



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

April 30, 2015

Mr. Kelly Horn, Section Head
Radioactive Materials Section
Illinois Emergency Management Agency
Bureau of Radiation Safety
1035 Outer Park Drive
Springfield, IL 62704

Dear Mr. Horn:

We have reviewed the proposed changes to the Illinois regulations in 32 Illinois Administrative Code Parts 326, 330, 332, and 340, received by our office on April 2, 2015. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of the one amendment identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on April 30, 2015.

As a result of our review, we have four comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. In addition, we have one comment that does not relate to compatibility but needs to be addressed. Under our current procedure, 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. However, we have determined that if the proposed regulations you provided to NRC for review were adopted, addressing our comments and without other significant change, those regulations would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements." The NRC is not able to make such a determination regarding proposed regulations that have not yet been provided to the NRC for review.

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 NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS.

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 NMSS Web site: <http://nrc-stp.ornl.gov/rulemaking.html>.

K. Horn

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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 Michelle Beardsley State Regulation Review Coordinator, at (610) 337-6942 (Michelle.Beardsley@nrc.gov) or Stephen Poy at (301) 415-7135 (Stephen.poy@nrc.gov).

Sincerely,

/RA/

JDanna for PHenderson

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Comments Table-related to Compatibility and
Comment not related to Compatibility
2. Illinois SRS Data Sheet

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-2-

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Sincerely,

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal,
and Rulemaking Programs
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Enclosures:

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DISTRIBUTION: SP 07
DIR RF 15-26
Jim Lynch RSAO
Illinois File

OFFICE	ASPB	ASPB	OGC	ASPB:BC	MSTR:DD
NAME	SPoy	Via e-mail MBeardsley	LLondonr	DWhite for CEinberg	JDanna for PHenderson
DATE	4/8/15	4/14/15	4/29/15	4/30/15	4/30/15

ML15104A117

OFFICIAL RECORD COPY

Package ML15092A889

COMPATIBILITY COMMENTS ON ILLINOIS PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	32 IAC	§20.1403(c)	2011-1	C	Criteria for license termination under restricted conditions
	330.325				
	330.325	20.1404(a)		C	Alternate criteria for license termination
	330.310(c) (3)	30.34(b)		C	Terms and conditions of licenses
	326.80 and 326.90	30.35(e)		H&S	Financial assurance and recordkeeping for decommissioning
	332.260	40.36(d)		H&S	
	N/A	70.25(e)		H&S	
326	40.46	C	Inalienability of licenses		
N/A	70.36	C			
332.260	Part 40, App. A Criteria 9(h) and 9(i)	C	Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material from Ores Processed Primarily for Their Source Material Content		
					Illinois omits equivalent requirements for 10 CFR 20.1403(c), 20.1404(a), 30.34(b), 30.35(e), 40.36(d), 40.46, Part 40 Appendix A- Criteria 9(h) and (i), 70.25(e) and 70.36.
					Illinois needs to submit requirements that meet the essential objectives in order to meet the Compatibility Category C designation assigned to 20.1403(c), 20.1404(a), 30.34(b), 40.46, Part 40 Appendix A, Criteria 9(h) and (i) and 70.36.
					In addition-
					Illinois needs to submit equivalent

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					requirements that address the health and safety objectives in order to meet the Compatibility Category H&S designation assigned to 10 CFR 30.35(e), 40.36(d) and 70.25(e).
2	32 IAC 340.510(a)	§20.1501(a)	2011-1	H&S	<p>General</p> <p>Illinois needs to replace the following phrase from 340.510(a)(2)(c),</p> <p>“The potential radiological hazards that could be present.”</p> <p>with</p> <p>“The potential radiological hazards of the radiation levels and residual radioactivity detected.”</p> <p>Illinois needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 20.1501(a).</p>
3	32 IAC 340.1130(b) (5)	§20.1501(b)	2011-1	H&S	<p>General</p> <p>Illinois needs to replace the following phrase from 340.1130(b)(5),</p> <p>“The results of surveys describing the location and amount of subsurface residual radioactivity identified at the site and/or facility. If corrective actions were taken, the results of those actions shall be recorded and retained pursuant to the requirements of this subsection.”</p> <p>with</p> <p>“The records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>records important for decommissioning, and such records must be retained in accordance with the Illinois equivalent of 10 CFR 30.35(g), 10 CFR 40.36(f), 10 CFR 50.75(g), 10 CFR 70.25(g), or 10 CFR 72.30(d), as applicable.”</p> <p>Illinois needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 20.1501(b).</p>
4	32 IAC 332.260	Appendix A to Part 40 Criterion 9	2011-1	C	<p>Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material from Ores Processed Primarily for Their Source Material Content</p> <p>Illinois omits the phrase “reclamation of any tailings or waste disposal areas” from 332.260(a)</p> <p>Illinois omits the phrase “long term site surveillance and control” from 332.260(e).</p> <p>Illinois needs to make the above changes in order to meet the Compatibility Category C designation assigned to Appendix A to Part 40 Criterion 9.</p>

COMMENT NOT RELATED TO COMPATIBILITY ON ILLINOIS PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
	Illinois Federal Register Notices	N/A	N/A	N/A	<p>The Illinois Federal Register Notices state that “The USNRC has reviewed these proposed amendments and finds them compatible.”</p> <p>This statement is inaccurate and should be removed as the NRC has not reviewed or approved all of the proposed amendments..</p>

STATE REGULATION STATUS

State: Illinois

Tracking Ticket Number: 15-26

Date: 04/30/2015

[1 amendment reviewed identified by a *at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5)	01/10/1994	Final ML051220064	No Comments 08/23/2005 ML052370399	Illinois has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Final ML051220064	No Comments 08/23/2005 ML052370399	Illinois has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	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	01/01/1994	Final ML052710117	No Comments 11/17/2005 ML053210292	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980	10/15/1994	Final ML051220064	No Comments 08/23/2005 ML052370399	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995	Final ML060970127	No Comments 05/30/2006 ML061510195	Illinois has adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final	No Comments 08/21/2000	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final ML060250219	No Comments 03/07/2006 ML060660001	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable ¹	Not Applicable	Illinois does not have any licensees subject to these regulations. (See SECY-95-112)
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Final	No Comments 08/21/2000	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable ¹	Not Applicable	Illinois does not have any licensees subject to these regulations. (See SECY-95-112)
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final	No Comments 08/21/2000	
1995-1	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	01/01/1998	Final ML060970127	No Comments 05/30/2006 ML061510195	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Not Applicable ¹	Not Applicable	Illinois does not have any licensees subject to these regulations. (See SECY-95-112)
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	Final ML060250219	No Comments 03/07/2006 ML060660001	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final ML051220064	No Comments 08/23/2005 ML052370399	Illinois has adopted Final Regulations equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	Final ML060250219	No Comments 03/07/2006 ML060660001	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final ML051220062	No Comments 08/23/2005 ML052370399	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998	Final ML060970127	No Comments 05/30/2006 ML061510195	
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999	Final ML051220062	No Comments 08/23/2005 ML052370399	Illinois has adopted Final Regulations equivalent to RATS ID: 2004-1.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999	Final	No Comments 08/21/2000	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML060250219	No Comments 03/07/2006 ML060660001	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final	No Comments 08/21/2000	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000	Final ML060970127	No Comments 05/30/2006 ML061510195	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078) Illinois has adopted Final Regulations equivalent to RATS ID: 2004-1.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Final ML051220064	No Comments 08/23/2005 ML052370399	
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000	Final ML051220062	No Comments 08/23/2005 ML052370399	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final	No Comments 05/26/2000	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML060250219	No Comments 03/07/2006 ML060660001	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Final	No Comments 08/21/2000	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Illinois has adopted Final Regulations equivalent to RATS ID: 2002-2

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML051220064	No Comments 08/23/2005 ML052370399	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML060970127	No Comments 05/30/2006 ML061510195	
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML060250219	No Comments 03/07/2006 ML060660001	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable ¹	Not Applicable	Illinois does not have any licensees subject to these regulations. (See SECY-95-112)
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML060250219	No Comments 03/07/2006 ML060660001	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML051220064	No Comments 08/23/2005 ML052370399	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004	Final ML060250219	No Comments 03/07/2006 ML060660001	Part 36 only
			Final ML051220064	No Comments 08/23/2005 ML052370399	Part 34 and 39 only
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	Final ML12177A053	No Comments 08/03/2012 ML12206A309	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML072920541	No Comments 11/09/2007 ML073120463	
2002-2	Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249	10/24/2005	Final ML060970127	No Comments 05/30/2006 ML061510016	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006	Final ML052710117	No Comments 11/17/2005 ML053210292	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML061660148	No Comments 07/18/2006 ML061990338	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML072920541	No Comments 11/09/2007 ML073120463	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML082620058	No Comments 09/18/2008 ML082320963	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML052990499	No Comments 10/31/2005 ML053050005	
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Revised Final ML082620058	No Comments 09/18/2008 ML082320963	
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Final ML081700688	No Comments 07/07/2008 ML081840613	
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Final ML081700688	No Comments 07/07/2008 ML081840613	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML111430677	No Comments 07/08/2011 ML111580518	
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010	Final ML12177A053	No Comments 08/03/2012 ML12206A309	
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010	Final ML111430677	No Comments 07/08/2011 ML111580518	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML080800070	No Comments 04/07/2008 ML080980514	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	02/15/2011	Final ML111430677	No Comments 07/08/2011 ML111580518	
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML111430677	No Comments 07/08/2011 ML111580518	
*2011-1	Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512	12/17/2015	Proposed ML15092A895	Comments 04/30/2015 ML15092A889	
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	Final ML14343A140	No Comments 01/15/2015 ML14343A140	
2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Final ML14343A140	No Comments 01/15/2015 ML14343A140	
2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Proposed ML15028A077	No Comments 03/06/2015 ML15028A070	
2012-3	Technical Corrections Part 30, 34, 40 and 71 77 FR 39899	08/06/2015	Proposed ML15028A077	No Comments 03/06/2015 ML15028A070	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015	Proposed ML15028A077	Comments 03/06/2015 ML15028A070	
2013-1	Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922	03/19/2016			
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, 10 CFR Parts 30, 40, and 70 78 FR 32310	08/27/2016			
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018			
2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865	01/28/2018			
N/A	10 CFR 35.300	N/A	Final ML14343A140	No Comments 01/15/2015 ML14343A140	
N/A	10 CFR 30.33(a)(5)	N/A	Proposed ML14234A435	No Comments 10/1/2014 ML14232A320	

¹ IMPEP Team: verify that Illinois does not have any licensees subject to these regulations during each review.