

August 23, 2005

Gary N. Wright, Assistant Director  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704

Dear Mr. Wright:

We have reviewed the final version of the Illinois regulations, 32 Ill. Adm. Code 310, 326, and 350 received by our office on May 2, 2005. This review closes out the following letters from J. Klinger to Paul Lohaus on regulation reviews; April 28, 2005, April 29, 2005 and May 2, 2005. These regulations were reviewed by comparison to the equivalent NRC rules in 10 CFR 30, 34, 36, 39, 40, 70, 71, and 150 and the requirements of the eleven amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We also reviewed your responses to NRC comments contained in the January 20, 2004 letter. We discussed our review of the regulations with Mr. Gibb Vinson on July 6, 2005.

As a result of our review, we found that all of the NRC comments from the January 20, 2004 letter have been addressed. We have no comments on the final versions of the rules submitted.

As discussed with Ted Henry of your staff, Illinois final rules regarding transportation of radioactive materials were reviewed against the requirements of RATS ID 1996-1. Your adoption by reference of the NRC's transportation rules, as of February 10, 2004, did not include the adoption by reference of the October 1, 2004 revision of Part 71 as shown in RATS ID 2004-1. Please note that RATS ID 2004-1 is not due for Agreement State adoption until 2007. In addition, in the letter dated April 28, 2005, Illinois requested review of RATS ID 1998-2. This amendment was reviewed as a final rule by the NRC in August 2000. No comments were produced as a result of this review and thus this amendment was not reviewed at this time. Please note that we have limited our review to regulations required for compatibility and/or health and safety.

R

The (SRS) Data Sheet summarizes our knowledge of the status of other Illinois 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 STP website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

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 me, or John Zabko at (301) 415-2308 or [JGZ@NRC.GOV](mailto:JGZ@NRC.GOV).

Sincerely,

***IRA By KNSchneider For***

Dennis Rathbun, Deputy Director  
Office of State and Tribal Programs

Enclosure: As stated

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Sincerely,

**IRA By KNSchneider For**

Dennis Rathbun, Deputy Director  
Office of State and Tribal Programs

Enclosure: As stated  
**SISP Review Complete**

: Publicly Available  Non-Publicly Available  
: Non-Sensitive  Sensitive

Distribution:

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OFFICE	STP		OGC		STP:DD	
NAME	JZabko*		STreby		KSchneider for DRathbun	
DATE	07/28/05*		08/11/05*		08/23/05*	

ML052370399

Official Record

**STATE REGULATION STATUS**

**State: Illinois**

**[Eleven amendments reviewed and are identified  
by a i at the beginning of each equivalent NRC regulation.]**

**Tracking Ticket Number: 5-126**

**Date: August 23 , 2005**

NRC Chronology Identification	FR Notice (Date Due For State Implementation)	RATS ID	Proposed (P) / Final (F) <sup>1</sup> Rule <sup>1</sup> / ML # <sup>5</sup>	NRC Review / Y, N <sup>2</sup> / Date / ML # <sup>5</sup>	Final State Regulation <sup>1</sup> (Effective Date)
i Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F <b>ML051220064</b>	N 8/23/05 ML052370399	
i ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2	F <b>ML051220064</b>	N 8/23/05 ML052370399	
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	F-Y	7/23/97	1/1/94
i Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F <b>ML051220064</b>	N 8/23/05 ML052370399	
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	P ML051240343	N 6/30/05 ML051870423	
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions- Parts 30,35	57 FR 45566; (none)	1992-2			Not required <sup>3</sup>
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1	F-N	8/21/00	6/1/00
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2			Not applicable SECY-95-112 <sup>3</sup>
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			Not applicable SECY-95-112 <sup>4</sup>
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618 (none)	1994-1	F-N	8/21/00	6/1/00
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			Not applicable SECY-95-112 <sup>4</sup> unless States authorizes future U-Mill licensee
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	F-N	8/21/00	6/1/00

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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	P ML0512403 43	N 6/30/05 ML051870423	
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2			Not applicable SECY-95-112 <sup>4</sup> no licensees in State
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983 (3/1/98)	1995-3	P-Y	11/24/99	
i Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4	F ML051220064	N 8/23/05 ML052370399	
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	P ML051240343	N 6/30/05 ML051870423	
i Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	F ML051220062	N 8/23/05 ML052370399	
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7	P ML051240343	N 6/30/05 ML051870423	
i 10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28723 (4/1/99)	1996-1	F ML051220062	N 8/23/05 ML052370399	
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2			Not required <sup>3</sup>
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3	F-N	8/21/00	6/1/00
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1	P ML051240343	N 6/30/05 ML051870423	
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	F-N	8/21/00	6/1/00
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	P ML051240343	N 6/30/05 ML051870423	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required <sup>3</sup>
i Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948; (6/27/00)	1997-5	F ML051220064	N 8/23/05 ML 052370399	

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i Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058; (8/20/00)	1997-6	F <b>ML051220062</b>	N 8/23/05 ML052370399	
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	F-N	5/26/00	7/27/98
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1	P ML051240343	N 6/30/05 ML051870423	
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535; (none)	1998-2	F-N	8/21/00	6/1/00 Not required <sup>3</sup>
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required <sup>3</sup>
i Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	F <b>ML051220064</b>	N 8/23/05 ML052370399	
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393 (10/26/01)	1998-5	P ML051240343	N 6/30/2005 ML051870423	
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	P ML051240343	N 6/30/2005 ML051870423	
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1			Not applicable SECY-95-112 <sup>4</sup> unless State authorizes future U-Mill licensee
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2			Not required <sup>3</sup>
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55525 (2/2/03)	1999-3			Not applicable SECY-95-112 <sup>4</sup> no licensees in State
i Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	F <b>ML051220064</b>	N 8/23/05 ML052370399	
i New Dosimetry Technology-Parts 34, 36, 39	65 FR 63749; (1/8/04)	2000-2	F <b>ML051220064</b>	N 8/23/05 ML052370399	
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 1629; (4/5/05)	2002-1	P ML051240343	N 6/30/05 ML051870423	
Medical Use of Byproduct Material-Parts 20, 32, 35	67 FR 20249; (10/24/05)	2002-2	P	N 6/30/05	

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			ML051240343	ML051870423	
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; (4/29/08)	2005-2			

1. Or other generic Legally Binding Requirements.
2. (Y/N) Y means “Yes,” there are comments in the review letter that the State needs to address.  
N means “No,” there are no comments in the review letter.
3. Not required means these regulations are not required for purposes of compatibility.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: “Final Policy Statement on Adequacy and Compatibility of Agreement State Programs,” III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
5. ADAMS ML Number