

Licenses, Certifications, and Approvals for Materials Licensees
(76 FR 56951) RATS ID # 2011-2 Effective date 11/14/2011
Date Due for State Adoption 11/14/2014

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
§ 30.4	Definition: Commencement of construction, Paragraph 1		D	<p>In § 30.4, the definition for the term “commencement of construction” is revised as follows:</p> <p><i>Commencement of construction</i> means taking any action defined as “construction” or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to:</p> <p>(1) Radiological health and safety; or</p>	NA	
§ 30.4	Definition Commencement of construction, Paragraph 2		NRC	<p>In § 30.4, the definition for the term “commencement of construction” is revised as follows:</p> <p>(2) Common defense and security.</p>	NA	
§ 30.4	Definition Construction, Paragraph 1-8, 9(i)		D	<p>In § 30.4, the definition for the term “construction” is added in alphabetical order to read as follows:</p> <p><i>Construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a</p>	NA	

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				<p>facility or activity subject to the regulations in this part that are related to radiological safety or security. The term "construction" does not include:</p> <p>(1) Changes for temporary use of the land for public recreational purposes;</p> <p>(2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;</p> <p>(3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas;</p> <p>(4) Erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this part;</p> <p>(5) Excavation;</p> <p>(6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings)</p>		

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				for use in connection with the construction of the facility; (7) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities, and transmission lines); (8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or (9) Taking any other action that has no reasonable nexus to: (i) Radiological health and safety, or .		
§ 30.4	Definition Construction, Paragraph 9(ii)		NRC	In § 30.4, the definition for the term “construction” is added in alphabetical order to read as follows: (ii) Common defense and security.	NA	
§ 30.33	General requirements for issuance of specific licenses.		D	In § 30.33, paragraph (a)(5) is revised.	N/A	
§ 36.2	Definition: Commencement of construction, Paragraph 1		D	In § 36.2, definitions for the terms “commencement of construction” is added in alphabetical order to read as follows:	NA	

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				<i>Commencement of construction</i> means taking any action defined as “construction” or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to: (1) Radiological health and safety; or		
§ 36.2	Definition Commencement of construction, Paragraph 2		NRC	In § 36.2, definitions for the terms “commencement of construction” is added in alphabetical order to read as follows: (2) Common defense and security.	NA	
§ 36.2	Definition Construction, Paragraph 1-8, 9(i)		D	In § 36.2, definitions for the terms “construction” is added in alphabetical order to read as follows: <i>Construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to the regulations in this part that are related to radiological safety or security. The term “construction” does not include: (1) Changes for temporary use of the land for public recreational purposes; (2) Site exploration, including necessary	NA	

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				<p>borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;</p> <p>(3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas;</p> <p>(4) Erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this part;</p> <p>(5) Excavation;</p> <p>(6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility;</p> <p>(7) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities, and</p>		

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				transmission lines); x(8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or (9) Taking any other action that has no reasonable nexus to: (i) Radiological health and safety, or .		
§ 36.2	Definition Construction, Paragraph 9(ii)		NRC	In § 36.2, definitions for the terms “construction” is added in alphabetical order to read as follows: (ii) Common defense and security.	NA	
§ 36.13(a) 	Specific licenses for irradiators		H&S	In § 36.13, paragraph (a) is revised to read as follows: ***** (a) The applicant shall satisfy the general requirements specified in §§ 30.33(a)(1)-(4) and 30.33(b) of this chapter and the requirements contained in this part.	19-004	The applicant must satisfy the general requirement specified in 180 NAC 3-011 items 1 thru 4 and the requirements contained in 180 NAC 19.
§ 36.15	Commencement of construction		D	N/A		
§ 39.13N	Specific licenses for well logging.		H&S	In § 39.13, paragraph (a) is revised to read as follows:	14—003 was renumber to	<u>14-003 SPECIFIC LICENSES FOR WELL LOGGING.</u>

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				<p>*****</p> <p>(a) The applicant shall satisfy the general requirements specified in § 30.33 of this chapter for byproduct material, in § 40.32 of this chapter for source material, and in § 70.23 of this chapter for special nuclear material, as appropriate, and any special requirements contained in this part.</p>	<p>14-004 and etc thru the chapter. A new 14-003 was added</p>	<p>14-003.01 The Department will approve an application for a specific license for the use of licensed material in well logging if the applicant meets the following requirements:</p> <p>1. The applicant must satisfy the general requirements specified in 180 NAC 3-011 for radioactive material, in 180 NAC 3-015 for source material and any special requirements contained in 180 NAC 14.</p> <p>2. The applicant must develop a program for training logging supervisors and logging assistants and submit to the Department a description of this program which specifies the:</p> <p>a. Initial training;</p> <p>b. On-the-job training;</p> <p>c. Annual safety reviews provided by the licensee;</p> <p>d. Means the applicant will use to demonstrate the logging supervisor's knowledge and understanding of and ability to comply with the Commission's regulations and licensing requirements and the applicant's operating and</p>

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							<p>emergency procedures; and</p> <p>e. Means the applicant will use to demonstrate the logging assistant's knowledge and understanding of and ability to comply with the applicant's operating and emergency procedures.</p> <p>3. The applicant must submit to the Department written operating and emergency procedures as described in 180 NAC 14-018, or an outline or summary of the procedures that includes the important radiation safety aspects of the procedures.</p> <p>4. The applicant must establish and submit to the Department its program for annual inspections of the job performance of each logging supervisor to ensure that the Department's regulations, license requirements, and the applicant's operating and emergency procedures are followed. Inspection records must be retained for 3 years after each annual internal inspection.</p> <p>5. The applicant must submit a description of its overall organizational structure as it applies to the radiation safety responsibilities in well logging, including specified delegations of</p>

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						<p>authority and responsibility.</p> <p>6. If an applicant wants to perform leak testing of sealed sources, the applicant must identify the manufacturers and the model numbers of the leak test kits to be used. If the applicant wants to analyze its own wipe samples, the applicant must establish procedures to be followed and submit a description of these procedures to the Department. The description must include the:</p> <p>a. Instruments to be used;</p> <p>b. Methods of performing the analysis; and</p> <p>c. Pertinent experience of the person who will analyze the wipe samples.</p>
§ 40.4	Definition: Commencement of construction, Paragraph 1		C - States with authority to regulate uranium mill activities	<p>In § 40.4, the definition for the term “commencement of construction” is revised as follows:</p> <p><i>Commencement of construction</i> means taking any action defined as “construction” or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to:</p>	NA	

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			es (11e.(2) byproduct material) D - States without authority	(1) Radiological health and safety; or		
§ 40.4	Definition: Commencement of construction, Paragraph 2		NRC	In § 40.4, the definition for the term “commencement of construction” is revised as follows: (2) Common defense and security.	NA	
§ 40.4	Definition Construction, Paragraph 1-8, 9(i)		C - States with authority to regulate uranium mill activities	In § 40.4, the definition for the term “construction” is added in alphabetical order to read as follows: <i>Construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to the regulations in this part that are related to radiological safety or security. The term	NA	

NRC Reg Section	Section Title	Differen ces	Compatibil ity Cate gory	Summary of Change to CFR	NE References	Nebraska
			(11e.(2) byprod uct materi al) D - States withou t authori ty	<p>“construction” does not include:</p> <p>(1) Changes for temporary use of the land for public recreational purposes;</p> <p>(2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;</p> <p>(3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas;</p> <p>(4) Erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this part;</p> <p>(5) Excavation;</p> <p>(6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility;</p> <p>(7) Building of service facilities (e.g.,</p>		

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				paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities, and transmission lines); (8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or (9) Taking any other action that has no reasonable nexus to: (i) Radiological health and safety, or .		
§ 40.4	Definition Construction, Paragraph 9(ii)		NRC	In § 40.4, the definition for the term “construction” is added in alphabetical order to read as follows: (ii) Common defense and security.	NA	
§ 40.32	General requirements for issuance of specific licenses		H&S - States with authority to regulate uranium mill activities (11e.(2)	In § 40.32, paragraph (e) is revised to read as follows: (e) In the case of an application for a license for a uranium enrichment facility, or for a license to possess and use source and byproduct material for uranium milling, production of uranium hexafluoride, or for the conduct of any other activity which the NRC determines will significantly affect the quality of the environment, the Director, Office of Federal and State Materials and	NA	

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			byproduct material) NRC - States without authority	Environmental Management Programs or his/her designee, before commencement of construction, on the basis of information filed and evaluations made pursuant to subpart A of part 51 of this chapter, has concluded, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to this conclusion is grounds for denial of a license to possess and use source and byproduct material in the plant or facility. Commencement of construction as defined in section 40.4 may include non-construction activities if the activity has a reasonable nexus to radiological safety and security.		
§ 70.4	Definition: Commencement of construction, Paragraph 1		D	In § 70.4, the definition for the term “commencement of construction” is revised as follows: <i>Commencement of construction</i> means taking any action defined as “construction” or any other activity at the site of a facility subject to the regulations	NA	

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				in this part that has a reasonable nexus to: (1) Radiological health and safety; or In § 70.4, the definition for the term “commencement of construction” is revised as follows: (2) Common defense and security.		
§ 70.4	Definition: Commencement of construction, Paragraph 2		NRC		NA	
§ 70.4	Definition Construction, Paragraph 1-8, 9(i)		D	In § 70.4, the definition for the term “construction” is added in alphabetical order to read as follows: <i>Construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to the regulations in this part that are related to radiological safety or security. The term “construction” does not include: (1) Changes for temporary use of the land for public recreational purposes; (2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;	NA	

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				<p>(3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas;</p> <p>(4) Erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this part;</p> <p>(5) Excavation;</p> <p>(6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility;</p> <p>(7) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities, and transmission lines);</p> <p>(8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or</p> <p>(9) Taking any other action that has no reasonable nexus to:</p>		

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				(i) Radiological health and safety, or .		
§ 70.4	Definition Construction, Paragraph 9(ii)		NRC	In § 70.4, the definition for the term “construction” is added in alphabetical order to read as follows: (ii) Common defense and security.	NA	
§ 70.23	Requirements for the approval of applications		NRC	In § 70.23, paragraph (a)(7) is revised to read as follows: (a) * * * (7) Where the proposed activity is processing and fuel fabrication, scrap recovery, conversion of uranium hexafluoride, uranium enrichment facility construction and operation, or any other activity which the NRC determines will significantly affect the quality of the environment, the Director of Nuclear Material Safety and Safeguards or his/her designee, before commencement of construction of the plant or facility in which the activity will be conducted, on the basis of information filed and evaluations made pursuant to subpart A of part 51 of this chapter, has concluded, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of	NA	

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				the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to this conclusion is grounds for denial to possess and use special nuclear material in the plant or facility. Commencement of construction as defined in section 70.4 may include non-construction activities if the activity has a reasonable nexus to radiological safety and security.		
§ 150.31 (b)(3)(iv)	Requirements for Agreement State regulation of byproduct material.		C - States with authority to regulate uranium mill activities (11e.(2) byproduct material) NRC -	In § 150.31, paragraph (b)(3)(iv) is revised to read as follows: (b) * * * (3) * * * (iv) Prohibit commencement of construction with respect to such material prior to complying with the provisions of paragraph (b)(3)(C)(iii) of this section. As used in this paragraph: (A) The term <i>commencement of construction</i> means taking any action defined as “construction” or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to radiological health and safety. (B) The term <i>construction</i> means	NA	

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			States without authority	<p>the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to the regulations in this part that have a reasonable nexus to radiological safety or security. The term "construction" does not include:</p> <p>(1) Changes for temporary use of the land for public recreational purposes;</p> <p>(2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;</p> <p>(3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas;</p> <p>(4) Erection of fences and other access control measures that are not related to the safe use of or security of radiological materials subject to this part;</p>		

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				<p>(5) Excavation;</p> <p>(6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility;</p> <p>(7) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities, and transmission lines);</p> <p>(8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or</p> <p>(9) Taking any other action which has no reasonable nexus to radiological health and safety.</p>		