 30, 2022-extended)	2018-3
Miscellaneous Corrections - Parts 2, 21, 37, 50, 52, 73, and 110	84 FR 63565 (December 18, 2022)	2019-1

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
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Date Due for State Adoption: July 30, 2022 (extended)

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
§ 34.101(c)			C	In § 34.101(c), remove the reference “§ 30.6(a)(2)” and add in its place the reference “§ 30.6(b)(2)”.			
§ 37.23(b)(2)			B	<p>In § 37.23, revise paragraph (b)(2) to read as follows:</p> <p>§ 37.23 Access authorization program requirements.</p> <p style="text-align: center;">* * * * *</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 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,</p>			

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				<p>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).</p> <p>* * * *</p>			
§ 37.43(d)(2), (d)(3) introductory text, (d)(3)(i), (d)(5) through (7), and (d)(8)(ii)			C	<p>In § 37.43, revise paragraphs (d)(2), (d)(3) introductory text, (d)(3)(i), (d)(5) through (7), and (d)(8)(ii) to read as follows:</p> <p>§ 37.43 General security program requirements.</p> <p>* * * *</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 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</p>			

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				<p>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 list of individuals that have been approved for unescorted access.</p> <p>(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</p>			

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				<p>measures to ensure that the individual is unable to obtain the 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>			