**Nuclear Regulatory Commission**

**Regulation Amendments Tracking System Updates:**

**RATS 2018-2, 2018-3, 2019-1, 2019-2 and 2020-1**

**Federal Register to WAC Crosswalk**

The Revised Code of Washington (RCW) regulations [70A.388.040](https://app.leg.wa.gov/rcw/default.aspx?cite=70A.388.040) and [70A.388.110](https://app.leg.wa.gov/rcw/default.aspx?cite=70A.388.110), require that the Department of Health’s (department) Washington Administrative Codes (WAC) remain compatible with the Nuclear Regulatory Commission (NRC) rules and that the department’s WAC are revised to be at least as stringent as NRC rules. When the NRC updates Title 10 of the Code of Federal Regulations (10 CFR), the changes are summarized and published in the Regulation Amendments Tracking System (RATS) by assigned RATS number. The amendments made to (WAC) 246-231, 246-236, 246-237, 246-243 and 246-244 were in response to the updates that NRC made to 10 CFR that were finalized from July 2018 through June 2020 and summarized below:

| **WAC Section RATS#**  **Federal Register#** | **NRC Section and Title** | **Summary of Change to CFR** |
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| WAC 246-231-140 (3)(a) and (6)(a)  RATS 2018-2  83 FR 58721 | § 71.97 Advance notification of shipment of irradiated reactor fuel and nuclear waste | In § 71.97, wherever it appears, remove the title “Division of Security Policy,” |
| WAC 246-237-023 (2)(a)  RATS# 2018-3  83 FR 30285 | § 37.23(b)(2) Access authorization program requirements | 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:  § 37.23 Access authorization program requirements.  \* \* \* \* \*  (b) \* \* \*  (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, 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).  \* \* \* \* \* |
| WAC 246-237  -043(4)(b);  -043(4)(c);  -043(4)(c)(i);  -043(4)(e);  -043(4)(f);  -043(4)(g); and  -043(4)(h)(ii)  RATS# 2018-3  83 FR 30285 | § 37.43(d)(2), (d)(3) introductory text, (d)(3)(i), (d)(5) through (7), and (d)(8)(ii)  General security program requirements | 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:  § 37.43 General security program requirements.  \* \* \* \* \*  (d) \* \* \*  (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.  (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:  (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  \* \* \* \* \*  (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.  (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 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, 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. |
| WAC 264-237-077 (1)(a)  RATS# 2018-3  83 FR 30285 | § 37.77(a)(1) Advance notification of shipment of category I quantities of radioactive material. | 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”. |
| WAC 246-231-140 (3)(c)(iii)  RATS# 2018-3  83 FR 30285 | § 71.97(c)(3) Advance notification of shipment of irradiated reactor fuel and nuclear waste. | 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”. |
| WAC 246-237-027 (3)(a) and (b)  RATS# 2019-1  84 FR 63565 | § 37.27(c)(1) and (2) Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material | In § 37.27, revise paragraphs (c)(1) and (2) to read as follows:  \* \* \* \* \*  (c) \* \* \*  (1) For the purposes of complying with this subpart, 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](mailto:MAILSVS.Resource@nrc.gov). Guidance on submitting electronic fingerprints can be found at <https://www.nrc.gov/security/chp.html>.  (2) Fees for the processing of fingerprint checks are due upon application. 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](mailto: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?).  \* \* \* \* \* |
| WAC 246-231-060 (3)(c)  RATS# 2019-2  84 FR 65639 and 84 FR 66561 | § 71.17(c)(3)  General License: NRC approved package | In § 71.17(c)(3), remove “Division of Spent Fuel Storage and Transportation” and add in its place “Division of Fuel Management”. |
| WAC 246-231-150 (3)  RATS# 2019-2  84 FR 65639 and 84 FR 66561 | § 71.101 Quality Assurance requirements | 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.]  ORP regs pointed to NRC and NRC asked DOH to have the assurance plans sent to DOH. ORP regs were changed in 246-231-150 (3) to reflect that requested change. |
| WAC 246-243-150 (1) (c) and (d); (3); (5)(c) and (d)  WAC 246-236-055  WAC 246-244-160  RATS#2020-1  85 FR 15347 | § 34.47  Personnel monitoring | In § 34.47:  a. In paragraph (a) introductory text remove the phrase “that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor”;  b. Revise paragraph (a)(3);  c. Remove paragraph (a)(4); and  d. Revise paragraphs (d) and (f).  to read as follows:  (a) \* \* \*  (3) Film badges must be replaced at least monthly and all other personnel dosimeters that require replacement must be replaced at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after replacement, whichever is more frequent.  \* \* \* \* \*  (d) If an individual’s pocket chamber is found to be off-scale, or if his or her electronic personal dosimeter reads greater than 2 millisieverts (200 millirems), and the possibility of radiation exposure cannot be ruled out as the cause, the individual’s personnel dosimeter that requires processing must be sent for processing and evaluation within 24 hours. For personnel dosimeters that do not require processing, evaluation of the dosimeter must be started within 24 hours. In addition, the individual may not resume work associated with licensed material use until a determination of the individual’s radiation dose has been made. This determination must be made by the RSO or the RSO's designee. The results of this determination must be included in the records maintained in accordance with § 34.83.  \* \* \* \* \*  (f) Dosimetry results must be retained in accordance with § 34.83.  \* \* \* \* \* |