

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 341
RADIOACTIVE MATERIALS TRANSPORTATION

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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].

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 Reg. 13641; old Part repealed and new Part adopted at 29 Ill.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. 7537, effective April 4, 2018; amended at 44 Ill. Reg. 12733, effective July 17, 2020.

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 December 30, 2019, 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 December 30, 2019.

AGENCY NOTE: Where the words "NRC", "Commission", "Nuclear Regulatory Commission", "United States Nuclear Regulatory Commission" or "Administrator of the appropriate Regional Office" appear in 10 CFR 71, substitute the words

"Illinois Emergency Management Agency (Agency or IEMA)" except when used in 10 CFR 71.5(b), 71.10, 71.17(c)(3) and (e), 71.85 (c), 71.88(a)(4), 71.93(c), 71.95, 71.97(c), (c)(3)(iii) and (f). In addition, the terms "certificate of compliance, compliance holder or applicant" apply to the NRC as they are the sole authority for issuing a package Certificate of Compliance.

- 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 40/10, 11 and 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 to that carriage.

(Source: Amended at 44 Ill. Reg. 12733, effective July 17, 2020)

Section 341.20 Incorporations by Reference

All rules, standards, and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards or guidelines that have been incorporated by reference are available for public inspection and copying at the Illinois Emergency Management Agency, 1035 Outer Park Drive, Springfield, Illinois.

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.

Section 341.30 General License

- a) A general license is hereby issued to any licensee of the Agency to transport, or to deliver to a carrier for transport, licensed material in a package that meets the requirements of U.S. DOT.
- b) The general license issued under subsection (a) of this Section applies only to a licensee who, prior to the licensee's first use of a package, has registered with the NRC.

Section 341.40 Records

- a) Each licensee shall maintain, for radioactive waste, a record of each shipment of radioactive material not exempt pursuant to USDOT regulations, such as the shipping paper copy, for three years after the material is accepted by the initial carrier. For all other radioactive materials not exempt pursuant to USDOT

regulations, each licensee shall maintain a record of each shipment of radioactive material, such as the shipping paper copy, for 375 days after the material is accepted by the initial carrier. The record of each shipment shall show, where applicable:

- 1) Identification of the packaging by model and serial number;
 - 2) Verification that there are no significant defects in the packaging as shipped;
 - 3) Volume and identification of coolant;
 - 4) Type and quantity of licensed material in each package and the total quantity of each shipment;
 - 5) Date of the shipment;
 - 6) Name and address of the transferee;
 - 7) Address to which the shipment was made;
 - 8) Results of the determinations required by Section 341.10(b)(19) of this Part and by the conditions of the package approval; and
 - 9) In addition, for each item of irradiated fissile material:
 - A) Identification by model and serial number;
 - B) Irradiation and decay history to the extent appropriate to demonstrate that its nuclear and thermal characteristics comply with license conditions; and
 - C) Any abnormal or unusual condition relevant to radiation safety.
- b) The licensee shall make available to the Agency for inspection, at any time during shipment or upon 3 days notice after shipment, all records required by this Part. Records are only valid if stamped, initialed or signed and dated by authorized personnel or otherwise authenticated.
- c) The licensee shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by Section 341.10(b)(19) of this Part; design, fabrication and assembly records; results of reviews, inspections, tests and audits; results of

monitoring work performance and materials analyses; and results of maintenance, modification and repair activities. Inspection, test and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability and the action taken in connection with any deficiencies noted. The records must be retained for 3 years after the life of the packaging to which they apply.

(Source: Amended at 30 Ill. Reg. 9160, effective April 28, 2006)

Section 341.50 Reports

The licensee shall report to the Agency within 30 days:

- a) Any instance in which there is significant reduction in the effectiveness of any approved Type B or fissile packaging during use;
- b) Details of any defects with safety significance in Type B or fissile packaging after first use, with the means employed to repair the defects and prevent their recurrence; and
- c) Instances in which the conditions of approval in the certificate of compliance were not observed in making a shipment.