

Miscellaneous Corrections
10 CFR Parts 1, 2, 34, 37, 50, 71, 73, and 140
RATS ID: 2018-3
CORRECTED VERSION 01/2020

Equivalent to He-P 4034, He-P 4037, He-P 4038

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	He-P 4034.38 (c)	C	In § 34.101(c), remove the reference “§ 30.6(a)(2)” and add in its place the reference “§ 30.6(b)(2)”.	No	No	Contains equivalent statement
§ 37.23(b)(2)	Access authorization program requirements	He-P 4038.08 (d)	B Reviewer note:	In § 37.23(b)(2), after the second sentence, this final rule adds the sentence, "Provide oath or affirmation	No	No	Contains equivalent statement

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			The Agreement States should have these certifications going to their agency, and not the NRC.	<p>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>* * * * *</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>			

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				<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.</p>			

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				<p>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)	General security program requirements	He-P 4038.15 (d)(2), (d)(3) intro, (d)(3)a., (d)(5) through (7), and (d)(8)(2)	C	<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>	No	No	Contain equivalent statements

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				<p>information required to be protected 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</p>			

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				<p>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</p>			

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				<p>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.</p> <p>When a licensee determines that a person no longer needs access to the security plan, implementing procedures, or the</p>			

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				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 security plan, implementing procedures, or the list of individuals that have been approved for unescorted access. (7) When not in use, the licensee shall store its security plan,			

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				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. (8) * * * (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.			

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§ 37.45(b)	LLEA coordination	He-P 4038.16 (b)	B	In § 37.45(b), remove the reference “§ 30.6(a)(2)” and add in its place the reference “§ 30.6(b)(2)”.	No	No	Contains equivalent statements
§ 37.77(a)(1)	Advance notification of shipment of category I quantities of radioactive material.	He-P 4038.26 (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”.	No	No	Contains equivalent statements
§ 71.97(c)(3)	Advance notification of shipment of irradiated reactor fuel and nuclear waste.	He-P 4037.04	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	No	No	Adoption by incorporation

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				Safety, Security, State, and Tribal Programs”.			