**Section 337.40 Definitions**

As used in this Part:

"Access control" means a system for allowing only approved individuals to have unescorted access to the security zone and for ensuring that all other individuals are subject to escorted access.

"Aggregated" means accessible by the breach of a single physical barrier that would allow access to radioactive material in any form, including any devices that contain the radioactive material, when the total activity equals or exceeds a category 2 quantity of radioactive material.

"Approved individual" means an individual whom the licensee has determined to be trustworthy and reliable for unescorted access in accordance with Subpart B and who has completed the training required by Section 337.2020(c). This does not mean the individual has met the requirements to be an approved authorized user of radioactive material.

"Atomic Energy Act of 1954" means 42 USC 2169.

"Background investigation" means the investigation required by Section 337.1030 and conducted by a licensee or applicant for a license to support the determination of trustworthiness and reliability.

"Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract or private carrier, or by civil aircraft.

"Category 1 quantity of radioactive material" means a quantity of radioactive material meeting or exceeding the category 1 threshold in Table 1 of Appendix A. This is determined by calculating the ratio of the total activity of each radionuclide to the category 1 threshold for that radionuclide and adding the ratios together. If the sum is equal to or exceeds 1, the quantity would be considered a category 1 quantity. Category 1 quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod or fuel pellet.

"Category 2 quantity of radioactive material" means a quantity of radioactive material meeting or exceeding the category 2 threshold but less than the category 1 threshold in Table 1 of Appendix A. This is determined by calculating the ratio of the total activity of each radionuclide to the category 2 threshold for that radionuclide and adding the ratios together. If the sum is equal to or exceeds 1, the quantity would be considered a category 2 quantity. Category 2 quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod or fuel pellet.

"Diversion" means the unauthorized movement of radioactive material subject to this Part to a location different from the material's authorized destination inside or outside of the site that the material is used or stored.

"Escorted access" means accompaniment while in a security zone by an approved individual who maintains continuous direct visual surveillance at all times over an individual who is not approved for unescorted access.

"FBI" means the Federal Bureau of Investigation.

"Fingerprint Orders" means the orders issued by the U.S. Nuclear Regulatory Commission (NRC) or the legally binding requirements issued by Agreement States that require fingerprints and criminal history records checks for individuals with unescorted access to category 1 and category 2 quantities of radioactive material or safeguards information-modified handling.

"IEMA" means the Illinois Emergency Management Agency.

"License issuing authority" means the licensing agency that issued the license (i.e., the U.S. Nuclear Regulatory Commission, the Illinois Emergency Management Agency or the appropriate agency of another Agreement State).

"Local law enforcement agency" or "LLEA" means a public or private organization that has been approved by a federal, state or local government to carry firearms and make arrests. The LLEA is authorized and has the capability to provide an armed response in the jurisdiction where the licensed category 1 or category 2 quantity of radioactive material is used, stored or transported.

"Mobile device" means a piece of equipment containing licensed radioactive material that is either mounted on wheels or casters, or otherwise equipped for moving without a need for disassembly or dismounting, or designed to be hand carried. Mobile devices do not include stationary equipment installed in a fixed location.

"Movement control center" means an operations center that is remote from transport activity and maintains position information on the movement of radioactive material, receives reports of attempted attacks or thefts, provides a means for reporting these and other problems to appropriate agencies, and requests and coordinates appropriate aid.

"No-later-than arrival time" means the date and time that the shipping licensee and receiving licensee have established as the time that an investigation will be initiated if the shipment has not arrived at the receiving facility. The no-later-than-arrival time may not be more than 6 hours after the estimated arrival time for shipments of category 2 quantities of radioactive material.

"Reviewing official" means the individual who shall make the trustworthiness and reliability determination of an individual to determine whether the individual may have, or continue to have, unescorted access to the category 1 or category 2 quantities of radioactive material that is possessed by the licensee. The reviewing official may have unescorted access to the category 1 or category 2 quantities of radioactive material only if his or her job duties require unescorted access to category 1 or category 2 quantities of radioactive material. If the job duties require access to the material, the reviewing official shall also meet the training requirements for use of that radioactive material.

"Sabotage" means deliberate damage, with malevolent intent, to a category 1 or category 2 quantity of radioactive material, a device that contains a category 1 or category 2 quantity of radioactive material or the components of the security system.

"Safeguards information" means information not classified as National Security Information or Restricted Data, that specifically identifies a licensee's or applicant's detailed control and accounting procedures for the physical protection of special nuclear material in quantities determined by the U.S. Nuclear Regulatory Commission through order or regulation to be significant to the public health and safety or the common defense and security; detailed security measures (including security plans, procedures and equipment) for the physical protection of source, byproduct, or special nuclear material in quantities determined by NRC through order or regulation to be significant to the public health and safety or the common defense and security; security measures for the physical protection of and location of certain plant equipment vital to the safety of production or utilization facilities; and any other information within the scope of section 147 of the Atomic Energy Act of 1954, as amended, the unauthorized disclosure of which, as determined by NRC through order or regulation, could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of sabotage or theft or diversion of source, byproduct, or special nuclear material.

"Safeguards information – modified handling" is the designation or marking applied to safeguards information that NRC has determined requires handling requirements modified from the specific safeguards information handling requirements that are applicable to safeguards information needing a higher level of protection.

"Safe haven" means a readily recognizable and readily accessible site where security is present or at which, in the event of an emergency, the transport crew can notify and wait for the local law enforcement authorities.

"Security zone" means any temporary or permanent area determined and established by the licensee for the physical protection of category 1 or category 2 quantities of radioactive material.

"Telemetric position monitoring system" means a data transfer system that captures information by instrumentation and/or measuring devices about the location and status of a transport vehicle or package between the departure and destination locations.

"Trustworthiness and reliability" are characteristics of an individual considered dependable in judgment, character and performance, such that unescorted access to category 1 or category 2 quantities of radioactive material by that individual does not constitute an unreasonable risk to the public health and safety or security. For this purpose, a determination of trustworthiness and reliability is based upon the results of a background investigation and certification by the reviewing official.

"Unescorted access" means solitary access to an aggregated category 1 or category 2 quantity of radioactive material or the devices that contain the material.

(Source: Amended at 42 Ill. Reg. 42 Ill. Reg. 7485, effective April 4, 2018)