

ILLINOIS POLLUTION CONTROL BOARD

December 19, 2019

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R18-28
SUBTITLE I: ATOMIC RADIATION) (Rulemaking – Atomic Radiation)

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (by A. Palivos):

The Board opened this docket to amend its atomic radiation rules (35 Ill. Adm. Code 1000, 1010). Today, for public comment, the Board proposes non-substantive amendments to ensure the rules are current, clear, and concise. In this opinion and order, the Board provides background on the rulemaking’s objectives, discusses the proposed amendments, requests comment, and concludes with information on how the rulemaking will proceed.

BACKGROUND

In 2016, the Board began reviewing its rules to identify obsolete, repetitive, confusing, or otherwise unnecessary language. Under that on-going initiative, the Board has completed seven rulemakings, updating its rules on noise, biological materials, mine-related water pollution, Right-to-Know, and procedure.¹

On January 10, 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update the Board’s environmental rules across multiple media and subject areas, including Part 1000 of the Board’s atomic radiation rules. IEPA considers its proposed amendments to be non-substantive. Clean-Up Amendments to 35 Ill. Adm. Code Parts 201, 211, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 237, 301, 302, 303, 304, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, 617, 722, 811, 813, 855, and 1000 (Clean-Up Amendments), R18 -21, slip op. at 2 (Feb. 8, 2018). The Board accepted IEPA’s proposal for hearing by order of February 8, 2018. *Id.*

On March 22, 2018, the Board split IEPA’s proposal into seven dockets. Clean-Up Amendments, R18-21, slip op. at 1 (Mar. 22, 2018). Each of the seven dockets was dedicated to considering non-substantive rule amendments within a different Subtitle of Title 35 of the

¹ See Amendments to 35 Ill. Adm. Code Subtitle D: Mine-Related Water Pollution, R18-24 (Sept. 19, 2019); Amendments to 35 Ill. Adm. Code Subtitle O: Right-to-Know, R18-30 (Sept. 19, 2019); Amendments to 35 Ill. Adm. Code Subtitle M: Biological Materials, R18-29 (Aug. 22, 2019); Proposed Amendments to General Procedural Rules (35 Ill. Adm. Code 101), R19-19 (Aug. 22, 2019); Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018); Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 130, R17-18 (June 22, 2017); Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125, R16-17 (May 19, 2016).

Illinois Administrative Code. *Id.* at 1-2. This docket, R18-28, is one of those seven dockets and concerns only Subtitle I (atomic radiation), which consists of Part 1000 and Part 1010. *Id.* at 1; *see also* Amendments to 35 Ill. Adm. Code Subtitle I: Atomic Radiation, R18-28, slip op. at 1 (Mar. 22, 2018).

The rule amendments proposed by the Board in this order consist of both IEPA's amendments and additional amendments identified by the Board.

SUMMARY OF PROPOSED AMENDMENTS

The Board's atomic radiation rules in Part 1000 "establish standards for protection against radiological air pollutants associated with materials and activities under licenses issued by the United States Nuclear Regulatory Commission." 35 Ill. Adm. Code 1000.102(a). Part 1010 "prescribes standards for detecting and reporting unpermitted releases of radionuclides from nuclear power plants." 35 Ill. Adm. Code 1010.100. The rules also include definitions and requirements for record submittals and incident notifications. *See* 35 Ill. Adm. Code 1000, 1010.

The Board proposes amendments to remove redundant or unnecessary language, replace outdated language, update statutory references, and reorganize provisions for clarity. For example, the Board proposes putting all the incorporations by reference in one section, consistent with Board practice.

In Part 1000, IEPA proposes to amend Section 1000.503 by striking a citation to Section 201.124 of the Board's air pollution rules. IEPA seeks to repeal Section 201.124 in another rulemaking, Clean-Up Amendments, R18-21.

PUBLIC COMMENT

The Board welcomes public comment from any participant on any aspect of its proposal. The Board also specifically requests comments concerning two sections of the rules:

First, the Board proposes to incorporate federal regulations by reference in Section 1000.202. The Board requests that IEPA comment on the following:

1. Does IEPA consider it appropriate to add an incorporation by reference section?

Second, current Section 1000.502 requires immediate notification of incidents by "telephone and telegraph, mailgram, or facsimile." 35 Ill. Adm. Code 1000.502. Further, the notification must be directed to the "Manager of the Office of Nuclear Facility Safety of the Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704." *Id.* The Board requests that IEPA comment on the following:

2. Should the required modes of communication be updated and, if so, how?
3. Is the contact information accurate? If not, how should it be revised?

Public comments must be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website (pcb.illinois.gov). The comment should indicate the docket number for this rulemaking, R18-28. Questions about filing comments can be directed to the Clerk's Office at 312-814-3461. Public comments and all other filings with the Clerk must be served on the hearing officer and on those persons on the Service List for this rulemaking. The current version of the Service List for R18-28 is available on COOL.

CONCLUSION

The Board proposes these non-substantive amendments to the atomic radiation rules for public comment without submitting them to first-notice publication in the *Illinois Register*. The proposed amendments appear in the addendum to this opinion and order; proposed additions are underlined and proposed deletions are stricken through. The Board intends to hold two hearings on this proposal, by videoconference in Chicago and Springfield. See 35 Ill. Adm. Code 101.600(b), 102.114. Interested persons should contact the hearing officer (Chloe.Cummings@Illinois.gov) to be added to this docket's Notice List or Service List.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on December 19, 2019, by a vote of 4-0.



Don A. Brown
Don A. Brown, Clerk
Illinois Pollution Control Board