



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

September 28, 2022

Becki Harisis, Program Manager
Office of Radiological Health
Nebraska Department of Health and
Human Services
301 Centennial Mall South
P.O. Box 95026
Lincoln, Nebraska 68509-5026

Dear Becki Harisis:

We have reviewed the proposed revisions to the State of Nebraska Radiological Health, Title 180 Nebraska Administrative Code (NAC) Control of Radiation Sections 180 NAC 5, 180 NAC 7, 180 NAC 14 and 180 NAC 19, received by our office on September 22, 2022. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2020-1, 2020-2, 2020-3, and 2021-1, as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Deb Wilson on September 27, 2022.

As a result of our review, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety, and to those proposed changes related to those regulations included in the aforementioned RATS IDs. We have determined that the regulations, as proposed, meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements." We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight any final changes and provide a copy to Division of Material, Safety, State, Tribal, and Rulemaking Programs, NMSS.

The SRS Data Sheet summarizes our knowledge of the status of other Nebraska regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

B. Harisis

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If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact (Michelle Beardsley, State Regulation Review Coordinator (Michelle.Beardsley@nrc.gov) at (301) 415-0275.

Sincerely,



Signed by Anderson, Brian
on 09/28/22

Brian C. Anderson, Chief
State Agreement and Liaison Programs Branch
Division of Materials Safety, Security, State
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Nebraska SRS Data Sheet

SUBJECT: NEBRASKA PROPOSED REGULATIONS TO RATS IDS 2020-1, 2020-2,
AND 10 CFR PART 35 PROVISIONS IN 2020-3, AND 2021-1
DATE September 28, 2022

DISTRIBUTION: SP 08
DIR RF 22-60
JCook, RSAO
Nebraska File

ADAMS Accession No. ML22269A425 pkg and ML22270A276 letter

OFFICE	NMSS/MSST	OGC	NMSS/MSST
NAME	MBeardsley	N/A	BAnderson
DATE	09/27/2022		09/28/2022

OFFICIAL RECORD COPY

STATE REGULATION STATUS

State: Nebraska

Tracking Ticket Number: 22-60
Date: September 28, 2022

amendment(s) reviewed identified by a * at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5)	01/10/1994	Final	10/7/97	Nebraska has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Not Required	Not Required	Nebraska has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	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	01/01/1994	Final	No Comments 10/07/1997	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, and 70 56 FR 64980	10/15/1994	Final	10/7/97	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995			

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1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628	10/25/1996	Final ML022800655	No Comments 10/18/2002 ML022960258	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final ML022800655	No Comments 10/18/2002 ML022960258	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable ⁱ	Not Applicable	Nebraska does not any licensees subject to these regulations. (See SECY-95-112)
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, and 70 58 FR 68726; 59 FR 1618	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	Nebraska does not have the authority to regulate this material under its Agreement
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, and 70 59 FR 36026	08/15/1997	Final ML022800655	No Comments 10/18/2002 ML022960258	

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1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, and 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final ML022800655	No Comments 10/18/2002 ML022960258	
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 05/19/1999	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20 and 61 60 FR 15649; 60 FR 25983	03/01/1998	Final	No Comments 05/19/1999	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final ML003763184	No Comments 02/01/2001 ML010330318	Nebraska has adopted Final Regulations equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19 and 20 60 FR 36038	08/14/1998	Final	No Comments 05/19/1999	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, and 70 60 FR 38235	11/24/1998	Final ML022800566	No Comments 10/18/2002 ML022960258	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998	Final ML022800566	No Comments 10/18/2002 ML022960258	
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999	Final ML003763184	No Comments 02/01/2001 ML010330318	
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, and 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, and 70 61 FR 24669	06/17/1999	Final ML022800566	No Comments 10/18/2002 ML022960258	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML003763184	No Comments 02/01/2001 ML010330318	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML003763184	No Comments 02/01/2001 ML010330318	

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1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120	05/29/2000	Final ML022800655	No Comments 10/18/2002 ML022960258	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, and 150 62 FR 28947	06/27/2000	Final ML003763184	No Comments 02/01/2001 ML010330318	
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, and 70 62 FR 39057	08/20/2000	Final ML011130396	No Comments 07/20/2001 ML012010439	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final ML003763184	No Comments 02/01/2001 ML010330318	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, and 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML031500771	No Comments 06/09/2003 ML031610005	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, and 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superseded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML003763184	No Comments 02/01/2001 ML010330318	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, and 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML031500771	No Comments 06/09/2003 ML031610005	
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML022800655	No Comments 10/18/2002 ML022960258	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	Nebraska does not have the authority to regulate this material under its Agreement.
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML031500771	No Comments 06/09/2003 ML031610005	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML031500771	No Comments 06/09/2003 ML031610005	
2000-2	New Dosimetry Technology Parts 34, 36, and 39 65 FR 63750	01/08/2004	Final ML031500771	No Comments 06/09/2003 ML031610005	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, and 32 65 FR 79162	02/16/2004	Final ML13114A244	No Comments 07/25/2013 ML13182A071	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML093110093	No Comments 01/14/2010 ML093431027	
2002-2	Medical Use of Byproduct Material Parts 20, 32, and 35 67 FR 20249	10/24/2005	Final ML093110093	No Comments 01/14/2010 ML093431027	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, and 70 68 FR 57327	12/03/2006	Final ML13114A244	No Comments 07/25/2013 ML13182A071	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML13114A244	No Comments 07/25/2013 ML13182A071	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML093110093	No Comments 01/14/2010 ML093431027	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML093110093	No Comments 01/14/2010 ML093431027	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML053060118	No Comments 11/03/2005 ML053070551	
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40, and 70 71 FR 15005	03/27/2009	Final ML093110093	No Comments 01/14/2010 ML093431027	
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Final ML093110093	No Comments 01/14/2010 ML093431027	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Final ML093110093 License Condition ML083520149	No Comments 01/14/2010 ML093431027 No Comments 12/30/2008 ML083530535	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML13114A244	No Comments 07/25/2013 ML13182A071	
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, and 150 72 FR 58473	12/17/2010	Final ML13114A244	No Comments 07/25/2013 ML13182A071	
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, and 150 72 FR 55864	11/30/2010	Final ML13114A244 Proposed Revised Final ML14275A246	Comments 07/25/2013 ML13182A071 No Comments 12/23/2014 ML14273A436	
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML081130768 ML081140539	No Comments 05/02/2008 ML081230143	

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2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043	02/15/2011	Final ML13114A244	No Comments 07/25/2013 ML13182A071	
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML13114A244 Proposed Revised Final ML14275A246	Comments 07/25/2013 ML13182A071 No Comments 12/23/2014 ML14273A436	
2011-1	Decommissioning Planning Parts 20, 30, 40, and 70 76 FR 35512	12/17/2015	Proposed ML14275A246 Final ML18019A111	No Comments 12/23/2014 ML14273A436 No Comments 03/16/2018 ML18019A110	
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	Proposed ML14275A246 Final ML18019A111	No Comments 12/23/2014 ML14273A436 No Comments 03/16/2018 ML18019A110	
2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Final ML13114A244	No Comments 07/25/2013 ML13182A071	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Proposed ML14275A246 Final ML18019A111	Comments 12/23/2014 ML14273A436 No Comments 03/16/2018 ML18019A110	
2012-3	Technical Corrections Parts 30, 34, 40, and 71 77 FR 39899	08/06/2015	Proposed ML14275A246 Final ML18019A111	No Comments 12/23/2014 ML14273A436 No Comments 03/16/2018 ML18019A110	
2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40, and 70 77 FR 43666	10/23/2015	Proposed ML14275A246 Final ML18019A111	Comments 12/23/2014 ML14273A436 Comments 03/16/2018 ML18019A110	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2013-1	Physical Protection of Byproduct Material Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922	03/19/2016	Proposed ML14275A246 License Condition ML16019A263 Final ML18019A111 Revised Final ML21039A498	Comments 12/23/2014 ML14273A436 No Comments 02/04/2016 ML16019A257 Comments 03/16/2018 ML18019A110 No Comments 02/17/2021 ML21039A490	Part 37
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40, and 70 78 FR 32310	08/27/2016	Proposed ML14275A246 Final ML18019A111	Comments 12/23/2014 ML14273A436 Comments 03/16/2018 ML18019A110	
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018	Proposed ML17055B798 Final ML18078A203	No Comments 03/24/2017 ML17055B796 No Comments 4/27/2018 ML18078A202	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865	01/28/2018	Proposed ML17055B798 Final ML18078A203	No Comments 03/24/2017 ML17055B796 No Comments 4/27/2018 ML18078A202	
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018 *extended to 08/15/2020 See STC 17-060	Proposed ML17055B798 Final ML18078A203	Comments 03/24/2017 ML17055B796 Comments 4/27/2018 ML18078A202	
2015-4	Miscellaneous Corrections Parts 37 and 40 80 FR 45841	09/02/2018	Proposed ML17055B798 Final ML18078A203	No Comments 03/24/2017 ML17055B796 Comment 4/27/2018 ML18078A202	
2015-5	Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150 80 FR 74974	12/31/2018	Proposed ML17055B798 Final ML18078A203	No Comments 03/24/2017 ML17055B796 No Comments 4/27/2018 ML18078A202	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2018-1	Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments, 10 CFR Parts 30, 32 and 35	01/14/2022	Proposed ML19317E656 Final ML20325A023	Comments 01/08/20 ML19317E418 Comments 01/06/2021 ML20325A012	
2018-2	Miscellaneous Corrections – Organizational Changes 10 CFR Parts 37, 40, 70 and 71	12/21/2021	Proposed ML19317E656 Final ML21039A498	No Comments 01/08/20 ML19317E418 No Comments 02/17/2021 ML21039A490	
2018-3	Miscellaneous Corrections Parts 1, 2, 34, 37, 50, 71, 73, and 140	07/30/2022	Proposed ML22221A144	No Comments 09/14/2022 ML22216A201	
2019-1	Miscellaneous Corrections Parts 2, 21, 37, 50, 52, 73, and 110	12/18/2022	Proposed ML22221A144	No Comments 09/14/2022 ML22216A201	
2019-2	Changes and Conforming Amendments Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74 100, 140, and 150	12/30/2022	Proposed ML22221A144	No Comments 09/14/2022 ML22216A201	
*2020-1	Individual Monitoring Devices 10 CFR Parts 34, 36, and 39	06/16/2023	Proposed ML22269A430	No Comments 09/28/2022 ML22269A425	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2020-2	Social Security Number Fraud Prevention 10 CFR Parts 9 and 35	08/17/2023	Proposed ML22269A430	No Comments 09/28/2022 ML22269A425	
*2020-3	Miscellaneous Corrections 10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140	11/16/2023	Proposed ML22221A144 Proposed ML22269A430	Comments 09/14/2022 ML22216A201 No Comments 09/28/2022 ML22269A425	Comments are regarding Part 35 provisions Review included Part 35 proposed revisions only
*2021-1	Miscellaneous Corrections 10 CFR Parts 2, 11, 20, 25, 32, 35, 37, 50, 52,55, 70, 72, 73, 95, and 110	09/08/2024	Proposed ML22221A144 Proposed ML22269A430	Comments 09/14/2022 ML22216A201 No Comments 09/28/2022 ML22269A245	Comments are regarding Part 35 provisions Review included Part 35 proposed revisions only
2021-2	Miscellaneous Corrections 10 CFR Parts 9, 37, 40, 50, 51, 52, 55, 71, 73, and 110	12/30/2024			
2022-1	Miscellaneous Corrections 10 CFR 1, 2, 20, 30, 40, 50, 55, 70, 73, and 170	none			Provisions are not required for compatibility.
N/A	Change to statute on the definition of byproduct material	N/A	Final ML13109A232	No Comments 05/13/2013 ML13114A857	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
N/A	Revised legislation in 2017 Radiation Control Act and Legislative Bills 302 and 430	N/A	Final ML21039A225	No Comments 03/02/2021 ML21039A200	
N/A	Legislation Resolutions 363 and 419	N/A	Proposed ML22129A192	No Comments 05/17/2022 ML22129A189	

i IMPEP Team: verify that Nebraska does not have any licensees subject to these regulations during each review.