

August 3, 2007

Charles G. Vinson, Acting Head
Radiation Materials
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Dear Mr. Vinson:

We have reviewed the proposed changes to the Illinois regulations in 32 Ill. Adm. Code 330.20, 330.1100 and 330 Appendix F, received by our office on June 4, 2007. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 20 and 32 and the requirements of the two amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. The response to the three issues identified in your letter is also enclosed. We discussed our review of the regulations with you on August 2, 2007.

As a result of our review, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that the regulations, as proposed, meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) 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. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight any final changes and provide a copy to Division of Materials Safety and State Agreements, FSME.

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 FSME website: <http://www.hsrdo.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the review, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider, State Regulation Review Coordinator at 301-415-2320 (email: kxs@nrc.gov) or Ernesto Quiñones at 301-415-0271 (email: eqp@nrc.gov).

Sincerely,

IRA By KNSchneider For

Scott Moore, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures:
As stated

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Enclosures: As stated

Distribution:
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**RESPONSES TO ISSUES IDENTIFIED
IN THE JUNE 4, 2007 LETTER FROM CHARLES VINSON, ILLINOIS
ON NATIONAL SOURCE TRACKING SYSTEM (NSTS)**

1. Please specify a date that the National Source Tracking System will be operational. Our legislative process will probably demand that this date be specified in this rule. Currently, we have deferred to the NRC website for this.

The date for operation of the NSTS has been delayed. NRC is in discussion with the contractor concerning changes to the system design and now expects to have the system in operation in the Summer of 2008. As soon as it is possible to provide a more precise date, NRC will advise the Agreement States and other stakeholders and will change the date in the rule for reporting to the system (presently November 15, 2007 for Category 1 sources and November 30, 2007 for Category 2 sources).

2. Please specify recourse if licensees submit reports to states or fail to report at all to the National Source Tracking System. What follow up will be made and which entity will pursue this (NRC/NSTS or States)?

States can advise licensees how to report to the NSTS system or provide reports made to them to the NSTS system, in which case NRC staff will contact the licensee to provide instructions. Licensees who fail to report to the system are subject to enforcement action, as for any violation of rules. Contact with the licensee, inspection, and enforcement action would all be handled by the licensing agency in whose jurisdiction the licensee operates.

3. Service vendors are also an issue with disassembly and disposal of units. Is it the licensee or the vendor that is responsible for reporting these transactions? Can the vendor report in behalf of the licensee? There are also a lot of transboundary compliance issues with these vendors. Please clarify how violations made by vendors in other jurisdictions will be addressed.

Licensees are responsible for reporting all of their transactions, including source exchanges and disposal, to the system. If a licensee using a source transfers it to a vendor or service company licensed for possession of the source, the licensee reports that it is transferring the source and the vendor reports receiving it and any subsequent transaction. Any failure to report would be handled by the licensing agency (NRC or Agreement State) in whose jurisdiction the transfer takes place. The responsible agency would follow up as necessary with contacts to the licensee and, if appropriate, enforcement action.

STATE REGULATION STATUS

State: Illinois
 [2 Amendments identified by a ★
 at the beginning of the equivalent NRC requirement.]

Tracking Ticket Number: 7-48
 Date: August 3, 2007

NRC Chronology Identification	FR Notice (Date Due For State Implementation)	RATS ID	Proposed (P) / Final (F) ¹ Rule ¹ / License Condition (LC) 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 ML052710117	N 11/17/05 ML053210292	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	F ML060970127	N 5/30/06 ML061510195	
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	F ML060250219	N 3/7/06 ML060660001	
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
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
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	F ML060970127	N 5/30/06 ML061510195	

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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
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983 (3/1/98)	1995-3	F ML060250219	N 3/7/06 ML060660001	
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	F ML060250219	N 3/7/06 ML060660001	
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	F ML060970127	N 5/30/06 ML061510195	
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	F ML060250219	N 3/7/06 ML060660001	
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	F ML060970127	N 5/30/06 ML061510195	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required ³
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-	62 FR 63634; (1/02/01)	1997-7	F	N 5/26/00	7/27/98

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Part 30					
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1	F ML060250219	N 3/7/06 ML060660001	
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	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	F ML060970127	N 5/30/06 ML061510195	
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	F ML060250219	N 3/7/06 ML060660001	
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
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
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 ML 060250219 F ML051220064	N 3/7/06 ML060660001 (Part 36 only) N 8/23/05 ML052370399	

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				(Parts 34 and 39 only)	
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material-Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	F ML060970127	Y 5/30/06 ML061510195	
Revision of the Skin Dose Limit-Part 20	67 FR 1629; (4/5/05)	2002-1	F ML060250219	Y 3/7/06 ML060660001	
Medical Use of Byproduct Material-Parts 20, 32, 35	67 FR 20249; (10/24/05)	2002-2	F ML060970127	N 5/30/06 ML061510016	
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	F ML061660148	N 7/18/06 ML061990338	
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; 71 FR 1926 (4/29/08)	2005-2			
Increased Controls for Risk Significant Radioactive Sources (NRC Order EA-05-090) ⁶	70 FR 72128; (12/1/05)	2005-3	LC ML052990499	10/31/05 ML053050005	
Minor Amendments - Part 20,30,32,35,40 and 70	71FR15005 (3/27/09)	2006-1			
★National Source Tracking System - Serialization Requirements - Part 32 with reference to Part 20 Appendix E	71 FR 65685 (2/6/07)	2006-2	LC ML070290298 P ML071560320	N 2/23/07 ML070520010 P 08/03/07 ML072190459	

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★National Source Tracking System - Part 20	71 FR 65865 (11/15/07) & (11/30/07)	2006-3 ⁷	P ML071560320	N 8/03/07 ML072190464	

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
7. RATS ID 2006-3 will not be considered under the Non-Common Performance Indicator "Compatibility Requirements" for IMPEP reviews until such time as the National Source Tracking System is ready for use. Revisions in the implementation date for Agreement States will be provided to the States under separate correspondence and the SRS sheet will be revised as appropriate.