

Requirements for Distribution of Byproduct Material, Parts 30, 31, 32, 40, and 70
(77 FR 43666, Published July 25, 2012) RATS ID: 2012-4 Effective: October 23, 2012
Date Due for State Adoption: October 23, 2015

REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§30.15(a)(2)	Certain items containing byproduct material		B	<p>In § 30.15, paragraph (a)(2) is added to read as follows:</p> <p>(a) * * *</p> <p>(2)(i) Static elimination devices which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device.</p> <p>(ii) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.</p> <p>(iii) Such devices authorized before October 23, 2012 for use under the general license then provided in § 31.3 and equivalent regulations of Agreement States and</p>			

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				<p>manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the Commission.</p> <p>NRC COMMENT:</p> <p>Illinois needs to add the phrase, “and equivalent regulations of the NRC or Agreement States” to their regulations in 330.40(c)(1)(G-1) in order to meet the Compatibility Category B designation assigned to 10 CFR 30.15(a)(2).</p> <p>IEMA REPLY:</p> <p>See edits to 330.40(c)(1)(I).</p>			
§30.20	Gas and aerosol detectors containing byproduct material		B	<p>Section 30.20 is revised to read as follows:</p> <p>(a) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing</p>			

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				<p>byproduct material, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in parts 19, 20, 21, and 30 through 36 and 39 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material in gas and aerosol detectors designed to protect health, safety, or property, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under § 32.26 of this chapter, which license authorizes the initial transfer of the product for use under this section. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by a State under comparable provisions to § 32.26 of this chapter authorizing distribution to persons exempt from regulatory requirements.</p> <p>(b) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use under</p>			

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				<p>paragraph (a) of this section, should apply for a license under § 32.26 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.</p> <p>NRC COMMENT:</p> <p>Illinois has omitted the following phrase from 330.40(c)(3)(b): “Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use under paragraph (a) of this section, should apply for a license under § 32.26 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.”</p> <p>IEMA REPLY:</p> <p>See edits to 330.40(c)(3)(A)</p>			

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§32.56	Same: Material transfer reports	330.280(e)(3)		<p>Section 32.56 is revised to read as follows:</p> <p>(a) Each person licensed under § 32.53 shall file an annual report with the Director, Office of Federal and State Materials and Environmental Management Programs, ATTN: Document Control Desk/GLTS, by an appropriate method listed in § 30.6(a) of this chapter, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under § 31.7 of this chapter. The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed within thirty (30) days thereafter. If no transfers have been made to persons generally licensed under § 31.7 of this chapter during the reporting period, the report must so indicate.</p> <p>(b) Each person licensed under § 32.53 shall report annually all transfers of devices to persons for use under a general license in an</p>			

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				<p>Agreement State's regulations that are equivalent to § 31.7 of this chapter to the responsible Agreement State agency. The report must state the total quantity of tritium or promethium-147 transferred, identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the agency.</p> <p>NRC COMMENT:</p> <p>“Each person licensed under subsection (e) shall also file an annual report with the Director, Office of Nuclear Material Safety and Safeguards, ATTN: Document Control Desk/GLTS, by an appropriate method listed in Section 310.110, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed.</p>			

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				<p>IEMA REPLY:</p> <p>See edits to 330.280(e)(3)!</p>			
§32.210(b)	Registration of product information		<p>B - States with authority for sealed source and device (SS&D) evaluations</p> <p>D - States without SS&D authority</p>	<p>In § 32.210, paragraph (b) is revised as follows:</p> <p>(b) The request for review must be sent to the NRC's Office of Federal and State Materials and Environmental Management Programs, ATTN: SSDR by an appropriate method listed in § 30.6(a) of this chapter.</p> <p>NRC Comment:</p> <p>Illinois did not submit their equivalent regulation to 10 CFR 32.210(b) for review.</p> <p>Illinois needs to provide for review the above equivalent regulation in order to meet the Compatibility Category B designation assigned to 10 CFR 32.210.</p> <p>IEMA REPLY:</p>			

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				<p>330.280(m)(2) states these SSD requests must be sent to the Agency. Our 310.110 governs all communications with the Agency and has been previously approved by NRC.</p> <hr/> <p>Section 310.110 Communications All communications and reports concerning these regulations, and applications filed thereunder, should be addressed to the Agency at its office located at 1035 Outer Park Drive, Springfield, Illinois 62704. (Source: Amended at 29 Ill. Reg. 20748, effective December 16, 2005)</p>			