



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

January 7, 2020

ALL AGREEMENT STATES

CORRECTED COPY OF THE 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-20-003)

Purpose: To provide the Agreement States with a corrected version of the Summary of Change document for RATS ID 2018-3 that was issued on November 26, 2019, as an enclosure to STC 19-077.

Background: The U.S. Nuclear Regulatory Commission (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 corrected Summary of Change document for the June 28, 2018, amendment is enclosed with this letter. This document was corrected to provide clarifications regarding the changes made to certain regulations in the rulemaking, and to add three regulations (i.e., 37.45, 37.77, and 71.97) that were inadvertently omitted from the previous Summary of Change document enclosed with STC 19-077. We request that both proposed regulations and final regulations be provided to us for review in accordance with the Nuclear Material Safety and Safeguard (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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Enclosure:

1. Summary of Change Document-Corrected Version

**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	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)	Notifications		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)	Access authorization program requirements		B	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:			

ENCLOSURE

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
				<p>§ 37.23 Access authorization program requirements.</p> <p>* * * *</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</p>			

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				<p>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).</p>			
<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>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</p>			

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				<p>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 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</p>			

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				<p>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>(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</p>			

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				<p>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</p>			

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				<p>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. 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</p>			

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				individuals that have been approved for unescorted access.			
§ 37.45(b)	LLEA coordination		B	In § 37.45(b), remove the reference “§ 30.6(a)(2)” and add in its place the reference “§ 30.6(b)(2)”.			
§ 37.77(a)(1)	Advance notification of shipment of category I quantities of radioactive material.		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.		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”.			