

SUBAGREEMENT 1
BETWEEN THE
ILLINOIS DEPARTMENT OF NUCLEAR SAFETY
AND THE
U. S. NUCLEAR REGULATORY COMMISSION

SUBAGREEMENT 1
PERTAINING TO LOW-LEVEL RADIOACTIVE WASTE INSPECTION
BETWEEN THE
STATE OF ILLINOIS
AND THE
U.S. NUCLEAR REGULATORY COMMISSION

The State of Illinois, in fulfilling its obligations under the Low-Level Radioactive Waste Policy Act, (Waste Policy Act) P.L. 96-573, contemplates that it will make periodic inspections of the areas of low-level radioactive waste packaging and transport activities and premises of generators located within its borders if shipments of such waste are destined for a low-level waste disposal facility.

The United States Nuclear Regulatory Commission (NRC or Commission) has the statutory responsibility to inspect its licensees to determine compliance with NRC requirements, including requirements pertaining to the shipment, packaging and transportation of low-level radioactive waste. In the exercise of this responsibility, the Commission regularly conducts a review of the transportation programs of its licensees including the licensees' procedures for quality assurance, packaging, marking, labeling and loading of vehicles. This transportation program review usually has been found adequate to ensure licensee compliance with the Commission's regulations regarding low-level radioactive waste packaging and transportation without the need for Commission inspection of each individual shipment.

Under Section 274i. of the Atomic Energy Act of 1954, as amended, the Commission in carrying out its licensing and regulatory responsibility under the Act is authorized to enter into Memoranda of Understanding (agreements) with any State to perform inspections or other functions on a cooperative basis as the Commission deems appropriate. While the Commission does not conduct on-site inspections of every low-level waste shipment of its licensees, it desires to foster the goals of the Waste Policy Act and the State of Illinois.

Accordingly, this Memorandum of Understanding between the State of Illinois and the NRC establishes mutually agreeable procedures whereby the State may perform inspection functions for an on behalf of the Commission at certain NRC reactor and materials licensees' facilities which generate low-level radioactive waste.

It is hereby agreed between the Commission and the State as follows:

1. The Commission hereby authorizes the State to perform, for and on behalf of the Commission, the following functions with respect to low-level radioactive waste, as defined in Section 2(16) of the Nuclear Waste Policy Act of 1982, in the possession of Commission licensees located within the State:
 - (a) Inspections to determine compliance with the Commission's rules and regulations regarding the packaging and transportation of low-level waste destined for disposal at a commercial low-level radioactive waste disposal site, and
 - (b) Notification of Commission licensees and the Commission in writing of any violation of Commission regulations disclosed by such inspections. All enforcement action pursuant to this Subagreement resulting from such inspections will be undertaken by the Commission.

The Commission does not normally evaluate the State's ability to perform such functions, however, the State agrees to utilize personnel knowledgeable in radiation safety, waste packaging requirements and packaging and transportation regulations. Such

functions as are performed by the State pursuant hereto shall be performed without cost or expense to the Commission, except for situations where NRC finds it appropriate to provide training to the State.

2. The authority to inspect NRC licensees pursuant to the preceding paragraph is limited to the licensee's low-level waste packaging and transportation procedures.
3. In taking any action authorized hereunder, the State shall not undertake to amend or revoke Commission licenses. This Memorandum, however, shall not be construed to preclude the State from exercising any authority lawfully available to it under its own laws.
4. Efforts will be made by both parties to avoid duplicative enforcement action against an NRC licensee for the same violation. However, this is not meant to preclude appropriate complementary actions for the same violation, such as termination of a user permit by the State and NRC enforcement action.
5. Nothing herein shall be deemed to authorize the State to inspect or otherwise enter the premises of any licensee of the Commission which is a Federal instrumentality without the prior consent of the licensee.
6. Nothing herein shall be deemed to preclude or affect in any manner the authority of the Commission to perform any or all of the functions described herein.
7. Nothing herein is intended to restrict or expand the statutory authority of NRC or the State or to affect or vary the terms of any agreement in effect under the authority of Section 274b. of the Atomic Energy Act of 1954, as amended.
8. Nothing herein shall be deemed to permit the State to impose packaging or transport standards beyond those contained in Federal regulations.
9. The principal NRC contact under this Memorandum of Understanding shall be the Emergency Preparedness and Radiological Safety Branch Chief for reactor licensees and the Materials and Safeguards branch Chief for materials licensees. The principal State contact shall be the Manager, Office of Waste and Transportation Management.
10. This MOU shall become effective upon signing by the Director, Department of Nuclear Safety, State of Illinois, and the Regional Administrator, Region III, Nuclear Regulatory Commission and shall remain in effect permanently unless terminated by either party on thirty days prior written notice.

Dated this 7th day of June, 1984 at Glen Ellyn, Il..

James Keppler
Regional Administrator

For the State of Illinois

Don Etchison

Dated this 11th day of June 1984 at Springfield, Il