

DEPARTMENT OF NUCLEAR SAFETY

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George H. Ryan
Governor



Thomas W. Ortziger
Director

February 7, 2001

Mr. Paul H. Lohaus, Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Program
Washington, D.C. 20555

Re: 10 CFR 71 Transportation Regulations

Dear Mr. Lohaus:

It is my understanding that the NRC and DOT are concurrently amending 10 CFR 71 and 49 CFR, respectively, to incorporate provisions that will establish compatibility with IAEA transportation regulations. As part of its process NRC has recently published its compatibility designation for each portion of the revised 10 CFR 71 that the Agreement States must consider adopting. The Department is in the process of preparing a revision of our agency's transportation of radioactive material regulations. It appears that the best approach for Illinois may be to adopt appropriate sections of 49 CFR by reference.

There are some provisions of 10 CFR 71 that restate provisions of 49 CFR and there are some that appear not to be from 49 CFR, such as air transport of plutonium. Because NRC staff has been monitoring the 49 CFR revision process and revising 10 CFR 71, the NRC may be able to readily identify those portions of 10 CFR 71 that are not in 49 CFR. It could save the NRC and many of the Agreement States considerable time in rulemaking efforts if the NRC would develop and furnish a list of the items in 10 CFR 71 that would need to be added to an Agreement State's regulations to ensure compatibility with NRC if the state decided to adopt applicable portions of 49 CFR by reference. Please provide the list as soon as possible. We would also appreciate your views on our plans to adopt appropriate sections of 49 CFR by reference.

If you have any questions regarding this request, you may contact me by telephone at 217-785-6982 or e-mail collins@idns.state.il.us or at the address above. Thank you for considering this request that should result in cost savings to both our agencies.

Sincerely,

Steven C. Collins
Steven C. Collins, Assistant Manager
Office of Radiation Safety

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