

August 10, 2005

Paul Lohaus, Director
State and Tribal Programs
U.S Nuclear Regulatory Commission
Washington, DC 20555

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STP

Dear Mr. Lohaus:

The Agency has received the final report dated July 21, 2005 regarding the April 4-8, 2005 Integrated Materials Performance Evaluation Program review of the Illinois Program. The Agency appreciates the positive comments made regarding the performance of our Licensing, Inspection, Incident/Allegation, Sealed Source and Device and Training programs. The Agency takes great pride in these programs and strives to exceed in these disciplines.

Illinois, however, remains extremely disappointed with the "incompatibility" finding for regulations. Illinois worked extremely hard before the IMPEP review on regulations and continues to aggressively move these through the legislative process. All were adopted or drafted and awaiting legal concurrence at the time of the review. All were submitted to State and Tribal Programs on May 2, 2005. We are still awaiting comments on most of these. NRC is already 30 days over the deadline established under IMPEP for providing comments to states. All but two parts (which are being prepared for legislative review now) are also undergoing the Illinois legislative process and are on their way to be published for first notice in the Illinois register. As you can see, the Agency is already well on its way to resolving this issue.

In retrospect, we believe the reported findings regarding compatibility to be directly related to Illinois' participation in joint ventures and working groups associated with NRC, IAEA and the Agreement States including issues regarding safeguards and national security. The persons previously responsible for promulgating regulations contributed a total of over 0.75 FTE of their time to these programs. These efforts were entered into at the exclusion of writing certain regulations because the Agency considered these issues to be of a greater health and safety concern. The implication now is that rulemaking and other administrative issues are more important than actual health and safety issues in the regulated community. Human resources are limited in all states, including Illinois. The Agency has now started and will continue to re-evaluate the allocation of resources in these areas and will restrict participation in extracurricular activities unless absolutely necessary.

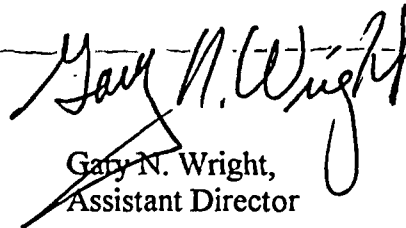
We have prepared the attached "IMPEP Milestones" table as part of our corrective action plan for tracking regulations including our benchmark of reviewing and drafting new regulations (if required) within 365 days of NRC final promulgation. My staff spoke with you on this initially, and we believe this contains all the required elements under STP Procedure SA-122. This should allow us to promulgate all regulations within the required deadlines.

STP-006 Yemplot

Mr. Paul Lohaus
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If you have any further questions, please feel free to contact Gibb Vinson, Acting Head of the Radioactive Materials Section, at (217) 785-9928.

Sincerely,



Gary N. Wright,
Assistant Director

IMPEP Milestones
Regulations and Rule making

IEMA Reg PART	RAT's ID	NRC Part	Resp. Individ.	NRC Compat due date	Draft to IEMA staff	Draft to Legal for JCAR Prep	Draft to NRC for prelim review & comment	Date sent to Gov/JCAR for review	Publish prop rule in IL Reg & Public comment period	Comment Resolved/ JCAR accepts rule	Final Rule published in IL Reg	(Proposed) (Final) Rule comments from NRC	Status/Comments
310	1997-6	Part 20.1003	TLH	20-Aug-00	21-Sep-04	7-Jan-05	2-May-05	14-Jun-05	1-Jul-05			#	
		Part 40.4		"	"	"	"	"	"			#	
		Part 70.4		"	"	"	"	"	"			#	
	1998-1	Parts 30.10, 40.10		12-Feb-01	21-Sep-04	7-Jan-05	2-May-05	14-Jun-05	1-Jul-05			6/30/05 (P)	No comments NRC
		61.9b, 70.10, and		"	"	"	"	"	"			"	"
		150.2		"	"	"	"	"	"			"	"
	1998-5	Part 20.1003		26-Oct-01	21-Sep-04	7-Jan-05	2-May-05	14-Jun-05	1-Jul-05			6/30/05 (P)	No comments NRC
	2002-1	Part 20.1003		5-Apr-05	21-Sep-04	7-Jan-05	2-May-05	14-Jun-05	1-Jul-05			6/30/05 (P)	No comments NRC
326	1995-6	Part 30.36	GMM	24-Nov-98			2-May-05	14-Jun-05	1-Jul-05		1-Jun-00	4/29/05(F)	# Final June 1, 2000
	1997-6	Part 30.35		20-Aug-00			2-May-05	14-Jun-05	1-Jul-05		"	"	#
		Part 40.36		"			"	"	"		"	"	#
		Part 70.25		"			"	"	"		"	"	#
	1998-2	Part 30, 40, 70		none				14-Jun-05	1-Jul-05		"	8/21/00(F)	Not required
	2003-1	Part 30, 40, 70		3-Dec-06			2-May-05	14-Jun-05	1-Jul-05				#
330	1995-1	Part 35.2	TLH	1-Jan-98	21-Oct-04	7-Mar-05	2-May-05						#
		Part 35.7		"	"	"	"						#
		Part 35.11(a) & (c)		"	"	"	"						#
	1997-2	Part 150		27-Feb-00							1-Jun-00	8/21/00(F)	6/1/00 Final
		Part 150.20(c)		"							"	"	"
	1997-6	Part 20 subpart E		20-Aug-00	21-Oct-04	7-Mar-05	2-May-05						#
		Part 20.1402		"	"	"	"						#
		Part 20.1406		"	"	"	"						#
		Part 20.2402(b)		"	"	"	"						#
		Part 30.36		"	"	"	"						#
	2001-1	Part 30, 31, 32		16-Feb-04	21-Oct-04	7-Mar-05	2-May-05						#
335	1995-7	Part 35.2	CGV	20-Oct-98	8-Sep-04	7-Jan-05	2-May-05						#
		Part 35.33(a)(2)		"	"	"	"						#
	1997-3	Part 35.75		29-May-00	8-Sep-04	7-Jan-05	2-May-05					6/30/05(P)	No comments NRC
	1998-5	Part 35.641 & 643		26-Oct-01	8-Sep-04	7-Jan-05	2-May-05					6/30/05(P)	No comments NRC
	2002-2	Parts 20, 32, 35		24-Oct-05	8-Sep-04	7-Jan-05	2-May-05					6/30/05(P)	No comments NRC
	2005-2	Part 35		29-Apr-08									@

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IMPEP Milestones
Regulations and Rule making

IEMA Reg PART	RAT's ID	NRC Part	Resp. Individ.	NRC Compat due date	Draft to IEMA staff	Draft to Legal for JCAR Prep	Draft to NRC for prelim review & comment	Date sent to Gov/JCAR for review	Publish prop rule in IL Reg & Public comment period	Comment Resolved/ JCAR accepts rule	Final Rule published in IL Reg	(Proposed) (Final) Rule comments from NRC	Status/Comments
340	1991-4	Parts 20 & 40	TLH	15-Oct-94	5-Jun-03	25-Feb-05	2-May-05	14-Jun-05	1-Jul-05			1/20/04(P)	NRC comments
	1995-2	Part 20.1703		13-Mar-98	5-Jun-03	25-Feb-05	2-May-05	14-Jun-05	1-Jul-05			#	
	1995-3	Part 20 & 61		1-Mar-98	5-Jun-03	25-Feb-05	2-May-05	14-Jun-05	1-Jul-05			#	
	1995-5	Part 19 & 20		14-Aug-98	5-Jun-03	25-Feb-05	2-May-05	14-Jun-05	1-Jul-05			6/30/05(P)	No comments NRC
	1997-1	Part 20.1003		9-Jan-00	5-Jun-03	25-Feb-05	2-May-05	14-Jun-05	1-Jul-05			6/30/05(P)	No comments NRC
		Part 20.1101(d)		"	"	"	"	"	"			"	"
		Part 20.2203		"	"	"	"	"	"			"	"
		Part 2203(b)(2)		"	"	"	"	"	"			"	"
	1997-3	Part 20.1003		29-May-00	5-Jun-03	25-Feb-05	2-May-05	14-Jun-05	1-Jul-05			6/30/05(P)	No comments NRC
		Part 20.1301(a)		"	"	"	"	"	"			"	"
		Part 20.1903		"	"	"	"	"	"			"	"
	1998-5	Part 20.1201		26-Oct-01	5-Jun-03	25-Feb-05	2-May-05	14-Jun-05	1-Jul-05			6/30/05(P)	No comments NRC
		Part 20.1208		"	"	"	"	"	"			"	"
		Part 32.54		"	"	"	"	"	"			"	"
		Part 20.2101		"	"	"	"	"	"			"	"
		Part 20.2106		"	"	"	"	"	"			"	"
		Part 20.2202		"	"	"	"	"	"			"	"
		Part 20.1206		"	"	"	"	"	"			"	"
		Part 20.1501		"	"	"	"	"	"			"	"
		Part 20.1502		"	"	"	"	"	"			"	"
		Part 20.1906		"	"	"	"	"	"			"	"
	1998-6	Part 20.1002		20-Nov-01	5-Jun-03	25-Feb-05	2-May-05	14-Jun-05	1-Jul-05			6/30/05(P)	No comments NRC
		Part 20.2006		"	"	"	"	"	"			"	"
	1999-3	Part 20.1003		2-Feb-03	5-Jun-03	25-Feb-05	2-May-05	14-Jun-05	1-Jul-05				#
		Part 20.1702		"	"	"	"	"	"				#
		Part 20.1703		"	"	"	"	"	"				#
		Part 20.1704		"	"	"	"	"	"				#
		Part 20.1705		"	"	"	"	"	"				#
		Part 20 App A		"	"	"	"	"	"				#
	2002-1	Part 20.1201(a)		5-Apr-05	5-Jun-03	25-Feb-05	2-May-05	14-Jun-05	1-Jul-05			6/30/05(P)	No comments NRC
	2005-1	Part 30		11-Jul-08									@
341	1996-1	Part 71	SCC	1-Apr-99	7-Nov-02	22-Oct-04	2-May-05	18-Nov-04	1-Dec-04	30-Jan-05	13-May-05	5/2/05(F)	# Final May 13, 2005
	2004-1	Part 71		1-Oct-07									@

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IMPEP Milestones
Regulations and Rule making

IEMA Reg PART	RAT's ID	NRC Part	Resp. Individ.	NRC Compat due date	Draft to IEMA staff	Draft to Legal for JCAR Prep	Draft to NRC for prelim review & comment	Date sent to Gov/JCAR for review	Publish prop rule in IL Reg & Public comment period	Comment Resolved/ JCAR accepts rule	Final Rule published in IL Reg	(Proposed) (Final) Rule comments from NRC	Status/Comments
346	1993-2	Part 36	JGK	1-Jul-96	15-Apr-04	12-Nov-04	2-May-05	14-Jun-05	1-Jul-05				N/A SECY 95-112
	1998-5	Part 36.23		26-Oct-98	15-Apr-04	12-Nov-04	2-May-05	14-Jun-05	1-Jul-05			6/30/05(P)	No comments NRC
	2000-2	Part 36.55		8-Jan-04	15-Apr-04	12-Nov-04	2-May-05	14-Jun-05	1-Jul-05			#	
		Part 36.81		"	"	"	"	"	"				
350	1991-1	Part 34	JGK	10-Jan-94	30-Jan-03	23-Feb-03	20-Jan-04	14-Jun-05				1/20/04(P)	# Second draft to NRC
	1991-2	Part 34		none	30-Jan-03	23-Feb-03	20-Jan-04	14-Jun-05				1/20/04(P)	# 29-Apr-05
	1995-4	Part 34		30-Jun-98	30-Jan-03	23-Feb-03	20-Jan-04	14-Jun-05				1/20/04(P)	# "
	1997-5	Part 34		27-Jun-00	30-Jan-03	23-Feb-03	20-Jan-04	14-Jun-05				1/20/04(P)	# "
	1998-4	Part 34		9-Jul-01	30-Jan-03	23-Feb-03	20-Jan-04	14-Jun-05				1/20/04(P)	# "
	2000-2	Part 34		8-Jan-04	30-Jan-03	23-Feb-03	20-Jan-04	14-Jun-05				1/20/04(P)	# "
351	2000-1	Part 39	JGK	17-May-03	5-Feb-03	27-Feb-03	20-Jan-04	N/A	26-Sep-03	10-Aug-04	10-Sep-04	2-May-05	Final 9/10/04 NRC comments
	2000-2	Part 39.65		8-Jan-04	5-Feb-03	27-Feb-03	20-Jan-04	N/A	26-Sep-03	10-Aug-04	10-Sep-04	2-May-05	#
	1998-5	Part 39.33		26-Oct-01	5-Feb-03	27-Feb-03	20-Jan-04	N/A	26-Sep-03	10-Aug-04	10-Sep-04	2-May-05	No comments NRC 6/30/05
@	New NRC Regulations to be reviewed & drafted within 365 days of final promulgation, if appropriate												
#	NRC comments overdue												

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