

Joint Committee on Administrative Rules

ADMINISTRATIVE CODE

**TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION
PART 332 LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING
FACILITIES
SECTION 332.100 EVALUATION OF LICENSE APPLICATION AND ISSUANCE OF A
LICENSE**

Section 332.100 Evaluation of License Application and Issuance of a License

- a) Environmental Analysis
 - 1) Each application for a license or license amendment must be reviewed and the license or amendment must be issued by the Agency before commencement of any major construction activity. As part of its review of applications, the Agency shall prepare a written analysis of the impact of the license, including any activities conducted pursuant to the license. The analysis shall include the following:
 - A) An assessment of the radiological and nonradiological impacts to the public health from the activities to be conducted pursuant to the license or amendment;
 - B) An assessment of any impact on any waterway and groundwater resulting from the activities conducted pursuant to the license or amendment;
 - C) Consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted pursuant to the license or amendment; and
 - D) Consideration of the long-term impacts, including decommissioning, decontamination and reclamation impacts, associated with activities to be conducted pursuant to the license or amendment.
 - 2) Commencement of construction prior to issuance of the license or amendment shall be grounds for denial of the license or amendment.

- 3) The environmental analysis prepared in accordance with subsection (a)(1) of this Section shall be available to the public before the commencement of hearings regarding the merits of the application.
- b) Public Participation
- 1) Written Comments
 - A) Upon completing preparation of the analysis pursuant to subsection (a) of this Section, the Agency shall publish a notice of the availability of the environmental analysis in the official State newspaper and in a newspaper published in the county or counties where the facility that is the subject of licensing action is to be located. This notice shall specify how a copy of the environmental analysis can be obtained, as well as the deadline and address for submitting written comments on the license application.
 - B) The Agency shall accept written comments on the license application and the environmental analysis for at least 45 days following the publication of the notice described in subsection (b)(1)(A) of this Section.
 - 2) Hearings
 - A) At least 30 days prior to the issuance or renewal of a license pursuant to this Part, the Agency shall publish a Notice of Opportunity to request a hearing in the official State newspaper and in a newspaper published in the county or counties where the facility that is the subject of the license application is located. This notice shall contain:
 - i) a statement identifying the location of the facility,
 - ii) a statement of the availability of the environmental analysis,
 - iii) a statement of the right to request a hearing,
 - iv) the date by which a request for a hearing is to be submitted to the Agency; that date shall be no less than 20 days after the date of the publication of the notice, and
 - v) a statement of the actions that will be taken by the Agency in the event that a hearing is not requested.
 - B) Any person who would be adversely affected by the issuance of the license may request a hearing. The request must be in writing and

must contain a brief statement of the basis upon which the issuance of the license is being challenged. If the request is not submitted by the date specified in accordance with subsection (b)(2)(A) of this Section, or if the request is submitted but later withdrawn, the Agency shall issue the license in accordance with subsection (c) of this Section.

- C) If any hearing is requested in accordance with subsection (b)(2)(B) of this Section, the parties to the hearing shall be the Agency and the Respondent. The provisions of 32 Ill. Adm. Code 200.20, 200.40, 200.50, 200.80 through 200.140 and 200.160 through 200.230 shall be applicable to the hearing.
- c) Upon a determination that an application meets all criteria of this Part, the Agency shall issue a specific license authorizing the construction of the source material milling facility and any byproduct material surface impoundment and disposal area. Upon completion of the construction in accordance with the license specifications, the Agency shall authorize operations at the licensed site after verification of compliance with the license specifications.
 - d) The Agency may incorporate in any license at the time of issuance, or thereafter by appropriate rule or order, additional requirements and conditions in order to:
 - 1) Ensure compliance with the requirements of this Part;
 - 2) Reduce potential hazard to public safety during operation;
 - 3) Protect the environment; or
 - 4) Prevent loss or theft of materials subject to this Part.
 - e) The Agency may require reports, examine records, perform confirmatory monitoring and inspect activities under the license as necessary to demonstrate compliance with the requirements of this Part.
 - f) Throughout the construction and operating phases of the source material milling facility, a monitoring program shall be conducted by the licensee in order to:
 - 1) Demonstrate compliance with the standards of this Part and 32 Ill. Adm. Code 310, 340 and 400;
 - 2) Evaluate the performance of control systems and procedures;
 - 3) Evaluate environmental impacts of operation; and
 - 4) Detect potential long-term adverse effects.

- g) The source material milling facility shall be designed and operated so that effluents and emissions and the resultant dose from effluents and emissions do not exceed the limits specified in 32 Ill. Adm. Code 340.310 and 340.320 and in Section 332.170 of this Part. The licensee shall limit emissions and exposures by using emission control devices. If the licensee cannot meet the requirements using emission control devices, then institutional controls, such as extended licensed site boundaries and buffer zones, may be used to ensure that limits of dose to members of the public will be met. The licensee shall submit to the Agency proposed operation procedures and shutdown procedures as evidence that the requirements specified in 32 Ill. Adm. Code 340 will be met.

(Source: Amended at 32 Ill. Reg. 16765, effective October 6, 2008)