

ILLINOIS POLLUTION CONTROL BOARD
JULY 19 1985

IN THE MATTER OF:)
)
TITLE 35: ENVIRONMENTAL PROTECTION) R82-2
SUBTITLE I: ATOMIC RADIATION)
CHAPTER I: POLLUTION CONTROL BOARD)
PART 1000: RADIATION HAZARDS)

PROPOSED RULE. SECOND NOTICE.

ORDER OF THE BOARD (by J. D. Dumelle):

This matter first came before the Board upon a January 27, 1982, petition to adopt regulations at 35 Ill. Adm. Code 1000 concerning radiation hazards which was filed on behalf of the Department of Nuclear Safety (DNS). The DNS submitted a revised proposal on March 5, 1982, which codified the proposed rules. Hearings were held to consider the proposal on May 11, 1982, in Chicago and May 14, 1982, in Springfield. The DNS filed a second revision of the proposed rules on August 26, 1982. The Department of Energy and Natural Resources (DENR) filed its Economic Impact Study on October 28, 1983. Hearings were held to consider that study on January 24, 1984, and February 17, 1984. The comment period closed on March 26, 1984.

A Proposed Rule/First Notice Proposed Opinion and Order was adopted by the Board (5-0) on January 24, 1985. The DNS proposed Subtitle I, Part 1000 which would regulate radiological air pollutants emitted from NRC regulated facilities. The rules would establish permissible levels of radiation exposure to persons in areas to which access is not controlled by the NRC licensee. The provisions are very similar to those found in existing federal regulations. The effect of proposed Subtitle I, Part 1000, is to provide DNS with the authority and the means to protect the public from radiation hazards associated with the large number of NRC-licensed activities in Illinois. The proposed rule was published at 9 Ill. Reg. 6569 (May 10, 1985).

On June 24, 1985, Commonwealth Edison Company filed a motion for a two-day extension of the 45-day comment period scheduled to end on that day. Due to the fact that the motion was timely filed during the comment period and the granting of the motion would not unduly delay the proceeding, the motion is hereby granted, thereby extending the comment period until June 26, 1985. On June 25, 1985, Mr. L. O. Del George of Commonwealth Edison filed Public Comment No. 4 which addressed two technical aspects of the proposed rule.

In Commonwealth Edison's first comment it points out a typographical error in Section 1000.301(a) where the words "in any one year" were inadvertently omitted when published in the Illinois Register. These words should follow "0.5 rem" at the end of the subsection as they did in the Board's First Notice Order.

The second comment by Commonwealth Edison addresses the proposed rule's two different definitions for the term "radioactive material". The definition in Subpart B, Section 1000.201 pertains to the entire part while the definition in Subpart D Section 1000.402 is applicable to only that subpart. There seems to be no reason to define the term twice. Therefore, only one definition will be listed in Subpart B which will encompass the entire proposed rule.

As to the definition itself, the Board is uncertain as to the origin of either definition used in the proposed rule. Commonwealth Edison suggests in the interest of clarification that it would be preferable to use a combination of the definitions from Subparts B and D. The Board believes that it is reasonable to use only one definition: therefore, the recommended combination definition will be adopted. The definition for "radioactive material" will be modified to read: "any dusts, particulates, fumes, mists, vapors, or gases which spontaneously emit ionizing radiation."

Futhermore, the definition for "radiation" in Subpart D, Section 1000.402 will be deleted. A nearly identical definition appears in Subpart B, Section 1000.201 which pertains to the entire proposed rule.

On June 26, 1985, Mr. James R. Hollis, of the Illinois Power Company (IPC) filed Public Comment No. 5 which suggests additional considerations for modifying the proposed rule.

First, IPC states that sealed sources should be exempt from the proposed rule since the potential radioactive emissions from radioactive by-product materials are not sufficient to justify a duplication of the regulations. There is no evidence in the record regarding the degree of hazard in the sealed sources so there is no apparent basis in making the recommended change.

Second, IPC states that Section 1000.301(a) is more restrictive than the Radiological Environmental Technical Specifications (RETS) set out by the United States Nuclear Regulatory Commission. IPC goes on to explain the difference between the RETS requirement and the proposed rule's requirement. The proposed rule requires that the whole body dose for all radioactive emissions be equal to or less than 0.5 rem per year. This language is substantially identical to the federal rules set out in 10 CFR 20. Considering that the Board's intent is to adopt the federal rules on Radiation Hazards, it appears that the comparison set out by Illinois Power on this

point is inappropriate.

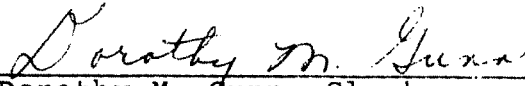
IPC's third point, is rather vague and difficult to understand. It seems that IPC is arguing that the proposed rule should not cover radiation from direct discharges from the licensee's operation. However, it appears from 10 CFR 20.105, that the federal rules regulate the summation of both sources of radiation, and this is appropriately reflected in the proposed rule.

Point four is also difficult to understand. IPC states that Section 1000.501 requires the gaseous effluents section of the Offsite Dose Calculations Manual to be included in the transmittals to the DNS which will cause higher costs for compliance since it duplicates existing regulations. This requirement apparently comes from Section 1000.501(a)(6). This section requires that all data, records and reports submitted to the NRC must be duplicated and sent to the DNS as well. If in fact IPC is concerned with the costs of duplicating and mailing the reports to the DNS which they have to mail to the NRC in any case, this does not seem unreasonable or unduly burdensome.

As a final note, the Board is correcting a typographical error in Subpart E Section 1000.501(a)(6). The word "comnection" will be changed to its correct spelling of "connection".

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19th day of July, 1985, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board