

# TCEQ Crosswalk Table for RATS 2015-1 and 2011-2

Change to TCEQ Section	Title	NRC Section	Compatibility Category	Summary of Change	Differences Yes/No	Significant Yes/No	RATS ID	If Difference, Why or Why Not Was a Comment Generated
N/A	N/A	§70.74(b)	NRC	In § 70.74, revise paragraph (b) to read as follows: Written reports. Each licensee that makes a report required by paragraph (a)(1) of this section shall submit a written follow-up report within 60 days of the initial report. The written report must be sent to the NRC's Document Control Desk, using an appropriate method listed in §70.5(a), with a copy to the appropriate NRC regional office listed in Appendix D to part 20 of this chapter. The reports must include the information as described in § 70.50(c)(2)(i) through (iv).	N/A	N/A	2015-1	
N/A	N/A	Appendix A, 10 CFR Part 70	NRC	In Appendix A to Part 70 amend as follows: a. In the introductory text to paragraph (a), removing the number "30" and adding, in its place, the number "60"; b. Removing paragraph (a)(5); c. In the introductory text to paragraph (b), removing the number "30" and adding, in its place, the number "60"; and Removing paragraph (b)(5).	N/A	N/A	2015-1	
§336.702(4), §336.1105(10) & §336.1203(1)	Definitions	§30.4 paragraph 1	D	In § 30.4, 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 in this part that has a reasonable nexus to: (1) Radiological health and safety; or	Y	N	2011-2	No change is necessary to maintain compatibility category D.
§336.702(4), §336.1105(10) & §336.1203(1)	Definitions	§30.4 paragraph 2	NRC	In § 30.4, the definition for the term "commencement of construction" is revised as follows: (2) Common defense and security.	N/A	N/A	2011-2	
§336.702(4), §336.1105(10) & §336.1203(1)	Definitions	§30.4 paragraphs 1-8, 9i	D	In § 30.4, 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	Y	Y	2011-2	No change is necessary to maintain compatibility category D.

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				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; (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; (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; (5) Excavation; (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; (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				
§336.702(4), §336.1105 (10) & §336.1203(1)	Definitions	§30.4 paragraph 9ii	NRC	In § 30.4, the definition for the term "construction" is added in alphabetical order to read as follows: (ii) Common defense and security.	N/A	N/A		
§336.207	General Requirements for Issuance of a License.	§30.33	D	In § 30.33, paragraph (a)(5) is revised.	N/A	N/A	2011-2	No change is necessary to maintain compatibility category D.
N/A	N/A	§36.2, paragraph 1	D	In § 36.2, definitions for the terms "commencement of construction" is added in alphabetical order to read as follows:	N/A	N/A	2011-2	Responsibility of Texas Department

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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				of State Health Services (DSHS)
N/A	N/A	§36.2, 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.	N/A	N/A	2011-2	Responsibility of DSHS
N/A	N/A	§36.2, 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 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; (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; (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; (5) Excavation; (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; (7) Building of service facilities (e.g., paved	N/A	N/A	2011-2	Responsibility of DSHS

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				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 .				
N/A	N/A	§36.2, 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.	N/A	N/A	2011-2	Responsibility of DSHS
N/A	N/A	§36.13(a)	H&S	In § 36.13, paragraph (a) is revised to read as follows: 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.	N/A	N/A	2011-2	Responsibility of DSHS
N/A	N/A	§36.15	D	N/A	N/A	N/A	2011-2	Responsibility of DSHS
N/A	N/A	§39.13	H&S	In § 39.13, paragraph (a) is revised to read as follows: 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.	N/A	N/A	2011-2	Responsibility of DSHS
§336.1105 (10)	Definitions	§40.4, Definition: Commencement of construction, and of construction, paragraph 1	C	In § 40.4, 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 in this part that has a reasonable nexus to: (1) Radiological health and safety; or	Y	N	2011-2	No change is necessary to maintain compatibility category C.
§336.1105 (10)	Definitions	§40.4, Definition: Commencement of construction, and of	NRC	In § 40.4, the definition for the term “commencement of construction” is revised as follows: (2) Common defense and security.	N/A	N/A	2011-2	

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		construction, paragraph 2						
§336.1105 (10)	Definitions	§40.4, Definition: Commencement of construction, and of construction, paragraph 1-8, 9(i)	C	<p>In § 40.4, the definition for the term “construction” is added in alphabetical order to read as follows:</p> <p><i>Construction</i> means the installation of wells associated with radiological operations (e.g., production, injection, or monitoring well networks associated with in-situ recovery or other facilities), 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:</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., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities, and transmission lines);</p>	Y	Y	2011-2	No change is necessary to maintain compatibility category C. The new text added by the NRC is more specific on what is and what is not construction which is adequately covered by the TCEQ more general definition of construction which leaves such decisions to the regulatory agency.

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				(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 .				
§336.1105 (10)	Definitions	§40.4, Definition: Commencement of construction, and of 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.	N/A	N/A	2011-2	
§336.1111(2)	Special Requirements for a License Application for Source Material Recovery and By-product Material Disposal Facilities	§40.32	H&S	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 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.	Y	N	2011-2	Differences are small and do not have any health and safety significance.
N/A	N/A	§70.4, paragraph 1	D	In § 70.4, the definition for the term "commencement of construction" is revised as	N/A	N/A	2011-2	Responsibility of DSHS

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				<p>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>				
N/A	N/A	§70.4, paragraph 2	NRC	<p>In § 70.4, the definition for the term “commencement of construction” is revised as follows:</p> <p>(2) Common defense and security.</p>	N/A	N/A	2011-2	
N/A	N/A	§70.4, paragraph 1-8, 9(i)	D	<p>In § 70.4, 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 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) for use in connection with the construction of the facility;</p>	N/A	N/A	2011-2	Responsibility of DSHS

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				(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 .				
N/A	N/A	§70.4, 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.	N/A	N/A	2011-2	
N/A	N/A	§70.23	NRC	In § 70.23, paragraph (a)(7) is revised to read as follows: 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 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.	N/A	N/A	2011-2	
§336.1105 (10)	Definition	§150.31(b)(3) (iv)	C	In § 150.31, paragraph (b)(3)(iv) is revised to read as follows: Prohibit commencement of construction with respect to such material prior to complying with the provisions of paragraph	Y	Y	2011-2	No change is necessary to maintain compatibility



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				<p>(b)(3)(C)(iii) of this section. As used in this paragraph:</p> <p>(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.</p> <p>(1) The term <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 have a reasonable nexus to radiological safety or security. The term “construction” does not include: 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., 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</p>				category C. The new text added by the NRC is more specific on what is and what is not construction which is adequately covered by the TCEQ more general definition of construction which leaves such decisions to the regulatory agency.

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				portions of the proposed facility occurring at other than the final, in- place location at the facility; or Taking any other action which has no reasonable nexus to radiological health and safety.				