

**Decommissioning Planning, Parts 20, 30, 40, and 70**  
**(76 FR 35512) RATS ID # 2011-1 Effective date 12/17/2011**  
**Date Due for State Adoption 12/17/2015**

<b>NRC Reg Section</b>	<b>Section Title</b>	<b>Difference</b>	<b>Compatibility Category</b>	<b>Summary of Change to CFR</b>	<b>NE Reference</b>	<b>Nebraska</b>
§20.140 3(c)	Criteria for license termination under restricted conditions		C	<p><b>In § 20.1403, paragraph (c)(2) is removed, paragraph (c)(3) is redesignated as paragraph (c)(2), and paragraph (c)(4) is redesignated as paragraph (c)(3), and paragraph (c)(1) is revised to read as follows:</b></p> <p>(c) ***  (1) Funds placed into a trust segregated from the licensee's assets and outside the licensee's administrative control, and in which the adequacy of the trust funds is to be assessed based on an assumed annual 1 percent real rate of return on investment;</p>	4-017 item 3.a.	<p><u>Removed 4-017, item 3.b. and changed 3.c. to 3.b. and 3.d. to 3.c.</u></p> <p>Funds placed into an account segregated from the licensee's assets and outside the licensee's administrative control <u>and in which the adequacy of the trust funds is to be assessed based on an assumed annual one percent real rate of return on investments described in 180 NAC 3-018.06, item 4;</u></p>
§20.140 4(a)	Alternate criteria for license termination		C	<p><b>In § 20.1404, paragraph (a)(5) is added to read as follows:</b></p> <p>(a) ***  (5) Has provided sufficient financial assurance in the form of a trust fund to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site.</p>	4-018 item 5	<p><u>Has provided sufficient financial assurance in the form of a trust fund to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site.</u></p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
§20.1406(c)	Minimization of contamination		C	<p><b>In § 20.1406, paragraph (c) is added to read as follows:</b></p> <p>(c) Licensees shall, to the extent practical, conduct operations to minimize the introduction of residual radioactivity into the site, including the subsurface, in accordance with the existing radiation protection requirements in Subpart B and radiological criteria for license termination in Subpart E of this part.</p>	4-020.02	<p><u>4-020.02 Licensees must, to the extent practical, conduct operations to minimize the introduction of residual radioactivity into the site, including the subsurface, in accordance with the existing radiation protection requirements in 4-004 and radiological criteria for license termination in 4-015 thru 4-020.</u></p>
§20.1501(a)	General		H&S	<p><b>In § 20.1501, paragraphs (b) and (c) are redesignated as paragraphs (c) and (d), paragraphs (a) introductory text, (a)(2)(ii) and (a)(2)(iii) are revised, and a new paragraph (b) is added to read as follows:</b></p> <p>a) Each licensee shall make or cause to be made, surveys of areas, including the subsurface, that --</p> <p>(2) ***</p> <p>(ii) Concentrations or quantities of residual radioactivity; and</p> <p>(iii) The potential radiological hazards of the radiation levels and residual radioactivity detected.</p>	<p>4-021.01</p> <p>Item 2.b.</p> <p>Item 2.c.</p>	<p>Each licensee or registrant must make, or cause to be made, surveys <u>of areas, including the subsurface</u>, that: Concentrations or quantities of <del>radioactive</del><u>residual radioactivity</u> material; and</p> <p>The potential radiological hazards <u>of the radiation levels and residual radioactivity detected</u><del>that could be present</del>.</p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
§20.1501(b)	General		H&S	<p>In § 20.1501, paragraphs (b) and (c) are redesignated as paragraphs (c) and (d), paragraphs (a) introductory text, (a)(2)(ii) and (a)(2)(iii) are revised, and a new paragraph (b) is added to read as follows:</p> <p>(b) Notwithstanding § 20.2103(a) of this part, records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with records important for decommissioning, and such records must be retained in accordance with §§ 30.35(g), 40.36(f), 50.75(g), 70.25(g), or 72.30(d), as applicable.</p>	4-021.02	<p><u>Notwithstanding 180 NAC 4-048.01, records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with records important for decommissioning, and such records must be retained in accordance with 180 NAC 3-018.07, as applicable.</u></p>
§ 30.34(b)	Terms and conditions of licenses		C	<p>In § 30.34, paragraph (b) is redesignated as paragraph (b)(1) and a new paragraph (b)(2) is added to read as follows:</p> <p>(b) ***</p> <p>(2) An application for transfer of license must include:</p> <p>(i) The identity, technical and financial qualifications of the proposed transferee; and</p> <p>(ii) Financial assurance for decommissioning information required by § 30.35.</p>	3-017.02 item 2. a. b.	<p><u>An application for transfer of license must include:</u></p> <p><u>The identity, technical and financial qualifications of the proposed transferee; and</u></p> <p><u>Financial assurance for decommissioning information required by 180 NAC 3-018.</u></p>

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NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
§30.35(c)(6)	Financial assurance and recordkeeping for decommissioning.		D	N/A		
§30.35(d)	Financial assurance and recordkeeping for decommissioning.		D (***please note 10 CFR 30.35(d) was changed from a Compatibility Category H&S to a Compatibility Category D)	<del>No Change to the text of §30.35(d)</del>	3-018.04	<del>3-018.04</del> Table of required amounts of financial assurance for decommissioning by quantity of material. <del>Licensees required to submit the \$1,125,000 amount must do so by (one year from effective date of these regulations).</del> Licensees required to submit the \$113,000 or \$225,000 amount must do so by (one and a half years from effective date of these regulations). Licensees having possession limits exceeding the upper bound of this table must base financial assurance on a decommission funding plan.
§ 30.35(e)	Financial assurance and recordkeeping for decommissioning.		H&S (***please note 10 CFR 30.35(e) was changed from a Compatibility Category D to a Compatibility	In § 30.35, paragraphs (e), is revised:  (e)(1) Each decommissioning funding plan must be submitted for review and approval and must contain – (i) A detailed cost estimate for decommissioning, in an amount reflecting: (A) The cost of an independent contractor to perform all decommissioning activities; (B) The cost of meeting the 10	3-018.05	Each decommissioning funding plan must <u>be submitted for review and approval and must contain:</u>  <u>1. A detailed cost estimate for decommissioning, in an amount reflecting:</u> <u>(1.) The cost of an independent contractor to perform all decommissioning activities;</u> <u>(2.) The cost of meeting the 180 NAC 4-016 criteria for unrestricted use, provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of 180 NAC 4-017, the cost</u>

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NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
			Category H&S)	CFR 20.1402 criteria for unrestricted use, provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of 10 CFR 20.1403, the cost estimate may be based on meeting the 10 CFR 20.1403 criteria; (C) The volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the criteria for license termination; and (D) An adequate contingency factor. (ii) Identification of and justification for using the key assumptions contained in the DCE; (iii) A description of the method of assuring funds for decommissioning from paragraph (f) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility; (iv) A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and (v) A signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section		<u>estimate may be based on meeting the 180 NAC 4-017 criteria:</u> <u>(3.) The volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the criteria for license termination; and</u> <u>(4.) An adequate contingency factor.</u> <u>b. Identification of and justification for using the key assumptions contained in the decommissioning cost estimate (DCE);</u> <u>c. A description of the method of assuring funds for decommissioning from 180 NAC 3-018.06, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility;</u> <u>d. A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and</u> <u>e. A signed original of the financial instrument obtained to satisfy the requirements of 180 NAC 3-018.06 (unless a previously submitted and accepted financial instrument continues to cover the cost estimate for decommissioning).</u> <u>2. At the time of license renewal and at intervals not to exceed 3 years, the decommissioning funding plan must be resubmitted with adjustments as necessary to account for changes in costs and the extent of contamination. If the amount of financial assurance will be adjusted downward, this can not be done</u>

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NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>(unless a previously submitted and accepted financial instrument continues to cover the cost estimate for decommissioning).</p> <p>(2) At the time of license renewal and at intervals not to exceed 3 years, the decommissioning funding plan must be resubmitted with adjustments as necessary to account for changes in costs and the extent of contamination. If the amount of financial assurance will be adjusted downward, this can not be done until the updated decommissioning funding plan is approved. The decommissioning funding plan must update the information submitted with the original or prior approved plan, and must specifically consider the effect of the following events on decommissioning costs:</p> <p>(i) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material;</p> <p>(ii) Waste inventory increasing above the amount previously estimated;</p> <p>(iii) Waste disposal costs increasing above the amount previously estimated;</p> <p>(iv) Facility modifications;</p> <p>(v) Changes in authorized possession limits;</p> <p>(vi) Actual remediation costs that</p>		<p><u>until the updated decommissioning funding plan is approved. The decommissioning funding plan must update the information submitted with the original or prior approved plan, and must specifically consider the effect of the following events on decommissioning costs:</u></p> <p><u>a. Spills of radioactive material producing additional residual radioactivity in onsite subsurface material;</u></p> <p><u>b. Waste inventory increasing above the amount previously estimated;</u></p> <p><u>c. Waste disposal costs increasing above the amount previously estimated;</u></p> <p><u>d. Facility modifications;</u></p> <p><u>e. Changes in authorized possession limits;</u></p> <p><u>f. Actual remediation costs that exceed the previous cost estimate;</u></p> <p><u>g. Onsite disposal; and</u></p> <p><u>h. Use of a settling pond.</u></p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				exceed the previous cost estimate; (vii) Onsite disposal; and (viii) Use of a settling pond.		
§ 30.35(f)	Financial assurance and recordkeeping for decommissioning.		D	N/A	3-018.06	<p><u>3-018.06 The financial instrument must include the licensee's name, license number, and the name, address, and other contact information of the issuer, and, if a trust is used, the trustee. When any of the foregoing information changes, the licensee must, within 30 days, submit financial instruments reflecting such changes. The financial instrument submitted must be a signed original or signed original duplicate, except where a copy of the signed original is specifically permitted.</u> Financial assurance for decommissioning must be provided by one or more of the following methods:</p> <p>1. <u>Prepayment</u> Prepayment is the deposit prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control of cash or liquid assets such that the amount of funds would be sufficient to pay decommissioning costs. Prepayment <del>must</del><u>may be made into the form of a trust escrow account, government fund, certificate of deposit, or deposit of government securities, and the trustee and trust must be acceptable to the Department.</u></p> <p>2. A surety method, insurance, or other guarantee method. These methods</p>

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NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p>guarantee that decommissioning costs will be paid. A surety method may be in the form of a surety bond, or letter of credit <del>or line of credit</del>. A parent company guarantee of funds for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in 180 NAC 3, Appendix 3-F. <u>For commercial corporation that issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in 180 NAC 3 Appendix 3-D. A parent company guarantee may not be used in combination with other financial methods to satisfy the requirements of 180 NAC 3-018.04, items 2 by the applicant or licensee for decommissioning costs may be used if the guarantee and test are as contained in 180 NAC 3, Appendix 3-G. For nonprofit entities, such as colleges, universities, and nonprofit hospitals, a guarantee of funds by the applicant or licensee may be used if the guarantee and test are as contained in 180 NAC 3. Appendix 3-H. Except for an external sinking fund, a parent company guarantee or a guarantee by the applicant or licensee may not be used in combination with any other financial methods used to satisfy the requirements of this section. A guarantee by the applicant or licensee may not be used in any situation where the applicant or licensee has a parent company holding majority control of the voting stock of the</u></p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p><u>company.</u> A guarantee of funds by the applicant or licensee for decommissioning based on a financial test may be used if the guarantee and test are as contained in 180 NAC 3, Appendix 3-D. A guarantee by the applicant or licensee may not be used in combination with any other financial methods to satisfy the requirements of 180 NAC 3-018.06, item 2 or in any situation where the applicant or licensee has a parent company holding majority control of the voting stock of the company. Any surety method or insurance used to provide financial assurance for decommissioning must contain the following conditions:</p> <p>a. The surety method or insurance must be open-ended or, if written for a specified term, such as five years, must be renewed automatically unless 90 days or more prior to the renewal date, the issuer notifies the Department, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance must also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the Department within 30 days after receipt of notification of cancellation.</p> <p>b. The surety method or insurance must be payable to a trust established for decommissioning costs. The trustee and</p>

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						<p>trust must be acceptable to the Department. An acceptable trustee includes an appropriate State or Federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.</p> <p>c. The surety method or insurance must remain in effect until the Department has terminated the license.</p> <p>3. An external sinking fund in which deposits are made at least annually, coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control in which the total amount of funds would be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, <del>escrow account, government fund, certificate of deposit, or deposit of government securities.</del> If the other guarantee method is used, no surety or insurance may be combined with the external sinking fund. The surety, <del>or insurance or other guarantee</del> provisions must be as stated in 180 NAC 3-018.06, item 2.</p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p>4. In the case of Federal, State, or local government licensees, a statement of intent containing a cost estimate for decommissioning or an amount based on the Table in 180 NAC 3-018.04, and indicating that funds for decommissioning will be obtained when necessary.</p> <p>5. <u>When a governmental entity is assuming custody and ownership of a site, an arrangement that is deemed acceptable by such governmental entity.</u></p>
§ 30.35(h)	Financial assurance and recordkeeping for decommissioning.		D	N/A	3-018.10	<p><u>3-018.10 In providing financial assurance under 180 NAC 3-018, each licensee must use the financial assurance funds only for decommissioning activities and each licensee must monitor the balance of funds held to account for market variations. The licensee must replenish the funds, and report such actions to the Department, as follows:</u></p> <p><u>1. If, at the end of a calendar quarter, the fund balance is below the amount necessary to cover the cost of decommissioning, but is not below 75 percent of the cost, the licensee must increase the balance to cover the cost, and must do so within 30 days after the end of the calendar quarter.</u></p> <p><u>2. If, at any time, the fund balance falls below 75 percent of the amount necessary to cover the cost of decommissioning, the licensee must increase the balance to cover the cost, and must do so within 30</u></p>

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NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p><u>days of the occurrence.</u></p> <p><u>3. Within 30 days of taking the actions required by 180 NAC 3-018.10, item 1 or 2, the licensee must provide a written report of such actions to the Director, of Public Health, and state the new balance of the fund.</u></p>
Appendix A to Part 30	Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning		D	N/A	Appendix 3 F	<p><b>I. Introduction</b></p> <p>An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on obtaining a parent company guarantee that funds will be available for decommissioning costs and on a demonstration that the parent company passes a financial test. This appendix establishes criteria for passing the financial test and for obtaining the parent company guarantee.</p> <p><b>II. Financial Test</b></p> <p>A. To pass the financial test, the parent company must meet the criteria of either paragraph A.1 or A.2 of this section.</p> <p><u>. For purposes of applying the Appendix F criteria, tangible net worth must be calculated to exclude all intangible assets and the net book value of the facility and site, and total net worth, which may include intangible assets, must be calculated to exclude the net book value and goodwill of the facility and site.:</u></p> <p>1. The parent company must have:</p> <p>(i) Two of the following three ratios: A ratio</p>

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NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p>of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and</p> <p>(ii) Net working capital and tangible net worth each at least six times the <u>current amount of decommissioning being issued by a parent company guarantee cost estimates</u> for the total of all facilities or parts thereof (or prescribed amount if a certification is used); and</p> <p>(iii) Tangible net worth of at least <u>\$4021</u> million; and</p> <p>(iv) Assets located in the United States amounting to at least 90% of the total assets or at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used).</p> <p>2. The parent company must have:</p> <p>(i) A current rating for its most recent <u>uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, A, or BBB (including adjustments of + and -) as issued by Standard and Poor's or AAA, AA, A, or Baa (including adjustment of 1, 2, or 3) as issued by Moody's; and bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or AAA, AA, A, or BAA as issued by Moody's; and</u></p> <p>(ii) <u>Net working capital and tangible net worth each at least six times the amount of decommissioning funds being</u></p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p><del>assured by a parent company guarantee for the total of all facilities or parts thereof (or prescribed amount if a certification is used); and Tangible net worth each at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used); and</del></p> <p>(iii) Tangible net worth of at least \$<del>1021</del> million; and</p> <p>(iv) Assets located in the United States amounting to at least 90% of the total assets or at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used)</p> <p>B. The parent company's independent certified public accountant must have compared the data used by the parent company in the financial test, which is derived from the independently audited, year end financial statements for the latest fiscal year, with the amounts in such financial statement. <u>The accountant must evaluate the parent company's off-balance sheet transactions and provide an opinion on whether those transactions could materially adversely affect the parent company's ability to pay for decommissioning costs. The accountant must verify that a bond rating, if used to demonstrate passage of the financial test, meets the requirements of paragraph A of this section.</u> In connection with <del>that</del> <u>that the auditing</u> procedure the licensee must</p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p>inform <del>the</del> Department within 90 days of any matters coming to the auditor's attention which cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.</p> <p>C. 1. After the initial financial test, the parent company must <u>annually pass the test and provide documentation of its continued eligibility to use the parent company guarantee to the Department</u> <del>repeat the passage of the test</del> within 90 days after the close of each succeeding fiscal year.</p> <p>2. If the parent company no longer meets the requirements of paragraph A of this section, the licensee must send notice to the Department of intent to establish alternate financial assurance as specified in the Department's regulations. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year end financial data show that the parent company no longer meets the financial test requirements. The licensee must provide alternate financial assurance within 120 days after the end of such fiscal year.</p> <p><b>III. Parent Company Guarantee</b></p> <p>The terms of a parent company guarantee which an applicant or licensee obtains must provide that:</p> <p>A. The parent company guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the licensee and the Department.</p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p>Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the licensee and the Department, as evidenced by the return receipts.</p> <p>B. If the licensee fails to provide alternate financial assurance as specified in the Department's regulations within 90 days after receipt by the licensee and Department of a notice of cancellation of the parent company guarantee from the guarantor, the guarantor will provide <del>such</del> alternative financial assurance <u>that meets to provision of the Department's regulation</u> in the name of the licensee.</p> <p>C. The parent company guarantee and financial test provisions must remain in effect until the Department has terminated the license, <u>accepted in writing the parent company's alternate financial assurances, or accepted in writing the licensee's financial assurances.</u></p> <p>D. <del>If a trust is established for decommissioning costs, the trustee and trust must be acceptable to the Department. An acceptable trustee includes an appropriate State or federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. A standby trust to protect public health and safety and the environment must be established for decommissioning costs before the parent company guarantee agreement is submitted. The trustee and</del></p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p><u>trust must be acceptable to the Department. An acceptable trustee includes an appropriate State or Federal Government agency or an entity which has the authority to act as a trustee, whose trust operations are regulated and examined by a Federal or State agency. The Department has the right to change the trustee. An acceptable trust will meet the regulatory criteria established in these regulations that govern the issuance of the license for which the guarantor has accepted the obligation to pay for decommissioning costs.</u></p> <p><u>E. The guarantor must agree that it would be subject to Department orders to make payments under the guarantee agreement.</u></p> <p><u>F. The guarantor must agree that if the guarantor admits in writing its inability to pay its debts generally, or makes a general assignment for the benefit of creditors, or any proceeding is instituted by or against the guarantor seeking to adjudicate it as bankrupt or insolvent, or seeking dissolution, liquidation, winding-up, reorganization, arrangement, adjustment, protection, relief or composition of it or its debts under any law relating to bankruptcy, insolvency, or reorganization or relief of debtors, or seeking the entry of an order for relief or the appointment of a receiver, trustee, custodian, or other similar official for the</u></p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p><u>guarantor or for any substantial part of its property, or the guarantor takes any action to authorize or effect any of the actions stated in this paragraph, then the Department may:</u></p> <p><u>1.Declare that the financial assurance guaranteed by the parent company guarantee agreement is immediately due and payable to the standby trust set up to protect the public health and safety and the environment, without diligence, presentment, demand, protest or any other notice of any kind, all of which are expressly waived by guarantor; and</u></p> <p><u>2.Exercise any and all of its other rights under applicable law.</u></p> <p><u>G. 1. The guarantor must agree to notify the Department, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (Bankruptcy) of the United States Code, or the occurrence of any other event listed in paragraph F of this Appendix, by or against:</u></p> <p><u>(i) The guarantor;</u></p> <p><u>(ii) The licensee;</u></p> <p><u>(iii) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or</u></p> <p><u>(iv) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.</u></p> <p><u>2. This notification must include:</u></p> <p><u>(i) A description of the event, including</u></p>

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NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<u>major creditors, the amounts involved, and the actions taken to assure that the amount of funds guaranteed by the parent company guarantee for decommissioning will be transferred to the standby trust as soon as possible;</u> <u>(ii) If a petition of bankruptcy was filed, the identity of the bankruptcy court in which the petition for bankruptcy was filed; and</u> <u>(iii) The date of filing of any petitions.</u>
Appendix C to Part 30	Criteria Relating to Use of Financial Tests and Self Guarantees for Providing Reasonable Assurance of Funds for Decommissioning		D	N/A		

<b>NRC Reg Section</b>	<b>Section Title</b>	<b>Difference</b>	<b>Compatibility Category</b>	<b>Summary of Change to CFR</b>	<b>NE Reference</b>	<b>Nebraska</b>
Appendix D to Part 30	Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Commercial Companies That Have no Outstanding Rated Bonds		D	N/A		
Appendix E to Part 30	Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Nonprofit Colleges, Universities, and Hospitals		D	N/A	Appendix 3H	NA
§40.36(c)(5)	Financial assurance and		D	N/A	N/A	NA

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
	recordkeeping for decommissioning.					
§ 40.36(d)	Financial assurance and recordkeeping for decommissioning.		H&S	<p><b>In § 40.36, paragraph (d) is revised to read as follows:</b></p> <p>(d)(1) Each decommissioning funding plan must be submitted for review and approval and must contain –</p> <p>(i) A detailed cost estimate for decommissioning, in an amount reflecting:</p> <p>(A) The cost of an independent contractor to perform all decommissioning activities;</p> <p>(B) The cost of meeting the 10 CFR 20.1402 criteria for unrestricted use, provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of 10 CFR 20.1403, the cost estimate may be based on meeting the 10 CFR 20.1403 criteria;</p> <p>(C) The volume of onsite subsurface material containing residual radioactivity that will require remediation; and</p> <p>(D) An adequate contingency factor.</p> <p>(ii) Identification of and justification for using the key assumptions contained in the</p>		<p><del>4. 3-018.05</del></p> <p><del>1. Each decommissioning funding plan must be submitted for review and approval and must contain: contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from 180 NAC 3-018.06, including means of adjusting cost estimates and associated funding levels periodically over the life of the facility. Cost estimates must be adjusted at intervals not to exceed three years. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial statement obtained to satisfy the requirements of 180 NAC 3-018.06.</del></p> <p><del>a. A detailed cost estimate for decommissioning, in an amount reflecting:</del></p> <p><del>(1.)The cost of an independent contractor to perform all decommissioning activities;</del></p> <p><del>(2.)The cost of meeting the 180 NAC 4-016 criteria for unrestricted use, provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of 180 NAC 4-017,</del></p>

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NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>DCE;</p> <p>(iii) A description of the method of assuring funds for decommissioning from paragraph (e) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility;</p> <p>(iv) A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and</p> <p>(v) A signed original, or if permitted, a copy, of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section (unless a previously submitted and accepted financial instrument continues to cover the cost estimate for decommissioning).</p> <p>(2) At the time of license renewal and at intervals not to exceed 3 years, the decommissioning funding plan must be resubmitted with adjustments as necessary to account for changes in costs and the extent of contamination. If the amount of financial assurance will be adjusted downward, this can not be done until the updated decommissioning funding plan is approved. The decommissioning</p>		<p><u>the cost estimate may be based on meeting the 180 NAC 4-017 criteria;</u></p> <p><u>(3.)The volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the criteria for license termination; and</u></p> <p><u>(4.)An adequate contingency factor.</u></p> <p><u>b. Identification of and justification for using the key assumptions contained in the decommissioning cost estimate (DCE);</u></p> <p><u>c. A description of the method of assuring funds for decommissioning from 180 NAC 3-018.06, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility;</u></p> <p><u>d. A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and</u></p> <p><u>e. A signed original of the financial instrument obtained to satisfy the requirements of 180 NAC 3-018.06 (unless a previously submitted and accepted financial instrument continues to cover the cost estimate for decommissioning).</u></p> <p><u>1. At the time of license renewal and at</u></p>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>funding plan must update the information submitted with the original or prior approved plan, and must specifically consider the effect of the following events on decommissioning costs:</p> <p>(i) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material;</p> <p>(ii) Waste inventory increasing above the amount previously estimated;</p> <p>(iii) Waste disposal costs increasing above the amount previously estimated;</p> <p>(iv) Facility modifications;</p> <p>(v) Changes in authorized possession limits;</p> <p>(vi) Actual remediation costs that exceed the previous cost estimate;</p> <p>(vii) Onsite disposal; and</p> <p>(viii) Use of a settling pond.</p>		<p><u>intervals not to exceed 3 years, the decommissioning funding plan must be resubmitted with adjustments as necessary to account for changes in costs and the extent of contamination. If the amount of financial assurance will be adjusted downward, this cannot be done until the updated decommissioning funding plan is approved. The decommissioning funding plan must update the information submitted with the original or prior approved plan, and must specifically consider the effect of the following events on decommissioning costs.</u></p> <p><u>a. Spills of radioactive material producing additional residual radioactivity in onsite subsurface material;</u></p> <p><u>b. Waste inventory increasing above the amount previously estimated;</u></p> <p><u>c. Waste disposal costs increasing above the amount previously estimated;</u></p> <p><u>d. Facility modifications;</u></p> <p><u>e. Changes in authorized possession limits;</u></p> <p><u>f. Actual remediation costs that exceed the previous cost estimate;</u></p> <p><u>g. Onsite disposal; and</u></p> <p><u>h. Use of a settling pond.</u></p>
§40.36(e)	Financial assurance and		D	N/A	N/A	<u>NA</u>

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NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
	recordkeeping for decommissioning.					
§40.36(g)	Financial assurance and recordkeeping for decommissioning.		D	N/A	N/A	<u>NA</u>
§ 40.46	Inalienability of licenses.		C	<p><b>In § 40.46, the current paragraph is designated as paragraph (a) and a new paragraph (b) is added to read as follows:</b></p> <p>(b) An application for transfer of license must include:  (1) The identity, technical and financial qualifications of the proposed transferee; and  (2) Financial assurance for decommissioning information required by § 40.36 or Appendix A to this part, as applicable.</p>		<p><u>3-017.02 item 2.</u>  <u>1. An application for transfer of license must include:</u>  <u>a. The identity, technical and financial qualifications of the proposed transferee; and</u>  <u>b. Financial assurance for decommissioning information required by 180 NAC 3-018.</u></p>
Appendix A to Part 40 Criterion 9	Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or		C	<p><b>In Appendix A to Part 40, Section II, Criterion 9 is revised to read as follows:</b></p> <p>(a) Financial surety arrangements must be established by each mill operator before the commencement of operations to assure that sufficient funds will be available to carry out the decontamination and</p>		<u>Do not have authority.</u>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
	Concentration of Source Material from Ores Processed Primarily for Their Source Material Content			<p>decommissioning of the mill and site and for the reclamation of any tailings or waste disposal areas. The amount of funds to be ensured by such surety arrangements must be based on Commission-approved cost estimates in a Commission-approved plan, or a proposed revision to the plan submitted to the Commission for approval, if the proposed revision contains a higher cost estimate, for</p> <p>(1) Decontamination and decommissioning of mill buildings and the milling site to levels which allow unrestricted use of these areas upon decommissioning, and</p> <p>(2) The reclamation of tailings and/or waste areas in accordance with technical criteria delineated in Section I of this appendix.</p> <p>(b) Each cost estimate must contain –</p> <p>(1) A detailed cost estimate for decontamination, decommissioning, and reclamation, in an amount reflecting:</p> <p>(i) The cost of an independent contractor to perform the decontamination, decommissioning and reclamation activities; and</p> <p>(ii) An adequate contingency factor;</p>		

NRC Reg Section	Section Title	Differ ence	Compati bility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				<p>(2) An estimate of the amount of radioactive contamination in onsite subsurface material;</p> <p>(3) Identification of and justification for using the key assumptions contained in the DCE; and</p> <p>(4) A description of the method of assuring funds for decontamination, decommissioning, and reclamation.</p> <p>(c) The licensee shall submit this plan in conjunction with an environmental report that addresses the expected environmental impacts of the milling operation, decommissioning and tailings reclamation, and evaluates alternatives for mitigating these impacts. The plan must include a signed original of the financial instrument obtained to satisfy the surety arrangement requirements of this criterion (unless a previously submitted and approved financial instrument continues to cover the cost estimate for decommissioning). The surety arrangement must also cover the cost estimate and the payment of the charge for long-term surveillance and control required by Criterion 10 of this section.</p>		

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>(d) To avoid unnecessary duplication and expense, the Commission may accept financial sureties that have been consolidated with financial or surety arrangements established to meet requirements of other Federal or state agencies and/or local governing bodies for decommissioning, decontamination, reclamation, and long-term site surveillance and control, provided such arrangements are considered adequate to satisfy these requirements and that the portion of the surety which covers the decommissioning and reclamation of the mill, mill tailings site and associated areas, and the long-term funding charge is clearly identified and committed for use in accomplishing these activities.</p> <p>(e) The licensee's surety mechanism will be reviewed annually by the Commission to assure, that sufficient funds would be available for completion of the reclamation plan if the work had to be performed by an independent contractor.</p> <p>(f) The amount of surety liability should be adjusted to recognize any increases or decreases resulting from:</p> <p>(1) Inflation;</p>		

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>(2) Changes in engineering plans;</p> <p>(3) Activities performed;</p> <p>(4) Spills, leakage or migration of radioactive material producing additional contamination in onsite subsurface material that must be remediated to meet applicable remediation criteria;</p> <p>(5) Waste inventory increasing above the amount previously estimated;</p> <p>(6) Waste disposal costs increasing above the amount previously estimated;</p> <p>(7) Facility modifications;</p> <p>(8) Changes in authorized possession limits;</p> <p>(9) Actual remediation costs that exceed the previous cost estimate;</p> <p>(10) Onsite disposal; and</p> <p>(11) Any other conditions affecting costs.</p> <p>(g) Regardless of whether reclamation is phased through the life of the operation or takes place at the end of operations, an appropriate portion of surety liability must be retained until final compliance with the reclamation plan is determined.</p> <p>(h) The appropriate portion of</p>		

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>surety liability retained until final compliance with the reclamation plan is determined will be at least sufficient at all times to cover the costs of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. The term of the surety mechanism must be open ended, unless it can be demonstrated that another arrangement would provide an equivalent level of assurance. This assurance would be provided with a surety instrument which is written for a specified time (e.g., 5 years) and which must be automatically renewed unless the surety notifies the beneficiary (the Commission or the State regulatory agency) and the principal (the licensee) with reasonable time (e.g., 90 days) before the renewal date of their intention not to renew. In such a situation the surety requirement still exists and the licensee would be required to submit an acceptable replacement surety within a brief time to allow at least 60 days for the regulatory agency to collect.</p> <p>(i) Proof of forfeiture must not be necessary to collect the surety. In the event that the licensee cannot provide an acceptable</p>		

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>replacement surety within the required time, the surety shall be automatically collected before its expiration. The surety instrument must provide for collection of the full face amount immediately on demand without reduction for any reason, except for trustee fees and expenses provided for in a trust agreement, and that the surety will not refuse to make full payment. The conditions described previously would have to be clearly stated on any surety instrument which is not open-ended, and must be agreed to by all parties. Financial surety arrangements generally acceptable to the Commission are:</p> <ul style="list-style-type: none"> <li>(1) Trust funds;</li> <li>(2) Surety bonds;</li> <li>(3) Irrevocable letters of credit;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>(4) Combinations of the financial surety arrangements or other types of arrangements as may be approved by the Commission. If a trust is not used, then a standby trust must be set up to receive funds in the event the Commission or State regulatory agency exercises its right to collect the surety. The surety arrangement and the surety or trustee, as applicable, must be</li> </ul>		

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				acceptable to the Commission. Self insurance, or any arrangement which essentially constitutes self insurance (e.g., a contract with a State or Federal agency), will not satisfy the surety requirement because this provides no additional assurance other than that which already exists through license requirements.		
§70.25(c)(5)	Financial assurance and recordkeeping for decommissioning.		D	N/A	N/A	
§70.25(d)	Financial assurance and recordkeeping for decommissioning.		D (**please note 10 CFR 70.25(d) was changed from a Compatibility Category H&S to a Compatibility Category D)	No Change to the text of §70.25(d)		
§ 70.25(e)	Financial assurance and recordkeeping		H&S (**please note 10	In § 70.25, paragraph (e) is revised as follows:		<a href="#">See 180 NAC 3-018.05</a>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
	for decommissioning.		<b>CFR 70.25(e) was changed from a Compatibility Category D to a Compatibility Category H&amp;S)</b>	(e)(1) Each decommissioning funding plan must be submitted for review and approval and must contain – (i) A detailed cost estimate for decommissioning, in an amount reflecting: (A) The cost of an independent contractor to perform all decommissioning activities; (B) The cost of meeting the 10 CFR 20.1402 criteria for unrestricted use, provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of 10 CFR 20.1403, the cost estimate may be based on meeting the 10 CFR 20.1403 criteria; (C) The volume of onsite subsurface material containing residual radioactivity that will require remediation; and (D) An adequate contingency factor. (ii) Identification of and justification for using the key assumptions contained in the DCE; (iii) A description of the method of assuring funds for decommissioning from paragraph (f) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility;		

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>(iv) A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and</p> <p>(v) A signed original, or, if permitted, a copy, of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section (unless a previously submitted and accepted financial instrument continues to cover the cost estimate for decommissioning).</p> <p>(2) At the time of license renewal and at intervals not to exceed 3 years, the decommissioning funding plan must be resubmitted with adjustments as necessary to account for changes in costs and the extent of contamination. If the amount of financial assurance will be adjusted downward, this can not be done until the updated decommissioning funding plan is approved. The decommissioning funding plan must update the information submitted with the original or prior approved plan, and must specifically consider the effect of the following events on decommissioning costs:</p> <p>(i) Spills of radioactive material producing additional residual radioactivity in onsite subsurface</p>		

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				material; (ii) Waste inventory increasing above the amount previously estimated; (iii) Waste disposal costs increasing above the amount previously estimated; (iv) Facility modifications; (v) Changes in authorized possession limits; (vi) Actual remediation costs that exceed the previous cost estimate; (vii) Onsite disposal; and (viii) Use of a settling pond.		
§70.25(f)	Financial assurance and recordkeeping for decommissioning.		D	N/A	N/A	
§70.25(h)	Financial assurance and recordkeeping for decommissioning.		D	N/A	N/A	
§ 70.36	Inalienability of licenses		C	In § 70.36, the current paragraph is designated as paragraph (a) and a new paragraph (b) is added to read as follows:  (b) An application for transfer of		<a href="#">See 180 NAC 3.017.02</a>

NRC Reg Section	Section Title	Difference	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				license must include: (1) The identity, technical and financial qualifications of the proposed transferee; and (2) Financial assurance for decommissioning information required by § 70.25.		

**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><b>In § 30.4, the definition for the term “commencement of construction” is revised as follows:</b></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>		
§ 30.4	Definition Commencement of construction, Paragraph 2		NRC	<p><b>In § 30.4, the definition for the term “commencement of construction” is revised as follows:</b></p> <p>(2) Common defense and security.</p>		
§ 30.4	Definition Construction, Paragraph 1-8, 9(i)		D	<p><b>In § 30.4, the definition for the term “construction” is added in alphabetical order to read as follows:</b></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</p>		

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NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
				<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., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary</p>		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
				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	<b>In § 30.4, the definition for the term “construction” is added in alphabetical order to read as follows:</b>  (ii) Common defense and security.		
§ 30.33	General requirements for issuance of specific licenses.		D	<b>In § 30.33, paragraph (a)(5) is revised.</b>	N/A	
§ 36.2	Definition: Commencement of construction, Paragraph 1		D	<b>In § 36.2, definitions for the terms “commencement of construction” is added in alphabetical order to read as follows:</b>  <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		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
§ 36.2	Definition Commencement of construction, Paragraph 2		NRC	<p><b>In § 36.2, definitions for the terms “commencement of construction” is added in alphabetical order to read as follows:</b></p> <p>(2) Common defense and security.</p>		
§ 36.2	Definition Construction, Paragraph 1-8, 9(i)		D	<p><b>In § 36.2, definitions for the terms “construction” is added in alphabetical order to read as follows:</b></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</p>		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
				<p>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> <p>(i) Radiological health and safety, or .</p>		
§ 36.2	Definition Construction, Paragraph 9(ii)		NRC	<p><b>In § 36.2, definitions for the terms “construction” is added in alphabetical order to read as follows:</b></p> <p>(ii) Common defense and security.</p>		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
§ 36.13(a)	Specific licenses for irradiators		H&S	<p><b>In § 36.13, paragraph (a) is revised to read as follows:</b></p> <p>*****</p> <p>(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.</p>		<p>Not changing 19-004.01....180 NAC 3-011, item 1-4</p> <p>Do not have 30.33(b)</p> <p>19-004 SPECIFIC LICENSES FOR IRRADIATORS: The Department will approve an application for a specific license for the use of licensed material in an irradiator if the applicant meets the requirements contained in 180 NAC 19. 19-004.01 The applicant must satisfy the general requirement specified in 180 NAC 3-011 and the requirements contained in 180 NAC 19. SSR Sec Q4 license for the use of licensed material in an irradiator if the applicant meets the requirements contained in this section.</p> <p>a. The applicant shall satisfy the general requirements specified in Part C of these regulations and the requirements contained in this Part.</p>
§ 36.15	Commencement of construction		D	N/A		
§ 39.13	Specific licenses for well logging.		H&S	<p><b>In § 39.13, paragraph (a) is revised to read as follows:</b></p> <p>*****</p> <p>(a) The applicant shall satisfy the general requirements specified in § 30.33 of this chapter for byproduct</p>	180 NAC 14-003	<p>14-003 SPECIFIC LICENSES FOR WELL LOGGING AGREEMENT WITH WELL OWNER OR OPERATOR</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</p>

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NRC Reg Section	Section Title	Differen ces	Comp atibilit y Categ ory	Summary of Change to CFR	NE References	Nebraska
				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><u>requirements:</u></p> <p><u>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.</u></p> <p><u>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:</u></p> <p><u>a. Initial training;</u></p> <p><u>b. On-the-job training;</u></p> <p><u>c. Annual safety reviews provided by the licensee;</u></p> <p><u>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 emergency procedures; and</u></p> <p><u>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.</u></p> <p><u>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</u></p>

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NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
						<p>the procedures.</p> <p>4. <u>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.</u></p> <p>5. <u>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 authority and responsibility.</u></p> <p>6. <u>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:</u></p> <p>a. <u>Instruments to be used;</u></p> <p>b. <u>Methods of performing the analysis; and</u></p> <p>c. <u>Pertinent experience of the person who will analyze the wipe samples.</u></p>
§ 40.4	Definition:		C -	In § 40.4, the definition for the term		

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NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
	Commencement of construction, Paragraph 1		States with authority to regulate uranium mill activities (11e.(2) byproduct material)  D - States without authority	<b>“commencement of construction” is revised as follows:</b>  <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		
§ 40.4	Definition: Commencement of construction, Paragraph 2		NRC	<b>In § 40.4, the definition for the term “commencement of construction” is revised as follows:</b>  (2) Common defense and security.		
§ 40.4	Definition Construction, Paragraph 1-8, 9(i)		C - States with authority to	<b>In § 40.4, the definition for the term “construction” is added in alphabetical order to read as follows:</b>  <i>Construction</i> means the installation of		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
			regulate uranium mill activities (11e.(2) byproduct material)  D - States without authority	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)		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
				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 .		
§ 40.4	Definition Construction, Paragraph 9(ii)		NRC	<b>In § 40.4, the definition for the term “construction” is added in alphabetical order to read as follows:</b>  (ii) Common defense and security.		
§ 40.32	General requirements for issuance of specific licenses		H&S - States with authority to regulate uranium mill activities (11e.(2)	<b>In § 40.32, paragraph (e) is revised to read as follows:</b>  (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		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
			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	<b>In § 70.4, the definition for the term “commencement of construction” is revised as follows:</b>  <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		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
§ 70.4	Definition: Commencement of construction, Paragraph 2		NRC	<p><b>In § 70.4, the definition for the term “commencement of construction” is revised as follows:</b></p> <p>(2) Common defense and security.</p>		
§ 70.4	Definition Construction, Paragraph 1-8, 9(i)		D	<p><b>In § 70.4, the definition for the term “construction” is added in alphabetical order to read as follows:</b></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</p>		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
				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 .		
§ 70.4	Definition Construction, Paragraph 9(ii)		NRC	<b>In § 70.4, the definition for the term “construction” is added in alphabetical order to read as follows:</b>  (ii) Common defense and security.		
§ 70.23	<b>Requirements for the</b>		NRC	<b>In § 70.23, paragraph (a)(7) is revised to read as follows:</b>		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
	approval of applications			<p>(a) * * *</p> <p>(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 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.</p>		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
§ 150.31 (b)(3)(iv)	Requirements for Agreement State regulation of byproduct material.		<p>C - States with authority to regulate uranium mill activities (11e.(2) byproduct material)</p> <p>NRC - States without authority</p>	<p><b>In § 150.31, paragraph (b)(3)(iv) is revised to read as follows:</b></p> <p>(b) * * *</p> <p>(3) * * *</p> <p>(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:</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>(B) 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:</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</p>		

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
				<p>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 portions of the proposed facility occurring at other than the final, in-place location at the</p>		

NRC Reg Section	Section Title	Differen ces	Comp atibilit y Categ ory	Summary of Change to CFR	NE References	Nebraska
				facility; or (9) Taking any other action which has no reasonable nexus to radiological health and safety.		

**Change of Compatibility of 10 CFR 31.5 and 31.6  
in the Withdrawal of Proposed Rule and Closure of Petition For Rulemaking:  
Organization of Agreement States and Florida Department of Health, Bureau of Radiation Control  
(77 FR 3640, Published January 25, 2012) RATS ID: 2012-1 Effective: 1/25/2012  
Date Due for State Adoption 1/25/2015**

NRC Reg Section	SectionTitle	Differnc es	Compa tibility Catego ry	Summary of Change to CFR	NE Referen ces	Nebraska
31.5	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		<b>C*** (**plea se note 10 CFR 31.5 was change d from Compa tibility Catego ry B to Compa tibility Catego ry C)</b>	<b>NO TEXT CHANGE TO 10 CFR 31.5.</b>  Text for 10CFR 31.5 can be found in <i>Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material</i> , (65 FR 79162, Published December 18, 2000) RATS ID: 2001-1, Effective: 2/16/01.		
31.6	General license to install devices generally licensed in 31.5		<b>C*** (**plea se note 10 CFR 31.6 was change d from Compa tibility</b>	<b>NO TEXT CHANGE TO 10 CFR 31.6.</b>  Text for 10CFR 31.6 can be found in <i>Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material</i> , (65 FR 79162, Published December 18, 2000) RATS ID: 2001-1, Effective: 2/16/01.	<u>180 NAC 3-028.01, item 1</u>  Note item 1.a and d have not been in CFR for	Notwithstanding the provisions of 180 NAC 3-028.01, item 1 any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State authorizing the holder to manufacture, transfer, install, or service a device described in 180 NAC 3-008.04, item 1 within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service such a device in this State provided that:

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NRC Reg Section	SectionTitle	Differnc es	Compa tibility Catego ry	Summary of Change to CFR	NE Referen ces	Nebraska
			Category B to Compatibility Category C)		years but info is in 3-014item 5a	<p>a. <del>[Reserved]Such person must file a report with the Department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each report must identify each general licensee to whom the device is transferred by name and address; the type and model of device transferred, and the quantity and type of radioactive material contained in the device;</del></p> <p>b. The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an Agreement State;</p> <p>c. Such person must assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and</p> <p>d. <del>The holder of the specific license must furnish to each general licensee to whom s/he transfers the device or on whose premises s/he installs the device a copy of the general license contained in 180 NAC 3-008.04.</del></p>

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**Advance Notification to Native American tribes of Transportation of Certain Types of Nuclear Waste**  
(77 FR 34194, Published June 11, 2012) RATS ID: 2012-2 Effective: August 10, 2012  
Date Due for State Adoption August 10, 2015

NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	NEBRASKA
§71.4	Definition: Indian tribe		B	<p><b>In § 71.4, the new definition for the term “Indian tribe” was added as follows:</b></p> <p><i>Indian tribe</i> means an Indian or Alaska native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.</p>	<u>180 NAC 1-002</u>	<u>Indian tribe means an Indian or Alaska native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.</u>
§71.4	Definition: Tribal official		B	<p><b>In § 71.4, the new definition for the term “Tribal official” was added as follows:</b></p> <p><i>Tribal official</i> means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.</p>	<u>180 NAC 1-002</u>	<u>Tribal official means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.</u>

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NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	NEBRASKA
§71.97 (a)	Advance notification of shipment of irradiated reactor fuel and nuclear waste		B	<p><b>In § 71.97, paragraph (a) is revised to read as follows:</b></p> <p>(a)(1) As specified in paragraphs (b), (c), and (d) of this section, each licensee shall provide advance notification to the governor of a State, or the governor's designee, of the shipment of licensed material, within or across the boundary of the State, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.</p> <p>(2) As specified in paragraphs (b), (c), and (d) of this section, after June 11, 2013, each licensee shall provide advance notification to the Tribal official of participating Tribes referenced in paragraph (c)(3)(iii) of this section, or the official's designee, of the shipment of licensed material, within or across the boundary of the Tribe's reservation, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.</p>	<u>180 NAC 13-020.01</u>	<p><u>1. Each licensee must provide advance notification to the governor of a State, or the governor's designee, of the shipment of licensed material, within or across the boundary of the State, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.</u></p> <p><u>2. After the effective date of these regulations, each licensee must provide advance notification to the Tribal official of participating Tribes referenced in 180 NAC 13-020.03, or the official's designee, of the shipment of licensed material, within or across the boundary of the Tribe's reservation, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.</u></p>

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NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	NEBRASKA
§71.97 (c)(1)	Advance notification of shipment of irradiated reactor fuel and nuclear waste		B	<p><b>In § 71.97, paragraph (c)(1) is revised to read as follows:</b></p> <p>(c) <i>Procedures for submitting advance notification.</i></p> <p>(1) The notification must be made in writing to:</p> <p>(i) The office of each appropriate governor or governor's designee;</p> <p>(ii) The office of each appropriate Tribal official or Tribal official's designee; and</p> <p>(iii) The Director, Division of Security Policy, Office of Nuclear Security and Incident Response.</p>	<u>180 NAC 13-020.04, item 1</u>	<p><u>13-020.04 Procedures for submittinhg advance notification</u></p> <p><u>1. The notification required by 180 NAC 13-020.01 must be made in writing to:</u></p> <p><u>i. The office of each appropriate governor, or governor's designee;</u></p> <p><u>ii The office of each appropriate Tribal official or Tribal official's designee and</u></p> <p><u>iii. To the U.S. Nuclear Regulatory Director, Division of Nuclear Security, Office of Nuclear Security and Incident Response.</u></p>
§71.97 (c)(3)	Advance notification of shipment of irradiated reactor fuel and nuclear waste		B	<p><b>In § 71.97, paragraph (c)(3) is revised to read as follows:</b></p> <p>(c) * * *</p> <p>(3) A notification delivered by any other means than mail must reach the office of the governor or of the governor's designee or the Tribal official or Tribal official's designee at least 4 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur.</p> <p>(i) A list of the names and mailing addresses of the governors'</p>	<u>180 NAC 13-20-04, item 3</u>	<p><u>. A notification delivered by any other means than mail must reach the office of the governor, or governor's designee, at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.</u></p> <p><u>i. A list of names and mailing addresses of the governors' designees receiving advance notification of transportation of nuclear waste was published in the <i>Federal Register</i> on June 30, 1995 (60 FR 34306).</u></p>

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NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	NEBRASKA
				<p>designees receiving advance notification of transportation of nuclear waste was published in the <i>Federal Register</i> on June 30, 1995 (60 FR 34306).</p> <p>(ii) The list of governor's designees and Tribal official's designees of participating Tribes will be published annually in the <i>Federal Register</i> on or about June 30<sup>th</sup> to reflect any changes in information.</p> <p>(iii) A list of the names and mailing addresses of the governors' designees and Tribal officials' designees of participating Tribes is available on request from the Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.</p>		<p><u>ii. The list of governor's designees and Tribal official's designees of participating Tribes will be published annually in the <i>Federal Register</i> on or about June 30<sup>th</sup> to reflect any changes in information.</u></p> <p><u>iii. A list of the names and mailing addresses of the governors' designees and Tribal officials' designees of participating Tribes is available on request from the Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.</u></p>
§71.97 (d)(4)	Advance notification of shipment of irradiated reactor fuel and nuclear waste		B	<p><b>In § 71.97, paragraph (d)(4) is revised to read as follows:</b></p> <p>(d) * * *</p> <p>(4) The 7-day period during which arrival of the shipment at State boundaries or Tribal reservation boundaries is estimated to occur;</p>	<u>180 NAC 13-020.03,item 4</u>	<p><u>4. The seven-day period during which arrival of the shipment at state boundaries or Tribal reservation boundaries is estimated to occur;</u></p>
§71.97 (e)	Advance notification		B	<p><b>In § 71.97, paragraph (e) is revised to read as follows:</b></p>	<u>180 NAC 13-020.05</u>	<p><u>13-020.05 Revision notice. A licensee who finds that schedule information previously furnished to a</u></p>

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NRC Reg Section	Section Title	Differences	Compatibility Category	Summary of Change to CFR	NE References	NEBRASKA
	of shipment of irradiated reactor fuel and nuclear waste			(e) <i>Revision notice.</i> A licensee who finds that schedule information previously furnished to a governor or governor's designee or a Tribal official or Tribal official's designee, in accordance with this section, will not be met, shall telephone a responsible individual in the office of the governor of the State or of the governor's designee or the Tribal official or the Tribal official's designee and inform that individual of the extent of the delay beyond the schedule originally reported. The licensee shall maintain a record of the name of the individual contacted for 3 years.		<u>governor or governor's designee or a Tribal official or Tribal official's designee, in accordance with 180 NAC 13-020, will not be met, must all telephone a responsible individual in the office of the governor of the State or of the governor's designee or the Tribal official or the Tribal official's designee and inform that individual of the extent of the delay beyond the schedule originally reported. The licensee must maintain a record of the name.</u>
§71.97 (f)(1)	Advance notification of shipment of irradiated reactor fuel and nuclear waste		B	<b>In § 71.97, paragraph (f)(1) is revised to read as follows:</b>  (f) <i>Cancellation notice.</i> (1) Each licensee who can cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor's designee previously notified, each Tribal official or to the Tribal official's designee previously notified, and the Director, Division of Security Policy, Office of Nuclear Security and Incident Response.	<u>180 NAC 13-020.06</u>	<u>06 Cancellation notice. Each licensee who can cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent must send a cancellation notice to the governor of each State or to the governor's designee previously notified, each Tribal official or to the Tribal official's designee previously notified, and the Director, Division of Security Policy, Office of Nuclear Security and Incident Response</u>

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<b>NRC Reg Section</b>	<b>Section Title</b>	<b>Differences</b>	<b>Compatibility Category</b>	<b>Summary of Change to CFR</b>	<b>NE References</b>	<b>NEBRASKA</b>
§ 73.2	Definition: Indian tribe		NRC	In § 73.2, the new definition for the term “Indian tribe” was added:		
§ 73.2	Definition: Tribal official		NRC	In § 73.2, the new definition for the term “Tribal official” was added:		
§ 73.21	Protection of Safeguards Information: Performance Requirements.		NRC	In § 73.21, paragraph (a)(2) is revised:		
§ 73.37	Requirements for physical protection of irradiated reactor fuel in transit		NRC	In § 73.37, paragraphs (f) and (g) are revised:		
§ 73.59	Relief from fingerprinting, identification and criminal history records checks and		NRC	In § 73.59, new paragraph (l) is added:		

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NRC Reg Section	Section Title	Differen ces	Compat ibility Categor y	Summary of Change to CFR	NE References	NEBRASKA
	other elements of background checks for designated categories of individuals					

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**Technical Corrections – Parts 30, 34, 40, and 71**  
**(77 FR 39899, Published July 6, 2012) RATS ID: 2012-3 Effective: August 6, 2012**  
**Date Due for State Adoption August 6, 2015**

NRC Reg Section	SectionTitle	Differen ces	Compa tibility Catego ry	Summary of Change to CFR	NE Reference s	Nebraska
30.34(h)(1)(ii)	Terms and conditions of licenses		H&S	<p><b>In §30.34, paragraph (h)(1)(ii) was revised to remove the reference “11 U.S.C. 101(14)” and add, in its place, the reference “11 U.S.C. 101(15).”</b></p> <p>(ii) An entity (as that term is defined in 11 U.S.C. 101(15)) controlling the licensee or listing the license or licensee as property of the estate; or</p>	180 NAC 3-017.05, item 2	An entity (as that term is defined in 11 U.S.C. 101(15)) (attached hereto as Attachment Number 3-1 and incorporated herein by this reference) controlling the licensee or listing the license or licensee as property of the estate; or
34.20(a)(1)	Performance requirements for industrial radiography equipment		B	<p><b>In §34.20(a)(1), the address for the American National Standards Institute is updated as follows:</b></p> <p>(a)(1) * * * This publication may be purchased from the American National Standards Institute, Inc., 25 West 43<sup>rd</sup> Street, New York, New York 10036; Telephone: (212) 642-4900. * * *</p>		5-005.01 Each radiographic exposure device, source assembly or sealed source, and all associated equipment must meet the requirements specified in American National Standard Institute, N432-1980 “Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography,” (published as NBS Handbook 136, issued January 1981). This publication has been incorporated herein by reference and is available for viewing at the

NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference s	Nebraska
						Department of Health and Human Services, <del>Division of</del> Public Health, <u>Office of</u> Radiological Health, 301 Centennial Mall South, P.O. Box 95026, Lincoln, Nebraska 68509-5026.  <u>Not same but more like SSR. ??????</u>
Part 40, Appendix A, section I, Criterion 4(d)	Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings for Wastes Produced by the Extraction or Concentration of Source material from ores processed primarily for their Source Material Content		C	<b>The eight paragraph of Criterion 4(d) is revised to read as follows:</b>  Criterion 4. * * * (d) *** Rock covering of slopes may be unnecessary where top covers are very thick (on the order of 10 m or greater); impoundment slopes are very gentle (on the order of 10 h:1v or less); bulk cover materials have inherently favorable erosion resistance characteristics; and, there is negligible drainage catchment area upstream of the pile and good wind protection as described in points (a) and (b) of this Criterion.		<u>Do not have this???</u> <u>We do not have Uranium Milling.</u>

NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE References	Nebraska
Part 40, Appendix A, section I, Criterion 8A	Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings for Wastes Produced by the Extraction or Concentration of Source material from ores processed primarily for their Source Material Content		C	<p><b>The third sentence of Criterion 8A is revised to read as follows:</b></p> <p>Criterion 8A. * * * The appropriate NRC regional office as indicated in appendix D to 10 CFR part 20 of this chapter, or the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, must be immediately notified of any failure in a tailings or waste retention system that results in a release of tailings or waste into unrestricted areas, or of any unusual conditions (conditions not contemplated in the design of the retention system) that if not corrected could indicate the potential or lead to failure of the system and result in a release of tailings or waste into unrestricted areas.</p>		<u>Do not have this????</u>
Part 71, Appendix A, Table A-1	Packaging and Transportation of Radioactive Material, A <sub>1</sub> and A <sub>2</sub> Values for Radionuclides		[B]	<p><b>In Table A-1, the entries for Bi-205, Cm-248, Eu-150 (long lived), and Te-132(a) and footnote b were revised to read as follows:</b></p> <p>See the table at the end of the document.</p>		<u>Do not have this????</u>

**Table A-1—A<sub>1</sub> and A<sub>2</sub> VALUES FOR RADIONUCLIDES**

Symbol of radionuclide	Element and atomic number	A <sub>1</sub> (TBq)	A <sub>1</sub> (Ci) <sup>b</sup>	A <sub>2</sub> (TBq)	A <sub>2</sub> (Ci) <sup>b</sup>	Specific activity	
						(TBq/g)	(Ci/g)
*	*	*	*	*	*	*	*
Bi-205	Bismuth (83)	7.0×10 <sup>-1</sup>	1.9×10 <sup>1</sup>	7.0×10 <sup>-1</sup>	1.9×10 <sup>1</sup>	1.5×10 <sup>3</sup>	4.2×10 <sup>4</sup>
*	*	*	*	*	*	*	*
Cm-248		2.0×10 <sup>-2</sup>	5.4×10 <sup>-1</sup>	3.0×10 <sup>-4</sup>	8.1×10 <sup>-3</sup>	1.6×10 <sup>-4</sup>	4.2×10 <sup>-3</sup>
*	*	*	*	*	*	*	*
Eu-150 (long lived)		7.0×10 <sup>-1</sup>	1.9×10 <sup>1</sup>	7.0×10 <sup>-1</sup>	1.9×10 <sup>1</sup>	6.1×10 <sup>4</sup>	1.6×10 <sup>6</sup>
*	*	*	*	*	*	*	*
Te-132 (a)		5.0×10 <sup>-1</sup>	1.4×10 <sup>1</sup>	4.0×10 <sup>-1</sup>	1.1×10 <sup>1</sup>	1.1×10 <sup>4</sup>	3.0×10 <sup>5</sup>
*	*	*	*	*	*	*	*

\*                      \*                      \*                      \*                      \*

<sup>b</sup> The values of A<sub>1</sub> and A<sub>2</sub> in Curies (Ci) are approximate and for information only; the regulatory standard units are Terabecquerels (TBq) (see Appendix A to part 71—Determination of A<sub>1</sub> and A<sub>2</sub>, Section I).

**Requirements for Distribution of Byproduct Material, Parts 30, 31, 32, 40, and 70**  
**(77 FR 43666, Published July 25, 2012) RATS ID: 2012-4 Effective: October 23, 2012**  
**Date Due for State Adoption: October 23, 2015**

NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
§30.6(b)(1)(iv)	Communications		D	N/A		
§30.8(c)(1)	Information collection requirements: OMB approval		D	N/A		
§30.15(a)(2)	Certain items containing byproduct material		B	<p><b>In § 30.15, paragraph (a)(2) is added to read as follows:</b></p> <p>(a) * * *</p> <p>(2)(i) Static elimination devices which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device.</p> <p>(ii) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.</p> <p>(iii) Such devices authorized before October 23, 2012 for use under the general license then provided in § 31.3 and equivalent regulations of Agreement States and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the</p>	<p><u>180 NAC 3-004.03, item 1.a.(2)</u></p>	<p><u>(a) Static elimination devices which contain, as a sealed source or sources, radioactivet material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device.</u></p> <p><u>(b) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.</u></p> <p><u>(c) Such devices authorized before the effective date of these regulations for use under the general license then provided in 180 NAC 3-008.01 and equivalent regulations of the U.S. Nuclear Regulatory Commission, Agreement States and manufactured, tested, and labeled by the manufacturer in.</u></p>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				Commission.		<u>accordance with the specifications contained in a specific license issued by the State, Agreement State or the U.S. Nuclear Regulatory Commission.-</u>
§30.19(b)	Self-luminous products containing tritium, krypton-85, or promethium-147		B	<p><b>In § 30.19, paragraph (b) is revised to read as follows:</b></p> <p>(b) Any person who desires to manufacture, process, or produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147 for use under paragraph (a) of this section, should apply for a license under § 32.22 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.</p>	<u>180 NAC 3-004.03, item 2.c.</u>	Any person who desires to manufacture, process, or produce <u>or initially transfer for sale or distribution</u> self-luminous products containing tritium, krypton-85, or promethium-147, <u>for sue under - or to initially transfer such-</u> <del>product for use in accordance with</del> 180 NAC 3-004.03, item 2.a., should apply for a license in accordance with 10 CFR 32.22, <u>and for a certificate of registration per 10 CFR 32.210.</u> <del>which license states that the product may be initially transferred by the licensee to persons exempt from 180 NAC-3-004.03, item 2.a. C.4e.iii(1) or equivalent regulations of an Agreement State.</del>
§30.20	Gas and aerosol detectors containing byproduct material		B	<p><b>Section 30.20 is revised to read as follows:</b></p> <p>(a) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing byproduct material, any person is exempt from the requirements for a</p>	<u>180 NAC 3-004.03, item 3.a.</u>	<del>a-</del> Except for persons who manufacture, process, produce or initially transfer for sale or distribution gas and aerosol detectors containing radioactive material, any person is exempt

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>license set forth in section 81 of the Act and from the regulations in parts 19, 20, 21, and 30 through 36 and 39 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material in gas and aerosol detectors designed to protect health, safety, or property, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under § 32.26 of this chapter, which license authorizes the initial transfer of the product for use under this section. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by a State under comparable provisions to § 32.26 of this chapter authorizing distribution to persons exempt from regulatory requirements.</p> <p>(b) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use under</p>		<p>from Title 180 to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material in gas and aerosol detectors designed to that such person receives, possesses, uses, transfers, owns or acquires radioactive material, in gas and aerosol detectors designed to protect <u>health safety, or property, life or property from fires and airborne hazards</u>—and manufactured, processed, produced, or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.26, <u>pursuant to 180 NAC 3-014.03</u>, which <u>license</u> authorizes the initial transfer of the product for use under 180 NAC 3-004.03. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007 in accordance with a specific license issued by a State under comparable provision to 10 CFR 32.26 authorizing distribution detectors to persons exempt from regulatory requirements.</p> <p>b. Any person who desires to manufacture, process, or</p>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				paragraph (a) of this section, should apply for a license under § 32.26 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter. -		produce gas and aerosol detectors containing radioactive material, or to initially transfer such products for use in accordance with 180 NAC 3-004.03, item 3.a. should apply for a license in accordance with 10 CFR 32.26, <u>and for a certificate of registration in per 10 CFR 32.210, which license states that the product may be initially transferred by the licensee to persons exempt from 180 NAC 3-014.03, item 3.a. or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State.</u>
§30.22	Certain industrial devices		B	<b>Section 30.22 is added under the undesignated heading Exemptions to read as follows:</b>  (a) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the requirements for a	<u>180 NAC 3-004.03, item 5. a. and b.</u>	<u>Certain Industrial Devices</u> <u>a. Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing radioactive material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the requirements for a license in the</u>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				<p>license set forth in section 81 of the Act and from the regulations in parts 19, 20, 21, 30 through 36, and 39 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under § 32.30 of this chapter, which license authorizes the initial transfer of the device for use under this section. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.</p> <p>(b) Any person who desires to manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material for use under paragraph (a) of this section, should apply for a license under § 32.30 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.</p>		<p><u>Radiation Control Act and 180 NAC to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under 10 CFR 32.30, which license authorizes the initial transfer of the device for use under 180 NAC 3-004.03., item 4.a.. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.</u></p> <p><u>b.. Any person who desires to manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing radioactive material for use under 180 NAC 3-004.03, item 5.a., should apply for a license under 10 CFR 32.30 and for a certificate of registration in accordance with 10 CRF 32.210.</u></p>
§30.32(g)	Application for		C	<b>In § 30.32, paragraph (g) is revised</b>	<b>180.</b>	<b>Except as provided in 180 NAC</b>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
	specific licenses			<p><b>to read as follows:</b></p> <p>(g)(1) Except as provided in paragraphs (g)(2), (g)(3), and (g)(4) of this section, an application for a specific license to use byproduct material in the form of a sealed source or in a device that contains the sealed source must either--</p> <p>(i) Identify the source or device by manufacturer and model number as registered with the Commission under § 32.210 of this chapter, with an Agreement State, or for a source or a device containing radium-226 or accelerator-produced radioactive material with a State under provisions comparable to § 32.210 of this chapter; or</p> <p>(ii) Contain the information identified in § 32.210(c) of this chapter.</p> <p>(2) For sources or devices manufactured before October 23, 2012 that are not registered with the Commission under § 32.210 of this chapter or with an Agreement State, and for which the applicant is unable to provide all categories of information specified in § 32.210(c) of this chapter, the application must include:</p> <p>(i) All available information identified in § 32.210(c) of this chapter concerning the source, and, if applicable, the device; and</p>	<u>NAC 3-10.08</u>	<p><u>3-010.08, items 2, 3, and 4, a</u>An application for a specific license to use radioactive material in the form of a sealed source or in a device that contains the sealed source must either:</p> <p>1. _Identify the source or device by manufacturer and model number as registered with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or with an Agreement State, or for source or a device containing radium-226 or accelerator-produced radioactive material with the U.S. Nuclear Regulatory Commission or an State under provisions comparable to 10 CFR § 32.210-<u>or</u> <del>E</del>contain the information identified in 10 CFR 32.210(c) <del>or</del>.</p> <p>2.. For sources or devices <del>containing naturally occurring or accelerator produced radioactive material</del> manufactured prior to <del>November 30, 2007</del><u>October 23, 2012</u>, that are not registered with the U.S. Nuclear Regulatory Commission under 10 CFR § 32.210 or with an Agreement State, and for which the applicant is unable to provide all categories of</p>

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>(ii) Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information must include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.</p> <p>(3) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with § 32.210(g)(1) of this chapter, the applicant may supply only the manufacturer, model number, and radionuclide and quantity.</p> <p>(4) If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.</p>		<p>information specified in 10 CFR § 32.210(c), the applicant must provide:</p> <p>a. All available information identified in 10 CFR § 32.210(c) concerning the source, and, if applicable, the device; and</p> <p>b. Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information must include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.</p> <p><u>3. For sealed sources and devices allowed to be distributed without registration of safety information per 10CFR § 32.210(g)(1), the applicant may supply only the manufacturer, model number, and radionuclide and quantity.</u></p> <p><u>4. If it is not feasible to identify each sealed source and device individually, the applicant may propose</u></p>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
						<u>constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.</u>
§30.38	Application for amendment of licenses and registration certificates		D	N/A	<u>3-021</u>	<u>N/A</u>
§30.39	Commission action on applications to renew or amend		D	N/A	<u>3-022</u>	<u>N/A</u>
§30.61	Modification and revocation of licenses and registration certificates		D	N/A	<u>NA</u>	

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
§31.3	Certain devices and equipment		B	Section 31.3 is removed and reserved	<u>3-008.01</u>	<del>3-008.01 Certain Devices and Equipment: A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. This general license is subject to the provisions of 180 NAC 1-004 through 009, 180 NAC 3-004.01, item 2, 180 NAC 3-017, 3-025, and 3-026, 3-030, 180 NAC 4,<sup>1</sup> and 180 NAC 10, 13, 17 and 18. 1. <del>Static Elimination Device. Devices designed for use as static eliminators which contain, as sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microcuries) of polonium-210 per device.</del></del>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
						<p><del>2. Ion Generating Tube. Devices designed for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microcuries) of polonium-210 per device or a total of not more than 1.85 GBq (50 millicuries) of hydrogen-3 (tritium) per device.</del></p> <p><del>22223. A general license is hereby issued to receive title to and own special nuclear material without regard to quantity. Notwithstanding any other provision of 180 NAC 3, a general licensee under this 180 NAC 3-008 is not authorized to acquire, deliver, receive, possess, use, transfer, import, or export special nuclear material, except as authorized in a specific license.</del></p>
§31.23(b)	Criminal penalties		D	N/A	<u>NA</u>	<u>N/A</u>
§32.1(a)	Purpose and scope		D	N/A	<u>NA</u>	<u>N/A</u>
§32.2	Definition: Committed dose		D	N/A	<u>NA</u>	<u>N/A Do not have definition</u>
§32.2	Definition: Sealed source and device registry		D	N/A	<u>NA</u>	<u>N/A Do not have definition</u>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
§32.8(b)	Information collection requirements: OMB approval		D	N/A		
§32.14(b)(4) & (b)(5)	Certain items containing byproduct material; requirements for license to apply or initially transfer		NRC	<p><b>In § 32.14, paragraphs (b)(4) and (b)(5) are revised to read as follows:</b></p> <p>(b) * * *</p> <p>(4) Except for electron tubes and ionization chamber smoke detectors and timepieces containing promethium-147 or tritium in the form of gaseous tritium light sources, procedures for and results of prototype testing to demonstrate that the byproduct material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product;</p> <p>(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality control procedures to be followed in the fabrication of production lots of the product and the quality control standards the product will be required to meet;</p>		<u>N/A</u>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
§ 32.15	Same: Quality assurance, prohibition of transfer, and labeling.		NRC	<p><b>In § 32.15, paragraph (c) is removed and reserved and paragraphs (a) and (b) are revised to read as follows:</b></p> <p>(a) Each person licensed under § 32.14 for products for which quality control procedures are required shall:</p> <p>(1) Maintain quality assurance systems in the manufacture of the part or product, or the installation of the part into the product, in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed products are capable of performing their intended functions;</p> <p>(2) Subject inspection lots to acceptance sampling procedures, by procedures specified in the license issued under § 32.14, to provide at least 95 percent confidence that the Lot Tolerance Percent Defective of 5.0 percent will not be exceeded; and</p> <p>(3) Visually inspect each unit in inspection lots. Any unit which has an observable physical defect that could adversely affect containment of the byproduct material must be considered a defective unit.</p> <p>(b) No person licensed under § 32.14 shall transfer to other persons for use under § 30.15 of this chapter or equivalent regulations of an Agreement State:</p>		N/A

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				<p>(1) Any part or product tested and found defective under the criteria and procedures specified in the license issued under § 32.14, unless the defective part or product has been repaired or reworked, retested, and found by an independent inspector to meet the applicable acceptance criteria; or</p> <p>(2) Any part or product contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (a)(2) of this section, unless:</p> <p>(i) A procedure for defining sub-lot size, independence, and additional testing procedures is contained in the license issued under § 32.14; and</p> <p>(ii) Each individual sub-lot is sampled, tested, and accepted in accordance with the procedures specified in paragraphs (a)(2) and (b)(2)(i) of this section and any other criteria that may be required as a condition of the license issued under § 32.14.</p> <p>(c) [Reserved]</p>		
§32.22(a)(3)	Self-luminous products containing tritium, krypton-85 or promethium-147:		NRC	<p><b>In § 32.22, paragraph (a)(3) is added to read as follows:</b></p> <p>(a) * * *</p> <p>(3)(i) The Commission determines that the product meets the safety</p>		<u>N/A</u>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
	Requirements for license to manufacture, process, produce, or initially transfer			criteria in § 32.23; and (ii) The product has been evaluated by the NRC and registered in the Sealed Source and Device Registry.		
§32.26	Gas and aerosol detectors containing byproduct material: Requirements for license to manufacture, process, produce, or initially transfer		NRC	<b>In § 32.26, the introductory text is revised and paragraph (c) is added to read as follows:</b>  An application for a specific license to manufacture, process, or produce gas and aerosol detectors containing byproduct material and designed to protect health, safety, or property, or to initially transfer such products for use under § 30.20 of this chapter or equivalent regulations of an Agreement State, will be approved if: * * * * * (c)(1) The Commission determines that the product meets the safety criteria in § 32.27; and (2) The product has been evaluated by the NRC and registered in the Sealed Source and Device Registry.		<u>N/A</u>
§32.30	Certain industrial devices containing byproduct material: Requirements for license to		NRC	<b>Section 32.30 is added under subpart A to read as follows:</b>  An application for a specific license to manufacture, process, produce, or initially transfer for sale or distribution devices containing byproduct material		<u>N/A</u>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
	manufacture, process, produce, or initially transfer			<p>for use under § 30.22 of this chapter or equivalent regulations of an Agreement State will be approved if:</p> <p>(a) The applicant satisfies the general requirements of § 30.33 of this chapter: However, the requirements of § 30.33(a)(2) and (a)(3) do not apply to an application for a license to transfer byproduct material in such industrial devices manufactured, processed, or produced under a license issued by an Agreement State;</p> <p>(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, and conditions of handling, storage, use, and disposal of the industrial devices to demonstrate that the device will meet the safety criteria set forth in § 32.31. The information should include:</p> <p>(1) A description of the device and its intended use or uses;</p> <p>(2) The type and quantity of byproduct material in each unit;</p> <p>(3) Chemical and physical form of the byproduct material in the device and changes in chemical and physical form that may occur during the useful life of the device;</p> <p>(4) Solubility in water and body fluids of the forms of the byproduct</p>		

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				<p>material identified in paragraphs (b)(3) and (b)(12) of this section;</p> <p>(5) Details of construction and design of the device as related to containment and shielding of the byproduct material and other safety features under normal and severe conditions of handling, storage, use, and disposal of the device;</p> <p>(6) Maximum external radiation levels at 5 and 30 centimeters from any external surface of the device, averaged over an area not to exceed 10 square centimeters, and the method of measurement;</p> <p>(7) Degree of access of human beings to the device during normal handling and use;</p> <p>(8) Total quantity of byproduct material expected to be distributed in the devices annually;</p> <p>(9) The expected useful life of the device;</p> <p>(10) The proposed methods of labeling or marking the device and its point-of-sale package to satisfy the requirements of § 32.32(b);</p> <p>(11) Procedures for prototype testing of the device to demonstrate the effectiveness of the containment, shielding, and other safety features under both normal and severe conditions of handling, storage, use, and disposal of the device;</p> <p>(12) Results of the prototype</p>		

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>testing of the device, including any change in the form of the byproduct material contained in the device, the extent to which the byproduct material may be released to the environment, any increase in external radiation levels, and any other changes in safety features;</p> <p>(13) The estimated external radiation doses and committed doses resulting from the intake of byproduct material in any one year relevant to the safety criteria in § 32.31 and the basis for these estimates;</p> <p>(14) A determination that the probabilities with respect to the doses referred to in § 32.31(a)(4) meet the criteria of that paragraph;</p> <p>(15) Quality control procedures to be followed in the fabrication of production lots of the devices and the quality control standards the devices will be required to meet; and</p> <p>(16) Any additional information, including experimental studies and tests, required by the Commission.</p> <p>(c)(1) The Commission determines that the device meets the safety criteria in § 32.31.</p> <p>(2) The device is unlikely to be routinely used by members of the general public in a non-occupational environment.</p> <p>(3) The device has been registered in the Sealed Source and</p>		

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				Device Registry.		
§32.31	Certain industrial devices containing byproduct material: Safety criteria		NRC	<p><b>Section 32.31 is added under subpart A to read as follows:</b></p> <p>(a) An applicant for a license under § 32.30 shall demonstrate that the device is designed and will be manufactured so that:</p> <p>(1) In normal use, handling, and storage of the quantities of exempt units likely to accumulate in one location, including during marketing, distribution, installation, and servicing of the device, it is unlikely that the external radiation dose in any one year, or the committed dose resulting from the intake of radioactive material in any one year, to a suitable sample of the group of individuals expected to be most highly exposed to radiation or radioactive material from the device will exceed 200 µSv (20 mrem).</p> <p>(2) It is unlikely that the external radiation dose in any one year, or the committed dose resulting from the intake of radioactive material in any one year, to a suitable sample of the group of individuals expected to be most highly exposed to radiation or radioactive material from disposal of the quantities of units likely to accumulate in the same disposal site will exceed 10 µSv (1 mrem).</p> <p>(3) It is unlikely that there will be a significant reduction in the</p>		<u>N/A</u>

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>effectiveness of the containment, shielding, or other safety features of the device from wear and abuse likely to occur in normal handling and use of the device during its useful life.</p> <p>(4) In use, handling, storage, and disposal of the quantities of exempt units likely to accumulate in one location, including during marketing, distribution, installation, and servicing of the device, the probability is low that the containment, shielding, or other safety features of the device would fail under such circumstances that a person would receive an external radiation dose or committed dose in excess of 5 mSv (500 mrem), and the probability is negligible that a person would receive an external radiation dose or committed dose of 100 mSv (10 rem) or greater. <sup>1</sup></p> <p>(b) An applicant for a license under § 32.30 shall demonstrate that, even in unlikely scenarios of misuse, including those resulting in direct exposure to the unshielded source removed from the device for 1,000 hours at an average distance of 1 meter and those resulting in dispersal and subsequent intake of 10<sup>-4</sup> of the quantity of byproduct material (or in the case of tritium, an intake of 10 percent), a person will not receive an external radiation dose or committed dose in excess of 100 mSv</p>		

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				<p>(10 rem), and, if the unshielded source is small enough to fit in a pocket, that the dose to localized areas of skin averaged over areas no larger than 1 square centimeter from carrying the unshielded source in a pocket for 80 hours will not exceed 2 Sv (200 rem).</p> <p><sup>1</sup>It is the intent of this paragraph that as the magnitude of the potential dose increases above that permitted under normal conditions, the probability that any individual will receive such a dose must decrease. The probabilities have been expressed in general terms to emphasize the approximate nature of the estimates that are to be made. The following values may be used as guides in estimating compliance with the criteria: Low--not more than one such failure/incident per year for each 10,000 exempt units distributed. Negligible--not more than one such failure/incident per year for each one million exempt units distributed.</p>		
§32.32	<p>Conditions of licenses issued under § 32.30: Quality control, labeling, and</p> <p>reports of transfer</p>		NRC	<p><b>Section 32.32 is added under subpart A to read as follows:</b></p> <p>Each person licensed under § 32.30 shall:</p> <p>(a) Carry out adequate control procedures in the manufacture of the</p>		N/A

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				<p>device to ensure that each production lot meets the quality control standards approved by the Commission;</p> <p>(b) Label or mark each device and its point-of-sale package so that:</p> <p>(1) Each item has a durable, legible, readily visible label or marking on the external surface of the device containing:</p> <p>(i) The following statement: "CONTAINS RADIOACTIVE MATERIAL";</p> <p>(ii) The name of the radionuclide(s) and quantity(ies) of activity;</p> <p>(iii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and</p> <p>(iv) Instructions and precautions necessary to assure safe installation, operation, and servicing of the device (documents such as operating and service manuals may be identified in the label and used to provide this information).</p> <p>(2) The external surface of the point-of-sale package has a legible, readily visible label or marking containing:</p> <p>(i) The name of the radionuclide and quantity of activity;</p> <p>(ii) An identification of the</p>		

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				<p>person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and</p> <p>(iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS."</p> <p>(3) Each device and point-of-sale package contains such other information as may be required by the Commission; and</p> <p>(c) Maintain records of all transfers and file a report with the Director of the Office of Federal and State Materials and Environmental Management Programs by an appropriate method listed in § 30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution.</p> <p>(1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.</p> <p>(2) The report must indicate that the devices are transferred for use</p>		

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>under § 30.22 of this chapter or equivalent regulations of an Agreement State.</p> <p>(3) The report must include the following information on devices transferred to other persons for use under § 30.22 or equivalent regulations of an Agreement State:</p> <p>(i) A description or identification of the type of each device and the model number(s);</p> <p>(ii) For each radionuclide in each type of device and each model number, the total quantity of the radionuclide; and</p> <p>(iii) The number of units of each type of device transferred during the reporting period by model number.</p> <p>(4)(i) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year.</p> <p>(ii) Licensees who permanently discontinue activities authorized by the license issued under § 32.30 shall file a report for the current calendar year within 30 days after ceasing distribution.</p> <p>(5) If no transfers of byproduct material have been made under § 32.30 during the reporting period, the report must so indicate.</p> <p>(6) The licensee shall maintain the record of a transfer for a period of one year after the transfer is included in a</p>		

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				report to the Commission.		
§32.51(a)(6)	Byproduct material contained in devices for use under § 31.5; requirements for license to manufacture, or initially transfer		B	<p><b>In § 32.51, paragraph(a)(6) is added to read as follows:</b></p> <p>(a) * * *</p> <p>(6) The device has been registered in the Sealed Source and Device Registry.</p>	3-014.04, item 1.f.	f. <u>The device has been registered in the Sealed Source and Device Registry.</u>
§32.53(b)(5)	Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer		B	<p><b>In § 32.53, paragraph (b)(5) is revised as follows:</b></p> <p>(b) * * *</p> <p>(5) Quality assurance procedures to be followed that are sufficient to ensure compliance with § 32.55;</p>	3-014.05	<p><u>3-014.05 Special Requirements for the Manufacture, Assembly, or Repair of Luminous Safety Devices for Use in Aircraft.</u> An application for a specific license to manufacture, assemble, or repair luminous safety devices containing tritium or promethium-147 for use in aircraft, for distribution to persons generally licensed under 180 NAC 3-008.05 will be approved subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The applicant satisfies the general requirements specified in 180 NAC 3-011, and</li> <li>2. The applicant satisfies the requirements of 10 CFR 30.33, 32.53 through 32.56 <del>and 32.101.</del></li> <li>3. The Radiation Safety Officer and/or authorized user</li> </ol>

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
						<p>must have training and experience requirements consistent with training specified in 180 NAC 15-018.01.</p> <p><u>We reference in 3-014.05 item 2, SSR lists everything out. Do you want to leave this or change like SSR???? See C28 e page C39</u></p>
§32.53(d)(4)	Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer		B	<p><b>In § 32.53, paragraph (d)(4) is revised follows:</b></p> <p>(d) * * *</p> <p>(4) Prototypes of the device have been subjected to and have satisfactorily passed the tests required by paragraph (e) of this section.</p>		<p><u>We reference in 3-014.05 item 2, SSR lists everything out. Do you want to leave this or change like SSR????</u></p>
§32.53(e)	Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer		B	<p><b>In § 32.53, paragraph (e) is added to read as follows:</b></p> <p>(e) The applicant shall subject at least five prototypes of the device to tests as follows:</p> <p>(1) The devices are subjected to tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment of tritium or promethium-147, such as temperature, moisture, absolute pressure, water immersion, vibration,</p>		<p><u>We reference in 3-014.05 item 2, SSR lists everything out. Do you want to leave this or change like SSR????</u></p>

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>shock, and weathering.</p> <p>(2) The devices are inspected for evidence of physical damage and for loss of tritium or promethium-147, after each stage of testing, using methods of inspection adequate for determining compliance with the criteria in paragraph (e)(3) of this section.</p> <p>(3) Device designs are rejected for which the following has been detected for any unit:</p> <p>(i) A leak resulting in a loss of 0.1 percent or more of the original amount of tritium or promethium-147 from the device; or</p> <p>(ii) Surface contamination of tritium or promethium-147 on the device of more than 2,200 disintegrations per minute per 100 square centimeters of surface area; or</p> <p>(iii) Any other evidence of physical damage.</p>		
§32.53(f)	Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer		B	<p><b>In § 32.53, paragraph (f) is added to read as follows:</b></p> <p>(f) The device has been registered in the Sealed Source and Device Registry.</p>		<p>We reference in 3-014.05 item 2. SSR lists everything out. Do you want to leave this or change like SSR????</p>
§32.55	Same: Quality		B	<b>Section 32.55 is revised to read as</b>		We reference in 3-014.05 item

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
	assurance, prohibition of transfer			<p><b>follows:</b></p> <p>(a) Each person licensed under § 32.53 shall visually inspect each device and shall reject any that has an observable physical defect that could adversely affect containment of the tritium or promethium-147.</p> <p>(b) Each person licensed under § 32.53 shall:</p> <p>(1) Maintain quality assurance systems in the manufacture of the luminous safety device in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed devices are capable of performing their intended functions; and</p> <p>(2) Subject inspection lots to acceptance sampling procedures, by procedures specified in paragraph (c) of this section and in the license issued under § 32.53, to provide at least 95 percent confidence that the Lot Tolerance Percent Defective of 5.0 percent will not be exceeded.</p> <p>(c) The licensee shall subject each inspection lot to:</p> <p>(1) Tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment of tritium or</p>		<p>2, SSR lists everything out. Do you want to leave this or change like SSR????</p>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				<p>promethium-147, such as absolute pressure and water immersion.</p> <p>(2) Inspection for evidence of physical damage, containment failure, or for loss of tritium or promethium-147 after each stage of testing, using methods of inspection adequate for applying the following criteria for defective:</p> <p>(i) A leak resulting in a loss of 0.1 percent or more of the original amount of tritium or promethium-147 from the device;</p> <p>(ii) Levels of radiation in excess of 5 microgray (0.5 millirad) per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber, if the device contains promethium-147; and</p> <p>(iii) Any other criteria specified in the license issued under § 32.53.</p> <p>(d) No person licensed under § 32.53 shall transfer to persons generally licensed under § 31.7 of this chapter, or under an equivalent general license of an Agreement State:</p> <p>(1) Any luminous safety device tested and found defective under any condition of a license issued under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet</p>		

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional testing procedures is contained in the license issued under § 32.53; and (ii) Each individual sub-lot is sampled, tested, and accepted in accordance with paragraphs (b)(2) and (d)(2)(i) of this section and any other criteria that may be required as a condition of the license issued under § 32.53.		
§32.56	Same: Material transfer reports		B	<b>Section 32.56 is revised to read as follows:</b>  (a) Each person licensed under § 32.53 shall file an annual report with the Director, Office of Federal and State Materials and Environmental Management Programs, ATTN: Document Control Desk/GLTS, by an appropriate method listed in § 30.6(a) of this chapter, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under § 31.7 of this chapter. The report must identify each general licensee by name, state the kinds and numbers of luminous devices	<del>3-</del> <u>014.06</u>	<u>3-014.06 Special Requirements for License to Manufacture Calibration Sources Containing Americium-241, Plutonium or Radium-226 for Distribution to Persons Generally Licensed Under 180 NAC 3-008.07. An application for a specific license to manufacture or initially transfer calibration and reference sources containing americium-241, plutonium or radium-226 for distributions to persons generally licensed under 180 NAC 3-008.07 will be approved subject to the</u>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				<p>transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed within thirty (30) days thereafter. If no transfers have been made to persons generally licensed under § 31.7 of this chapter during the reporting period, the report must so indicate.</p> <p>(b) Each person licensed under § 32.53 shall report annually all transfers of devices to persons for use under a general license in an Agreement State's regulations that are equivalent to § 31.7 of this chapter to the responsible Agreement State agency. The report must state the total quantity of tritium or promethium-147 transferred, identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the agency.</p>		<p>following conditions:</p> <ol style="list-style-type: none"> <li>1. The applicant satisfies the general requirement of 180 NAC 3-011, and</li> <li>2. The applicant satisfies the requirements of 10 CFR 30.33, 32.57 through 32.59, <del>32.102</del>, and 70.39, and</li> <li>3. The Radiation Safety Officer and/or authorized user must have training and experience requirements consistent with training specified in 180 NAC 15-018.01.</li> </ol> <p><u>We reference in 3-014.06 item 2, SSR lists everything out. Do you want to leave this or change like SSR????</u></p>
§32.57(d)(2)	Calibration or reference sources		B	<b>In § 32.57, paragraph (d)(2) is revised as follows:</b>		<u>We reference in 3-014.06 item 2, SSR lists everything out. Do you want to leave this or</u>

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
	containing americium-241 or radium-226: Requirements for license to manufacture or initially transfer			(d) * * * (2) The source has been subjected to and has satisfactorily passed appropriate tests required by paragraph (e) of this section.		change like SSR????
§32.57(e)	Calibration or reference sources containing americium-241 or radium-226: Requirements for license to manufacture or initially transfer		B	<b>In § 32.57 paragraph (e) is added to read as follows:</b>  (e) The applicant shall subject at least five prototypes of each source that is designed to contain more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 to tests as follows:  (1) The initial quantity of radioactive material deposited on each source is measured by direct counting of the source. (2) The sources are subjected to tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment or binding of americium-241 or radium-226, such as physical handling, moisture, and water immersion. (3) The sources are inspected for evidence of physical damage and for loss of americium-241 or radium-226, after each stage of testing, using methods of inspection adequate for		We reference in 3-014.06 item 2, SSR lists everything out. Do you want to leave this or change like SSR????

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				<p>determining compliance with the criteria in paragraph (e)(4) of this section.</p> <p>(4) Source designs are rejected for which the following has been detected for any unit: removal of more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 from the source or any other evidence of physical damage.</p>		
§32.59	Same: Leak testing of each source		B	<p><b>Section 32.59 is revised to read as follows:</b></p> <p>Each person licensed under § 32.57 shall perform a dry wipe test upon each source containing more than 3.7 kilobecquerels (0.1 microcurie) of americium-241 or radium-226 before transferring the source to a general licensee under § 31.8 of this chapter or under equivalent regulations of an Agreement State. This test must be performed by wiping the entire radioactive surface of the source with a filter paper with the application of moderate finger pressure. The radioactivity on the filter paper must be measured using methods capable of detecting 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226. If a source has been shown to be leaking or losing more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 by the methods</p>		<p>We reference in 3-014.6 item 2. SSR lists everything out. Do you want to leave this or change like SSR????</p>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
				described in this section, the source must be rejected and must not be transferred to a general licensee under § 31.8 of this chapter, or equivalent regulations of an Agreement State.		
§32.61(e)(4)	Ice detection devices containing strontium-90; requirements for license to manufacture or initially transfer		B	<p><b>In § 32.61, paragraph (e)(4) is revised as follows:</b></p> <p>e) * * *</p> <p>(4) Prototypes of the device have been subjected to and have satisfactorily passed the tests required by paragraph (f) of this section.</p>	<u>3-014.09</u>	<p><u>3-014.09 Licensing the Manufacture and Distribution of Ice Detection Devices</u></p> <p><u>Containing Strontium 90.</u> An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under 180 NAC 3-008.10 will be approved subject to the following conditions: The applicant satisfies the general requirements of 180 NAC 3-011, the criteria of 10 CFR 30.33, 32.61, <u>and</u> 32.62, <del>and 32.103</del>. The Radiation Safety Officer and/or authorized user must have training and experience requirements consistent with training specified in 180 NAC 15-018.01</p> <p><u>We reference the CFR's, SSR lists everything out. Do you want to leave this or change like SSR????</u></p>
§32.61(f)	Ice detection devices containing strontium-90;		B	<p><b>In § 32.61, paragraph (f) is added to read as follows:</b></p> <p>(f) The applicant shall subject at least</p>		<p><u>We reference the CFR's in 3-014.09. SSR lists everything out. Do you want to leave this or change like SSR????</u></p>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
	requirements for license to manufacture or initially transfer			<p>five prototypes of the device to tests as follows:</p> <p>(1) The devices are subjected to tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment of strontium-90, such as temperature, moisture, absolute pressure, water immersion, vibration, shock, and weathering.</p> <p>(2) The devices are inspected for evidence of physical damage and for loss of strontium-90 after each stage of testing, using methods of inspection adequate for determining compliance with the criteria in paragraph (f)(3) of this section.</p> <p>(3) Device designs are rejected for which the following has been detected for any unit:</p> <p>(i) A leak resulting in a loss of 0.1 percent or more of the original amount of strontium-90 from the device; or</p> <p>(ii) Surface contamination of strontium-90 on the device of more than 2,200 disintegrations per minute per 100 square centimeters of surface area; or</p> <p>(iii) Any other evidence of physical damage.</p>		
§32.61(g)	Ice detection devices		B	<b>In § 32.61, paragraph (f) is added to read as follows:</b>		<b>We reference the CFR's in 3-014.09, SSR lists everything</b>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
	containing strontium-90; requirements for license to manufacture or initially transfer			(g) The device has been registered in the Sealed Source and Device Registry.		out. Do you want to leave this or change like SSR????
§32.62(c), (d), & (e)	Same: Quality assurance; prohibition of transfer		B	<p><b>In § 32.62, paragraphs (c), (d), and (e) are revised to read as follows:</b></p> <p>(c) Each person licensed under § 32.61 shall:</p> <p>(1) Maintain quality assurance systems in the manufacture of the ice detection device containing strontium-90 in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed devices are capable of performing their intended functions; and</p> <p>(2) Subject inspection lots to acceptance sampling procedures, by procedures specified in paragraph (d) of this section and in the license issued under § 32.61, to provide at least 95 percent confidence that the Lot Tolerance Percent Defective of 5.0 percent will not be exceeded.</p> <p>(d) Each person licensed under § 32.61 shall subject each inspection lot to:</p> <p>(1) Tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that</p>		<p>We reference the CFR's in 3-014.09. SSR lists everything out. Do you want to leave this or change like SSR????</p>

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>could possibly affect the effective containment of strontium-90, such as absolute pressure and water immersion.</p> <p>(2) Inspection for evidence of physical damage, containment failure, or for loss of strontium-90 after each stage of testing, using methods of inspection adequate to determine compliance with the following criteria for defective: a leak resulting in a loss of 0.1 percent or more of the original amount of strontium-90 from the device and any other criteria specified in the license issued under § 32.61.</p> <p>(e) No person licensed under § 32.61 shall transfer to persons generally licensed under § 31.10 of this chapter, or under an equivalent general license of an Agreement State:</p> <p>(1) Any ice detection device containing strontium-90 tested and found defective under the criteria specified in a license issued under § 32.61, unless the defective ice detection device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or</p> <p>(2) Any ice detection device containing strontium-90 contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (c)(2) of this</p>		

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>section, unless:</p> <p>(i) A procedure for defining sub-lot size, independence, and additional testing procedures is contained in the license issued under § 32.61; and</p> <p>(ii) Each individual sub-lot is sampled, tested, and accepted in accordance with paragraphs (c)(2) and (e)(2)(i) of this section and any other criteria as may be required as a condition of the license issued under § 32.61.</p>		
§32.74(a)(4)	Manufacture and distribution of sources or devices containing byproduct material for medical use		B	<p><b>Section 32.74 is amended by adding paragraph (a)(4) to read as follows:</b></p> <p>(a) * * *</p> <p>(4) The source or device has been registered in the Sealed Source and Device Registry.</p>	<a href="#">3-014.12 item 4</a>	<a href="#">The source or device has been registered in the Sealed Source and Device Registry.</a>
§32.101	Schedule B--prototype tests for luminous safety devices for use in aircraft		B	<b>Section 32.101 is removed.</b>		<a href="#">We do not have. We referenced it and have removed it.</a>
§32.102	Schedule C—prototype tests for calibration or reference sources containing americium-241		B	<b>Section 32.102 is removed.</b>		<a href="#">Do not have as it is only referenced to in the CFR's</a>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
	or radium-226					
§32.103	Schedule D-- prototype tests for ice detection devices containing strontium-90		B	<b>Section 32.103 is removed.</b>		<u>Do not have as it is only referenced to in the CFR's</u>
§32.110	Acceptance sampling procedures under certain specific licenses		B	<b>Section 32.110 is removed.</b>		<u>Do not have as it is only referenced to in the CFR's</u>
§32.210(a)	Registration of product information		B - States with authority for sealed source and device (SS&D) evaluations  D - States without SS&D authority	<b>In § 32.210, paragraph (a) is revised as follows:</b>  (a) Any manufacturer or initial distributor of a sealed source or device containing a sealed source may submit a request to the NRC for evaluation of radiation safety information about its product and for its registration.		<u>NA</u>
§32.210(b)	Registration of product information		B - States with authority for sealed source and device (SS&D) evaluations  D - States	<b>In § 32.210, paragraph (b) is revised as follows:</b>  (b) The request for review must be sent to the NRC's Office of Federal and State Materials and Environmental Management Programs, ATTN: SSDR by an appropriate method listed in § 30.6(a) of this chapter.		<u>NA</u>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
			without SS&D authority			
§32.210(d)	Registration of product information		B - States with authority for sealed source and device (SS&D) evaluations  D - States without SS&D authority	<b>In § 32.210, paragraph (d) is revised as follows:</b>  (d) The NRC normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the NRC formulates reasonable standards and criteria with the help of the manufacturer or distributor. The NRC shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property. Subpart A of this part includes specific criteria that apply to certain exempt products and subpart B includes specific criteria applicable to certain generally licensed devices. Subpart C includes specific provisions that apply to certain specifically licensed items.		<u>NA</u>
§32.210(e)	Registration of product information		B - States with authority for sealed source and device (SS&D)	<b>In § 32.210, paragraph (e) is revised as follows:</b>  (e) After completion of the evaluation, the Commission issues a certificate of registration to the person making the request. The certificate of registration		<u>NA</u>

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
			evaluations  D - States without SS&D authority	acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product, or concerning use under an exemption from licensing or general license as applicable for the category of certificate.		
§32.210(g)	Registration of product information		B - States with authority for sealed source and device (SS&D) evaluations  D - States without SS&D authority	<b>In § 32.210, paragraph (g) is added to read as follows:</b>  (g) Authority to manufacture or initially distribute a sealed source or device to specific licensees may be provided in the license without the issuance of a certificate of registration in the following cases: (1) Calibration and reference sources containing no more than: (i) 37 MBq (1 mCi), for beta and/or gamma emitting radionuclides; or (ii) 0.37 MBq (10 µCi), for alpha emitting radionuclides; or (2) The intended recipients are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in any form in the case of unregistered sources or, for registered sealed sources contained in unregistered devices, are qualified by training and experience and have sufficient facilities and equipment to		<u>NA</u>

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>safely use and handle the requested quantity of radioactive material in unshielded form, as specified in their licenses; and</p> <p>(i) The intended recipients are licensed under part 33 of this chapter or comparable provisions of an Agreement State; or</p> <p>(ii) The recipients are authorized for research and development; or</p> <p>(iii) The sources and devices are to be built to the unique specifications of the particular recipient and contain no more than 740 GBq (20 Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.</p>		
§32.210(h)	Registration of product information		<p>C - States with authority for sealed source and device (SS&amp;D) evaluations</p> <p>D - States without SS&amp;D authority</p>	<p><b>In § 32.210, paragraph (h) is added to read as follows:</b></p> <p>(h) After the certificate is issued, the Commission may conduct an additional review as it determines is necessary to ensure compliance with current regulatory standards. In conducting its review, the Commission will complete its evaluation in accordance with criteria specified in this section. The Commission may request such additional information as it considers necessary to conduct its review and the certificate holder shall provide the information as requested.</p>		<u>NA</u>

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NRC Reg Section	SectionTitle	Differen ces	Compa tibility Category	Summary of Change to CFR	NE Referen ce	Nebraska
§32.211	Inactivation of certificates of registration of sealed sources and devices		<p>B - States with authority for sealed source and device (SS&amp;D) evaluations</p> <p>D - States without SS&amp;D authority</p>	<p><b>Section 32.211 is added to read as follows:</b></p> <p>(a) A certificate holder who no longer manufactures or initially transfers any of the sealed source(s) or device(s) covered by a particular certificate issued by the Commission shall request inactivation of the registration certificate. Such a request must be made to the NRC's Office of Federal and State Materials and Environmental Management Programs, ATTN: SSDR by an appropriate method listed in § 30.6(a) of this chapter and must normally be made no later than two years after initial distribution of all of the source(s) or device(s) covered by the certificate has ceased. However, if the certificate holder determines that an initial transfer was in fact the last initial transfer more than two years after that transfer, the certificate holder shall request inactivation of the certificate within 90 days of this determination and briefly describe the circumstances of the delay.</p> <p>(b) If a distribution license is to be terminated in accordance with § 30.36 of this chapter, the licensee shall request inactivation of its registration certificates associated with that distribution license before the Commission will terminate the license. Such a request for inactivation of certificate(s) must</p>		<u>NA</u>

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NRC Reg Section	SectionTitle	Differences	Compatibility Category	Summary of Change to CFR	NE Reference	Nebraska
				<p>indicate that the license is being terminated and include the associated specific license number.</p> <p>(c) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer such sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.</p>		
§32.303(b)	Criminal penalties		D	N/A		<u>NA</u>
§40.5(b)(1)(iv)	Communications		D	N/A		<u>NA</u>
§70.5(b)(1)(iv)	Communications		D	N/A		<u>NA</u>

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