

November 17, 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 revision to the Illinois Administrative Code Title 32: Energy, Chapter II: Division of Nuclear Safety, Subchapter b: Radiation Protection, Part 326: Financial Assurance Requirements; received by our office on September 27, 2005. We have also reviewed other proposed changes to the applicable sections of the Illinois Administrative Code, received by our office on the same day. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 20, 30, 36, 40, 61 and 70 and the requirements of the three amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Mr. Gibb Vinson on November 2, 2005.

As a result of our review, we have no comments on either the final regulations or the proposed changes to your regulations. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that the final regulations, as adopted, meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure [SA-200](#). We have determined that if your proposed regulations were adopted, without significant change, they would meet the compatibility and health and safety categories established in STP Procedure SA-200.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. A finding that the Illinois regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final Illinois regulations. As requested in STP Procedure [SA-201](#), "Review of State Regulatory Requirements," please highlight any final changes and provide a copy to STP.

In addition, in a letter from Richard Bangart of this Office to Thomas W. Ortiger, Director of the Illinois Department of Nuclear Safety, dated November 24, 1999, we indicated the absence of the definition of "Generally Applicable Environmental Radiation Standard." We have reviewed the absence of this term from your regulations and have determined that its absence is acceptable since there are currently no applicable facilities in your State. The enclosed SRS Data Sheet has been revised to reflect that there are no longer any outstanding comments for the amendment "Standards for Protection Against Radiation - Part 20" (RATS ID 1991-3). However, if an application for a new uranium mill facility is approved by your State, the definition of this term must be incorporated into your regulations in order to meet compatibility with NRC's program.

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 Aaron McCraw at 301-415-1277 or by e-mail at atm@nrc.gov.

Sincerely,

IRA By KNSchneider For

Dennis K. Rathbun, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

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>.

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Dennis K. Rathbun, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

Distribution:

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DCD (SP5-287)
James Lynch, RSAO
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SISP Review Complete

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NAME	ATMcCraw		STreby		DKRathbun	
DATE	11/03/05*		11/15/05*		11/17/05*	

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STATE REGULATION STATUS

State: Illinois

[3 amendments reviewed and identified by a ★ at the beginning of each equivalent NRC regulation.]

Tracking Ticket Number: 5-287

Date: November 17, 2005

NRC Chronology Identification	FR Notice (Date Due For State Implementation)	RATS ID	Proposed (P) / Final (F) ¹ Rule ¹ / ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F ML051220064	N 8/23/05 ML052370399	
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2	F ML051220064	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-N	7/23/97	1/1/94
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F ML051220064	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 ³
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	P ML052710117	N 11/17/06 ML053210292	
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			Not applicable SECY-95-112 ⁴
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 ⁴ 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 ML051240343	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 ⁴ 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 ML052710117	N 11/17/05 ML053210292	
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	
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	
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 ³
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 ³

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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 ML052370399	
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058; (8/20/00)	1997-6	F ML051220062	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 ³
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	F ML051220064	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 ⁴ 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 ³
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 ⁴ no licensees in State
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	F ML051220064	N 8/23/05 ML052370399	
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63749; (1/8/04)	2000-2	F ML051220064	N 8/23/05 ML052370399	

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Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material-Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	P ML051220064	Y 8/23/05 ML052360596	
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 ML051240343	N 6/30/05 ML051870423	
★ Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327 12/3/06	2003-1	F ML052710117	N 11/17/05 ML053210292	
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			
Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) ⁷	TBD FR TBD; (12/2/05)	2005-3	ML052990499	10/31/05 ML053050005	

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
6. By letter dated September 2, 2005, from Paul H. Lohaus, Director, Office of State and Tribal Programs, Agreement States were given 90 days to issue legally binding requirements satisfying the requirements of NRC Order EA-05-090.