

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)

Change to NRC Section	Title	State Section 105 CMR	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	120.385 (D) Note: This is a new paragraph not previously included and title of section also updated to be same as NRC and reflect section content and table of contents updated	C	In § 34.101(c), remove the reference “§ 30.6(a)(2)” and add in its place the reference “§ 30.6(b)(2)”.	No		
§ 37.23(b)(2)	Access Authorization Program	120.057 (B)(2)	B	In § 37.23, revise paragraph (b)(2) to read as follows:	No		

Change to NRC Section	Title	State Section 105 CMR	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	Requirements			<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 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).</p> <p>* * * * *</p>			
§ 37.43(d)(2), (d)(3) introductory text, (d)(3)(i),	General Security Program Requirements	120.064 (D)	C	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:	No		

Change to NRC Section	Title	State Section 105 CMR	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
(d)(5) through (7), and (d)(8)(ii)				<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 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</p>			

Change to NRC Section	Title	State Section 105 CMR	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>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 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. Information stored in nonremovable electronic form must be password protected.</p>			

Change to NRC Section	Title	State Section 105 CMR	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				(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.			