



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

(FSME-11-090, September, Program, 10 CFR 30, 36, 39, 40, 70, 150)

September 22, 2011

ALL AGREEMENT STATES

REVISION OF THE CHRONOLOGY OF U.S. NUCLEAR REGULATORY COMMISSION AMENDMENTS INCLUDING THE SUMMARY OF CHANGE DOCUMENT FOR LICENSES, CERTIFICATIONS, AND APPROVALS FOR MATERIALS LICENSEES, PARTS 30, 36, 39, 40, 70, and 150. [RATS ID 2011-2] **(FSME-11-090)**

Purpose: To provide the Agreement States with the Chronology of the U.S. Nuclear Regulatory Commission (NRC) Amendments including the addition, RATS ID 2011-2, Licenses, Certifications, and Approvals for Materials Licensees, Parts 30, 36, 39, 40, 70, and 150 (effective date November 14, 2011) and the Summary of Change Document.

Background: NRC is amending its regulations by revising the provisions applicable to the licensing and approval processes for byproduct, source and special nuclear materials licenses, and irradiators. The changes will clarify the definitions of "construction" and "commencement of construction" with respect to materials licensing actions conducted under the NRC's regulations. The NRC is adopting these changes to further improve the effectiveness and efficiency of the licensing and approval processes for future materials license applications, as well as to eliminate certain inconsistencies that currently exist within the NRC's regulations with respect to the use and definition of the terms "construction" or "commencement of construction" for certain materials licensees for purposes of its environmental reviews.

Discussion: The final rules, published on September 15, 2011, are posted in the *Federal Register* (FR), 76 FR 56951 with an effective date of November 14, 2011, and can be accessed through this website: <http://www.gpoaccess.gov/fr/index.html>. The chronology is enclosed in its entirety and includes RATS ID 2011-2, as maintained by the Office of Federal and State Materials and Environmental Management Programs. The chronology is for your use to plan rulemaking actions that are needed to satisfy the compatibility and health and safety category designations of the NRC regulations. This document will also be used by the Integrated Materials Performance Evaluation Program teams during upcoming program reviews. In addition, a summary of change for the September 15, 2011, amendments has been enclosed with this letter. These summaries are for your use to identify the changes to the *Code of Federal Regulations* (CFR) text as well as the compatibility categories associated with the changes. These regulations are due for adoption by the Agreement States no later than November 14, 2014.

If you have any questions regarding this correspondence, please contact me or the individuals named below.

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Enclosures:

1. Chronology of NRC Amendments
2. Summary of Change Document

Chronology of NRC Amendments

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566; (none)	1992-2
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618; (none)	1994-1
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards - Part 40	59 FR 28220; (7/1/97)	1994-2
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use- Parts 30, 32, 35	59 FR 61767; 59 FR 65243; 60 FR 322; (1/1/98)	1995-1
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535; (none)	1998-2
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 32, 35, 36 and 39	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1
Revision of the Skin Dose Limit-Part 20	67 FR 16298; (4/5/05)	2002-1
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; (10/24/05)	2002-2
Financial Assurance for Materials Licensees - Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments - Part 71.	69 FR 3697; (10/01/07)	2004-1
Security Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1
Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; 71 FR 1926 (4/29/08)	2005-2
Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090)	70 FR 72128 (12/01/2005)	2005-3
Minor Amendments -Parts 20, 30,32, 35, 40, 70	71 FR 15005 (03/27/09)	2006-1

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National Source Tracking System - Serialization Requirements Part 32 (with reference to Part 20 Appendix E)	71 FR 65685 (02/06/07)	2006-2
National Source Tracking System Part 20	71 FR 65685 (01/31/09 Cat I and Cat II)	2006-3
Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35	72 FR 45147, 54207 (10/29/10)	2007-1
Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, and 150	72 FR 58473 (12/17/10)	2007-2
Requirements for Expanded Definition of Byproduct Material Parts - 20, 30, 31, 32, 33, 35, 61, and 150	72 FR 55864, 73 FR 42672 (11/30/10)	2007-3
Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material (Order EA-07-305)	72 FR 70901 (06/05/08)	2007-4
Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent Parts – 19 and 20	72 FR 68043, 72233 (02/15/11)	2008-1
Medical Use of Byproduct Material—Authorized User Clarification, Part 35	74 FR 33901 (09/28/12)	2009-1
Decommissioning Planning, Parts 20, 30, 40, and 70	76 FR 35512 (12/17/2015)	2011-1
Licenses, Certifications, and Approvals for Materials Licensees, Parts 30, 36, 39, 40, 51, 70, and 150	76 FR 56951 (11/14/2014)	2011-2

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

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 30.4	Definition: Commencement of construction, Paragraph 1		D	In § 30.4, the definition for the term “commencement of construction” is revised as follows: <i>Commencement of construction</i> means taking any action defined as “construction” or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to: (1) Radiological health and safety; or			
§ 30.4	Definition Commencement of construction, Paragraph 2		NRC	In § 30.4, the definition for the term “commencement of construction” is revised as follows: (2) Common defense and security.			
§ 30.4	Definition Construction, Paragraph 1-8, 9(i)		D	In § 30.4, the definition for the term “construction” is added in alphabetical order to read as follows: <i>Construction</i> means the			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>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> <ul style="list-style-type: none"> (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; 			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<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 style="padding-left: 40px;">(i) Radiological health and safety, or .</p>			

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§ 30.4	Definition Construction, Paragraph 9(ii)		NRC	In § 30.4, the definition for the term “construction” is added in alphabetical order to read as follows: (ii) Common defense and security.			
§ 30.33	General requirements for issuance of specific licenses.		D	In § 30.33, paragraph (a)(5) is revised.	N/A		
§ 36.2	Definition: Commencement of construction, Paragraph 1		D	In § 36.2, definitions for the terms “commencement of construction” is added in alphabetical order to read as follows: <i>Commencement of construction</i> means taking any action defined as “construction” or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to: (1) Radiological health and safety; or			
§ 36.2	Definition Commencement of construction,			In § 36.2, definitions for the terms “commencement of construction” is added in			

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	Paragraph 2			<p>alphabetical order to read as follows:</p> <p>(2) Common defense and security.</p>			
§ 36.2	Definition Construction, Paragraph 1-8, 9(i)		D	<p>In § 36.2, definitions for the terms “construction” is added in alphabetical order to read as follows:</p> <p><i>Construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to the regulations in this part that are related to radiological safety or security. The term “construction” does not include:</p> <p>(1) Changes for temporary use of the land for public recreational purposes;</p> <p>(2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of</p>			

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				<p>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>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				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: Radiological health and safety, or .			
§ 36.2	Definition Construction, Paragraph 9(ii)		NRC	In § 36.2, definitions for the terms “construction” is added in alphabetical order to read as follows: Common defense and security.			
§ 36.13(a)	Specific licenses for irradiators	H&S		In § 36.13, paragraph (a) is revised to read as follows: ***** (a) The applicant shall satisfy the general requirements specified in §§ 30.33(a)(1)-(4) and 30.33(b) of this chapter and the requirements contained in this part.			

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§ 36.15	Commencement of construction		D	N/A			
§ 39.13	Specific licenses for well logging.		H&S	<p>In § 39.13, paragraph (a) is revised to read as follows:</p> <p>*****</p> <p>(a) The applicant shall satisfy the general requirements specified in § 30.33 of this chapter for byproduct material, in § 40.32 of this chapter for source material, and in § 70.23 of this chapter for special nuclear material, as appropriate, and any special requirements contained in this part.</p>			
§ 40.4	Definition: Commencement of construction, Paragraph 1		<p>C - States with authority to regulate uranium mill activities (11e.(2) byproduct material)</p> <p>D - States without authority</p>	<p>In § 40.4, the definition for the term “commencement of construction” is revised as follows:</p> <p><i>Commencement of construction</i> means taking any action defined as “construction” or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to:</p> <p>(1) Radiological health and safety; or</p>			

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

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				<p>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</p>			

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				<p>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: Radiological health and safety, or . (ii)</p>			
§ 40.4	Definition Construction, Paragraph 9(ii)		NRC	<p>In § 40.4, the definition for the term “construction” is added in alphabetical order to read as follows:</p> <p> Common defense and security. (ii)</p>			
§ 40.32	General requirements for issuance of specific licenses		<p>C - States with authority to regulate uranium mill activities (11e.(2) byproduct material)</p> <p>NRC - States without authority</p>	<p>In § 40.32, paragraph (e) is revised to read as follows:</p> <p>(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</p>			

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				<p>NRC determines will significantly affect the quality of the environment, the Director, Office of Federal and State Materials and Environmental Management Programs or his/her designee, before commencement of construction, on the basis of information filed and evaluations made pursuant to subpart A of part 51 of this chapter, has concluded, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to this conclusion is grounds for denial of a license to possess and use source and byproduct material in the plant or facility. Commencement of construction as defined in section 40.4 may include non-construction activities if the activity has a reasonable nexus to radiological safety and</p>			

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				security.			
§ 70.4	Definition: Commencement of construction, Paragraph 1		D	<p>In § 70.4, the definition for the term “commencement of construction” is revised as follows:</p> <p><i>Commencement of construction</i> means taking any action defined as “construction” or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to:</p> <p>(1) Radiological health and safety; or</p>			
§ 70.4	Definition: Commencement of construction, Paragraph 2		NRC	<p>In § 70.4, the definition for the term “commencement of construction” is revised as follows:</p> <p>(2) Common defense and security.</p>			
§ 70.4	Definition Construction, Paragraph 1-8, 9(i)		D	<p>In § 70.4, the definition for the term “construction” is added in alphabetical order to read as follows:</p> <p><i>Construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any</p>			

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				<p>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> <ul style="list-style-type: none"> (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 			

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				<p>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 style="padding-left: 40px;">(i) Radiological health and safety, or .</p>			
§ 70.4	Definition Construction, Paragraph 9(ii)		NRC	<p>In § 70.4, the definition for the term “construction” is added in alphabetical order to read as follows:</p>			

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				(ii) Common defense and security.			
§ 70.23	Requirements for the approval of applications		NRC	<p>In § 70.23, paragraph (a)(7) is revised to read as follows:</p> <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</p>			

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				<p>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>			
§ 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>In § 150.31, paragraph (b)(3)(iv) is revised to read as follows:</p> <p>(b) * * *</p> <p>(3) * * *</p> <p>Prohibit commencement (if) 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>The term <i>commencement of construction</i> means taking any action</p>			

(A)

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>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>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> <ul style="list-style-type: none"> (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 			

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				<p>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</p>			

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				<p>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;</p> <p>or</p> <p>(9) Taking any other action which has no reasonable nexus to radiological health and safety.</p>			