

March 27, 2001

Mr. Steven C. Collins  
Assistant Manager  
Office of Radiation Safety  
Illinois Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704

Dear Mr. Collins:

This is in response to your February 7, 2001, letter on adopting the appropriate sections of 49 CFR by reference.

We believe that the Illinois Department of Nuclear Safety can adopt 49 CFR Parts 170 - 189 by reference, along with the appropriate sections of 10 CFR Part 71 that are not specifically included in 49 CFR, in order to maintain compatibility. We have enclosed the 10 CFR Part 71 portion of the Office of State and Tribal Programs Procedure SA-200, entitled, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements" issued on February 6, 2001. This complete procedure is located at the Office of State and Tribal Programs website, listed under "Procedures." The sections of 10 CFR Part 71 that are not specifically included in 49 CFR Parts 170 - 189 are identified by an asterisk in this enclosure. Please note that some of these sections are identified as Compatibility Category D.

Please feel free to contact me or Lloyd Bolling at 301-415-2327 should you have any further questions.

Sincerely,

***/RA by Janet R. Schlueter Acting for/***

Paul H. Lohaus, Director  
Office of State and Tribal Programs

Enclosure:  
Compatibility List - Current Part 71

Steven C. Collins

March 27, 2001

Distribution:

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STP-AG-8

**Current Part 71 - PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL From SA-200 dated 2/6/01**

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§71.0	Purpose and Scope	D	
§71.1	Communications and Records	D	
§71.2	Interpretations	D	
§71.3.	Requirements for license	D	
§71.4	Definitions		
	A <sub>1</sub>	B	
	A <sub>2</sub>	B	
	Carrier	B	
	Certificate holder	D	This term is not used in any section requiring Agreement State adoption.
	Close reflection by water	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Containment System	D	This term is not used in any section requiring Agreement State adoption.
	Conveyance	D	This term is not used in any section requiring Agreement State adoption.
	Exclusive use	B	
	Fissile material	B	
	Licensed material	[D]	This definition also appears in 10 CFR 20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and is assigned to Compatibility Category D.
	Low Specific Activity (LSA) material	B	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Low toxicity alpha emitters	B	
	*Maximum normal operating pressure	B	The definition of the term “maximum normal operating pressure” was changed from a compatibility category “B” to a category “D.” This term is not used in any section requiring Agreement State adoption; it relates to the heat conditions in §71.71(c)(1), which is designated a category “NRC.” This definition is not required for compatibility since it defines a term which pertains to an area reserved to the NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it is and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define this term then the definition should be essentially identical.
	Natural thorium	B	
	Normal form radioactive material	B	
	*Optimum interspersed hydrogenous moderation	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Package	B	
	Fissile material package	B	
	Type B package	B	
	Packaging	B	
	Special form radioactive material	B	
	Specific activity	B	
	*State	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Surface Contaminated Object (SCO)	B	
	Transport Index	B	
	Type A quantity	B	
	Type B quantity	B	
	Natural Uranium	B	
	Depleted Uranium	B	
	Enriched Uranium	B	
*§71.5	Transportation of Licensed Material	B	
*§71.6	Information collection requirements: OMB approval	D	
*§71.7	Completeness and accuracy of Information	D	
*§71.8	Specific exemptions	D	
*§71.9	Exemption for physicians	D	



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
*§71.16	General license: Use of foreign approved package	B	
§71.18	General license: Fissile material, limited quantity of package	D	This provision is not required for purposes of compatibility because the transportation of these packages in Agreement States is already covered under existing Department of Transportation (DOT) regulations.
§71.20	General license: Fissile material, limited moderator per package	D	This provision is not required for purposes of compatibility because the transportation of these packages in Agreement States is already covered under existing (DOT) regulations.
§71.22	General license: Fissile material, limited quantity, Controlled Shipment	D	This provision is not required for purposes of compatibility because the transportation of these packages in Agreement States is already covered under existing (DOT) regulations.
§71.24	General license: Fissile material, limited moderator, controlled shipment	NRC	
§71.31	Contents of Application	NRC	
§71.33.	Package description	NRC	
§71.35	Package evaluation	NRC	
§71.37	Quality Assurance	NRC	
§71.38	Renewal of a certificate of compliance or quality assurance program approval	NRC	
§71.39	Requirements for additional information	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.41	Demonstration of Compliance	NRC	
§71.43	General Standards for all packages	NRC	
§71.45	Lifting and tie-down Standards for all packages	NRC	
§71.47	External radiation Standards for all packages	[B]	This requirement was changed from a compatibility category “NRC” to “[B].” This provision was changed because it establishes the external radiation standards for all transportation packages. It is essential that the Agreement States adopt this provision in an essentially identical manner because they have direct and significant transboundary affects. The bracket, indicates that a State should adopt this provision in an essentially identical manner because of its direct and significant transboundary effects; however, if a State has adopted this provision as a part of its DOT regulations, then the adoption of this section is not necessary.
§71.51	Additional Requirements for Type B packages	NRC	
§71.52	Exemption for low-specific-activity (LSA) packages	NRC	
§71.53	Fissile material exemptions	NRC	
§71.55	General Requirements for fissile material packages	NRC	
§71.57	Reserved		

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§71.59	Standards for arrays of fissile material packages	NRC	
§71.61	Special requirements for irradiated nuclear fuel shipments	NRC	
§71.63	Special requirements for plutonium shipments	NRC	
§71.64	Special requirements for plutonium air shipments	NRC	
§71.65	Additional Requirements	NRC	
§71.71	Normal conditions of transport	NRC	
§71.73	Hypothetical accident conditions	NRC	
§71.74	Accident conditions for air transport of plutonium	NRC	
§71.75	Qualification of special form radioactive material	NRC	
§71.77	Qualification of LSA-III material	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
*§71.81	Applicability of operating controls	D	This requirement was changed from a compatibility category “B” to “D.” This designation was changed because it does not meet any of the criteria for designation as Category A, B, C or Health and Safety and is not required for the purposes of compatibility.
*§71.83	Assumptions as to unknown properties	[B]	This requirement was changed from a compatibility category “NRC” to “[B].” Agreement States can regulate fissile material below 350gms. This provision is needed to address fissile material regulated by the States and to assure a regulatory gap in the regulations of these materials is not created. The bracket, indicates that a State should adopt this provision in an essentially identical manner because of its direct and significant transboundary effects; however, if a State has adopted this provision as a part of its DOT regulations, then the adoption of this section is not necessary.
*§71.85	Preliminary determinations	B	
§71.87	Routine determinations	B	
§71.88	Air Transportation of plutonium	B	
*§71.89	Opening instructions	B	
*§71.91	Records	D	
*§71.93.	Inspection and tests	D	
*§71.95	Reports	D	
*§71.97	Advance notification of shipment of irradiated reactor fuel and nuclear waste	B	
*§71.99	Violations	D	
*§71.100	Criminal penalties	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
*§71.101	Quality assurance requirements	D	
*§71.103	Quality assurance organization	D	
*§71.105	Quality assurance program	D	
*§71.107	Package design control	D	
*§71.109	Procurement document control	D	
*§71.111	Instructions, procedures, and drawings	D	
*§71.113	Document control	D	
*§71.115	Control of purchased material, equipment, and services	D	
*§71.117	Identification and control of materials, parts, and components	D	
*§71.119	Control of special processes	D	
*§71.121	Internal Inspection	D	
*§71.123	Test control	D	
*§71.125	Control of measuring and test equipment	D	

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
*§71.127	Handling, storage, and shipping control	D	
*§71.129	Inspection, test, and operating status	D	
*§71.131	Nonconforming materials, parts, or components	D	
*§71.133	Corrective action	D	
*§71.135	Quality assurance records	D	
*§71.137	Audits	D	
Appendix A	Determination of A1 and A2	B	