

COMPATIBILITY COMMENTS ON ILLINOIS FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	N/A PENDING 341.10(E) ATTM 1	30.13	2013-1	B	<p>Carriers</p> <p>Illinois did not submit its equivalent regulation to 10 CFR 30.13 for evaluation.</p> <p>Illinois needs to submits its regulation in order to meet the Compatibility Category B designation assigned to 10 CFR 30.13.</p>
2	§310.40 332.290 ATTM 2	40.61(a)2	2015-4	C	<p>Records</p> <p>IL regulations do not contain the essential objectives of 40.61(a)(2)</p> <p>Illinois needs to submit equivalent regulations for 40.61(a)(2) that contain the provision to require the licensee to maintain records of the transfer of Part 40 byproduct material until the Agency terminates the license in order to meet the Compatibility Category C designation assigned to 10 CFR 40.61(a)2.</p>
3	N/A 400.170 ATTM 3	19.17(a)	2015-5	C	<p>Inspections not warranted; informal review</p> <p>Illinois did not submit its equivalent regulation to 10 CFR 19.17 for evaluation.</p> <p>Illinois needs to submits its regulation in order to meet the Compatibility Category C designation assigned to 10 CFR 19.17(a).</p>
4	N/A 340.1060 ATTM 4	10 CFR Part 20 Appendix G	2015-5	B	<p>Standards for Protection Against Radiation</p> <p>IL did not submit its equivalent regulation to 10 CFR Part 20</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Appendix G for evaluation.</p> <p>Illinois needs to submits its regulation in order to meet the Compatibility Category B designation assigned to 10 CFR Part 20 Appendix G.</p>
5	N/A 341.25 ATTM 5	71.4	2015-5	B	<p>Definitions</p> <p>Illinois did not submit its equivalent regulation to 10 CFR 71.4 for evaluation.</p> <p>Illinois needs to submits its regulation in order to meet the Category B designation assigned to 10 CFR 71.4.</p>
6	N/A 341.10(B)(22) ATTM 6	71.97(c)(3)(ii)	2015-5	B	<p>Advance notification of shipment of irradiated reactor fuel and nuclear waste</p> <p>Illinois did not submit its equivalent regulation to 10 CFR 71.97 for evaluation.</p> <p>Illinois needs to submits its regulation in order to meet the Compatibility Category B designation assigned to 10 CFR 71.97(c)(3)(ii).</p>

Attachment 1

Heading of the Part: Radioactive Materials Transportation

- 2) Code Citation: 32 Ill. Adm. Code 341
- 3)

<u>Section Number:</u> 341.10	<u>Proposed Action:</u> Amendment
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- 4) Statutory Authority: Implementing and authorized by Section 10, 11, 11.5 and 12 of the Radiation Protection Act of 1990 [420 ILCS 40/10, 11, 11.5 and 12], and Section 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9] and by Section 70 of the Nuclear Safety Law of 2004 [20 ILCS 3310/70].
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing to amend a date reference and add an exemption in Section 341.10 to be consistent with 10 CFR 30 and 71 and maintain compatibility with the U. S. Nuclear Regulatory Commission pursuant to RATS ID 2013-1 (published at 78 FR 16922 March 19, 2013) and 2015-3 (published at 80 FR 33987 June 12, 2015 and 80 FR 48683 August 14, 2015).

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that IEMA is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the Illinois Register.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.355: No
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemaking pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify

their activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Time, Place and Manner in which interested persons may comment on this proposed Rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton, Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

217/785-9860

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on any small businesses, small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 14) Regulatory Agenda on which this rulemaking was summarized: January 2018

The full text of the Proposed Amendment begins on the next page:

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION
PART 341
RADIOACTIVE MATERIALS TRANSPORTATION

Section

341.10	Scope
341.20	Incorporations by Reference
341.25	Definitions
341.30	General License
341.40	Records
341.50	Reports

AUTHORITY: Implementing and authorized by Section [10, 11, 11.5 and 1245](#) of the Radiation Protection Act of 1990 [420 ILCS [40/10, 11, 11.5 and 1240/45](#)], and Section 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and by Section 70 of the Nuclear Safety Law of 2004 [20 ILCS 3310/70].

SOURCE: Adopted at 10 Ill. Reg. 17616, effective September 25, 1986; amended at 11 Ill. Reg. 5219, effective March 13, 1987; amended at 12 Ill. Reg. 2434, effective January 15, 1988; amended at 18 Ill. Reg. 4196, effective March 3, 1994; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; old Part repealed and new Part adopted at 29 Ill. Reg. 6911, effective May 2, 2005; amended at 30 Ill. Reg. 9160, effective April 28, 2006; amended at 39 Ill. Reg. 9928, effective July 1, 2015; amended at 42 Ill. Reg. _____, effective _____, 2018.

Section 341.10 Scope

- a) This Part applies to each licensee who transports licensed material outside the site where the licensee is authorized to possess and use the material or who transports the material on public highways or who delivers the material to a carrier for transport. The licensee shall comply with the regulations in this Part, the applicable requirements of the U.S. Nuclear Regulatory Commission (NRC) in 10 CFR 71, in effect as of [July 13, 2015](#)~~November 14, 2014, exclusive of subsequent amendments or editions~~, and the applicable requirements of the U.S. Department of Transportation (USDOT) regulations appropriate to the mode of transport in 49 CFR 170-189, in effect as of [July 13, 2015](#)~~November 14, 2014, exclusive of subsequent amendments or editions~~.
- b) When the licensee is not in areas under the jurisdiction of USDOT or NRC, but is in an area of jurisdiction of the State of Illinois as described in subsection (a) of this Section, the licensee shall comply with the following portions of USDOT and NRC regulations, as applicable:
 - 1) Packaging, 49 CFR 173, subparts A, B and I;

- 2) Marking and labeling, 49 CFR 172, subpart D, paragraphs 172.400-172.407, 172.436-172.440 and subpart E;
- 3) Placarding, 49 CFR 172, subpart F, paragraphs 172.500-172.519 and 172.556; and appendices B and C;
- 4) Shipping papers and emergency information, 49 CFR 172, subparts C and G;
- 5) Accident reporting, 49 CFR 171.15 and 171.16;
- 6) Hazardous material shipper/carrier requirements, 49 CFR 107, subpart G;
- 7) Hazardous material employee training, 49 CFR 172, subpart H;
- 8) Definitions, 10 CFR 71.4;
- 9) Transportation of licensed material, 10 CFR 71.5;
- 10) Exemptions for low level material, 10 CFR 71.14(a);
- 11) General license: NRC-approved package, 10 CFR 71.17;
- 12) Previously approved package, 10 CFR 71.19(a) and (b);
- 13) General license: USDOT specification container material, 10 CFR 71.20;
- 14) General license: Use of foreign approved package, 10 CFR 71.21;
- 15) General license: Fissile material, 10 CFR 71.22;
- 16) External radiation standards for all packages, 10 CFR 71.47;
- 17) Assumptions as to unknown properties, 10 CFR 71.83;
- 18) Preliminary determinations, 10 CFR 71.85;
- 19) Routine determinations, 10 CFR 71.87;
- 20) Air transportation of plutonium, 10 CFR 71.88;
- 21) Opening instructions, 10 CFR 71.89;
- 22) Advance notification of shipment of irradiated reactor fuel and nuclear waste, 10 CFR 71.97;

- 23) Quality assurance requirements, 10 CFR 71.101(a), (b), (c), (f) and (g);
 - 24) Quality assurance organization, 10 CFR 71.103;
 - 25) Quality assurance program, 10 CFR 71.105; and
 - 26) Determination of A₁ and A₂, 10 CFR 71, appendix A.
- c) The licensee shall also comply with USDOT regulations pertaining to the following modes of transportation:
- 1) Rail, 49 CFR 174, subparts A-D and K;
 - 2) Air, 49 CFR 175;
 - 3) Vessel, 49 CFR 176, subparts A-F and M; and
 - 4) Public highway, 49 CFR 177 and 390-397.
- d) If USDOT regulations are not applicable to a shipment of licensed material as described in subsection (a), the licensee shall conform to the standards and requirements of USDOT specified in subsection (a) to the same extent as if the shipment or transportation were subject to USDOT regulations. A request for modification, waiver or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Agency.
- e) Common and contract carriers, freight forwarders, warehousemen and the U.S. Postal Service are exempt from the requirements for a license set forth in 420 ILCS 40/12 and in 32 Ill. Adm. Code 330, 335, 337, 346, 350 and 351 to the extent that they transport or store byproduct material in the regular course of carriage for another or storage incident thereto.

(Source: Amended at 42 Ill. Reg. _____, effective _____, 2018)

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION
PART 332 LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING
FACILITIES
SECTION 332.290 MAINTENANCE OF RECORDS, REPORTS, AND TRANSFERS

Section 332.290 Maintenance of Records, Reports, and Transfers

- a) Each licensee shall maintain any records and make any reports in connection with the license activities as may be required by the conditions of the license or by the rules, regulations and orders of the Agency.
- b) Records that are required to be maintained by regulation or by license conditions shall be maintained in a format allowing for easy access and review by the Agency, for a time period specified in the applicable regulation or license condition. If a record retention period is not otherwise specified, these records shall be maintained and transferred to the officials specified in subsection (d) of this Section as a condition of license termination unless the Agency otherwise authorizes their disposition.
- c) Records that shall be maintained pursuant to this Part may be the original, or a reproduced copy or microfilm if this reproduced copy or microfilm is capable of producing copy that is clear and legible at the end of the required retention period.
- d) Copies of records of the location and quantity of byproduct material contained in the disposal site shall be transferred upon license termination to the Agency, the agency responsible for long-term care, the U.S. Nuclear Regulatory Commission, the chief executive of the nearest municipality, the chief executive of the county in which the disposal site is located, the county zoning board or land development and planning agency and the Governor.
- e) Each licensee shall file a copy of its financial report or a certified financial statement annually with the Agency in order to update the information base for determining the continued financial qualifications of the licensee.
- f) Each licensee shall submit status reports to the Agency. The reports shall be submitted within 60 days after January 1 and July 1 of each year and shall cover the previous 6 months of operation. The reports shall include:
 - 1) Specification of the quantity of each of the radionuclides released to unrestricted areas in liquid and gaseous effluents;

- 2) The results of the environmental monitoring program;
- 3) Data reported in a manner that will permit the Agency to confirm the potential annual radiation doses to the public;
- 4) A summary of licensee survey and maintenance activities;
- 5) A summary of activities and quantities of licensed material processed, stored, transferred or disposed of;
- 6) Any instances in which observed site, facility, process or equipment characteristics were significantly different from those described in the application for a license; and
- 7) If the quantities of radionuclides released are more than 25 percent greater than those anticipated in the license application, or if unanticipated maintenance is performed, a discussion of the cause of the release or the reason for the maintenance.

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

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION
PART 400 NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS;
INSPECTIONS
SECTION 400.170 INSPECTIONS NOT WARRANTED; INFORMAL REVIEW

Section 400.170 Inspections Not Warranted; Informal Review

- a) Review of Determination that No Inspection Is Warranted
 - 1) If the Bureau of Radiation Safety determines, pursuant to Section 400.160, that an inspection is not warranted, the Bureau of Radiation Safety shall notify the complainant in writing within 60 days after receipt of the complaint. The complainant may obtain review of the determination by submitting a written statement of position with the Agency. The Agency shall provide the licensee or registrant with a copy of the statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the Agency. The Agency shall provide the complainant with a copy of the statement by certified mail.
 - 2) Upon the request of the complainant or the licensee or registrant, the Agency shall hold an informal conference in which the complainant and the licensee or registrant may orally present their views. If a conference is requested by the complainant, the presence of the licensee or registrant at the conference shall be subject to the concurrence of the complainant. If the conference is requested by the licensee or registrant, the presence or disclosure of the identity of the complainant shall be made only pursuant to written authorization from the complainant. After considering all written and oral views presented, the Agency shall affirm, modify or reverse the determination of the Office of Radiation Safety and furnish the complainant and the licensee or registrant a written notification of the decision and the reason for that decision.
- b) If the Agency determines that an inspection is not warranted because the requirements of Section 400.160(a) have not been met, the complainant shall be notified in writing, within 30 days after receipt of the complaint, of the determination. The determination shall be without prejudice to the filing of a new complaint meeting the requirements of Section 400.160(a).

(Source: Amended at 33 Ill. Reg. 4333, effective March 9, 2009)

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION
PART 340 STANDARDS FOR PROTECTION AGAINST RADIATION
SECTION 340.1060 TRANSFER FOR DISPOSAL AND MANIFESTS

Section 340.1060 Transfer for Disposal and Manifests

- a) Each licensee who transports or offers for transportation low-level radioactive waste intended for ultimate disposal at a licensed low-level radioactive waste disposal facility shall prepare a manifest reflecting information requested on the applicable NRC Forms 540 (Uniform Low-Level Radioactive Waste Manifest (Shipping Paper)) and 541 (Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description)) and, if necessary, on an applicable NRC Form 542 (Uniform Low-Level Radioactive Waste Manifest (Manifest Index and Regional Compact Tabulation)).

AGENCY NOTE: For guidance in completing these forms, refer to the instructions that accompany the forms. NRC Forms 540, 540A, 541, 541A, 542 and 542A and the accompanying written instructions may be obtained from the Information and Records Management Branch, Office of Information Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

- b) NRC Forms 540 and 540A shall be completed and shall physically accompany each low-level radioactive waste shipment. Each licensee shipping low-level radioactive waste shall transfer manifest information to the consignee.
- c) Upon agreement between the shipper and the consignee, NRC Forms 541, 541A, 542 or 542A may be completed, transmitted and stored in electronic media with the capability of producing legible, accurate and complete records on the respective forms. Copies of manifests required by this Section may be legible carbon copies, photocopies or computer printouts that reproduce the data in the format of the uniform manifest.
- d) Licensees are exempt from the manifesting requirements of this Section when shipping:
- 1) Low-level radioactive waste for processing and when they expect its return (i.e., for storage under their license) prior to disposal at a licensed disposal facility;
 - 2) Low-level radioactive waste that is being returned to the licensee who is the waste generator; or

- 3) Radioactively contaminated material to a waste processor that becomes the processor's residual waste.
- e) Each licensee shipping low-level radioactive waste shall also comply with the reporting requirements specified in 32 Ill. Adm. Code 609.
- f) Each shipper of radioactive waste shall provide the following information regarding the waste shipment on the uniform manifest:
- 1) The name, facility address and telephone number of the licensee shipping the waste;
 - 2) An explicit declaration indicating whether the shipper is acting as a waste generator, collector or processor, or a combination of these identifiers, for purposes of the manifested shipment;
 - 3) The name, address and telephone number, or the name and USEPA identification number, for the carrier transporting the waste;
 - 4) The date of the waste shipment;
 - 5) The total number of packages/disposal containers;
 - 6) The total disposal volume and disposal weight in the shipment;
 - 7) The total radionuclide activity in the shipment;
 - 8) The activity of each of the radionuclides H-3, C-14, Tc-99 and I-129 contained in the shipment; and
 - 9) The total masses of U-233, U-235 and plutonium in special nuclear material, and the total mass of uranium and thorium in source material.

AGENCY NOTE: The reporting requirements of the uniform manifest meet the reporting requirements of USDOT for the shipments of waste. Therefore, no additional DOT forms are required for shipments of low-level radioactive waste. However, the uniform manifest does not meet the reporting requirements of USEPA for the shipment of hazardous, medical or other waste. Any additional USEPA requirements shall be met by using an additional USEPA manifest. In addition, the uniform manifest reporting requirements do not meet the tracking requirements of 32 Ill. Adm. Code 609.

- g) For waste shipments in disposal containers, each shipper shall provide the following information on the uniform manifest regarding the waste and each disposal container of waste in the shipment:

- 1) An alphabetic or numeric identification that identifies each disposal container in the shipment;
 - 2) A physical description of the disposal container, including the manufacturer and model of any high integrity container;
 - 3) The volume displaced by the disposal container;
 - 4) The gross weight of the disposal container, including the waste;
 - 5) For waste consigned to a disposal facility, the maximum radiation level at the surface of each disposal container;
 - 6) A physical and chemical description of the waste;
 - 7) The total weight percentage of chelating agent for any waste containing more than 0.1 percent chelating agent by weight, plus the identity of the principal chelating agent;
 - 8) The approximate volume of waste within a container;
 - 9) The sorbing or solidification media, if any, and the identity of the manufacturer of the solidification media and brand name;
 - 10) The identities and activities of individual radionuclides contained in each container, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and thorium in source material. For discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices and wastes in solidification/stabilization media), the identities and activities of individual radionuclides associated with or contained on these waste types within a disposal container shall be reported;
 - 11) The total radioactivity within each container; and
 - 12) For wastes consigned to a disposal facility, the classification of the waste shall be identified on the manifest pursuant to Section 340.1052. Waste not meeting the structural stability requirements of Section 340.1055(b) shall also be identified on the manifest.
- h) For waste shipments delivered without a disposal container, the shipper of the radioactive waste shall provide the following information on the uniform manifest:
- 1) The approximate volume and weight of the waste;

- 2) A physical and chemical description of the waste;
 - 3) The total weight percentage of chelating agent for any waste containing more than 0.1 percent chelating agent by weight, plus the identity of the principal chelating agent;
 - 4) For wastes consigned to a disposal facility, the classification of the waste shall be identified on the manifest pursuant to Section 340.1052. Waste not meeting the structural stability requirements of Section 340.1055(b) shall also be identified on the manifest;
 - 5) The identities and activities of individual radionuclides contained in the waste, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and thorium in source material; and
 - 6) For waste consigned to a disposal facility, the maximum radiation levels at the surface of the waste.
- i) For waste comprised of mixtures of waste originating from different waste generators, the shipper shall provide the following information on the uniform manifest:

AGENCY NOTE: The origin of the low-level radioactive waste resulting from a processor's activities may be attributable to one or more "waste generators" as defined in this Part.

- 1) For homogeneous mixtures of waste, such as incinerator ash, provide the waste description applicable to the mixture and the volume of the waste attributed to each waste generator.
- 2) For heterogeneous mixtures of waste, such as the combined products from a large compactor, identify each generator contributing waste to the disposal container, and for discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices and wastes in solidification/stabilization media), the identities and activities of individual radionuclides contained on these waste types within the disposal container. For each waste generator, provide the following:
 - A) The volume of waste;
 - B) A physical and chemical description of the waste, including the solidification agent, if any;

- C) The total weight percentage of chelating agents for any waste containing more than 0.1 percent chelating agent by weight, plus the identity of the principal chelating agent;
 - D) The sorbing or solidification media, if any, and the identity of the solidification media vendor and brand name if the media is claimed to meet stability requirements in Section 340.1055(b); and
 - E) Radionuclide identities and activities contained in the waste, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and thorium in source material if contained in the waste.
- j) An authorized representative of the licensee shall certify, by signing and dating the shipment manifest, that the transported materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the requirements of USDOT regulations and this Part. A collector, in signing the certification, is certifying that nothing has been done to the collected waste that would invalidate the waste generator's certification.
- k) Any licensee who transfers radioactive waste to a land disposal facility or a licensed waste collector shall comply with the requirements in subsections (k)(1) through (9). Any licensee who transfers waste to a licensed waste processor for waste treatment or repackaging shall comply with the requirements of subsections (k)(4) through (9). The licensee shall:
- 1) Prepare all wastes so that the waste is classified according to Section 340.1052 and meets the waste characteristics requirements in Section 340.1055;
 - 2) Label each disposal container (or transport package if potential radiation hazards preclude labeling of the individual disposal container) of waste to identify whether it is Class A waste, Class B waste, Class C waste or greater than Class C waste, in accordance with Section 340.1052;
 - 3) Conduct a quality assurance program to assure compliance with Sections 340.1052 and 340.1055 (the program shall include management evaluation of audits);
 - 4) Prepare the appropriate NRC Uniform Low-Level Radioactive Waste Manifest form as required by this Part;
 - 5) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that receipt of the manifest precedes the low-level radioactive waste shipment, or the

manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using either or both of these methods is acceptable;

- 6) Include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in subsection (k)(5);
 - 7) Receive acknowledgement of the receipt of the shipment in the form of a signed copy of NRC Form 540;
 - 8) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by the Agency; and
 - 9) For any shipments or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in this Part, conduct an investigation in accordance with Section 340.1270.
- l) Any waste collector licensee who handles only prepackaged waste shall comply with subsections (l)(1) and(2) and (l)(7) through (12). Any licensed waste processor who treats or repackages waste shall comply with subsections (l)(1) and (l)(3) through (12).
- 1) Acknowledge receipt of the waste from the shipper within one week after receipt by returning a signed copy of NRC Form 540 to the shipper;
 - 2) Prepare a new manifest to reflect consolidated shipments that meet the requirements of this Part. The waste collector shall ensure that, for each container of waste in the shipment, the manifest identifies the generator of that container of waste;
 - 3) Prepare a new manifest that meets the requirements of this Part. Preparation of the new manifest reflects that the processor is responsible for meeting these requirements. For each container of waste in the shipment, the manifest shall identify the waste generators, the preprocessed waste volume and the other information required in subsection (i);
 - 4) Prepare all wastes so that the waste is classified according to Section 340.1052 and meets the waste characteristics requirements in Section 340.1055;
 - 5) Label each package of waste to identify whether it is Class A waste, Class B waste or Class C waste, in accordance with Sections 340.1052 and 340.1055;

- 6) Conduct a quality assurance program to assure compliance with Sections 340.1052 and 340.1055 (the program shall include management evaluation of audits);
 - 7) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that receipt of the manifest precedes the low-level radioactive waste shipment, or the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using either or both of these methods is acceptable;
 - 8) Include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in subsection (l)(7);
 - 9) Receive acknowledgement of the receipt of the shipment in the form of a signed copy of NRC Form 540;
 - 10) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by the Agency;
 - 11) For any shipments or any part of a shipment for which acknowledgement of receipt has not been received within the times set forth in this Part, conduct an investigation in accordance with Section 340.1270; and
 - 12) Notify the shipper and the Agency when any shipment or part of a shipment has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been cancelled.
- m) Any licensed land disposal facility operator shall:
- 1) Acknowledge receipt of low-level radioactive waste within 1 week after receipt by returning, at a minimum, a signed copy of NRC Form 540 to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. If any discrepancy exists between materials listed on the Uniform Low-Level Radioactive Waste Manifest and materials received, copies or electronic transfer of the affected forms shall be returned indicating the discrepancy;
 - 2) Maintain copies of all completed manifests and electronically store the information required by 32 Ill. Adm. Code 606.40 until the Agency terminates the license; and

- 3) Notify the shipper and the Agency when any shipment or part of a shipment has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been cancelled.

(Source: Amended at 35 Ill. Reg. 934, effective December 30, 2010)

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION
PART 341 RADIOACTIVE MATERIALS TRANSPORTATION
SECTION 341.25 DEFINITIONS

Section 341.25 Definitions

Definition of terms used in this Part are those in 49 CFR and 10 CFR 71.4, except that whenever a definition refers to evaluation or approval by the U.S. DOT or NRC and such evaluation or approval is the jurisdiction of the State of Illinois because it is an Agreement State, the Agency shall perform the evaluation and approval.

AGENCY NOTE: Some terms, such as Agency, that are not defined in 49 CFR or 10 CFR 71.4 may be found in Agency rules at 32 Ill. Adm. Code 310.

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION
PART 341 RADIOACTIVE MATERIALS TRANSPORTATION
SECTION 341.10 SCOPE

Section 341.10 Scope

- a) This Part applies to each licensee who transports licensed material outside the site where the licensee is authorized to possess and use the material or who transports the material on public highways or who delivers the material to a carrier for transport. The licensee shall comply with the regulations in this Part, the applicable requirements of the U.S. Nuclear Regulatory Commission (NRC) in 10 CFR 71, in effect as of November 14, 2014, exclusive of subsequent amendments or editions, and the applicable requirements of the U.S. Department of Transportation (USDOT) regulations appropriate to the mode of transport in 49 CFR 170-189, in effect as of November 14, 2014, exclusive of subsequent amendments or editions.

- b) When the licensee is not in areas under the jurisdiction of USDOT or NRC, but is in an area of jurisdiction of the State of Illinois as described in subsection (a) of this Section, the licensee shall comply with the following portions of USDOT and NRC regulations, as applicable:
 - 1) Packaging, 49 CFR 173, subparts A, B and I;
 - 2) Marking and labeling, 49 CFR 172, subpart D, paragraphs 172.400-172.407, 172.436-172.440 and subpart E;
 - 3) Placarding, 49 CFR 172, subpart F, paragraphs 172.500-172.519 and 172.556; and appendices B and C;
 - 4) Shipping papers and emergency information, 49 CFR 172, subparts C and G;
 - 5) Accident reporting, 49 CFR 171.15 and 171.16;
 - 6) Hazardous material shipper/carrier requirements, 49 CFR 107, subpart G;
 - 7) Hazardous material employee training, 49 CFR 172, subpart H;
 - 8) Definitions, 10 CFR 71.4;

- 9) Transportation of licensed material, 10 CFR 71.5;
 - 10) Exemptions for low level material, 10 CFR 71.14(a);
 - 11) General license: NRC-approved package, 10 CFR 71.17;
 - 12) Previously approved package, 10 CFR 71.19(a) and (b);
 - 13) General license: USDOT specification container material, 10 CFR 71.20;
 - 14) General license: Use of foreign approved package, 10 CFR 71.21;
 - 15) General license: Fissile material, 10 CFR 71.22;
 - 16) External radiation standards for all packages, 10 CFR 71.47;
 - 17) Assumptions as to unknown properties, 10 CFR 71.83;
 - 18) Preliminary determinations, 10 CFR 71.85;
 - 19) Routine determinations, 10 CFR 71.87;
 - 20) Air transportation of plutonium, 10 CFR 71.88;
 - 21) Opening instructions, 10 CFR 71.89;
 - 22) Advance notification of shipment of irradiated reactor fuel and nuclear waste, 10 CFR 71.97;
 - 23) Quality assurance requirements, 10 CFR 71.101(a), (b), (c), (f) and (g);
 - 24) Quality assurance organization, 10 CFR 71.103;
 - 25) Quality assurance program, 10 CFR 71.105; and
 - 26) Determination of A_1 and A_2 , 10 CFR 71, appendix A.
- c) The licensee shall also comply with USDOT regulations pertaining to the following modes of transportation:
- 1) Rail, 49 CFR 174, subparts A-D and K;
 - 2) Air, 49 CFR 175;
 - 3) Vessel, 49 CFR 176, subparts A-F and M; and

- 4) Public highway, 49 CFR 177 and 390-397.
- d) If USDOT regulations are not applicable to a shipment of licensed material as described in subsection (a), the licensee shall conform to the standards and requirements of USDOT specified in subsection (a) to the same extent as if the shipment or transportation were subject to USDOT regulations. A request for modification, waiver or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Agency.

(Source: Amended at 39 Ill. Reg. 9928, effective July 1, 2015)