

2009

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 22, 2008	January 2, 2009
2	December 29, 2008	January 9, 2009
3	January 5, 2009	January 16, 2009
4	January 12, 2009	January 23, 2009
5	January 20, 2009	January 30, 2009
6	January 26, 2009	February 6, 2009
7	February 2, 2009	February 13, 2009
8	February 9, 2009	February 20, 2009
9	February 17, 2009	February 27, 2009
10	February 23, 2009	March 6, 2009
11	March 2, 2009	March 13, 2009
12	March 9, 2009	March 20, 2009
13	March 16, 2009	March 27, 2009
14	March 23, 2009	April 3, 2009
15	March 30, 2009	April 10, 2009
16	April 6, 2009	April 17, 2009
17	April 13, 2009	April 24, 2009
18	April 20, 2009	May 1, 2009
19	April 27, 2009	May 8, 2009
20	May 4, 2009	May 15, 2009
21	May 11, 2009	May 22, 2009
22	May 18, 2009	May 29, 2009
23	May 26, 2009	June 5, 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2009	June 12, 2009
25	June 8, 2009	June 19, 2009
26	June 15, 2009	June 26, 2009
27	June 22, 2009	July 6, 2009
28	June 29, 2009	July 10, 2009
29	July 6, 2009	July 17, 2009
30	July 13, 2009	July 24, 2009
31	July 20, 2009	July 31, 2009
32	July 27, 2009	August 7, 2009
33	August 3, 2009	August 14, 2009
34	August 10, 2009	August 21, 2009
35	August 17, 2009	August 28, 2009
36	August 24, 2009	September 4, 2009
37	August 31, 2009	September 11, 2009
38	September 8, 2009	September 18, 2009
39	September 14, 2009	September 25, 2009
40	September 21, 2009	October 2, 2009
41	September 28, 2009	October 9, 2009
42	October 5, 2009	October 16, 2009
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44	October 19, 2009	October 30, 2009
45	October 26, 2009	November 6, 2009
46	November 2, 2009	November 13, 2009
47	November 9, 2009	November 20, 2009
48	November 16, 2009	November 30, 2009
49	November 23, 2009	December 4, 2009
50	November 30, 2009	December 11, 2009
51	December 7, 2009	December 18, 2009
52	December 14, 2009	December 28, 2009

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3) Section Number: 590.10 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Commerce Commission has adopted 83 Ill. Adm. Code 590 to incorporate by reference certain federal safety standards. This complies with Section 3 of the Illinois Gas Pipeline Safety Act, which requires the Commission's rules to be as inclusive and as stringent as the federal safety standards and compatible with the federal safety standards. It is appropriate to initiate rulemaking to incorporate the federal amendments into Part 590 adopted by the U.S. Department of Transportation since the last amendment of Part 590 in 2007.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 09-0081, with:

Elizabeth Rolando

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This amendment will affect any small municipalities or not for profit corporations that are jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Recordkeeping and reporting
 - C) Types of professional skills necessary for compliance: Managerial and engineering skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 590
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION
OF GAS AND FOR GAS PIPELINE FACILITIES

Section
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. 13549, effective October 1, 1995; amended at 21 Ill. Reg. 8906, effective July 1, 1997; amended at 23 Ill. Reg. 11872, effective October 1, 1999; amended at 25 Ill. Reg. 11355, effective September 1, 2001; amended at 27 Ill. Reg. 12385, effective August 1, 2003; amended at 29 Ill. Reg. 11808, effective August 1, 2005; amended at 31 Ill. Reg. 11562, effective August 1, 2007; amended at 33 Ill. Reg. _____, effective _____.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.23, 192, 193 and 199, as of January 1, ~~2009~~2007, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.
- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1040.28	Amendment
1040.107	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-206; 625 ILCS 5/11-107
- 5) A Complete Description of the Subjects and Issues Involved: Section 1040.28 is in reference to a suspension/revocation for a traffic offense committed by a person under the age of 21 after having a prior suspension for 6-206a36. The rule is being amended to reflect authority section as 60206a43 prior to January 1, 2009 and the authority section as 6-206a44 as of January 1, 2009 and thereafter. Section 1040.107 is being amended due to passage of Senate Bill 2713, PA 95-0894, that became effective January 1, 2009. Language is being added to take sanctions for violations of Section 11-907, subsection c, of the Illinois Vehicle Code, only if the violation results in property damage, death or personal injury to another.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the prepared amendments are posted on the Secretary of State's website, <http://www.cyberdriveillinois.com/> as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Arlene J. Pulley
Administrative Rules Coordinator
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217-557-4462

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

The full text of the Proposed Amendments begin on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.46	Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions (Repealed)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1040.50	Occupational Driving Permit
1040.52	Driver Remedial Education Course
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for Five or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	Suspension for Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
1040.115	Suspension for Theft of Motor Fuel
1040.116	Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009; amended at 33 Ill. Reg. _____, effective _____.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 1040.28 Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29

When a person has been convicted of a point assigned traffic violation and the arrest date was prior to the age of 21, the Department shall take the following action:

- a) If a person's driving record indicates one or more terminated suspensions in accordance with IVC Section 6-206(a)(36) and an additional conviction is received, a six-month suspension shall be entered to the driving record in accordance with IVC Section 6-206(a)(43) [prior to January 1, 2009, or IVC Section 6-206\(a\)\(44\) after December 31, 2008.](#)
- b) If a person's driving record indicates one open, pending or terminated suspension in accordance with IVC Section 6-206(a)(43) [prior to January 1, 2009, or IVC Section 6-206\(a\)\(44\) after December 31, 2008](#) and an additional conviction is received, a 12-month suspension shall be entered to the driving record in accordance with Section 6-206(a)(43) [prior to January 1, 2009, or IVC Section 6-206\(a\)\(44\) after December 31, 2008.](#)
- c) If a person's driving record indicates two open, pending or terminated suspensions in accordance with IVC Section 6-206(a)(43) [prior to January 1, 2009, or IVC Section 6-206\(a\)\(44\) after December 31, 2008](#) and an additional conviction is received, a revocation shall be entered to the driving record in accordance with Section 6-206(a)(43) [prior to January 1, 2009, or IVC Section 6-206\(a\)\(44\) after December 31, 2008.](#)
- d) If a person's driving record indicates one or more, pending or terminated revocations in accordance with IVC Section 6-206(a)(43) [prior to January 1, 2009, or IVC Section 6-206\(a\)\(44\) after December 31, 2008](#) and an additional conviction is received, a revocation shall be entered to the driving record in accordance with Section 6-206(a)(43) [prior to January 1, 2009, or IVC Section 6-206\(a\)\(44\) after December 31, 2008.](#)
- e) If a person's driving record indicates one or more terminated revocations in accordance with IVC Section 6-206(a)(36) and an additional conviction is received, a revocation shall be entered to the driving record in accordance with IVC Section 6-206(a)(43) [prior to January 1, 2009, or IVC Section 6-206\(a\)\(44\) after December 31, 2008.](#)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1040.107 Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle

- a) If the Department receives a conviction for IVC Section 11-907(c), the Department shall take the following action:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
<u>Conviction with an arrest date prior to 1/1/09</u>	<u>3-month suspension</u>
<u>Conviction with an arrest date of 1/1/09 or thereafter 1st or subsequent conviction that results in property damage to another</u>	<u>3-month suspension</u>
<u>1st or subsequent conviction that results in injury to another person</u>	<u>6-month Suspension</u>
<u>1st or subsequent conviction that results in death of another person</u>	<u>24-month Suspension</u>

- b) If a person has one or more open or pending suspensions and a conviction for violation of IVC Section 11-907(c) is received, a suspension shall be entered in accordance with subsection (a) and will become effective upon the latest provisional or projected termination date of the suspension on record.
- c) If the Department receives a conviction and the record reflects an open suspension with a provisional termination date in the past, a suspension will be entered in accordance with subsection (a).
- d) If a person has one or more open or pending revocations and a conviction for violation of IVC Section 11-907(c) is received, a suspension shall be entered in accordance with subsection (a).
- e) If a record of judgment is received from the court, the Department shall enter a

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

suspension for the period specified by the court or extend the period of an existing suspension for the period specified by the court.

- a) ~~If a person has no prior, open or pending suspensions or revocations and a conviction for IVC Section 11-907(c) is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.~~
- b) ~~If a person has one or more open or pending revocations and a conviction for IVC Section 11-907(c) is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.~~
- e) ~~If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and a conviction for IVC Section 11-907(c) is received, the Department shall enter a 3-month suspension, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court for which the suspension would become effective upon the latest provisional or projected termination date of the suspension on record.~~
- d) ~~If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and an open or pending revocation and a conviction for IVC Section 11-907(c) is received, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court for which the suspension would become effective upon the latest provisional or projected termination date of the suspension on record.~~
- e) ~~If the provisional termination date of an open suspension is in the past, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 175
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
175.10	Amendment
175.20	Amendment
175.30	Amendment
175.40	Amendment
175.50	Amendment
175.60	Amendment
175.70	Amendment
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 5-10 of the Illinois Administrative Procedure Act (5 ILCS 100)
- 5) Effective Date of Amendments: March 9, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 17875; November 21, 2008
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The agency has updated this Part to reflect the merger of the Illinois Emergency Management Agency and the former Illinois Department of Nuclear Safety. All references to the "Department" are changed to "Agency".
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

The full text of the Adopted Amendments begins on the next page:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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TITLE 4: DISCRIMINATION PROCEDURES

CHAPTER IV: ILLINOIS EMERGENCY MANAGEMENT AGENCY~~DEPARTMENT OF~~
NUCLEAR SAFETY

PART 175

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

175.10	Purpose
175.20	Definitions
175.30	Procedure
175.40	Designated Coordinator Level
175.50	Final Level
175.60	Accessibility
175.70	Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 5-10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10].

SOURCE: Adopted at 16 Ill. Reg. 9129, effective June 2, 1992; amended at 21 Ill. Reg. 12855, effective September 4, 1997; amended at 33 Ill. Reg. 4291, effective March 9, 2009.

Section 175.10 Purpose

- a) This Part establishes an Americans With Disabilities Act (ADA) Grievance Procedure (Procedure) pursuant to the Americans With Disabilities Act of 1990 (42 ~~USCU.S.C.~~ 12101 et seq.), and specifically ~~section~~Section 35.107 of the Title II regulations (28 CFR 35.107) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Any individual desiring to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, may do so by contacting the Designated Coordinator. This Part shall govern the Illinois Emergency Management Agency (Agency)~~Department of Nuclear Safety (Department)~~ proceedings of any such grievance under the ADA.
- b) In general, the ADA requires that each program, service, and activity offered by the Agency~~Department~~, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

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- c) It is the intent of the [AgencyDepartment](#) to foster open communication with all individuals requesting ready access to programs, services and activities. The [AgencyDepartment](#) encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

(Source: Amended at 33 Ill. Reg. 4291, effective March 9, 2009)

Section 175.20 Definitions

"Complainant" is an individual with a disability who files a grievance form provided by the [AgencyDepartment](#) in accordance with this Part.

"Designated Coordinator" is the person appointed by the [AgencyDepartment](#) Director to coordinate the [Agency'sDepartment's](#) efforts to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. [You may contact the Designated Coordinator by calling \(217\)785-9900. The Designated Coordinator for the Department is the Department's Personnel Manager. The Personnel Manager can be contacted at the Department's central office located at 1035 Outer Park Drive, Springfield, Illinois 62704, or by telephone at \(217\) 785-9904 \(voice\) or \(217\) 785-9900 \(TDD\).](#)

"Director" means the Director of the [Illinois Emergency Management AgencyDepartment of Nuclear Safety](#).

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in, or receipt of the benefits of, a program, activity or service offered by the [AgencyDepartment](#), and who believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of the [AgencyDepartment](#), or has been subject to discrimination by the [AgencyDepartment](#) in violation of the ADA.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the

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provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the [AgencyDepartment](#).

(Source: Amended at 33 Ill. Reg. 4291, effective March 9, 2009)

Section 175.30 Procedure

- a) Grievances shall be submitted in accordance with the procedures established in Sections 175.40 and 175.50 of this Part, in the form and manner described, and within the specified time limits. Time limits established in this Part are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure, within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure.
- c) The [AgencyDepartment](#) shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the grievance form.

(Source: Amended at 33 Ill. Reg. 4291, effective March 9, 2009)

Section 175.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged exclusion, denial, or discrimination, submit the grievance to the Designated Coordinator in writing on the grievance form prescribed by the [AgencyDepartment](#) for that purpose.
- b) Upon request by the complainant, the [AgencyDepartment](#) shall provide assistance to the complainant in completing the grievance form.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve the grievance. Within ~~ten~~ [\(10\)](#) business days after receipt of the grievance form, the Designated Coordinator

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shall provide a written response to the complainant and a copy thereof to the Director.

(Source: Amended at 33 Ill. Reg. 4291, effective March 9, 2009)

Section 175.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may, within 5 days after receipt by the complainant of the Designated Coordinator's response, submit a copy of the grievance form and Designated Coordinator's written response to the Director of the [Agency Department](#) for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the [reasons reason\(s\)](#) for dissatisfaction with the Designated Coordinator's written response.
- b) The complainant shall be afforded an opportunity to appear before the Director or the Director's designee. The complainant shall have a right to appoint a representative to appear on behalf of the complainant. The Director or designee shall review the Designated Coordinator's written response and may conduct interviews and seek advice as the Director or designee deems appropriate.
- c) If the Director appoints a designee for the procedure under subsection (b) of this Section, the designee shall present both his/her findings and the written response of the Designated Coordinator to the Director.
- d) The Director shall approve, disapprove or modify the [recommendations recommendation\(s\)](#) of the Designated Coordinator. Within 30 days after receiving the statement of dissatisfaction under subsection (a) of this Section, the Director shall render a decision thereon in writing, stating the basis for the decision and shall cause a copy of the decision to be served on the complainant and Designated Coordinator. If the Director disapproves or modifies the [recommendations recommendation\(s\)](#) contained in the written response of the Designated Coordinator, the Director shall include in the written decision reasons for such disapproval or modification. The Director's decision shall be final.
- e) The [Agency Department](#) shall maintain the grievance form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the findings of the Director's designee, if any, and the Director's written decision in

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accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

(Source: Amended at 33 Ill. Reg. 4291, effective March 9, 2009)

Section 175.60 Accessibility

The [AgencyDepartment](#) shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

(Source: Amended at 33 Ill. Reg. 4291, effective March 9, 2009)

Section 175.70 Case-by-Case Resolution

- a) Each grievance involves a unique set of factors ~~that~~[which](#) includes, but is not limited to:
- 1) the specific nature of the disability;
 - 2) the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue;
 - 3) the health and safety of others; and
 - 4) whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the [AgencyDepartment](#).
- b) Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

(Source: Amended at 33 Ill. Reg. 4291, effective March 9, 2009)

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- 1) Heading of the Part: Fees for Radioactive Material Licensees
- 2) Code Citation: 32 Ill. Adm. Code 331
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
331.10	Amendment
331.30	Amendment
331.110	Amendment
331.115	Amendment
331.120	Amendment
331.125	Repealed
331.130	Amendment
331.200	Amendment
331.310	Amendment
331.APPENDIX E	Amendment
331.APPENDIX F	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) Effective Date of Amendments: March 9, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 17882; November 21, 2008
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version:

In the title of the Part and Appendix F, deleted "Licenses" and restored "Licensees".

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In Section 331.110(d), in the 2nd Agency Note, added "agencies" and struck "departments".

In Section 331.310, in the header, struck ", Registrant".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking changes all references to "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12, effective July 1, 2003. The Agency no longer has the funding level necessary to monitor and inspect radioactive materials in the State. The radioactive materials fees have a significant shortfall: funding only an estimated 60% of their mandated duties and producing a shortfall of approximately \$1million per year. On June 1, 1987, the State of Illinois signed an "Agreement" with the U.S. Nuclear Regulatory Commission (NRC) whereby Illinois assumed regulatory control of radioactive materials within the State that had previously been regulated by the NRC. Illinois, designated as an "Agreement State", administers the program at the State level. As an Agreement State, IEMA/DNS protects the health and safety of Illinois citizens through regulation of individuals, companies, and other organizations that use radioactive materials. The Agency classifies approximately 740 specific radioactive materials licenses into almost 50 categories, including materials used in medical diagnosis and treatment; portable gauges used in road construction and lead paint analysis; and other materials used in research, education, industrial, and commercial applications. Although the Agency charges fees in order to cover its cost of licensing and inspecting each of these licensees, the current fee structure has not been increased in 7 years and doesn't cover the costs of operating this program. As noted above, current fees cover only 60% of the operating costs. Because of this, the Agency is adopting a fee increase through the rulemaking process. The new fee structure will be based on increasing revenues to obtain 100% recovery of expenditures. The fees should be compared to those charged by the U.S. Nuclear Regulatory Commission (NRC) since Illinois is an Agreement State and the Illinois licensees would be subject to the higher NRC fees if Illinois were not an Agreement State. The new fees constitute a significant increase over the existing fees; however, they will still be generally below those charged to NRC licensees under 10 CFR 170 and 171.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

The full text of the Adopted Amendments begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 331

FEES FOR RADIOACTIVE MATERIAL LICENSEES ~~AND REGISTRANTS~~

Section

331.10	Purpose
331.20	Scope
331.30	Definitions
331.110	Exemptions
331.115	Radioactive Material Recovery and Remediation Fee
331.120	Payment of Fees
331.125	Implementation (Repealed)
331.130	Refunds of Full Cost Recovery Deposits
331.200	Full Cost Recovery
331.210	Schedule of Fees For Radioactive Material Licenses (Repealed)
331.310	Failure by By Applicant, Registrant or Licensee to To Pay Prescribed Fee
331.APPENDIX A	Schedule of License Fees (Repealed)
331.TABLE A	License Fees – Jan. 1, 1988-Dec. 31, 1988 (Repealed)
331.TABLE B	License Fees – Jan. 1, 1989-Dec. 31, 1989 (Repealed)
331.TABLE C	License Fees – Jan. 1, 1990-Dec. 31, 1990 (Repealed)
331.APPENDIX B	Fee Schedule For Radioactive Material Licenses (Repealed)
331.APPENDIX C	Fee Schedule For Sealed Source And Device Evaluations (Repealed)
331.APPENDIX D	Fee Schedule For Radioactive Material Licenses (Repealed)
331.APPENDIX E	Primary Material Use Categories for Radioactive Material Licensees and Registrants
331.APPENDIX F	Fee Schedule for Radioactive Material Licensees and Registrants

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10968, effective July 28, 1997; amended at 22 Ill. Reg. 6951,

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effective April 1, 1998; amended at 23 Ill. Reg. 5585, effective April 23, 1999; amended at 25 Ill. Reg. 8266, effective July 1, 2001; amended at 26 Ill. Reg. 14274, effective September 16, 2002; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 4298, effective March 9, 2009.

Section 331.10 Purpose

This Part establishes fees to cover the costs of licensure and inspection of radioactive material licenses, registration of certain types of generally licensed devices, recovery and remediation of radioactive material and evaluation and maintenance of sealed source and device evaluations conducted in support of radioactive material licenses issued by the [Illinois Emergency Management Agency](#). ~~Illinois Department of Nuclear Safety (the Department).~~

(Source: Amended at 33 Ill. Reg. 4298, effective March 9, 2009)

Section 331.30 Definitions

The following definitions are applicable for use in this Part only. Additional definitions for use in this Part are located in 32 Ill. Adm. Code 310.20.

"Application" means a request filed with the [Agency](#) ~~Department~~ for a license, amendment, termination, renewal, sealed source or device evaluation, amendment to a sealed source or device evaluation or an exemption granted by the [Agency](#) ~~Department~~ pursuant to 32 Ill. Adm. Code: Chapter II.

"Amendment" means a modification in the license document that reflects changes to a radiation safety program or modifications to a sealed source or device evaluation.

"Anniversary date" means the last day of the month for each year the license is in effect, corresponding to the month in which the license expires.

AGENCY NOTE: For purposes of this Part, the 28th shall be considered the last day of the month of February.

"Billing year" means the period of time from October 1 of one year to September 30 of the following year.

"Category I irradiator" means a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed

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source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.

"Category II irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Category III irradiator" means a gamma irradiator in which the sealed source is contained in a storage pool, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use.

"Category IV irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a storage pool, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Confirmatory environmental monitoring" means those surveys conducted by the [Agency Department](#) either to establish whether the licensee has complied with the concentrations and exposure limits or dose limits specified in 32 Ill. Adm. Code 332, 340, 601 or 606, or to provide data to evaluate potential health and environmental impacts resulting from licensed activities.

"Custom sealed source or device evaluation" means a document issued by the [Agency Department](#) for either a sealed source or a device containing radioactive material, built to the unique specifications for use at the site specified in the evaluation.

"Dispensing" means to remove aliquots of radioactive material from bulk stock and distribute portions to another licensee or to a person exempt from licensure.

"Distribution" means the transfer of radioactive material to three or more licensees or persons exempt from licensure pursuant to 32 Ill. Adm. Code 330 or 332.

"Educational institution" means a non-profit organization ~~that~~[which](#) has as its primary purpose the advancement of knowledge in one or more specific fields and ~~that~~[which](#) is accredited by the North Central Association of Colleges and Schools

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or equivalent.

~~"Generally licensed devices" means x-ray fluorescence analyzers, gas chromatographs and gauges containing sealed sources in quantities equal to or greater than 37 MBq (1 mCi) of radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(b).~~

~~AGENCY NOTE: Although general licensees are required to register with the Department (32 Ill. Adm. Code 320.10), only general licensees possessing the types of devices with quantities of radioactive material defined above are required to pay fees as specified in this Part.~~

~~"Generally licensed kits" means radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(f) for in vitro clinical or laboratory testing.~~

"Manufacture" means the dispensing or processing of radioactive material or the assembly of radioactive material as sealed sources into devices.

AGENCY NOTE: A person manufacturing or assembling devices intended to utilize radioactive sealed sources may need to obtain a license authorizing manufacturing, even if that device is to be evaluated for safety by the [Agency Department](#) for distribution without the radioactive component.

"Materials license" means a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601.

"Permanent jobsite" means any location where licensed material is stored or used for more than 180 days during any consecutive 12 months, or any site listed on a specific license that authorizes receipt, use or storage of radioactive material.

AGENCY NOTE: Locations where radioactive material is received and eventually redistributed or taken to other sites for use are typically included as permanent jobsites on specific licenses.

"Primary material use category" means the category described in Appendix E ~~of this Part~~ that corresponds to the category of use of radioactive material with the highest fee, either authorized by the license or requested by the applicant.

"Processing" means the preparation, manipulation or conversion of radioactive material.

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"Remote site" means any permanent jobsite that is located in an area that is not contiguous to the primary use location.

"Sealed source or device evaluation" means a document issued by the [Agency Department](#), the Nuclear Regulatory Commission, an Agreement State or a Licensing State, indicating that the sealed source or device specified on the document has been evaluated for distribution.

"Temporary jobsite" means any location where licensed material is used or stored for 180 days or less during any consecutive 12 months, and not specifically listed on a radioactive materials license.

AGENCY NOTE: For mobile nuclear medicine licensees in fee category 208F, radioactive material can only be shipped to and received at sites specifically listed on a radioactive material license; therefore, material cannot be shipped to a temporary jobsite, but may be transported to temporary sites by the licensee.

"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, amenable to recovery, convertible to another usable material or reduced in volume. [420 ILCS 20/3]

(Source: Amended at 33 Ill. Reg. 4298, effective March 9, 2009)

Section 331.110 Exemptions

No fees as described in Sections 331.115 and 331.120 ~~of this Part~~ shall be required for:

- a) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.210 ~~or~~; 330.220(a), (c), (d), (e); and (g) ~~or 330.900(a)(2) and (b)(2)~~.
- b) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.220(b), except for generally licensed devices as defined in Section 331.30 ~~of this Part~~.
- c) A license for possession and use of radioactive material issued to an agency of a state, county, or municipal government or any political subdivision of these governments ~~thereof~~. This exemption does not apply to licenses for which the license fee is based on full cost recovery, licenses that authorize distribution of

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radioactive material or licenses authorizing testing for leakage or contamination as a service, or instrument calibration services to any person other than an agency or political subdivision of a state, county, or municipal government.

- d) A license for possession and use of radioactive material issued to an educational institution as defined in Section 331.30 ~~of this Part~~. This exemption does not apply to licenses for which the license fee is based on full cost recovery, licenses authorizing commercial distribution of radioactive material, licenses authorizing human use of radioactive material, licenses authorizing veterinary use of radioactive material, or licenses authorizing remunerated testing of sealed sources for leakage or contamination or remunerated instrument calibration services to any person.

AGENCY NOTE: Commercial distribution does not include transfer of material to other licensees for the purposes of collaborative research and development.

AGENCY NOTE: Remunerated services refer to persons not affiliated with the licensee. For example, this does not include contractual arrangements between different ~~agencies~~ ~~departments~~ within the same licensee.

- e) An application to amend a materials license for which the license fee is not based on full cost recovery, that would not change the primary material use category to a category with a higher fee, or add additional permanent jobsites.
- f) A general license or specific license authorizing the use of source material as prefabricated shielding only for devices and containers, provided, however, that all other licensed material in the device or container shall be subject to the fees prescribed in Appendix F ~~of this Part~~.
- g) An application to change the status of a sealed source or device evaluation from "active" to "inactive". Upon request of the manufacturer or distributor, an evaluation is designated "inactive" by the ~~Agency~~ ~~Department~~ when ~~those such~~ sources and devices are no longer manufactured or distributed, or when the evaluation is superseded by another evaluation.
- h) An application to change the company name or address listed on a sealed source or device evaluation.

(Source: Amended at 33 Ill. Reg. 4298, effective March 9, 2009)

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Section 331.115 Radioactive Material Recovery and Remediation Fee

All specific and general licensees subject to this Part, except those in fee category 209A, shall pay an annual fee for recovery and remediation of radioactive material for a period of two years. ~~Persons with prepackaged units for in vitro testing, Licensees in possession of a general license for kits,~~ fee category 209A, shall pay the recovery and remediation fee for a period of one year. Fees are specified in Appendix F ~~of this Part~~. This ~~Agency~~Department will account separately for all such fees, which will be used only for the costs of recovery and remediation of radioactive material when ~~thesuch~~ costs cannot be recovered in a timely manner from a responsible person or an available surety.

(Source: Amended at 33 Ill. Reg. 4298, effective March 9, 2009)

Section 331.120 Payment of Fees

Fees shall be assessed and paid as follows:

- a) For categories of specific licenses that are shown to have an annual fee in Appendix F ~~of this Part~~, applicants and licensees shall be billed as described in this subsection (a). Payment is due within 60 days after the date of billing. Fees shall be assessed as follows:
 - 1) Annual fees: Unless a license or amendment application is exempt under Section 331.110 ~~of this Part~~, or the license fee is to be based on full cost recovery (see Appendix F ~~of this Part~~), each licensee shall be assessed the fees specified in Appendix F ~~of this Part~~ for the primary material use category authorized by the license annually.
 - 2) Annual remote site fee: For each remote site listed on a specific radioactive material license, where radioactive material is stored or used under the same license, the applicant shall annually be assessed the amount specified in Appendix F ~~of this Part~~ for each remote site that corresponds to the highest material use category authorized by the license for each site.
 - 3) Changing the primary material use category or a remote site category. An application for amendment to a materials license that would change the primary material use category or a remote site category to a new category

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with a higher fee shall be assessed fees for the incremental difference between the applicable annual fees and the portion of the billing year remaining from the time the amendment is approved by the [AgencyDepartment](#).

- 4) The annual and remote site fees listed in Appendix F ~~of this Part~~ are nonrefundable, and are assessed based on a 12 month period.
 - 5) Applicants requesting new licenses shall be assessed fees for the applicable Primary category as specified in Appendix F ~~of this Part~~. Applicants shall be assessed fees for the portion of the billing year remaining from the time the application is received in the [AgencyDepartment](#) to the end of the billing year.
 - 6) An educational institution (as defined in Section 331.30 ~~of this Part~~) that seeks or has a license authorizing possession and use of radioactive material for human use or veterinary use, or remunerated leak testing or instrument calibration services to others shall pay 100% of the highest primary material use category for which a fee is due.
- b) Recovery and remediation fees listed in Appendix F ~~of this Part~~ are nonrefundable and shall be billed along with the new license application fee described in subsection (a)(5) of this Section. The second installment, if required by Section 331.115 ~~of this Part~~, shall be assessed at the next billing date.
 - c) For categories of licenses that have fees based on full cost recovery, as listed in Appendix F ~~of this Part~~, fees shall be assessed for all new applications, evaluations, inspections, amendments (including amendments to terminate or renew a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decommissioning and decontamination activities at those properties. Fees based on full cost recovery shall be assessed as follows:
 - 1) A licensee or applicant shall be assessed the deposit prescribed in Appendix F ~~of this Part~~ when the first application is received by the [AgencyDepartment](#) after July 1, 2001. Licensees that already have adequate deposits on file with the [AgencyDepartment](#) shall not be required to resubmit a deposit except for sealed source or device evaluations as indicated in subsection (d) of this Section. This deposit shall be held by

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the [AgencyDepartment](#) until a new license request has been denied by the [AgencyDepartment](#) or withdrawn by the applicant, or an existing license is terminated. The deposit shall be refunded in accordance with Section 331.130 ~~of this Part~~.

- 2) The licensee may be billed quarterly, or when the [AgencyDepartment](#) has incurred unpaid full cost expenses (as defined in Section 331.200(c) ~~of this Part~~) in excess of the amount of the deposit, or upon completion of a license action (such as an amendment or renewal). Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of billing.
- d) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. Each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of \$500. The applicant shall be billed or issued a refund upon the completion of the review. Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of billing.
- e) For evaluations of financial assurance reclamation plans and cost estimates submitted to the [AgencyDepartment](#), fees for [AgencyDepartment](#) review shall be assessed based on the full cost of review time in excess of two hours. Payment is due within 60 days after the date of billing.
- f) For categories of licenses not exempted in Section 331.110 ~~of this Part~~, and licenses not subject to full cost recovery as described in Appendix F ~~of this Part~~, full cost recovery fees shall be assessed for [AgencyDepartment](#) confirmatory measurements and [AgencyDepartment](#) assessment of decommissioning and decontamination activities associated with the termination of a license or use of a site. The licensee shall be billed upon the completion of the assessment and prior to removal of a site from the license or termination of the license. Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of the billing.
- g) ~~General license fees. Each general licensee possessing a generally licensed kit or device defined in Section 331.30 of this Part shall be assessed fees specified in Appendix F of this Part annually.~~ Fees are nonrefundable and payment is due

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within 60 days after the date of the billing. The Agency shall assess fees:

- 1) Annually to each person who receives, acquires, possesses or uses a prepackaged unit for in vitro clinical or laboratory testing pursuant to the general license provided by 32 Ill. Adm. Code 330.220(f)(1); and
 - 2) Annually to each person who receives, acquires, possesses or uses a generally licensed device and is required to register pursuant to 32 Ill. Adm. Code 330.220(b)(4).
- h) Sealed source and device evaluation maintenance fee. Each person having an active sealed source or device evaluation on file with the Agency Department, except for custom sealed source and device evaluations, shall be billed the amount specified in Appendix F ~~of this Part~~ annually for each active evaluation sheet on file with the Agency Department. Fees are nonrefundable and payment is due within 60 days after the date of the billing.
- i) Reciprocity fees. Each person generally licensed under 32 Ill. Adm. Code 330.900 for reciprocal recognition of an out-of-state specific license shall be assessed fees for the applicable annual license fee for the primary material use category indicated in Appendix F ~~of this Part~~. Fees are nonrefundable and payment is due within 60 days after the date of the billing. The assessed billing period shall be for the 12 consecutive months following the licensee's first use under the general license. If, at the end of the 12 month period, the licensee is not using the general license, no additional fees are due until licensed activities commence again.

AGENCY NOTE: Reciprocity licensees are also subject to recovery and remediation fees specified in Section 331.115 ~~of this Part~~.

- j) Fee payments. Payments shall be by check or money order made payable to the Illinois Emergency Management Agency ~~Illinois Department of Nuclear Safety~~.

(Source: Amended at 33 Ill. Reg. 4298, effective March 9, 2009)

Section 331.125 Implementation (Repealed)

- a) ~~Effective July 1, 2001, all licensees shall be assessed fees in accordance with this Part.~~

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- b) ~~Converting all specific licensees to a single billing date shall be accomplished as follows:~~
 - 1) ~~For licensees with anniversary dates between July 1, 2001 and October 1, 2001, the fee assessed shall be the annual fee in Appendix F of this Part plus the prorated amount of that listed fee for the period from the anniversary date to October 1, 2001 (prorated on a daily basis).~~
 - 2) ~~For licensees with anniversary dates after October 1, 2001, the fee assessed shall be the annual fee listed in Appendix F of this Part minus the prorated amount of the last fee paid to the Department for the period from October 1, 2001 to the anniversary date (prorated on a daily basis).~~
- e) ~~All new license applications shall be assessed fees in accordance with Section 331.120(a)(5) of this Part.~~
- d) ~~Reciprocity licensees shall continue to be billed in accordance with 32 Ill. Adm. Code 330.120(i).~~

(Source: Repealed at 33 Ill. Reg. 4298, effective March 9, 2009)

Section 331.130 Refunds of Full Cost Recovery Deposits

The following procedures shall be followed by the AgencyDepartment when calculating refunds to licensees with full cost recovery deposits on file with the AgencyDepartment:

- a) In the event that the applicant withdraws or the AgencyDepartment denies an application prior to issuance of a sealed source and device evaluation sheet or initial license, the AgencyDepartment shall issue a refund totaling the deposit submitted for that application minus the full cost recovery expenses incurred by the AgencyDepartment but not paid by the applicant. In the event the expenses incurred by the AgencyDepartment exceed the deposit, the applicant shall be billed for the unpaid balance of full cost recovery expenses as defined in Section 331.200 ~~of this Part~~. Each bill shall identify the actions and the related costs. Payment is due within 60 days after the date of billing.
- b) Upon termination of the license or issuance of a sealed source or device evaluation sheet, the AgencyDepartment shall issue a refund totaling the deposit

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submitted, minus any outstanding full cost recovery expenses. In the event that expenses incurred exceed the deposit, the applicant shall be billed for the unpaid balance of full cost recovery expenses as defined in Section 331.200 ~~of this Part~~. Each bill shall identify the actions and the related costs. Payment is due within 60 days after the date of billing.

(Source: Amended at 33 Ill. Reg. 4298, effective March 9, 2009)

Section 331.200 Full Cost Recovery

Initial applications, amendments and renewals for licenses designated as full cost recovery in Appendix F ~~of this Part~~, and evaluations of new sealed sources and devices, or amendments to existing sealed source and device evaluations are assessed fees based on full cost recovery of review and inspection efforts. Full cost recovery fees are calculated based on the following:

- a) The time required by ~~Agency~~~~Departmental~~ professional staff to conduct the review, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.
- b) The time required by ~~Agency~~~~Departmental~~ professional staff to conduct inspections or perform confirmatory environmental monitoring, including license file review, travel time, correspondence preparation and supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.
- c) For licenses authorizing the possession and use of source material (as defined in 32 Ill. Adm. Code 310.20) and byproduct material (as defined in 32 Ill. Adm. Code 332.20), the ~~Agency's~~~~Department's~~ cost for overseeing decontamination activities at unlicensed properties contaminated with source or byproduct material, including, but not limited to, travel time, correspondence preparation, supervisory and management review of specific actions, multiplied by the rate specified in subsection (f) of this Section.
- d) The cost of standard lab equipment and supplies, special environmental monitoring equipment and servicing of such equipment.
- e) The contractual support service costs, if any, incurred by the ~~Agency~~~~Department~~ in conjunction with the review, inspections and confirmatory environmental

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monitoring activities.

AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the [AgencyDepartment](#) and laboratory fees charged to the [AgencyDepartment](#).

- f) The hourly rate for full cost recovery shall be ~~\$202~~[\\$139.44](#).

AGENCY NOTE: Full cost recovery activities are billed to the nearest tenth of an hour.

(Source: Amended at 33 Ill. Reg. 4298, effective March 9, 2009)

Section 331.310 Failure ~~by~~ Applicant, ~~Registrant~~ or Licensee ~~to~~ Pay Prescribed Fee

In any case ~~in which~~[where](#) the [AgencyDepartment](#) finds that an applicant, ~~registrant~~ or licensee has failed to pay a prescribed fee required in this Part, the [AgencyDepartment](#) will suspend or revoke, in accordance with 32 Ill. Adm. Code 200, authorization to use radioactive material, and any license issued to the applicant or licensee for which all required license fees have not been paid.

(Source: Amended at 33 Ill. Reg. 4298, effective March 9, 2009)

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Section 331.APPENDIX E Primary Material Use Categories for Radioactive Material Licensees ~~and Registrants~~

<u>Fee Category</u>	<u>Primary Material Use Category Description</u>
<u>MANUFACTURING/DISTRIBUTION</u>	
201A.	Broad Scope Manufacturing and/or Distributions – licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, nuclear pharmacy operations, or manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.
201B.	Specific Manufacturing and /or Distribution – licenses for possession and use of greater than 37 GBq (1 Ci) of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.
201C.	Nuclear Pharmacy and Limited Manufacturing and/or Distribution – this category of radioactive material licenses addresses two similar types of licenses, either: <ol style="list-style-type: none"> i) nuclear pharmacy licenses for possession, use and distribution of radiopharmaceuticals and sealed sources to persons authorized pursuant to 32 Ill. Adm. Code 335; or ii) Licenses for possession and use of not more than 37 GBq (1 Ci) of radioactive material for research and development, and processing or manufacturing of radioactive material for limited commercial distribution, including, but not limited to, manufacturing of a chemical mixture, radiolabeled compound, solution or alloy that is listed in 32 Ill. Adm. Code 330.30.
201D.	Distribution – licenses authorizing receipt, storage and distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material.

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IRRADIATORS

- 202A. Category I Irradiator – licenses for possession and use of radioactive material as sealed sources in a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.
- 202B. Category II, III or IV Irradiator – licenses for possession and use of less than 370 TBq (10,000 Ci) of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:
- i) contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;
 - ii) Contained in a storage pool, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or
 - iii) Contained in a storage pool, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.
- 202C. Category II, III or IV Irradiator – licenses for possession and use of 370 TBq (10,000 Ci) or more of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:
- i) Contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;
 - ii) Contained in a storage pool, the sealed source is shielded at all times, and human access to the sealed source and the volume

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undergoing irradiation is physically restricted in its design configuration and proper mode of use; or

- iii) Contained in a storage pool, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

RESEARCH AND DEVELOPMENT

203A. Broad Scope Research and Development – licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution.

203B. Other Research and Development – licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution.

AGENCY NOTE: The [Agency Department](#) will allow the non-commercial distribution of material to other licensees for the purpose of collaborative research and development.

PORTABLE AND FIXED GAUGES

204A. Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers – specific licenses for possession and use of radioactive material in sealed sources for use in gas chromatographs or fixed x-ray fluorescence analyzers.

204B. Portable Gauges and Portable X-Ray Fluorescence Analyzers – specific licenses for possession and use of radioactive material as sealed sources for use in portable gauges or x-ray fluorescence analyzers.

204C. Fixed Gauges – specific licenses for possession and use of radioactive material as sealed sources for use in fixed gauges.

SERVICE

205A. Service – licenses that authorize services for other persons, including, but not limited to, testing of sealed sources for leakage or contamination, instrument calibration and sample analysis, but not including waste disposal transportation or radioactive waste broker services. Medical service licensees include licensees that only transport sources and

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equipment to a client's facility, but do not authorize the medical use or administration of that material. The medical use or administration of radioactive material to humans or animals shall be performed under a specific medical use license.

- 205B. Nuclear Laundries – licenses for commercial collection and laundering of items contaminated with radioactive material.
- 205C. Decontamination Facilities – licenses that authorize receipt of items contaminated with radioactive material for the purpose of decontaminating such items.

WIRELINING (Well-Logging)

206. Wireline Service Operations (as defined in 32 Ill. Ad. Code 351) – licenses specifically authorizing use of radioactive material for wireline services, well surveys and tracer studies.

INDUSTRIAL RADIOGRAPHY

207. Industrial Radiography (as defined in 32 Ill. Adm. Code 350) – licenses specifically authorizing use of radioactive material for industrial radiography at permanent or temporary jobsites.

MEDICAL/VETERINARY

- 208A. Broad Scope Medical/Veterinary Use – Broad scope licenses (as specified in 32 Ill. Adm. Code 330.270) authorizing diagnostic and/or therapeutic veterinary or human use of radioactive material. These licenses may include research and development, or use of radioactive material in sealed sources contained in teletherapy or high dose rate remote afterloader devices.
- 208B. Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader – licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material that include authorization for possession and use of radioactive material as sealed sources contained in teletherapy or high dose rate remote afterloader devices for medical or veterinary use and for the irradiation of other items.
AGENCY NOTE: Possession of a teletherapy unit that is out of service and in storage only does not mean the primary radioactive material use

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category is the teletherapy category described in 208B. Such licensees should review the other categories to determine their primary radioactive material use category. If this is the only material possessed under a specific license, then see category 212A.

- 208C. Medical/Veterinary Use – licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material (i.e., 32 Ill. Adm. Code 335.5010 and/or 335.7010).
- 208D. Diagnostic Use Only – licenses restricted to only the diagnostic human or veterinary use of radioactive material for uptake, dilution, excretion, imaging or localization studies, sealed sources for diagnosis; and in vitro kits (i.e., 32 Ill. Adm. Code 335.4010), except as specified in 32 Ill. Adm. Code 330.220(f).
- 208E. Limited Medical/Veterinary Use – licenses restricted to only the human or veterinary use of radioactive material for uptake, dilution and excretion studies (i.e., 32 Ill. Adm. Code 335.3010).
- 208F. Mobile Nuclear Medicine – licenses authorizing the receipt, possession and use of radioactive material for diagnostic or therapeutic human or veterinary use at temporary jobsites.
AGENCY NOTE: Licensees wishing to establish mobile medical services involving High Dose Rate Remote Afterloaders for therapeutic use in humans or animals shall be licensed under Category 208B.

GENERAL LICENSES REGISTRANTS (GENERAL LICENSES)

- 209A. Persons with Prepackaged Units for In Vitro Testing – persons who receive, acquire, possess or use prepackaged units for in vitro clinical or laboratory testing pursuant to the general license provided by 32 Ill. Adm. Code 330.220(f)(1). General Licenses for Kits – radioactive material (as specified in 32 Ill. Adm. Code 330.220(f)) for certain in vitro clinical or laboratory testing.
AGENCY NOTE: Prepackaged units may be known as in vitro kits or RIA kits.
- 209B. PersonsFacilities with Generally Licensed Devices – persons required to registerfacilities registered with the Agency pursuant to 32 Ill. Adm. Code 330.220(b)(4). Department to possess or use radioactive material (as

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~~specified in 32 Ill. Adm. Code 330.220(b)), except for material contained in devices designed and manufactured for the purpose of producing light, and material in the form of sealed sources used in devices with a maximum activity less than or equal to 37 MBq (1 mCi).~~

SOURCE MATERIAL

- 210A. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332.20) – licenses for possession and use of source material in recovery operations such as milling, in-site leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode.
- 210B. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) – licenses for possession and use of source material that require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material, no does it include specific licensees authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 201A, B and C of this Section.

WASTE DISPOSAL AND TREATMENT FACILITIES

- 211A. Low-Level Radioactive Waste Disposal Facilities – licenses issued pursuant to 32 Ill. Adm. Code 601 specifically authorizing the disposal of low-level radioactive waste away from the point of generation.
- 211B. Low-Level Radioactive Waste Treatment Facilities – licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for treatment away from the point of generation, and transfer to a person authorized to receive or dispose of the material.
- 211C. Centralized Low-Level Radioactive Waste Storage Facilities – licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for storage away from the point of generation, and transfer to a person authorized to receive or dispose of the material.

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211D. Other Low-Level Radioactive Waste – licenses authorizing other methodologies for disposal of low-level radioactive waste.

OTHER

212A. Storage Only – licenses authorizing storage only of radioactive material, but does not include facilities described as Centralized Low-Level Radioactive Waste Storage Facilities.

212B. Possession Incident to Exempt Distribution – licenses authorizing possession, receipt, storage and repackaging of byproduct radioactive material for eventual distribution to persons exempt under a specific license issued by the U.S. Nuclear Regulatory Commission.

AGENCY NOTE: The U.S. Nuclear Regulatory Commission maintains sole authority to issue licenses authorizing distribution of exempt quantities of byproduct radioactive material. However, those licenses do not authorize storage of [thesueh](#) material at facilities in Illinois, therefore, a separate license must be obtained from the [AgencyDepartment](#) for possession of [thesueh](#) material.

212C. Other – all other specific radioactive material licenses not specified elsewhere in this Appendix.

212D. Reciprocity for Exhibition and Demonstration Only – licenses authorizing only exhibition or demonstration of devices for a period of not greater than 180 days in any 12-month period.

212E. Sealed Source and Device Evaluation Maintenance Fee – a fee per active evaluation sheet maintained by the [AgencyDepartment](#) excluding custom sealed source and device evaluation sheets.

(Source: Amended at 33 Ill. Reg. 4298, effective March 9, 2009)

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Section 331.APPENDIX F Fee Schedule for Radioactive Material Licensees and Registrants

<u>Primary Category</u>	<u>Description</u>	<u>Annual Fee</u>	<u>Recovery and Remediation Fee</u>	<u>Remote Site Fee</u>
<u>MANUFACTURING/DISTRIBUTION</u>				
201A.	Broad Scope Manufacturing and/or Distribution	\$19,340 \$9,670	\$300	\$7,720 \$3,860
201B.	Specific Manufacturing and/or Distribution	\$5,525 \$4,627	\$300	\$4,224 \$2,112
201C.	Nuclear Pharmacy and Limited Manufacturing and/or Distribution	\$5,430 \$2,715	\$300	\$3,820 \$1,910
201D.	Distribution	\$3,290 \$1,645	\$300	\$566 \$283
<u>IRRADIATORS</u>				
202A.	Category I Irradiator	\$1,320 \$660	\$300	\$620 \$310
202B.	Category II, III or IV Irradiator (less than 10,000 curies (370 TBq))	\$5,185 \$3,665	\$300	\$5,330 \$2,665
202C.	Category II, III or IV Irradiator (10,000 curies (370 TBq) or more) (One-time Deposit of \$10,000)	Full Cost	\$300	Full Cost
<u>RESEARCH AND DEVELOPMENT</u>				

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203A.	Broad Scope Research and Development	<u>\$9,945</u> <u>\$6,120</u>	\$300	<u>\$6,960</u> <u>\$3,480</u>
203B.	Other Research and Development	<u>\$3,655</u> <u>\$1,960</u>	\$300	<u>\$1,580</u> <u>\$790</u>
<u>PORTABLE AND FIXED GAUGES</u>				
204A.	Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers	<u>\$1,190</u> <u>\$595</u>	\$300	<u>\$322</u> <u>\$161</u>
204B.	Portable Gauges and Portable X-Ray Fluorescence Analyzers	<u>\$1,785</u> <u>\$915</u>	\$300	<u>\$590</u> <u>\$295</u>
204C.	Fixed Gauges	<u>\$1,785</u> <u>\$1,015</u>	\$300	<u>\$640</u> <u>\$320</u>
<u>SERVICE</u>				
205A.	Service	<u>\$2,990</u> <u>\$1,495</u>	\$300	<u>\$900</u> <u>\$450</u>
205B.	Nuclear Laundries (One-time Deposit of \$10,000)	Full Cost	\$300	Full Cost
205C.	Decontamination Facilities (One-time Deposit of \$10,000)	Full Cost	\$300	Full Cost
<u>WIRELINE (Well Logging)</u>				
206.	Wireline Service Operations	<u>\$2,890</u> <u>\$1,540</u>	\$300	<u>\$990</u> <u>\$495</u>

INDUSTRIAL RADIOGRAPHY

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207.	Industrial Radiography	<u>\$7,450</u> <u>\$3,725</u>	\$300	<u>\$5,260</u> <u>\$2,630</u>
<u>MEDICAL/VETERINARY</u>				
208A.	Broad Scope Medical/ Veterinary Use	<u>\$16,770</u> <u>\$8,385</u>	\$300	<u>\$5,740</u> <u>\$2,870</u>
208B.	Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader	<u>\$7,350</u> <u>\$3,675</u>	\$300	<u>\$2,550</u> <u>\$1,275</u>
208C.	Medical/Veterinary Use	<u>\$3,315</u> <u>\$1,775</u>	\$300	<u>\$1,056</u> <u>\$528</u>
208D.	Diagnostic Use Only	<u>\$2,040</u> <u>\$1,020</u>	\$300	<u>\$780</u> <u>\$390</u>
208E.	Limited Medical/Veterinary Use	<u>\$1,840</u> <u>\$920</u>	\$300	<u>\$820</u> <u>\$410</u>
208F.	Mobile Nuclear Medicine	<u>\$3,315</u> <u>\$2,360</u>	\$300	<u>\$1,390</u> <u>\$695</u>
<u>REGISTRANT GENERAL LICENSES</u>				
209A.	<u>Persons with Prepackaged Units for In Vitro Testing</u> General Licenses for Kits	\$170	\$300	N/A
209B.	<u>Persons</u> Facilities with Generally Licensed Devices	\$350	\$300	N/A
<u>SOURCE MATERIAL</u>				
210A.	Possession and Use of	Full Cost	\$300	Full Cost

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Source Material and
Byproduct Material (One-
time Deposit of \$25,000)

210B.	Possession and Use of Source Material (One-time Deposit of \$25,000)	Full Cost	\$300	Full Cost
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WASTE DISPOSAL AND TREATMENT FACILITIES

211A.	Low-Level Radioactive Waste Disposal Facilities (One-time Deposit of \$25,000)	Full Cost	\$300	Full Cost
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211B.	Low-Level Radioactive Waste Treatment Facilities (One-time Deposit of \$25,000)	Full Cost	\$300	Full Cost
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211C.	Centralized Radioactive Waste Storage Facilities (One-time Deposit of \$25,000)	Full Cost	\$300	Full Cost
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211D.	Other Low-Level Radioactive Waste (One- time Deposit of \$25,000)	Full Cost	\$300	Full Cost
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OTHER

212A.	Storage Only	\$1,785 \$1,425	\$300	\$840 \$420
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212B.	Possession Incident to Exempt Distribution	\$1,730 \$865	\$300	\$528 \$264
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212C.	Other (uses not specified elsewhere in this schedule)	\$1,770 \$885	\$300	\$440 \$220
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212D.	Reciprocity for Exhibition and Demonstration Only	\$350 \$175	N/A	N/A
212E.	Sealed Source and Device Evaluation Maintenance Fee	\$650 \$325	N/A	N/A

(Source: Amended at 33 Ill. Reg. 4298, effective March 9, 2009)

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- 1) Heading of the Part: Particle Accelerators
- 2) Code Citation: 32 Ill. Adm. Code 390
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
390.10	Amendment
390.20	Amendment
390.30	Amendment
390.40	Amendment
390.50	Amendment
390.60	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) Effective Date of Amendments: March 9, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 17910; November 21, 2008
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: No changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: The Agency has adopted this amendment to: change all references to "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12, (2003) and to allow registrants to use electronic dosimeters that were not available when the regulation was originally promulgated.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

The full text of the Adopted Amendments begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 390

PARTICLE ACCELERATORS

Section	
390.10	Scope
390.20	Definitions
390.30	Operating Procedures and Instructions
390.40	Equipment Controls
390.50	Radiation Monitoring
390.60	Radiation Surveys
390.70	Personnel Training

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed and effective April 24, 1970, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11278; amended at 18 Ill. Reg. 3143, effective February 22, 1994; emergency amendment at 22 Ill. Reg. 21097, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2896, effective February 25, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 4326, effective March 9, 2009.

Section 390.10 Scope

Except as otherwise specifically provided, this Part applies to all persons who develop, manufacture, receive, possess, use, own, or acquire accelerators. ~~These~~The provisions ~~of this~~ Part are in addition to, and not in substitution for, other applicable provisions of ~~Agency~~Department regulations. See 32 Ill. Adm. Code 360 for applicable regulations concerning particle accelerators for medical therapeutic applications.

(Source: Amended at 33 Ill. Reg. 4326, effective March 9, 2009)

Section 390.20 Definitions

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As used in this Part:

"Accelerator facility" means the location at which one or more particle accelerators are installed within one building or under one roof and are operated under the same administrative control.

"Particle accelerator" means any device other than an x-ray machine ~~that~~which emits ionizing radiation as a result of the acceleration of charged particles. Examples are cyclotrons, betatrons, electron linear accelerators and potential drop accelerators.

"Qualified expert" means an individual who has demonstrated to the satisfaction of the ~~Agency~~Department that he or she possesses the knowledge and training to measure ionizing radiation, to evaluate safety techniques and to advise regarding radiation protection needs. Satisfactory demonstration of ~~such~~knowledge and training should include certification by a nationally recognized credentialing entity in the field of radiation protection.

(Source: Amended at 33 Ill. Reg. 4326, effective March 9, 2009)

Section 390.30 Operating Procedures and Instructions

- a) Each registrant shall inform individuals working in or frequenting any portion of a restricted area as to the presence of radiation or particle accelerators; instruct ~~thosesuch~~ individuals in safety problems associated ~~with those areas~~therewith and in precautions or procedures to minimize radiation exposure; instruct ~~thesuch~~ individuals in the provisions of ~~Agency~~Department regulations for the protection of personnel from exposures to radiation; and advise ~~thesuch~~ individuals of reports of radiation exposure ~~that~~which those individuals may request pursuant to this Part.
- b) Each particle accelerator facility shall be under the administrative control of a radiation protection officer or radiation safety committee ~~that~~who will be responsible for the safe operation of the accelerator.
- c) Written operating and emergency procedures, as well as specified safety rules, shall be established for each accelerator facility and approved by the radiation protection officer.

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- d) Personnel who operate or maintain particle accelerators shall be familiar with, and have available a copy of, the written operating and emergency procedures.
- e) No individual shall be permitted to operate or maintain an accelerator until ~~the~~such individual has received at least the training specified in Section 390.70.
- f) Modification, repairs or preventive maintenance on accelerator components or safety interlocks may be performed only by or under the direct supervision of individuals who have received at least the training specified in Section 390.70.
- g) Provisions shall be made at each accelerator control console to display the name of the individual who is authorized to operate the accelerator. Only the individual whose name is displayed may turn on the accelerator or open entrances to high radiation areas.
- h) The radiation safety officer shall maintain a current list of all personnel who are qualified to operate or service the particle accelerator.
- i) No registrant shall permit a particle accelerator to operate at any time with a safety interlock bypassed, except for necessary testing. Upon ~~such~~ circumvention of an interlock, the registrant shall maintain records showing the date and reasons for bypassing the interlock. A sign shall be posted at the personnel entrance door being bypassed and this condition terminated as soon as possible.
- j) Additional Requirements. The ~~Agency~~Department may, by rule, regulation or order, impose upon any registrant ~~such~~ requirements in addition to those established in this Part, as it deems appropriate or necessary to minimize danger to public health and safety or property.

(Source: Amended at 33 Ill. Reg. 4326, effective March 9, 2009)

Section 390.40 Equipment Controls

- a) All meters and controls on the accelerator control console shall be clearly identified and easily discernible. Accelerator control consoles shall be equipped with a keyswitch or other device ~~that~~which will render the console inoperative when the key or device is removed. Only one key shall be available to the operating crew.

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- b) All entrances into a target room or other high radiation area shall be provided with a minimum of two personnel interlocks.
- c) The interlock system shall be designed to prevent restarting of the accelerator without manually resetting the accelerator "ON" switch at the control console after the tripping of a shielding interlock or a power failure. At the time of such an occurrence, the registrant is required to resurvey the radiation area prior to reactivation of the accelerator. Records documenting the circumstances surrounding such occurrences shall be maintained for review by the [AgencyDepartment](#).
- d) A scram or panic button or other emergency power cut-off switch shall be located and easily identifiable in all accessible high radiation areas. A visible and/or audible signal system shall be installed within the protective enclosure [thatwhieh](#) will be activated for a reasonable length of time before the power to the accelerator can be activated.
- e) Electrical circuit diagrams of the accelerator and the associated interlock system shall be kept current and on file at each accelerator facility.
- f) All safety and warning devices, including interlocks, shall be checked and appropriately serviced each month. A log and written records of these tests shall be kept by the registrant and made available for inspection by the [AgencyDepartment](#).

(Source: Amended at 33 Ill. Reg. 4326, effective March 9, 2009)

Section 390.50 Radiation Monitoring

- a) Portable radiation monitoring equipment shall be properly maintained and available at the accelerator facility. An appropriate radiation monitor shall be used for all accelerator target rooms and other high radiation areas. This monitor shall be one or more of the following:
 - 1) An area monitor with an easily observable indicator located near the entrance that warns of radiation levels above a predetermined limit;
 - 2) A personal radiation monitor of the "chirpie" type worn while in the room;

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- 3) A portable survey instrument carried into the room; or
 - 4) A monitor approved by the [AgencyDepartment](#).
- b) No registrant shall permit any individual to enter a restricted area unless [thesueh](#) individual wears both:
- 1) An individual monitoring device, assigned to and worn by only one individual, that is provided and evaluated by a qualified dosimetry processor as described in 32 Ill. Adm. Code 340.510(d); and
 - 2) A [direct reading](#) pocket ionization chamber [or an electronic dosimeter](#) capable of measuring doses from zero to at least 51.6 microC/kg (200 mR).

(Source: Amended at 33 Ill. Reg. 4326, effective March 9, 2009)

Section 390.60 Radiation Surveys

- a) The registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by the [AgencyDepartment](#). Each radiation survey instrument shall be checked every 3 months and calibrated at intervals not to exceed 1 year. After each instrument servicing, a record shall be maintained of the latest response check or calibration date.
- b) Before a new accelerator with its associated components is placed in routine operation, a radiation protection survey shall be made by a qualified expert and a copy of the results submitted to the [AgencyDepartment](#).
- c) The area surrounding a particle accelerator and associated components shall be surveyed at intervals not to exceed 3 months. A record shall be made of the accelerator operating conditions and radiation levels measured at specific control points. These control points must be well defined and reported on at least four consecutive surveys. One of these control points must be at the normal work station of the individual who operates the accelerator. These records shall be made available for inspection by the [AgencyDepartment](#).

(Source: Amended at 33 Ill. Reg. 4326, effective March 9, 2009)

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- 1) Heading of the Part: Notices, Instructions and Reports to Workers; Inspections
- 2) Code Citation: 32 Ill. Adm. Code 400
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
400.10	Amendment
400.110	Amendment
400.120	Amendment
400.130	Amendment
400.140	Amendment
400.150	Amendment
400.160	Amendment
400.170	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 16 and 29 of the Radiation Protection Act of 1990 [420 ILCS 40/16 and 29]
- 5) Effective Date of Amendments: March 9, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 17917; November 21, 2008
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In Sections 400.120(a)(4) and 400.150(b), after "exposure" added "(i.e., exposure that results when prescribed safety measures are not followed)".

In Section 400.170, changed "Office of Radiation Safety" to "Bureau of Radiation Safety".

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Agency is adopting these amendments to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003) and to clarify training requirements and notices to workers.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

The full text of the Adopted Amendments begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 400

NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

Section

400.10	Purpose and Scope
400.110	Posting of Notices to Workers
400.120	Instructions to Workers
400.130	Notifications and Reports to Individuals
400.140	Presence of Representatives of Licensees or Registrants and Workers During Inspection
400.150	Consultation with Workers During Inspections
400.160	Requests by Workers for Inspections
400.170	Inspections Not Warranted; Informal Review

AUTHORITY: Implementing and authorized by Sections 16 and 29 of the Radiation Protection Act of 1990 [420 ILCS 40/16 and 29].

SOURCE: Adopted at 10 Ill. Reg. 17496, effective September 25, 1986; amended at 11 Ill. Reg. 15629, effective September 11, 1987; amended at 13 Ill. Reg. 13581, effective August 11, 1989; amended at 16 Ill. Reg. 11531, effective July 7, 1992; amended at 18 Ill. Reg. 3132, effective February 22, 1994; amended at 23 Ill. Reg. 14479, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 4333, effective March 9, 2009.

Section 400.10 Purpose and Scope

- a) This Part establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to ~~those such~~ individuals in connection with ~~the Illinois Emergency Management Agency (Agency) Department of Nuclear Safety (Department)~~ inspections of licensees or registrants to ascertain compliance with the provisions of the Radiation Protection Act of 1990 [420 ILCS 40] (the Act) and regulations, orders and licenses issued ~~under that Act thereunder~~ regarding radiological working conditions.

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- b) This Part shall apply to:
- 1) All persons who receive, possess, use, own or transfer sources of radiation registered with or licensed by the [AgencyDepartment](#) pursuant to 32 Ill. Adm. Code: Chapter II, [SubchaptersSubchapter](#) b and d.
 - 2) Inspection and testing of radiation machines and associated operating procedures by the [AgencyDepartment](#).
 - 3) Inspection of licensed activities by [AgencyDepartmental](#) inspectors.

(Source: Amended at 33 Ill. Reg. 4333, effective March 9, 2009)

Section 400.110 Posting of Notices to Workers

- a) Each licensee or registrant shall post current copies of the following documents:
- 1) The provisions in this Part and in 32 Ill. Adm. Code 340;
 - 2) The certificate of registration, the license, the license conditions and any documents incorporated into the license by reference and amendments [to these documents](#)~~thereto~~;
 - 3) The operating procedures applicable to activities under the license or registration; and
 - 4) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty or order issued pursuant to 32 Ill. Adm. Code 310 and any response from the licensee or registrant.
- b) If the posting of a document specified in [subsections](#)~~subsections~~ (a)(1), (2) or (3) of this Section is not practicable, the licensee or registrant may post a notice [that](#)~~which~~ describes the documents and states where they may be examined.
- c) [AgencyDepartment](#) Form KLA.001 "Notice to Employees" shall be posted by each licensee or registrant.
- d) [AgencyDepartment](#) documents posted pursuant to subsection (a)(4) of this Section shall be posted within 5 working days after receipt of the documents from

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the [Agency Department](#); the licensee's or registrant's response, if any, shall be posted within 5 working days after dispatch from the licensee or registrant. [The Such](#) documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

- e) Documents, notices, or forms posted pursuant to this Section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous and shall be replaced if defaced or altered.

(Source: Amended at 33 Ill. Reg. 4333, effective March 9, 2009)

Section 400.120 Instructions to Workers

- a) All individuals working in, or the performance of whose duties requires access to, any portion of a restricted area [or who frequent areas where radioactive material is used or stored](#):
- 1) Shall be kept informed of the storage, transfer or use of sources of radiation in such portions of the restricted area;
 - 2) Shall be instructed in the health protection problems associated with exposure to radiation or radioactive material, in the risks of radiation exposure to the embryo and fetus, in precautions or procedures to minimize exposure and in the purposes and functions of protective devices employed;
 - 3) Shall be instructed in, and instructed to observe to the extent within the worker's control, the conditions of the license, the provisions of this Part and 32 Ill. Adm. Code: Chapter II, Subchapters b and d for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;
 - 4) Shall be instructed to report promptly to the licensee or registrant any condition [that which](#) may constitute, lead to or cause a violation of the Act, the conditions of the license, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d or unnecessary exposure [\(i.e., exposure that results when prescribed safety measures are not followed\)](#) to

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radiation or radioactive material;

- 5) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and
 - 6) Shall be advised as to the radiation exposure reports ~~that~~^{which} workers ~~are~~^{shall be} furnished pursuant to Section 400.130 ~~of this Part~~.
- b) These instructions shall be of sufficient detail to avoid radiological health protection problems and shall be given directly to each worker either in writing or in an orientation course, with the workers signing a statement that they have received the ~~above~~ information listed in subsection (a) and understand it. Training shall be provided initially before assigning duties involving radioactive material and following changes in duties or procedures or potential radiation hazards. Refresher training that covers all of the required topics shall be provided at intervals not to exceed 12 months.

(Source: Amended at 33 Ill. Reg. 4333, effective March 9, 2009)

Section 400.130 Notifications and Reports to Individuals

- a) Notifications and reports provided to individuals in accordance with this Section shall include data and results obtained pursuant to this Part, orders or license conditions, as shown in records maintained by the licensee or registrant pursuant to 32 Ill. Adm. Code 340.1160(a) and (d). Each notification and report shall:
 - 1) Be in writing;
 - 2) Include the name of the licensee or registrant, the name of the individual and the individual's social security number;
 - 3) Include the individual's dose information; and
 - 4) Contain the following statement:

"This report is furnished to you under the provisions of the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~ Regulations for Radiation Protection (32 Ill. Adm. Code 400). You

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should preserve this report for further reference."

- b) Each licensee or registrant shall make dose information available to workers as shown in records maintained by the licensee or registrant under the provisions of 32 Ill. Adm. Code 340.1160. The licensee or registrant shall provide an annual report to each individual monitored under 32 Ill. Adm. Code 340.520 of the dose received in that monitoring year if:
- 1) The individual's occupational dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue; or
 - 2) The individual requests his or her annual dose report.
- ~~Each licensee or registrant shall advise each worker annually of the worker's dose as shown in records maintained by the licensee or registrant pursuant to 32 Ill. Adm. Code 340.1160(a) and (d).~~
- c) At the request of a worker, each licensee or registrant shall furnish to the worker upon termination of employment a report of the worker's dose. ~~The Such~~ report shall be furnished within 30 days from the time the request is made, or within 30 days ~~after~~ termination of employment or within 30 days after the individual's dose has been determined by the licensee or registrant, whichever is later. The report shall cover all periods of time in which the worker was required to be monitored pursuant to 32 Ill. Adm. Code 340.520 and shall include the dates and locations of work under the license or registration in which the worker participated.
- d) When a licensee or registrant is required pursuant to 32 Ill. Adm. Code 340.1220, 340.1230 or 340.1240 to report to the ~~Agency~~Department any dose received by an individual, the licensee or the registrant shall also provide the individual a report of the dose information included ~~in the report to the Agency~~therein. ~~The Such~~ reports shall be transmitted at a time not later than the transmittal to the ~~Agency~~Department.
- e) At the request of a worker who is terminating employment with the licensee or registrant in work involving radiation dose during the current year, or of a worker who, while employed by another person, is terminating a work assignment involving radiation dose in the licensee's or registrant's facility during the current year, each licensee or registrant shall provide to each such worker, or to the

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worker's designee, at termination, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during the current year or fraction ~~of a year thereof~~, or provide a written estimate of that dose if the finally-determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated ~~as such~~. If an estimate of dose is provided, the actual radiation dose records shall be provided to the worker when these records become available to the licensee or registrant.

AGENCY NOTE: The reporting requirements of subsections (b), (c) and (e) of this Section apply only to workers who are required to be monitored pursuant to 32 Ill. Adm. Code 340.520.

(Source: Amended at 33 Ill. Reg. 4333, effective March 9, 2009)

Section 400.140 Presence of Representatives of Licensees or Registrants and Workers During Inspection

- a) Pursuant to Section 400.160 ~~of this Part~~ and 32 Ill. Adm. Code 310.50, each licensee or registrant shall afford the ~~Agency Department~~ at all reasonable times the opportunity to inspect such materials, machines, activities, facilities, premises and records as the ~~Agency Department~~ determines are necessary to establish compliance with the requirements of the license and the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. Reasonable times shall be any time the facility is operational. The inspection may be announced or unannounced. Materials licensees shall be inspected at least as frequently as they would have been inspected by the U.S. Nuclear Regulatory Commission (NRC) if the licensees were regulated by the NRC, but no more frequently than once in a calendar quarter. Radiation machines shall be inspected in accordance with Section 25 of the Act. Inspection of licensees and radiation machines may be conducted more frequently than once per calendar quarter if, in the past three years, there has been a condition at the facility ~~that which~~ required emergency response; or if the ~~Agency Department~~ has received a complaint, the investigation of which ~~results shall result~~ in a more frequent inspection; or if the ~~Agency Department~~ has documented a violation of the Act or ~~Section 400.160 or 32 Ill. Adm. Code 310.50~~ ~~the above referenced rules of the Department~~ at the facility and additional inspections are necessary to establish that the violation has been abated.
- b) During an inspection, ~~Agency Departmental~~ inspectors may consult privately with

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workers as specified in Section 400.150 ~~of this Part~~. The licensee or registrant may accompany ~~Agency~~~~Departmental~~ inspectors during other phases of an inspection.

- c) If, at the time of inspection, an individual has been authorized by the workers to represent them during inspections, the licensee or registrant shall notify the ~~Agency~~~~Departmental~~ inspectors of ~~that~~~~such~~ authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.
- d) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in Section 400.120 ~~of this Part~~.
- e) Different representatives of licensees or registrants and workers may accompany the ~~Agency~~~~Departmental~~ inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.
- f) With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany ~~Agency~~~~Departmental~~ inspectors during the inspection of physical working conditions.
- g) Notwithstanding the other provisions of this Section, ~~Agency~~~~Departmental~~ inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to ~~the classified~~~~such~~ information only if authorized to do so. With regard to any area containing proprietary information, i.e., trade secrets and commercial or financial information ~~that~~~~where~~ ~~such~~ ~~information~~ is privileged or confidential or ~~when~~~~where~~ disclosure of ~~the~~~~such~~ information may cause competitive harm, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

(Source: Amended at 33 Ill. Reg. 4333, effective March 9, 2009)

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Section 400.150 Consultation with Workers During Inspections

- a) ~~Agency~~~~Departmental~~ inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to the activities of the licensee or registrant ~~that~~~~which~~ bear upon compliance with the conditions of the license or the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d.
- b) During the course of an inspection, or at any other time, any worker may bring privately to the attention of the ~~Agency~~~~Department~~ or its inspectors, either orally or in writing, any past or present condition ~~that~~~~which~~ the worker has reason to believe may have contributed to or caused any violation of the Act, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d or license condition, or any unnecessary exposure (*i.e., exposure that results when prescribed safety measures are not followed*) of an individual to sources of radiation under the licensee's or registrant's control. Any ~~such~~ notice in writing shall comply with the requirements of Section 400.160(a) ~~of this Part~~. If a worker seeks an opportunity to speak to an inspector during an ~~Agency~~ inspection, the licensee or registrant shall permit the worker ~~that~~~~such~~ opportunity.

*AGENCY NOTE: The provisions of subsection (b) of this Section shall not be interpreted as authorization to disregard instructions pursuant to Section 400.120 ~~of this Part~~.

(Source: Amended at 33 Ill. Reg. 4333, effective March 9, 2009)

Section 400.160 Requests by Workers for Inspections

- a) Any worker or representative of workers believing that a violation of the Act, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d, or license conditions exists or has occurred, or that an unnecessary exposure to radiation or radioactive material has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the ~~Agency~~~~Department~~. ~~The~~~~Any~~ ~~such~~ notice shall be in writing, shall set forth the circumstances describing the perceived violation or condition and shall be signed by the worker or representative of the workers. A copy of the notice shall be provided to the licensee or registrant by the ~~Agency~~~~Department~~ no later than at

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the time of inspection except that, upon the request of the worker giving ~~the~~ notice, ~~the worker's~~ name and the name of individuals referred to ~~in the notice~~ shall not appear in ~~the~~ copy or on any record published, released or made available by the ~~Agency~~, except for good cause shown, such as when necessary in the course of enforcement actions.

- b) If conditions stated on the face of the complaint indicate there is or has been a violation or the possibility of a violation, the ~~Agency~~ shall conduct an inspection as soon as practicable to determine if ~~the~~-alleged violation exists or has occurred. Inspections made pursuant to this Section need not be limited to matters referred to in the complaint.
- c) No licensee or registrant shall discharge or in any manner discriminate against any worker because ~~the~~ worker has filed any complaint, or ~~has~~ instituted or caused to be instituted any proceedings under this Part, or has testified or is about to testify in any such proceeding, or because of the exercise by ~~the~~ worker on behalf of himself or herself or others of any option afforded by this Part. Furthermore, each licensee and registrant shall instruct ~~its~~ contractors and subcontractors not to discharge or in any manner discriminate against any worker because ~~the~~ worker has filed any complaint, or ~~has~~ instituted or caused to be instituted any proceedings under this Part, or has testified or is about to testify in any such proceeding, or because of the exercise by ~~the~~ worker on behalf of himself or herself or others any option afforded by this Part. Any worker who believes that he or she has been so discharged or discriminated against may file a complaint with the ~~Agency~~ alleging a violation of this subsection.

(Source: Amended at 33 Ill. Reg. 4333, effective March 9, 2009)

Section 400.170 Inspections Not Warranted; Informal Review

- a) Review of Determination ~~that~~ No Inspection ~~Is~~ Warranted
- 1) If the ~~Bureau~~ of Radiation Safety determines, pursuant to Section 400.160 ~~of this Part~~, that an inspection is not warranted, the ~~Bureau~~ of Radiation Safety shall notify the complainant in writing within 60 days ~~after~~ receipt of the complaint. The complainant may obtain review of ~~the~~ determination by submitting a written statement of position with the ~~Agency~~. The ~~Agency~~ shall provide the licensee or registrant with a copy of ~~the~~ statement by certified mail, excluding,

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at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the AgencyDepartment. The AgencyDepartment shall provide the complainant with a copy of thesueh statement by certified mail.

- 2) Upon the request of the complainant or the licensee or registrant, the AgencyDepartment shall hold an informal conference in which the complainant and the licensee or registrant may orally present their views. If such a conference is requested by the complainant, the presence of the licensee or registrant at the conference shall be subject to the concurrence of the complainant. If the conference is requested by the licensee or registrant, the presence or disclosure of the identity of the complainant shall be made only pursuant to written authorization from the complainant. After considering all written and oral views presented, the AgencyDepartment shall affirm, modify, or reverse the determination of the Office of Radiation Safety and furnish the complainant and the licensee or registrant a written notification of the decision and the reason for that decisiontherefor.
- b) If the AgencyDepartment determines that an inspection is not warranted because the requirements of Section 400.160(a) of this Part have not been met, the complainant shall be notified in writing, within 30 days afterof receipt of the complaint, of thesueh determination. TheSuch determination shall be without prejudice to the filing of a new complaint meeting the requirements of Section 400.160(a) of this Part.

(Source: Amended at 33 Ill. Reg. 4333, effective March 9, 2009)

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- 1) Heading of the Part: Safe Operation of Nuclear Facility Boilers and Pressure Vessels
- 2) Code Citation: 32 Ill. Adm. Code 505
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
505.20	Amendment
505.30	Amendment
505.40	Amendment
505.50	Amendment
505.60	Amendment
505.70	Amendment
505.80	Amendment
505.82	Amendment
505.84	Amendment
505.86	Amendment
505.90	Amendment
505.110	Amendment
505.120	Amendment
505.130	Amendment
505.140	Amendment
505.160	Amendment
505.170	Amendment
505.180	Amendment
505.190	Amendment
505.1100	Amendment
505.1200	Amendment
505.1600	Amendment
505.1700	Amendment
505.1900	Amendment
505.2000	Amendment
505.2100	Amendment
505.2200	Amendment
505.2500	Amendment
505.2600	Amendment
505.2700	Amendment
505.2900	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 (a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler

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and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b] and Section 25 of the Nuclear Safety Law of 2004 [20 ILCS 3310/25]

- 5) Effective Date of Amendments: March 9, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 13695; August 22, 2008
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version:

In Section 505.20(a), after the closing bracket, added "(\"Act\" refers to the Boiler and Pressure Vessel Safety Act and \"Board\" refers to the Board of Boiler and Pressure Vessel Rules)".

In Sections 505.30, definitions of "Quality Assurance Program" and "Updated of Final Safety Analysis Report"; and 505.2500(a)(1)(A)(i) and (b)(1)(A)(i), added "(2008)" after the CFR cite.

In Section 505.40(e) 491, deleted "Use of subsequent editions and addenda will be considered on a case-by-case basis".

In Section 505.80(b), after "20 CFR 2.200 et seq, struck "(1995)" and added "(2008)" and struck "10 CFR, Part 2, Appendix C (1995)" and added "10 CFR 2.206 (2008)".

In Section 505.86, struck "(1991)" and added "(2008)".

In Section 505.2500(a)(8), (10), (14)(A), (B), (b)(3)(A), (C), (4)(B), updated citations to the National Board Inspection Code.

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- Made nonsubstantive grammar and style changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: The Agency is adopting this Amendment to change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12, effective July 1, 2003; update references for ASME and National Board Codes; widen the definition of "rerate" to include any change in maximum allowable working pressure; add language for attaching conditions when alternative standards for repair are permitted; and correct typographic errors.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

The full text of the Adopted Amendments begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER c: NUCLEAR FACILITY SAFETY

PART 505

SAFE OPERATION OF NUCLEAR FACILITY BOILERS AND PRESSURE VESSELS

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Section

505.2000	Standards for Design, Construction, Operation and Inspection
505.2100	Registration Requirements
505.2200	Inspection Certificates
505.2300	Operation Requirements
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505.2500	Repairs and Alterations
505.2600	Code Case Applications
505.2700	Use of Alternative Standards for Construction, Inspection and Repair
505.2800	Authorized Inspectors
505.2900	Authorized Inspection Agencies

AUTHORITY: Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b], and Section 2005-35 of the Civil Administrative Code of Illinois [20 ILCS 2005/2005-35].

SOURCE: Emergency Rule adopted at 17 Ill. Reg. 15667, effective September 10, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. 2317, effective February 7, 1994; amended at 20 Ill. Reg. 6455, effective April 26, 1996; amended at 23 Ill. Reg. 13089, effective October 6, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 27 Ill. Reg. 15339, effective September 16, 2003; amended at 33 Ill. Reg. 4345, effective March 9, 2009.

SUBPART A: GENERAL

Section 505.20 Policy

- a) It is the intent of the [Illinois Emergency Management Agency](#) ~~Department of~~

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~~Nuclear Safety~~ to implement this program in accordance with State law ~~that which~~ provides that *notwithstanding any other provision to the contrary, the Illinois Emergency Management Agency~~Department of Nuclear Safety~~ shall have sole ~~(State)~~ jurisdiction over all boilers and pressure vessels contained within or upon or in connection with any nuclear facility within this State. The Illinois Emergency Management Agency~~Department of Nuclear Safety~~ shall have the same authority and shall have and exercise the same powers and duties in relation to those boilers and pressure vessels under the Boiler and Pressure Vessel Safety~~this (the Boiler and Pressure Vessel Safety) Act as the Board of Boiler and Pressure Vessel Rules~~~~(of Boiler and Pressure Vessel Rules)~~ or the ~~(Office of the)~~ State Fire Marshal have and exercise in relation to all boilers and pressure vessels in this State that are not included in this Section. [430 ILCS 75/2(a)]*

- b) This Part is intended to implement Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act in a manner consistent with the State role provided for in the ASME Code and National Board Inspection Code. The ~~Agency~~~~Department~~ intends to review Inservice Inspection Plans, reports and other documentation, as provided in this Part, to determine, in coordination and cooperation with the NRC, compliance with the ASME Code, National Board Inspection Code and other applicable codes and standards ~~incorporated by reference~~~~referenced~~ in Section 505.40 of this Part.
- c) This Part is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Part as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Part shall not be applied. In addition, if the application of any requirement of this Part could affect the safety or the operation of the nuclear facility, as determined by the NRC, the ~~Agency~~~~Department~~ shall apply the requirements only with the prior concurrence of the NRC, as provided for in Section 505.86 ~~of this Part~~.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.30 Definitions

The following definitions shall apply to this Part:

"Act" ~~or "the Act"~~ means the Boiler and Pressure Vessel Safety Act [430 ILCS

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"Agency" means the Illinois Emergency Management Agency.

"Alteration" means a change to a boiler or pressure vessel made necessary by, or resulting in, a change in design requirements. Non-physical changes such as rerating of a boiler or pressure vessel shall be considered an alteration. The addition of nozzles smaller than a reinforced opening size shall not be considered an alteration.

"ANSI" means the American National Standards Institute, 1430 Broadway, New York NY 10018.

"Appurtenance" means an item attached to a stamped component that has work performed on it requiring verification by an Authorized Inspector.

"ASME" means the American Society of Mechanical Engineers, 345 E. 47th Street, New York NY 10017.

"ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code with addenda thereof made, approved and adopted by the Council of the Society and adopted and incorporated by the AgencyDepartment in Section 505.40 ~~of this Part~~. Copies of the ASME Code may be obtained from the American Society of Mechanical Engineers.

"ASME Code Case" or "Code Case" means a document published by ASME to clarify the intent of the ASME Code or to provide alternative requirements to those specifically indicated in the ASME Code due to special circumstances or for the use of new technology.

"Authorized Inspection Agency" means one of the following:

A department or division established by a jurisdiction ~~that~~which has adopted one or more Sections of the ASME Code and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors. In Illinois, the Division of Boiler and Pressure Vessel Safety of the Office of the State Fire Marshal (OSFM) is the jurisdiction, except for the City of Chicago; or

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An inspection agency of an insurance company ~~that~~which is authorized (licensed) to insure and is insuring boilers and pressure vessels at nuclear facilities in this State and employs inspectors who meet the requirements of Section 505.180 and Section 505.1800 or 505.2800 ~~of this Part~~, as applicable; or

An owner of boilers or pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements established by ~~OSFM the Office of the State Fire Marshal~~.

"Authorized Inspector" means an individual who is employed by an ~~authorized inspection agency~~Authorized Inspection Agency, holds a current Illinois Certificate of Competency issued by ~~OSFM the Office of the State Fire Marshal~~ pursuant to 41 Ill. Adm. Code 120.20 and meets the requirements of Section 505.180 and Section 505.1800 or 505.2800 ~~of this Part~~, as applicable.

"Boiler" means a closed vessel used to heat water or other liquids or to generate steam or other vapors under pressure or vacuum by the application of heat resulting from the combustion of fuels, electricity, atomic energy or waste gases.

"Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes water boilers operating at pressures exceeding 160 psig or temperatures exceeding 250° F at or near the boiler outlet.

"High pressure, high-temperature water boiler" means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250° F at or near the boiler outlet.

"Heating boiler" means a steam heating boiler operated at pressures not exceeding 15 psig, or a hot water heating boiler operated at pressures not exceeding 160 psig or temperatures not exceeding 250° F at or near the boiler outlet.

"Hot water supply boiler" means a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at pressures not exceeding 160 psig or temperatures not exceeding 250° F at or near the boiler outlet.

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"Certificate inspection" means an inspection, the report of which is used by the ~~Agency~~[Department](#) as justification for issuing, withholding or revoking the Inspection Certificate.

"Condemned boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that has been inspected and declared unsafe, or disqualified by legal requirements, by the ~~Agency~~[Department](#).

~~"Department" means the Department of Nuclear Safety.~~

"Design pressure" means the pressure used in the design of a boiler or pressure vessel for the purpose of determining the minimum permissible thickness or physical characteristics (e.g., material properties) of different parts of the vessel, in accordance with design standards of the ASME Code.

"Director" means the Director of the [Illinois Emergency Management Agency](#)~~Department of Nuclear Safety~~.

"External inspection" means as complete an examination as can reasonably be made of the external surfaces of a boiler or pressure vessel. This examination shall be made while it is in operation, if possible.

"Inoperative" means a boiler, pressure vessel or ~~an~~ attached appurtenance that is no longer capable of functioning within its design requirements. The inability of support equipment to operate does not cause a boiler or pressure vessel to be considered inoperative.

"Inservice inspection interval" means the period of time during which inservice examinations and system pressure tests are performed, as defined by the owner in accordance with ~~the~~ ASME Code Section XI.

"Inservice inspection period" means a subdivision of the inservice inspection interval, as defined by the owner in accordance with ~~the~~ ASME Code Section XI.

"Inservice Inspection Plan" means the documents prepared by the owner in accordance with paragraph IWA-2420 of the edition and addenda of Section XI approved by the NRC for use by the plant (10 year plan).

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"Inspection" means examination and evaluation of documents and hardware by an Authorized Inspector to determine conformance of an item or an activity to the requirements of this Part.

"Inspection Certificate" means a certification issued by the [AgencyDepartment](#) for the operation of a non-ISI boiler or pressure vessel or nuclear power system.

"Internal inspection" means as complete an examination as can reasonably be made of the internal surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the Authorized Inspector.

"ISI boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that is in the owner's Inservice Inspection Plan.

"Maintenance" means routine activities conducted on an item that are performed and controlled in accordance with the owner's procedures, including minor restorative actions, that are not otherwise classified as a repair, replacement or alteration.

"Maximum Allowable Working Pressure" or "MAWP" means the maximum gauge pressure permissible (in accordance with the design requirements) at the top of a vessel in its operating position at the design temperature. This pressure is the least of those calculated for every element of the vessel using nominal thickness exclusive of allowances for corrosion and thickness required for loadings other than pressure. It is the basis for the pressure setting of the pressure relieving devices (e.g., pressure relief valves) protecting the vessel. The design pressure may be used in place of the maximum allowable working pressure in all cases for which calculations are not made to determine the value of the maximum allowable working pressure.

"National Board" means the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus OH 43229.

"National Board Inspection Code" means the National Board Inspection Code; published by the National Board and adopted and incorporated by the [AgencyDepartment](#) in Section 505.40-~~of this Part~~. Copies may be obtained from the National Board.

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"NFPA" means the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269.

"Non-ISI boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that is not in the owner's Inservice Inspection Plan.

"Non-standard boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that does not bear the ASME Code Symbol Stamp.

"NRC" means the United States Nuclear Regulatory Commission or any agency [that](#) succeeds to its function in the licensing of nuclear power reactors or facilities, or facilities for spent nuclear fuel.

"Nuclear facility" means a nuclear power station. There may be one or more nuclear power systems at a nuclear power station.

"Nuclear power system" means all ISI boilers and pressure vessels in a unit, including their appurtenances, at a nuclear facility that are inspected in accordance with an Inservice Inspection Plan. Such components are generally associated with systems that serve the purpose of producing and controlling the output of thermal energy from nuclear fuel and associated systems essential to the function and overall safety of the nuclear power system.

"Outage" means temporary suspension of operation of a component or system to conduct actions such as maintenance, forced repairs or testing of equipment.

"Owner" means any organization, person, firm or corporation legally responsible for the safe operation of any boiler or pressure vessel at a nuclear facility within the State.

"PSIG" means pounds per square inch gauge and is a measure of pressure.

"Pressure relief valve" means a safety valve, relief valve or safety relief valve.

"Pressure vessel" means an enclosed vessel in which pressure is obtained from an external source, or by applying heat from an indirect source or from a direct source other than boilers as defined in this Section. Reactor containments are not considered pressure vessels.

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"Quality Assurance Program" means a controlled system of planned and systematic actions required to provide adequate confidence that the items designed and constructed are in accordance with the rules of the ASME Code Section III; or all the planned and systematic actions necessary to provide adequate confidence that a structure, system or component will perform satisfactorily in service in accordance with Appendix B of 10 CFR 50. [\(2008\)](#), as applicable.

"Refueling outage" means temporary suspension of power production of the nuclear power system to conduct actions, including refueling the reactor. Refueling outages normally occur approximately every 2 years.

"Reinstalled boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, removed from its original setting and reinstalled at the same location or at a new location within the State of Illinois without change of ownership.

"Relief valve" means an automatic pressure relieving device, actuated by the static pressure upstream of the valve, [that which](#) opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

"Repair" means the process of restoring a nonconforming item by welding or brazing [such](#) that existing design requirements are met.

"Report of Inspection" means a report prepared by an Authorized Inspector [that which](#) documents that a non-ISI boiler or pressure vessel meets the requirements of this Part for installation and periodic inspection.

"Reportable event" means any accident [that which](#) either causes a boiler or pressure vessel to become inoperative due to damage from an explosion, catastrophic event or failure due to material condition, of either itself or an attached appurtenance, or results in death or bodily injury to a person.

"Rerating" means [any change in the increase of](#) the MAWP or temperature of a boiler or pressure vessel, regardless of whether physical work is performed on the boiler or pressure vessel. Rerating shall be considered an alteration.

"Safety relief valve" means an automatic pressure actuated relieving device

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suitable for use as a safety or relief valve, depending on application.

"Safety valve" means an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is primarily used for gas or vapor service.

"State Special" means a boiler or pressure vessel, including related appurtenances, of special construction that may not be constructed in accordance with the ASME Code. See Sections 505.170, 505.1700 and 505.2700 ~~of this Part~~ for the procedures for granting a State Special.

"Special Inspector" means an Inspector holding an Illinois Certificate of Competency and a ~~commission~~ Commission issued by ~~OSFM~~ the Office of the State Fire Marshal (OSFM) and who is regularly employed by an insurance company ~~that~~ which is authorized (licensed) to insure and is insuring boilers and pressure vessels at nuclear facilities in this State.

"Technical specifications" means part of the Updated or Final Safety Analysis Report and Operating License issued by the NRC that designates safety limits, limiting safety system settings, limiting conditions for operation and surveillance requirements for the safe operation of the nuclear facility.

"Underwriters Laboratories" ~~or "U.L."~~ (U.L.) means ~~the~~ a non-profit independent organization testing for public safety. It maintains and operates laboratories for the examination and testing of devices, systems and materials to determine their relationship to life, fire and casualty hazards.

"Updated or Final Safety Analysis Report" means a report required by the NRC in accordance with 10 CFR 50.34 (2008).

"Welding" means a group of processes ~~in which~~ wherein coalescence is produced by heating with an arc or arcs, with or without the application of pressure and with or without the use of filler metal.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.40 Standards Incorporated by Reference

The ~~Agency~~ Department hereby adopts and incorporates by reference the following codes and

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standards.

- a) In accordance with the authority granted under Section 2a of the Act, the ~~Agency~~[Department](#) adopts the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with addenda thereto made. Those Sections of the ASME Code listed in this Section are incorporated into and constitute a part of the whole rules and regulations of the ~~Agency~~[Department](#).

- 1) ASME Boiler and Pressure Vessel Code, 1952 Edition including all addenda editions through the ASME Boiler and Pressure Vessel Code, ~~2007~~[2001](#) Edition ~~with 2002 Addenda~~, for the following:

AGENCY NOTE: The edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component can be traced using the date of construction of the component in light of Sections 505.170, 505.1000 and 505.2000 ~~of this Part~~. For more information see Sections 505.170, 505.1000 and 505.2000 ~~of this Part~~.

- A) Section I, Rules for Construction of Power Boilers;
- B) Section II, Material Specifications
- Part A – Ferrous
- Part B – Nonferrous
- Part C – Welding Rods, Electrodes and Filler Metals
- Part D – Properties;
- C) Section III, Rules for Construction of Nuclear Power Plant Components, Division 2 – Concrete Reactor Vessels and Containments;
- D) Section IV, Rules for Construction of Heating Boilers;
- E) Section V, Nondestructive Examination;
- F) Section VI, Recommended Rules for the Care and Operation of

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Heating Boilers;

G) Section VII, Recommended Guidelines for the Care of Power Boilers;

H) Section VIII, Rules for Construction of Pressure Vessels

Division 1,

Division 2 – Alternative Rules,

Division 3 – Alternative Rules for Construction of High Pressure Vessels;

I) Section IX, Welding and Brazing Qualifications; and

J) Section X, Fiber-Reinforced Plastic Pressure Vessels.

2) ASME Boiler and Pressure Vessel Code, editions and addenda referenced in Title 10 of the Code of Federal Regulations (CFR) Part 50, Section 50.55a (10 CFR 50.55a), revised as of [January 31, 2008](#)~~February 11, 2003~~, including all limitations and modifications contained therein, for the following:

A) Section III, Rules for Construction of Nuclear Power Plant Components, Division 1 – Nuclear Power Plant Components; and

B) Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components, Division 1 – Rules for Inspection and Testing of Light-Water Cooled Plants.

AGENCY NOTE: The [Agency](#)~~Department~~ will review programs at specific plants on the basis of the edition and addenda of Sections III and XI approved by the NRC for the specific plant.

b) The [Agency](#)~~Department~~ adopts the National Board Inspection Code, [2007](#)~~2004~~ edition ~~with addenda through 2002~~, published by the National Board, except that "jurisdiction" shall be read as "[Agency](#)"~~"Department"~~.

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- c) The [Agency Department](#) adopts the following nationally recognized standards and their addenda:
- 1) ASME CSD, 2002 edition, Controls and Safety Devices for Automatically Fired Boilers; and
 - 2) NFPA 85, 2001 edition, Boiler and Combustion Systems Hazards Code.

- d) The [Agency Department](#) adopts ANSI/ASME N626, Qualification and Duties of Authorized Nuclear Inspection Agencies and Personnel, 1974 Edition including all addenda and editions through the N626b-1992 addendum. The [Agency Department](#) also adopts the successor standard to this standard, ASME QAI-1, Qualification for Authorized Inspection, 1995 edition.

AGENCY NOTE: The edition and addenda of ANSI/ASME N626 or QAI-1 applicable to the qualifications of the authorized nuclear inspection agency and its personnel can be traced using the edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component.

- e) For documents included in subsections (a) through (d) ~~of this Section~~, the [Agency Department](#) is incorporating only those editions and addenda indicated. The [Agency Department](#) is not incorporating any subsequent edition or addendum to these documents. All documents are available for public review at the [Agency Department](#) offices, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY NOTE: This Section is applicable to the following nuclear power plants: Braidwood Station, Units 1 & 2; Byron Station, Units 1 & 2; Clinton Station, Unit 1; Dresden Station, Units 1, 2 & 3; LaSalle County Station, Units 1 & 2; Quad Cities Station, Units 1 & 2; and Zion Station, Units 1 & 2.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.50 Exemptions

The following exemptions to requirements in this Part shall be permitted, except as defined [in this Section below](#) or as otherwise provided in this Part. The exemptions provided in subsections (a)(1), (2), (3) and (4) ~~of this Section~~ shall not be permitted for ISI boilers and pressure vessels.

- a) Except as provided in Section 505.70 ~~of this Part~~, the following boilers and

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pressure vessels shall be exempt from the requirements of this Part:

- 1) Those classes of pressure vessels not within the scope of ASME Code Section VIII, Division I as defined in the introduction under paragraph U-1.
- 2) Boilers and pressure vessels which have either a Limiting Condition for Operation (LCO) or a surveillance requirement in the plant's technical specifications.
- 3) Pressure vessels that do not exceed:
 - A) A volume of 15 cubic feet and 250 psig when not located in a place of public assembly; or
 - B) A volume of 5 cubic feet and 250 psig when located in a place of public assembly; or
 - C) A volume of 1½ cubic feet and 600 psig.
- 4) Water conditioning equipment used for removing minerals, chemicals, or organic or inorganic particulate from water by means other than application of heat, e.g., water softeners, water filters, dealkalizers and demineralizers, provided the following conditions are met:
 - A) The temperature of such vessels is maintained below 212° ~~F~~ ~~degrees fahrenheit~~;
 - B) No heat is applied to the water after being placed into such vessels; and
 - C) No heat is applied either directly or indirectly to such vessels.
- 5) Hot water supply boilers ~~that~~ ~~which~~ are directly fired with oil, gas or electricity, provided none of the following limitations are exceeded:
 - A) Heat input of 200,000 BTU/hr.; or
 - B) Water temperature of 200° F; or

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- C) Nominal water containing capacity of 120 gallons.
- 6) Coil type hot water boilers in which where the water can flash into steam when released directly to the atmosphere through a manually operated nozzle, provided the following conditions are met:
 - A) There is no drum, headers or other steam spaces;
 - B) No steam is generated within the coil;
 - C) Outside diameter of tubing does not exceed 1 inch;
 - D) Pipe size does not exceed $\frac{3}{4}$ inch;
 - E) Water capacity of the unit does not exceed 6 U. S. gallons; and
 - F) Water temperature does not exceed 350° F.
- 7) ISI pressure vessels that which have a surveillance requirement in the plant technical specifications or are continuously monitored or are routinely subjected to examinations and tests (e.g., visual examinations and pressure tests), other than those required in this Part but that are determined by the Agency Department to give an assurance of structural integrity at least equal to that provided by the examinations and test required by this Part.
- 8) Other boilers and pressure vessels listed under Section 5(a) of the Act.
- b) Boilers and pressure vessels listed under Section 5(b) of the Act shall be subject to the requirements of this Part (e.g., design, construction and registration), except for those requirements pertaining to inspection, Inspection Certificates and penalties for operating without a valid Inspection Certificate.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.60 Access to Facilities and Documents

Upon prior notice and subject to requirements contained in the Memorandum of Understanding, Subagreement No. 2, between the Agency Department and the NRC, effective May 15, 1990,

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representatives of the [AgencyDepartment](#) or an Authorized Inspector may enter upon any privately or publicly owned property in this State where a boiler or pressure vessel, including related appurtenances, or a part thereof is being designed, constructed, installed or used within or upon or in connection with a nuclear facility in this State to ascertain whether such boiler or pressure vessel or part thereof is designed, constructed, installed and inspected in accordance with the standards of this Part. In addition to the documents required by this Part, owners shall make available to the [AgencyDepartment](#) additional documents as the [AgencyDepartment](#) determines are required to verify ASME Code and National Board Inspection Code compliance in accordance with this Part. These documents may include, but need not be limited to, such documents as a Quality Assurance Program in effect at the nuclear facility meeting the requirements of the ASME Code, or the details of flaw evaluations. The requirements of this Section are subject to the limitations of Section 505.20(c) ~~of this Part.~~

AGENCY NOTE: Documentation required to be made available under this Section shall be relevant to a determination of compliance with this Part.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.70 Notification of Failures

- a) Any owner, which includes any person, firm, partnership, corporation or government entity, that knowingly fails to notify the [AgencyDepartment](#) within 24 hours, or the next business day, after a reportable event, or after any bodily injury or death to any person caused by a reportable event, is guilty of a Class B misdemeanor, if a natural person, or a business offense punishable by a fine of not less than \$501 and not more than \$10,000, if a corporation or government agency.
- b) In the case of a reportable event, the owner of the affected boiler or pressure vessel may take whatever measures it determines in its sole discretion are necessary to give emergency assistance to injured persons or to alleviate any threat to the public health and safety.
- c) In the case of a reportable event, the owner may not move, disturb or repair the affected boiler or pressure vessel until the [AgencyDepartment](#) has been given the opportunity to examine the boiler or pressure vessel within 12 hours after the reportable event, except that the owner may initiate an investigation, including the gathering of material for samples and the taking of any ancillary action necessary for such sample gathering, where the owner either determines that such activities will not substantially interfere with the [Agency'sDepartment's](#) subsequent

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examination or provides a record of the initial circumstances sufficient to provide the [AgencyDepartment](#) with an accurate report of the condition ~~that~~which was obtained before the owner initiated its activities.

- d) The requirements of this Section shall apply to any boiler or pressure vessel, including those exempt under Section 505.50 ~~of this Part~~.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.80 Administrative Review and Hearings – Inspection Certificates

This Section shall apply to all actions by the [AgencyDepartment](#) for noncompliance with this Part that potentially could impact upon the issuance, suspension or revocation of an Inspection Certificate required by this Part.

- a) When in any instance departmental review reveals that an owner may not be in compliance with one or more requirements of this Part, the [AgencyDepartment](#) will notify the owner in writing of those facts and circumstances known to the [AgencyDepartment](#) that give rise to the inference that the owner is not in compliance. If the facts and circumstances giving rise to the inference involve only boilers and pressure vessels that the NRC has determined are not within NRC's jurisdictional authority, subsection (c) ~~of this Section~~ shall apply and subsection (b) ~~of this Section~~ shall not apply. If the facts and circumstances giving rise to the inference involve any other boiler, pressure vessel or nuclear power system, subsection (b) ~~of this Section~~ shall apply and subsection (c) ~~of this Section~~ shall not apply.
- b) Simultaneously with the notification provided for in subsection (a) ~~of this Section~~, the [AgencyDepartment](#) will notify the NRC in writing of those facts and circumstances known to the [AgencyDepartment](#) that give rise to the inference that the owner is not in compliance. If the owner fails to demonstrate to the [AgencyDepartment](#) that the owner is in compliance within 10 days after the notification, the [AgencyDepartment](#) shall provide to the NRC a written request, pursuant to 10 CFR 2.200 et seq. ~~(2008)(1995)~~, that the NRC take appropriate action, e.g., pursuant to ~~10 CFR 2.206 (2008)10 CFR, Part 2, Appendix C (1995)~~. The request will specify the NRC action or actions that the [AgencyDepartment](#) is requesting.
- c) If the owner fails to demonstrate to the [AgencyDepartment](#) that the owner is in

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compliance within 10 days after the notification provided for in subsection (a) ~~of this Section~~, the ~~Agency~~Department shall issue a Preliminary Order and Notice of Opportunity for Hearing in accordance with 32 Ill. Adm. Code 200. The owner aggrieved by such order may within 15 days submit a written request for a hearing to the ~~Agency~~Department, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.

- 1) If, after the hearing, the Director finds that the owner or organization was in compliance with the requirements of this Part, the Director shall issue to the owner an Order of Compliance or issue such other order as appropriate.
 - 2) If, after the hearing or default, the Director finds that the owner is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying an application for, or suspending or revoking, an affected Inspection Certificate.
- d) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.82 Administrative Review and Hearings – Authorized Inspection Agency

This Section shall apply to any action by the ~~Agency~~Department to deny an application for, or to suspend or revoke, departmental recognition of an Authorized Inspection Agency.

- a) An owner or organization aggrieved by the ~~Agency's Department's~~ action pursuant to ~~Section Sections~~ 505.190(b) or ~~505.190(d) of this Part~~ may within 15 days submit a written request for a hearing to the ~~Agency~~Department, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.
 - 1) If, after the hearing, the Director finds that the owner or organization was in compliance with the requirements of this Part, the Director shall issue an order directing that recognition be extended to the organization.

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- 2) If, after the hearing or default, the Director finds that the owner or organization is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying the application for recognition.
- b) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.84 Administrative Review and Hearings – Special Permits

This Section shall apply to any action by the [AgencyDepartment](#) to deny an application for, or to suspend or revoke, a special permit for construction of a non-ASME Code boiler or pressure vessel pursuant to Section 505.2700-~~of this Part~~.

- a) An owner aggrieved by ~~an Agencya-Departmental~~ denial pursuant to Section 505.2700(c)(5), (d)(5) and (e)(5)-~~of this Part~~ or ~~Agencydepartmental~~ action pursuant to Section 505.2700(c)(4), (d)(5) and (e)(5)-~~of this Part~~ may within 15 days submit a written request for a hearing to the [AgencyDepartment](#), which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.
 - 1) If, after the hearing, the Director finds that the owner was in compliance with the requirements of this Part or that the affected non-ASME boiler or pressure vessel meets the criteria of Section 505.2700(c)-~~of this Part~~, the Director shall issue an order directing that the Special Permit be issued to the owner or organization.
 - 2) If, after the hearing or default, the Director finds that the owner is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying the application for, or suspending or revoking, a Special Permit.
- b) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety

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(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.86 Actions Pending Before the United States Nuclear Regulatory Commission

Whenever any person brings an action before the NRC pursuant to 10 CFR 2.200 et seq. ~~(2008)(1991)~~ alleging that a departmental application of a requirement of this Part could affect the safety or the operation of a nuclear facility, the ~~Agency~~~~Department~~ shall not apply or enforce the requirement until such time as the NRC concurs in the application or enforcement or until the NRC otherwise finds and notifies the ~~Agency~~~~Department~~ that the application of the requirement could not affect the safety or the operation of the nuclear facility.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.90 Address and Telephone Number for Notifications and Inquiries

Written reports or communications concerning or required by this Part shall be addressed to: ~~Nuclear Facility Inspection~~~~Code Compliance~~ Section, ~~Bureau~~~~Office~~ of Nuclear Facility Safety, Illinois ~~Emergency Management Agency~~~~Department of Nuclear Safety~~, 1035 Outer Park Drive, Springfield, Illinois 62704. The ~~Agency~~~~Department~~ may be reached by telephone at (217) ~~782-7860785-9900~~.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.110 Registration Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c) ~~of this Part~~.
- b) The owner of a nuclear facility shall register with the ~~Agency~~~~Department~~ all boilers and pressure vessels contained within or upon or in connection with the nuclear facility unless exempt under Section 505.50(a) ~~of this Part~~. For each boiler and pressure vessel installed after February 7, 1994, that has not been registered with the ~~Agency~~~~Department~~, the owner shall register the boiler or pressure vessel prior to its operation in accordance with this Section and either Section 505.1100 or 505.2100 ~~of this Part~~, as applicable.
- c) Manufacturer's Data Reports shall be filed by the owner with the

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~~Agency Department~~ for new installation and reinstallation of boilers and pressure vessels at nuclear facilities, unless otherwise exempted by Section 505.50(a) ~~of this Part~~. If a boiler or pressure vessel is of special design or will not bear the ASME stamp, then the owner shall additionally comply with the requirements of Sections 505.170 and 505.1700 or Section 505.2700 ~~of this Part~~ for non-ASME Code ISI or non-ISI boilers and pressure vessels, respectively.

AGENCY NOTE: Data Reports as used in this subsection (c) refers to those documents completed as required by the construction code applicable to the boiler or pressure vessel.

- d) Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. If a State serial number has not already been assigned, a number will be assigned and applied by the Authorized Inspector. Additionally, the ASME Code required stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the Authorized Inspector.
- e) The State serial number on boilers shall not be less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "B", which also shall ~~also~~ be not less than 5/16" in height. The State serial number on unfired pressure vessels shall be not less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "U", which also shall be not less than 5/16" in height. The Authorized Inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel.
- f) The requirements of subsections (d) and (e) ~~of this Section~~ for the physical application of the State serial number may be waived if a system to identify the boiler or pressure vessel with the assigned State serial number has been established and the system of identification is acceptable to the ~~Agency Department~~. An alternative system for the identification of boilers and pressure vessels with assigned State serial numbers shall be acceptable to the ~~Agency Department~~ if the alternative system readily and unambiguously allows the ~~Agency Department~~ and Authorized Inspector to track the inspection status of the boilers and pressure vessels using the State serial numbers. Acceptable alternative systems of identification may include, but are not limited to, the use of cross-reference lists between assigned State serial numbers and any of the following: National Board serial numbers; manufacturers' names and serial numbers; or plant equipment identification numbers as shown on controlled plant

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system identification drawings provided to the [AgencyDepartment](#).

- g) A Certificate Inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation at a nuclear facility in this State. In a case where a boiler or pressure vessel is moved and reinstalled the fittings and appliances shall be upgraded to comply with the rules for new installations.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.120 Inspection Certificates (general)

- a) Inspection Certificates for nuclear power systems shall be issued in accordance with Section 505.1200 ~~of this Part~~. Inspection Certificates for non-ISI boilers and pressure vessels shall be issued in accordance with Section 505.2200 ~~of this Part~~. Both nuclear power systems and non-ISI boilers and pressure vessels and their Inspection Certificates shall be subject to the provisions of subsections (b) and (c) ~~of this Section~~.
- b) Owners shall keep the Inspection Certificate in an accessible location.
- c) Boilers and pressure vessels that change classification (i.e., to or from ISI or non-ISI) as a result of additions to or deletions from the Inservice Inspection Plan shall be subject to the registration and submittal requirements of the new classification. To reduce the administrative burden on the owner, the owner need only inform the [AgencyDepartment](#) of all previous submittals made on behalf of existing registration ~~that which~~ the owner intends to apply to the new classification.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.130 Operation Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c) ~~of this Part~~.
- b) Any person, firm, partnership or corporation violating any of the provisions ~~of this Part~~ shall be subject to the penalties provided in the Act.
- c) An Inspection Certificate may be suspended by the [AgencyDepartment](#) if an ISI or non-ISI boiler or pressure vessel or nuclear power system is in operation but

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not in compliance with this Part.

- d) An Inspection Certificate may be suspended by the [AgencyDepartment](#) if an ISI or non-ISI boiler or pressure vessel or nuclear power system is being operated in an unsafe condition.
- e) If the owner of any boiler or pressure vessel or nuclear power system required to be inspected refuses to allow an inspection to be made, the [AgencyDepartment](#) shall take action to suspend the Inspection Certificate under Section 505.80 ~~of this Part~~ until the owner complies with the requirements.
- f) For any boiler or pressure vessel that has been inspected and declared unsafe by an Authorized Inspector, the Authorized Inspector shall notify the [AgencyDepartment](#) of his ~~or her~~ intention to condemn the boiler or pressure vessel. The [AgencyDepartment](#) shall act in accordance with subsection (g) ~~of this Section~~ for such ISI or non-ISI boilers or pressure vessels.
- g) Upon being notified under the provisions of subsection (f) ~~of this Section~~, the [AgencyDepartment](#) shall take action concerning the affected Inspection Certificate in accordance with Section 505.80 ~~of this Part~~.
- h) Subject to the limitations of Sections 505.20(c), 505.80 and 505.86 ~~of this Part~~, the owner who causes a non-ISI boiler or pressure vessel or nuclear power system to be operated without a valid Inspection Certificate shall be subject to the penalty as provided in the Act.
- i) Removal of Safety Appliances.
 - 1) No person, except under the direction of an Authorized Inspector, shall attempt to remove or shall do any work upon safety appliances required by this Part while a boiler or pressure vessel is in operation. If any of these appliances are repaired during an outage of a boiler or pressure vessel, they shall be reinstalled and in proper working order before the object is again placed in service.
 - 2) No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the Inspection Certificate.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

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Section 505.140 Inspection Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c) ~~of this Part~~.
- b) If, upon inspection and notification by an Authorized Inspector, a boiler or pressure vessel at a nuclear facility is found to be in such condition that it is unsafe to operate, the [Agency Department](#), subject to the limitations of Section 505.20(c) ~~of this Part~~, shall act to suspend the Inspection Certificate in accordance with Section 505.80 ~~of this Part~~.
- c) Owners shall assure that examinations and tests are conducted in accordance with the methods and frequencies established by this Part.
- d) In addition to the reporting frequencies specified in this Part, the owner shall report to the [Agency Department](#) within 72 hours when, on the basis of observation or objective information, the owner has reason to believe that an ISI or non-ISI boiler or pressure vessel or nuclear power system does not meet the standards of this Part.
- e) Inspections shall be conducted by Authorized Inspectors.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.160 Code Case Applications (general)

The owner may, at ~~its~~[its](#) discretion, elect to use an ASME Code Case to design, construct, examine, test, repair or alter a boiler or pressure vessel. The owner shall notify the [Agency Department](#) of all intentions to use a Code Case and the extent and nature of the use of the Code Case for the particular application.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.170 Use of Alternative Standards for Construction, Inspection and Repair (general)

- a) The [Agency Department](#) may issue special permits for boilers and pressure vessels at nuclear facilities ~~that~~[which](#) for some reason were not constructed in accordance

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with the applicable ASME Code Section, or for some reason cannot be inspected or repaired in accordance with this Part. The [AgencyDepartment](#) shall issue special permits in accordance with Section 505.1700 or Section 505.2700-~~of this Part~~, as applicable.

- b) Owners may request the [AgencyDepartment](#) to issue a special permit for a boiler or pressure vessel not constructed in accordance with the applicable ASME Code Section.
- c) For boilers and pressure vessels using alternative standards for construction, upon completion of construction and installation, the owner shall register the non-ASME Code boiler or pressure vessel with the [AgencyDepartment](#). The owner shall demonstrate compliance with the provisions of the special permit. The owner shall meet the applicable registration requirements for either ISI boilers and pressure vessels in Sections 505.1100 and 505.1200-~~of this Part~~ or non-ISI boilers and pressure vessels in Sections 505.2100 and 505.2200-~~of this Part~~.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.180 Authorized Inspectors (general)

- a) To inspect ISI or non-ISI boilers or pressure vessels at nuclear facilities within the State an individual shall hold a Commission as a Special Inspector and an identifying commission card issued by the Office of the State Fire Marshal as provided in Section 8 of the Act.
- b) If an Authorized Inspector finds that the boiler or pressure vessel or any of its appurtenances are in an unsafe condition, the Authorized Inspector shall immediately notify the [AgencyDepartment](#) and submit a report of the defects.
- c) The requirements of this Section are subject to the limitations of Section 505.20(c)-~~of this Part~~.
- d) Authorized Inspectors shall perform all duties required of them under the ASME Code or the National Board Inspection Code, as applicable. Authorized Inspectors shall notify the [AgencyDepartment](#) within 7 days if they have knowledge of a nuclear power system or an ISI or non-ISI boiler or pressure vessel that:

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- 1) is being operated without a valid Inspection Certificate;
 - 2) is being operated at a pressure ~~that~~^{which} exceeds indicated pressure on the Inspection Certificate; or
 - 3) otherwise deviates from the requirements of this Part.
- e) Authorized Inspectors inspecting ISI boilers or pressure vessels or nuclear power systems shall meet the requirements of Section 505.1800 ~~of this Part~~.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.190 Authorized Inspection Agencies (general)

- a) An organization that wishes to provide ASME Code or National Board Inspection Code inspection services at a nuclear facility shall be recognized as an Authorized Inspection Agency by the ~~Agency~~^{Department} in accordance with subsection (b) ~~of this Section~~ prior to providing ASME Code or National Board Inspection Code inspection services at a nuclear facility. Such an organization shall submit the following to the ~~Agency~~^{Department}:
- 1) A written request for recognition as an Authorized Inspection Agency;
 - 2) A list of the names of Authorized Inspectors employed; and
 - 3) A written description of the types of inspections that the organization will perform and the ASME Code Sections/National Board Inspection Code for which it will conduct inspection activities.

AGENCY NOTE: An Authorized Inspection Agency already recognized by the ~~Agency~~^{Department} does not need to resubmit the documents specified in this subsection (a).

- b) The ~~Agency~~^{Department} shall, within 90 days after receipt of an organization's request submitted pursuant to this Section, recognize the organization as an Authorized Inspection Agency upon determining that it has demonstrated in the request that it meets all qualification, duty and other requirements in those ASME Code Sections/National Board Inspection Code for which it wishes to provide inspection services. If it is determined that an organization's request submitted

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pursuant to this Section does not meet the requirements of this Section, the [AgencyDepartment](#) shall take action under Section 505.82-~~of this Part~~.

AGENCY NOTE: Qualification, duty and other requirements for organizations in subsections (a) and (b)-~~of this Section~~ shall be in accordance with the latest edition and addenda of the ASME Code/National Board Inspection Code referenced in Section 505.40-~~of this Part~~.

- c) ~~OSFMThe Office of the State Fire Marshal of the State of Illinois~~ is exempt from all the requirements of this Section.
- d) If the [AgencyDepartment](#) determines that an Authorized Inspection Agency is not qualified, the [AgencyDepartment](#) shall act to suspend or revoke its recognition of the Authorized Inspection Agency under Section 505.82-~~of this Part~~.

AGENCY NOTE: Applicable ASME Code Sections/National Board Inspection Code as used in this Section means those under which the [Authorized Inspection Agencyinspection agency](#) is performing inspection activities. [AgencyDepartmental](#) reviews will determine whether the organization meets all requirements for Authorized Inspection Agencies as found in the most recent edition and addenda of the ASME Code or National Board Inspection Code, as applicable, referenced in Section 505.40-~~of this Part~~.

- e) Authorized Inspection Agencies shall notify the [AgencyDepartment](#) within 30 days of all new boiler or pressure vessel risks written.
- f) Within 30 days following each inspection required by this Part, the Authorized Inspection Agency shall submit an accurate report of the results of ~~thesueh~~ inspection to the [AgencyDepartment](#) in accordance with this Part.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

SUBPART B: ISI BOILERS AND PRESSURE VESSELS

Section 505.1100 Registration Requirements

For registration of each ISI boiler and pressure vessel, except those exempt under Section 505.50(a)-~~of this Part~~, the owner shall submit the following to the [AgencyDepartment](#). If the submittal applies to a collection of ISI boilers and pressure vessels, the owner shall submit the

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documentation once for the ISI boilers and pressure vessels included in the submittal. If it is determined that any of the documents have previously been submitted to the [AgencyDepartment](#), the owner does not have to resubmit them.

- a) A controlled copy of the Inservice Inspection Plans for the nuclear power system;
- b) Cross-references to the State serial numbers, and National Board serial numbers if available, for all ISI boilers and pressure vessels in the Inservice Inspection Plan;
- c) A preservice inspection summary report for the nuclear power system;
- d) For boilers and pressure vessels covered by this Section, owners shall meet the requirements of Section 505.110 ~~of this Part~~.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.1200 Inspection Certificates

This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The [AgencyDepartment](#) will take action in regard to an Inspection Certificate only in accordance with Section 505.80 ~~of this Part~~. The [AgencyDepartment](#) shall issue Inspection Certificates for nuclear power systems in accordance with this Section if the reports, programs and plans required to be submitted by this Section, Sections 505.110 and 505.1100 ~~of this Part~~ are submitted in accordance with the frequencies and standards specified ~~in those Sections therein~~ and are in compliance with this Part.

- a) Owners of nuclear power systems shall not operate ~~thosesueh~~ nuclear power systems without a valid Inspection Certificate issued by the [AgencyDepartment](#). The [AgencyDepartment](#) shall issue one Inspection Certificate for each nuclear power system at a nuclear facility. Unless suspended by the [AgencyDepartment](#), the Inspection Certificate shall remain valid through the 6-month period following the end of the inservice inspection period for which ~~the certificatesueh Certificate~~ was issued, or as otherwise permitted by this Part.
- b) Owners of nuclear power systems not yet in operation, shall, prior to operation of the nuclear power systems, have a valid Inspection Certificate issued by the [AgencyDepartment](#) for the nuclear power systems. The [AgencyDepartment](#) shall

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issue the initial Inspection Certificates for the first inservice inspection period based on [an Agency Department](#) determination that the submittal requirements of Section 505.1100 ~~of this Part~~ are met.

- c) An Inspection Certificate shall be issued for each nuclear power system at the nuclear facility for the succeeding inservice inspection period when the [Agency Department](#) determines that:
- 1) The examinations and tests required by the Inservice Inspection Plan during the preceding inservice inspection period were completed; and
 - 2) All related submittal requirements of this Part are met.

AGENCY NOTE: In order to determine whether the examinations and tests required by the Inservice Inspection Plan during the preceding inspection period were performed and completed, the [Agency Department](#) will review the submittals required by this Section against the Inservice Inspection Plan and the applicable edition and addenda of the ASME Code Section XI. The review and determination will be made separately for each nuclear power system. During this review the [Agency Department](#) shall accept requests for relief from ASME Code Section XI requirements that have been approved by the NRC.

- d) The inservice inspection interval for the nuclear power system may be extended or reduced as permitted by the applicable Code edition and addenda or that has been approved by the NRC. The owner shall notify the [Agency Department](#) in writing of any such change in the inservice inspection interval. The [Agency Department](#) may issue a new Inspection Certificate, or may adjust the term of the Inspection Certificate in effect for the applicable inservice inspection period.
- e) When the owner discovers that an ISI boiler or pressure vessel is not in compliance with this Part, the owner shall take measures to bring the ISI boiler or pressure vessel into compliance. ~~Those Such~~ measures may include, but are not limited to, repair or replacement of the ISI boiler or pressure vessel in accordance with Section 505.1500 ~~of this Part~~. In such cases, the owner shall notify the [Agency Department](#) in accordance with Section 505.140 ~~of this Part~~. The owner shall submit information concerning the details of the noncompliance and the measures taken to bring the noncomplying ISI boiler or pressure vessel into compliance to the [Agency Department](#) within 90 days following the completion of

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~~thesueh~~ corrective measures. Any replacement ISI boiler or pressure vessel shall meet the requirements of this Part for new boilers and pressure vessels and shall be registered by the owner with the ~~Agency~~Department in accordance with Section 505.1100 ~~of this Part~~. The ~~Agency~~Department shall review the information submitted regarding the noncompliance and the corrective measures taken and may issue a revised Inspection Certificate to reflect any change in nuclear power system composition.

- f) The owner shall submit the following:
- 1) In addition to the information submitted under Section 505.1100 ~~of this Part~~, the owner shall submit to the ~~Agency~~Department within 90 days after completing an inservice inspection:
 - A) The inservice inspection summary report required by ASME Code Section XI;
 - B) The Owner's Data Report, form NIS-1, required by ASME Code Section XI;
 - C) The Owner's Report for Repairs or Replacements, form NIS-2 of Section XI, if required by the applicable Code Edition and Addenda or Code Case used, for all repairs and replacements performed since the last inservice inspection; and
 - D) Deviations from the Inservice Inspection Plan implemented during inservice inspections that impact upon compliance with this Part.
 - 2) The owner shall submit the Inservice Inspection Plan for the next inservice inspection interval to the ~~Agency~~Department prior to the end of each inservice inspection interval.
- g) The ~~Agency~~Department shall take action under Section 505.80 ~~of this Part~~ if the ~~Agency~~Department finds that:
- 1) The submittals in subsection (f) ~~of this Section~~ have not been made or are incomplete; or
 - 2) The examinations and tests required by the owner's Inservice Inspection

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Plan have not been performed or are incomplete; or

- 3) The owner has not met the requirements of subsection (e) ~~of this Section~~;
or
- 4) The nuclear power system is not being inspected in accordance with this Part.

- h) In addition to the requirements of this Section, owners shall meet the requirements of Section 505.120 ~~of this Part~~.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.1600 Code Case Applications

- a) Approval to use an ASME Code Case for ISI boilers and pressure vessels is vested in the NRC. The ~~Agency~~Department shall accept all ASME Code Cases approved for use by the NRC.
- b) Owners shall meet the notification requirements of Section 505.160 ~~of this Part~~ in all cases involving the use of Code Cases for ISI boilers or pressure vessels.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.1700 Use of Alternative Standards for Construction, Inspection and Repair

- a) Approval to permit an owner to use alternative standards for construction, inspection or repair of an ISI boiler or pressure vessel is vested in the NRC. The ~~Agency~~Department shall accept alternative construction, inspection or repair standards that have been accepted by the NRC.
- b) Owners shall meet the requirements of Section 505.170 ~~of this Part~~ in all cases involving use of alternative standards for ISI boilers or pressure vessels.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.1900 Authorized Inspection Agencies

- a) Organizations seeking to provide inspection services to the requirements of

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ASME Code Section III, Section XI or both, shall be subject to the requirements of this Section and Section 505.190-~~of this Part~~.

- b) The request for recognition submitted in Section 505.190(a)-~~of this Part~~ shall also contain documentation demonstrating that the organization meets the ASME Code and ASME/ANSI N626 or ASME QAI-1 qualifications for Authorized Inspection Agencies for the scope of inspection activities, including the possession of a valid ASME Certificate of Accreditation.
- c) The ~~Agency~~Department shall act in accordance with Section 505.190(b)-~~of this Part~~ on all requests for recognition submitted in accordance with this Part.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

Section 505.2000 Standards for Design, Construction, Operation and Inspection

Non-ISI boilers and pressure vessels, including related appurtenances, except those exempt under Section 505.50(a)-~~of this Part~~, operated within or upon or in connection with a nuclear facility in Illinois, shall be designed, constructed, installed, examined, tested, repaired, altered and inspected as required by this Section, except in those cases ~~in which~~where NRC has jurisdiction, as determined by NRC. ~~When~~Where NRC has jurisdiction, the codes and standards reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC shall apply. For non-ISI boilers and pressure vessels over which NRC has no jurisdiction, as determined by NRC, the standards required by this Part apply. If the NRC determines that NRC has jurisdiction, but has not established standards, the ~~Agency~~Department may propose to NRC that these or other standards be applied to such boilers and pressure vessels in nuclear power plants in Illinois.

- a) All new, existing and reinstalled non-ISI boilers, including related appurtenances, shall be designed, constructed, installed, examined, tested, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI boiler is moved and reinstalled, the fittings and appliances of that boiler shall comply with this Part.
- b) All non-ISI pressure vessels installed and placed in operation after December 31, 1976 and all reinstalled non-ISI pressure vessels, including related appurtenances,

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shall be designed, constructed, installed, tested, examined, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI pressure vessel is moved and reinstalled, the fittings and appliances of that pressure vessel shall comply with this Part.

- c) Non-ISI pressure vessels and related appurtenances installed and placed in operation at nuclear facilities on or before December 31, 1976 shall be inspected in accordance with this Part and designed, constructed, installed, tested, repaired and altered, in accordance with the following requirements.
- 1) The MAWP for standard pressure vessels shall be determined in accordance with the applicable provisions of the ASME Code under which they were constructed and stamped.
 - 2) MAWP for Non-standard Pressure Vessels
 - A) The MAWP of a non-standard pressure vessel subject to internal pressure shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course and the factor of safety set by this Part, as permitted below.

$$\frac{TS \times t \times E}{R \times FS} = \text{MAWP, in psig}$$

where:

- TS = ultimate tensile strength of shell plate, in psi. When the tensile strength of steel plate is not known, it shall be taken as 55,000 psi for temperature not exceeding 650° F.
- t = minimum thickness of shell plate of weakest course, in inches.
- E = efficiency of longitudinal joint, depending upon construction. Use the following values (in percents):

For Fusion-Welded and Brazed Joints:

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Single lap welded.....	40
Double lap welded	60
Single butt welded	60
Double butt welded.....	75
Forge welded	70
Brazed steel.....	80

For riveted joints – calculate riveted joint efficiency in accordance with rules given in Section I, Part PR, of the 1971 ASME Code.

R = inside radius for weakest shell course, in inches, provided the thickness does not exceed 10 percent of the radius. If the thickness is over 10 percent of the radius, the outer radius shall be used.

FS = factor of safety permitted shall be a minimum of 5.0.

B) The MAWP for cylindrical non-standard pressure vessels subject to external or collapsing pressure shall be determined by the rules in Par. UG-27 and UG-28 of the ASME Code Section VIII.

C) The minimum factor of safety may be increased when deemed necessary by the Inspector to assure the operation of the vessel within safe limits. The condition of the vessel and the particular service to which it is subject will be determining factors.

D) The MAWP permitted for formed heads under pressure shall be determined by using the appropriate formulas from UG-32 or UG-33 of the ASME Code Section VIII and the tensile strength and efficiencies given in this Section.

d) All non-ISI boilers and pressure vessels shall be inspected in accordance with Part RB of the National Board Inspection Code and this subsection (d). The following general requirements shall apply to all non-ISI boilers and pressure vessels.

1) The owner shall prepare each boiler and pressure vessel for internal inspection in accordance with Part RB of the National Board Inspection Code. The Authorized Inspector should not enter any boiler or pressure

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vessel before he or she is satisfied that all necessary safety precautions from Part RB of the National Board Inspection Code have been taken, including testing the boiler or pressure vessel atmosphere for oxygen and toxic, flammable and inert gases.

- 2) The owner shall prepare for and apply the hydrostatic test, whenever necessary, on a date agreeable to the owner and the Authorized Inspector.
- e) All cases not specifically covered by this Part shall be treated as new installations. Existing non-ISI boilers and pressure vessels shall be governed by current ASME Code and National Board Inspection Code requirements or the requirements of the ASME Code in effect at the time of construction.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.2100 Registration Requirements

For registration of each non-ISI boiler or pressure vessel, except those exempt under Section 505.50(a) ~~of this Part~~, the owner shall submit the following to the Agency Department. If the submittal applies to a collection of non-ISI boilers and pressure vessels, the owner shall submit the documentation once for the non-ISI boilers and pressure vessels included in the submittal.

- a) For each non-ISI boiler and pressure vessel not already registered with the Agency Department, the owner shall submit any manufacturer's Data Reports related to the construction, repair, replacement or alteration of the non-ISI boiler or pressure vessel and its appurtenances.

AGENCY NOTE: Data Reports as used in this subsection (a) refers to those documents completed as required by the construction code applicable to the non-ISI boiler or pressure vessel.

- b) For boilers and pressure vessels covered by this Section, owners shall meet the requirements of Section 505.110 ~~of this Part~~.

~~AGENCY NOTE: Data Reports as used in subsection (a) of this Section refers to those documents completed as required by the construction or inspection code applicable to the non-ISI boiler or pressure vessel.~~

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

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Section 505.2200 Inspection Certificates

This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The [AgencyDepartment](#) will take action in regard to an Inspection Certificate only in accordance with Section 505.80 ~~of this Part~~. The [AgencyDepartment](#) shall issue Inspection Certificates for non-ISI boilers and pressure vessels in accordance with this Section if the reports, inspection criteria and plans required to be submitted by and identified in Sections 505.110 and 505.2100 ~~of this Part~~ and this Section are submitted in accordance with the frequencies specified ~~in those Sections therein~~ and are in compliance with this Part.

- a) The [AgencyDepartment](#) shall issue one Inspection Certificate to each non-ISI boiler and pressure vessel for a term equal to the frequency of inspection of the non-ISI boiler or pressure vessel. The frequency and type of inspection for each non-ISI boiler and pressure vessel shall be as follows:
 - 1) Power boilers, high pressure water boilers and high temperature water boilers shall be inspected annually, which shall be an internal inspection where conditions permit. ~~TheSuch~~ boilers shall also be inspected externally annually while under representative operating conditions, if possible.
 - 2) Low pressure steam boilers, hot water heating boilers and hot water supply boilers shall be inspected every 2 years. ~~TheSuch~~ inspection shall be internal and external, where conditions permit. An external inspection shall be conducted under representative operating conditions at the request of the Authorized Inspector.
 - 3) Pressure vessels subject to internal corrosion shall be inspected in accordance with subsection (a)(3)(A) ~~of this Section~~, unless the [AgencyDepartment](#) approves an alternative under subsection (a)(3)(B) ~~of this Section~~.
 - A) Pressure vessels shall be inspected every 3 years. ~~TheSuch~~ inspection shall be internal and external where conditions permit.

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- B) Alternatively, for each pressure vessel that can be inspected only during refueling outages, the owner may develop an inspection plan for the remaining life of the pressure vessel. The plan shall provide that an inspection of each pressure vessel will occur prior to the completion of every 2 consecutive refueling outages, but in no case more than 5 years after the last inspection of the pressure vessel. The owner may include in the plan contingency options for conducting inspections during unplanned or extended refueling outages, provided the required frequency of inspection is met. The bases for the inspection plan may include, but is not necessarily limited to, alternative examinations and tests planned and performed, past performance of this and similar pressure vessels, status of the pressure vessel in the plant's maintenance program, the environment and contents of the pressure vessel, vessel use, service condition (operating or not) of the pressure vessel relative to operation of the plant, corrosive environment where the pressure vessel is installed, risks, methods of inspection, ALARA (as defined in 32 Ill. Adm. Code 310) considerations, trade-offs and relevant engineering data. This plan shall be submitted to the [AgencyDepartment](#) for approval.
- 4) Pressure vessels not subject to internal corrosion shall be inspected in accordance with subsection (a)(4)(A) or (B) ~~of this Section~~ as applicable, unless the [AgencyDepartment](#) approves an alternative under subsection (a)(4)(C) ~~of this Section~~:
- A) Vessels containing incompressible fluids (e.g., water) shall be inspected externally every 5 years.
- B) Vessels containing compressible fluids (e.g., air steam), or a combination of compressible and incompressible fluids, shall be inspected externally every 3 years.
- C) Alternatively, the owner may develop an inspection plan for the vessel for its remaining life based upon refueling outages. This plan shall be submitted to the [AgencyDepartment](#) for approval. The basis for such an inspection plan may include alternative examinations and tests planned and performed, past performance of the pressure vessel and similar pressure vessels, status of the

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pressure vessel in the plant's maintenance program, the environment and contents of the pressure vessel and relevant engineering data.

AGENCY NOTE: External inspection may be waived by the [Agency Department](#) due to inaccessability of the equipment, based on the owner's detailed assessment of documentation and performance data verifying vessel integrity.

- 5) Inspection of flame safeguard equipment shall be to the standards of Section 505.40(c) ~~of this Part~~ and will be in conjunction with the regular inspection of boilers.
 - 6) A grace period of 2 months beyond the period specified in subsection (a)(1) or (2) ~~of this Section~~, may elapse between internal inspections of the boiler while it is not under pressure and the external inspection of the boiler while it is under pressure.
- b) The [Agency Department](#) shall issue an initial Inspection Certificate for a non-ISI boiler or pressure vessel in accordance with this subsection (b). Owners of a non-ISI boiler or pressure vessel not yet in operation after February 7, 1994, shall, prior to operation of the boiler or pressure vessel, have a valid Inspection Certificate issued by the [Agency Department](#). Application for an Inspection Certificate shall be in accordance with subsection (f) ~~of this Section~~ except that the owner shall submit the documents listed in subsection (f)(2) ~~of this Section~~ at least 90 days prior to operating the boiler or pressure vessel.
- c) For other than initial issuance of an Inspection Certificate in accordance with subsection (b) ~~of this Section~~, the [Agency Department](#) shall issue an Inspection Certificate for each non-ISI boiler or pressure vessel at the nuclear facility in accordance with this Section when the [Agency Department](#) determines that:
- 1) The inspections required under subsection (a) ~~of this Section~~ were applied to the non-ISI boiler or pressure vessel, were completed and the condition of the non-ISI boiler or pressure vessel is such that an Inspection Certificate may be issued in accordance with subsection (d) ~~of this Section~~;
 - 2) The Report of Inspection or similar report form was completed for the

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non-ISI boiler or pressure vessel and was submitted to the [Agency Department](#) in accordance with subsection (f)(2) ~~of this Section~~; and

- 3) If applicable, all submittals in subsections (e) and (f)(2)(B) ~~of this Section~~ are met.
- d) The [Agency Department](#) shall issue the Inspection Certificate within 90 days following receipt of the Report of Inspection on the non-ISI boiler or pressure vessel, or shall observe the procedures of subsection (g) ~~of this Section~~. The latter shall occur either within 90 days following receipt of the Report of Inspection or within 10 days following the expiration date of the Inspection Certificate.
- e) The Inspection Certificate issued for the non-ISI boiler or pressure vessel as established by this Section may be extended for a maximum of 1 year.
 - 1) For all pressure vessels and for boilers, other than power boilers, high pressure water boilers and high temperature water boilers, the owner shall request permission from the [Agency Department](#) to extend the term of the Inspection Certificate prior to implementing the extension. The [Agency Department](#) shall review a request for extension and permit ~~thesueh~~ extension ~~whenwhere~~ the extension does not increase the risk to the health and safety of the public and personnel.
 - 2) For power boilers, high pressure water boilers and high temperature water boilers, the [Agency Department](#) may extend, for a time not exceeding 1 year, the time within which the power boiler is required to be internally inspected, subject to the following conditions and qualifications:
 - A) The analysis and treatment of feedwater for ~~thesueh~~ power boilers shall be under the supervision of a person qualified in the field of water chemistry.
 - B) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, crusting and sludge that affect the safety of the boiler.
 - C) The owner of ~~thesueh~~ boilers shall maintain, for examination by the Inspector, accurate records of ~~sueh~~ chemical and physical

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laboratory ~~analyses~~analysis of samples of the boiler water taken at regular intervals of not more than 24 hours operation and of the treatment applied. These records shall specify dates and times of analyses, by whom analyzed, and the treatment applied at that time, and shall be certified by the responsible authority. These records will adequately show the conditions of ~~the~~such water and any constituents or characteristics ~~that~~which are capable of producing corrosion or other deterioration of the boiler or its parts.

- D) Application for extension shall be in writing setting forth facts establishing compliance with the foregoing conditions and qualifications and shall be accompanied by the report of external inspection.
- f) For each non-ISI boiler or pressure vessel, the owner shall submit the following:
- 1) The information required by Section 505.2100 ~~of this Part~~;
 - 2) On or before the expiration date of the Inspection Certificate issued to the non-ISI boiler or pressure vessel:
 - A) The completed Report of Inspection or similar report form documenting that the inspections were performed in accordance with the inspection criteria and frequency requirements of subsection (a) ~~of this Section~~ and Section 505.2000 ~~of this Part~~.
 - B) All Code Data Reports and all other information related to the repair, replacement or alteration of the non-ISI boiler or pressure vessel or its appurtenances performed since the last Certificate Inspection.
- g) The ~~Agency~~Department shall take action under Section 505.80 ~~of this Part~~ if the ~~Agency~~Department finds that:
- 1) The submittals and notifications required by subsections (e) and (f) ~~of this Section~~ have not been made or are incomplete; or
 - 2) The inspections required by this Section have not been performed or are incomplete; or

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- 3) A change to the inspection frequency applied to the non-ISI boiler or pressure vessel is not in accordance with subsection (e) ~~of this Section~~; or
- 4) The non-ISI boiler or pressure vessel was insured and the insurance has been canceled or has otherwise become ineffective.
- h) In addition to the requirements of this Section, owners shall meet the requirements of Section 505.120 ~~of this Part~~.
- i) Notwithstanding any other provision of this Section, an Inspection Certificate shall remain valid beyond the expiration date noted on the certificate until the boiler or pressure vessel is reinspected by the Authorized Inspector or until the certificate is suspended by the ~~Agency~~Department, provided that the owner of the boiler or pressure vessel makes it available for inspection at reasonable times.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.2500 Repairs and Alterations

Repairs and alterations of non-ISI boilers and pressure vessels, and pressure relief valves associated with non-ISI boilers and pressure vessels, except boilers and pressure vessels and those pressure relief valves associated with boilers and pressure vessels that are exempt under Section 505.50(a) ~~of this Part~~, shall be made in accordance with this Section. Non-ISI boilers and pressure vessels, and pressure relief valves associated with non-ISI boilers and pressure vessels, that are repaired or altered after February 7, 1994 shall be repaired or altered in accordance with this Section or other codes and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC. The requirements of this Section are subject to the limitations of Section 505.20(c) ~~of this Part~~.

- a) The requirements of this subsection (a) are limited to welded repairs and welded and non-welded alterations of non-ISI boilers and pressure vessels. ~~When~~Where requirements for a repair or alteration are not given, it is intended that, subject to approval of the Authorized Inspector, details of design and construction, insofar as practical, will be consistent with the ASME Code for boilers and pressure vessels constructed to the ASME Code, or the code to which the item was originally constructed for boilers and pressure vessels not constructed to the ASME Code or the repair or alteration rules of the National Board Inspection

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Code.

- 1) All non-ISI boilers and pressure vessels covered by the Act that are repaired after February 7, 1994 shall be repaired by one of the following organizations:
 - A) An owner and those organizations under contract to the owner, provided that:
 - i) ~~thesuch~~ repairs are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B ~~(2008)~~ and has been approved by the NRC;
 - ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, ~~referenceddescribed~~ in subsection (a)(1)(A)(i) ~~of this Section~~, that are applicable to a repair activity are applied to the repair; and
 - iii) the owner notifies the ~~AgencyDepartment~~ of ~~itshis~~ intention to apply 10 CFR 50 Appendix B Quality Assurance Program, ~~referenceddescribed~~ in subsection (a)(1)(A)(i) ~~of this Section~~, to the repair of boilers and pressure vessels. This notification only needs to be given once for all repairs of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, ~~referenceddescribed~~ in subsections (a)(1)(A)(i), (ii) and (iii) ~~of this Section~~, is subject to review by the Authorized Inspector.
 - B) An organization in possession of a valid "R" ~~Certificatecertificate~~ of Authorization issued by the National Board.
 - C) An organization authorized by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, to repair boilers and pressure vessels.

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- 2) Repairs shall be initiated only after they have been authorized by the Authorized Inspector who has reviewed and accepted the weld procedures, welders and welding operators' qualifications and repair methods. The Authorized Inspector may give prior approval for repairs of a routine nature. In every case the Authorized Inspector shall be advised of each repair under prior agreement.
- 3) All non-ISI boilers and pressure vessels covered by the Act that are altered after February 7, 1994 shall be altered by one of the following organizations:
 - A) An owner and those organizations under contract to the owner, provided that:
 - i) ~~thesuch~~ alterations are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B ~~(2008)~~ and has been approved by the NRC;
 - ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, ~~referenceddescribed~~ in subsection (a)(3)(A)(i) ~~of this Section~~, that are applicable to an alteration activity are applied to the alteration; and
 - iii) the owner notifies the ~~AgencyDepartment~~ of ~~itshis~~ intention to apply 10 CFR 50 Appendix B Quality Assurance Program, ~~referenceddescribed~~ in subsection (a)(3)(A)(i) ~~of this Section~~, to the alteration of boilers and pressure vessels. This notification only needs to be given once for all alterations of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, ~~referenceddescribed~~ in subsections (a)(3)(A)(i), (ii) and (iii) ~~of this Section~~, is subject to review by the Authorized Inspector.
 - B) An organization in possession of a valid "R" Certificate of Authorization issued by the National Board, provided the

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alterations are within the scope of ~~that~~^{such} authorization.

- 4) Alterations shall be initiated only after they have been authorized by the Authorized Inspector who has reviewed and accepted the alteration methods and calculations. If considered necessary, the Authorized Inspector shall make an inspection of the object before granting ~~such~~^{such} authorization.
- 5) Reports documenting repairs and alterations shall be sent to the ~~Agency~~^{Department} in addition to the distribution required by the National Board Inspection Code.
- 6) Documentation of repairs and alterations shall be in accordance with the National Board Inspection Code, except that, in lieu of a form R-1, an alternative form containing equivalent information may be used. All alternative forms shall be signed by the Authorized Inspector. All alternative forms shall be approved by the ~~Agency~~^{Department} prior to use. The Authorized Inspector shall determine whether the completion of the form R-1 or alternative form is required for routine repairs.
- 7) Repairs and alterations shall be accepted by either an Authorized Inspector employed by the Authorized Inspection Agency responsible for the boiler or pressure vessel or by an Authorized Inspector employed by the Authorized Inspection Agency of record for the organization making the repair or alteration. It shall be the responsibility of the organization making the repair or alteration to coordinate the acceptance inspection of the repair or alteration.
- 8) For pressure parts, the rules of ~~Part 3, Section 3~~^{Section RC-1050} of the National Board Inspection Code shall apply.
- 9) Pressure Testing
 - A) The Authorized Inspector may require a pressure test after completing a repair to a boiler or pressure vessel when in the Authorized Inspector's judgment one should be conducted.
 - B) A pressure test in accordance with the National Board Inspection Code shall be applied to the boiler or pressure vessel on the

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completion of an alteration.

- 10) For repair methods, the rules of ~~Part 3~~~~Parts RC and RD~~ of the National Board Inspection Code shall apply.
- 11) Alteration methods shall comply with the general requirements of this subsection (a), and with the appropriate ASME Code Section or Part ~~3RC~~ of the National Board Inspection Code, as applicable, including any service restrictions.
- 12) Major replacement of pressure parts, including drums and shells, ~~that which~~ are fabricated by welding and for which a Manufacturers Data Report is required by the applicable ASME Code Section shall be fabricated by a manufacturer having an ASME Certificate of Authorization and the appropriate ASME Code Symbol Stamp. The item shall be inspected, stamped with the applicable ASME Code Symbol and the word "PART", and reported on the appropriate Manufacturers Partial Data Report.
- 13) When a repair or alteration requires removal of that part of a non-ISI boiler or pressure vessel containing the Code stamping, the Authorized Inspector shall, subject to the approval of the ~~Agency~~~~Department~~, witness the making of a facsimile of ~~the~~ stamping, the obliteration of the old stamping and the transfer of the stamping to the new part. When the stamping is on a nameplate, the Authorized Inspector is to witness the transfer of the nameplate to the new part. The ASME Code Symbol is not to be restamped.
- 14) For rerating, the rules of this subsection (a) and Part ~~3RC 3000~~ of the National Board Inspection Code shall apply. Additionally, the following shall apply:
 - A) All requirements in ~~Part 3~~~~Parts RC 3020, RC 3021, RC 3022 and RC 3030~~ of the National Board Inspection Code and this subsection (a) shall be met to the satisfaction of the Authorized Inspection Agency at the location of the installation.
 - B) Revised calculations verifying the new service conditions shall be required from the original manufacturer or, when ~~thesueh~~

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calculations cannot be obtained from this source, they may be prepared by an ~~engineer~~Engineer in accordance with Part ~~3RC-3022(a)~~ of the National Board Inspection Code.

- C) The boiler or pressure vessel shall be pressure tested for the rerated condition as required by subsection (a)(9)(B) ~~of this Section~~.
- b) All ASME Code Section I "V" stamped, Section III "NV" stamped, and Section VIII "UV" stamped pressure relief valves associated with non-ISI boilers and pressure vessels shall be repaired in accordance with this subsection (b).
- 1) All pressure relief valves covered by this subsection (b) that are repaired after February 7, 1994 shall be repaired by one of the following organizations:
- A) An owner and those organizations under contract to the owner, provided that:
- i) ~~thesueh~~ repairs are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B ~~(2008)~~ and has been approved by the NRC;
- ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, ~~referenceddescribed~~ in subsection (b)(1)(A)(i) ~~of this Section~~, that are applicable to a repair activity are applied to the repair; and
- iii) the owner notifies the ~~Agency~~Department of ~~itshis~~ intention to apply 10 CFR 50 Appendix B Quality Assurance Program, ~~referenceddescribed~~ in subsection (b)(1)(A)(i) ~~of this Section~~, to the repair of these pressure relief valves. This notification only needs to be given once for all repairs of pressure relief valves performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, ~~referenceddescribed~~ in subsections (b)(1)(A)(i), (ii) and

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(iii) ~~of this Section~~, is subject to review by the Authorized Inspector.

- B) The manufacturer of the valve who is in possession of a valid ASME "V", "NV" or "UV" Certificate of Authorization, provided repairs are within the scope of the organization's Certificate of Authorization and are performed under the organization's Quality Control System or Quality Assurance System, as applicable.
- C) An organization in possession of a valid "VR" Certificate of Authorization issued by the National Board, provided repairs are within the scope of the organization's Certificate of Authorization and are performed under the organization's Quality Control System.
- D) An organization in possession of a valid Certificate of Authorization issued by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, to repair pressure relief valves provided repairs are within the scope of the organization's Certificate of Authorization and performed under the ~~organization's~~organizations's accepted Quality Control System.
- 2) Repair of a pressure relief valve is considered to be the replacement or machining of any critical part, lapping of seat and disc or any other operation ~~that~~which may affect the flow passage, capacity, function or pressure retaining integrity. Disassembly and reassembly or adjustments ~~that~~which affect the pressure relief valve function are not considered a repair, but a test confirming the valve's set pressure shall be performed. The initial installation, testing and adjustments of a new pressure relief valve on a non-ISI boiler or pressure vessel are not considered a repair.
- 3) Nameplates
- A) The rules of ~~Part 3, Section 5~~Part RA-2260 and Appendix 2 of the National Board Inspection Code shall apply. The exceptions and clarifications of this subsection (b)(3) shall also apply.
- B) Individuals authorized by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, who are properly

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trained and qualified employees of the owner may make adjustments to the set pressure provided the adjusted settings and the date of the adjustment are recorded on a metal tag secured to the seal wire. All external adjustments shall be resealed showing the identification of the organization making the adjustments.

- C) For owners that act as the valve repair organization under the provisions of subsection (b)(1)(A) ~~of this Section~~ who are not in possession of a valid "VR" Certificate of Authorization issued by the National Board, the requirements for stamping the ASME Code "V", "UV", "NV" or National Board "VR" mark in [Part 3, Section 5](#) ~~Parts RA-2262, RA-2264, RA-2265 and Appendix 2~~ of the National Board Inspection Code shall not apply. All other requirements shall be met.
- 4) Performance Testing
- A) The rules of Part RA-2280 of the National Board Inspection Code shall apply, regardless of whether the "VR" stamp will be or has been applied. The exceptions and clarifications of this subsection (b)(4) shall also apply.
- B) For owners that act as the valve repair organization under the provisions of subsection (b)(1)(A) ~~of this Section~~ who are not in possession of a valid "VR" Certificate of Authorization issued by the National Board, the requirements for stamping the "VR" mark in [Part 3, Section 4](#) ~~Part RA-2280~~ of the National Board Inspection Code are not required. Also, performance testing equipment qualified by the owner under [Part 3, Section 4](#) ~~Part RA-2281~~ of the National Board Inspection Code shall be done by the owner. The Authorized Inspector shall witness the qualification of test equipment and review the documentation of ~~the such~~ qualification as required in [Part 3, Section 4](#) ~~Part RA-2281~~ of the National Board Inspection Code.
- 5) Organizations that repair pressure relief valves under subsections (b)(1)(B) through (b)(1)(D) ~~of this Section~~ may perform field repairs in accordance with the following requirements.

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- A) Qualified technicians in the employ of the repair organization perform ~~thesueh~~ repairs.
- B) Procedures that address field repairs are contained in the Quality Control System or Quality Assurance System, as applicable, and are maintained.
- C) All functions affecting the quality of the repaired pressure relief valves are controlled from the location for which the appropriate authorization was issued.
- D) Periodic audits of work carried out in the field are made by quality control personnel of the repair organization to ensure that the requirements of the Quality Control System or Quality Assurance System, as applicable, are met. This audit may include witnessing the test of the field repaired pressure relief valve.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.2600 Code Case Applications

- a) The ~~AgencyDepartment~~ shall act on requests to use ASME Code Cases within 30 days after their receipt. The ~~AgencyDepartment~~ shall approve the use of a Code Case if ~~thatsueh~~ use is directly applicable to and consistent with the uses authorized by the ASME Code Case.
- b) The ~~AgencyDepartment~~ shall automatically approve the use of Code Cases to non-ISI boilers or pressure vessels in all cases ~~in which thewhere-sueh~~ use is approved by the NRC and referenced in the nuclear facility's Updated or Final Safety Analysis Report, technical specifications or other licensing documents. The ~~AgencyDepartment~~ shall not approve ~~sueh~~-use of Code Cases ~~whenwhere~~ the use is disapproved by the NRC.
- c) ASME Code Cases approved by the ~~AgencyDepartment~~ for a particular situation rather than for generic use shall be used only for that situation.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

Section 505.2700 Use of Alternative Standards for Construction, Inspection and Repair

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- a) For all non-ISI boilers and pressure vessels, the [AgencyDepartment](#) shall determine the acceptability of the alternative standards in accordance with this Section.
- b) The [AgencyDepartment](#) shall automatically accept alternative standards that have been accepted by the NRC and referenced in the nuclear facility's Updated or Final Safety Analysis Report, technical specifications or other licensing documents.
- c) For boilers and pressure vessels, other than those covered by subsection (b) ~~of this Section~~, installed subsequent to February 7, 1994, to be constructed to alternative standards other than the ASME Code standards [referenced in Section 505.40](#), the owner may request the [AgencyDepartment](#) to issue a permit for the installation of a boiler or pressure vessel not constructed in accordance with the applicable ASME Code.
 - 1) The owner shall submit the documentation described in this Section to the [AgencyDepartment](#) and obtain a special installation permit.
 - 2) The owner shall specify the reasons why the boiler or pressure vessel cannot be constructed in accordance with ASME Code standards. The owner shall also supply the following information to the [AgencyDepartment](#) for review and consideration of requests for a special installation permit:
 - A) Full details of design and construction showing equivalency to and departures from the ASME Code, including blueprints and material showing details of the construction;
 - B) Data relating to the physical and chemical properties of all materials used in construction;
 - C) Calculations showing how the MAWP was derived;
 - D) An authentic test record for all non-ASME Code materials used in construction; and
 - E) Other data as the owner deems relevant or as the

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AgencyDepartment may request in order to establish that the boiler or pressure vessel will be capable of operating as safely as one built to ASME Code standards.

- 3) The AgencyDepartment may issue special installation permits to a class of boilers or pressure vessels meeting the ~~above~~ criteria listed in subsection (c)(2) when it deems that the public interest would be best served by application of the class of boilers or pressure vessels rather than individual case-by-case determination.
 - 4) The AgencyDepartment may, as a condition to issuance of a special installation permit, require the installation of safety features or prescribed operating procedures for boilers or pressure vessels. The AgencyDepartment will use relevant safety data in determining the need for installation of safety features or operating features.
 - 5) If the AgencyDepartment denies a request for a special permit, the owner may request a hearing pursuant to Section 505.84 ~~of this Part~~.
- d) For boilers and pressure vessels, other than those covered by subsection (b) ~~of this Section~~, to be inspected to standards other than those specified in this Part, the owner shall request the use of alternative standards.
- 1) The owner shall submit the documentation described in this Section to the AgencyDepartment and obtain permission to use the alternative standards.
 - 2) The owner shall specify the reasons why the boiler or pressure vessel cannot be inspected in accordance with this Part.
 - 3) The AgencyDepartment may approve the use of alternative standards for inspection for a class of boilers or pressure vessels when it deems that the public interest would be best served by application of the class of boilers or pressure vessels rather than individual case-by-case determination.
 - 4) The AgencyDepartment may, as a condition of approval of the use of alternative standards for inspection, require the installation of safety features or prescribed operating procedures for boilers or pressure vessels. The AgencyDepartment will use relevant safety data in determining the need for installation of safety features or operating features.

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- 5) If the [AgencyDepartment](#) denies a request for the use of alternative standards for inspection, the owner may request a hearing pursuant to Section 505.84 ~~of this Part~~.
- e) For boilers and pressure vessels, other than those covered by subsection (b) ~~of this Section~~, to be repaired to standards other than those specified in this Part, the owner shall request the use of alternative standards.
- 1) The owner shall submit the documentation described in this Section to the [AgencyDepartment](#) and obtain permission to use the alternative standards.
 - 2) The owner shall specify the reasons why the boiler or pressure vessel cannot be repaired in accordance with this Part.
 - 3) The [AgencyDepartment](#) may approve the use of alternative standards for repair for a class of boilers or pressure vessels when it deems that the public interest would be best served by application of the alternative standards to the class of boilers or pressure vessels rather than individual case-by-case determination.
 - 4) The [AgencyDepartment](#) may, as a condition of approval of the use of alternative standards for repair, require the installation of safety features or prescribed operating procedures for boilers or pressure vessels, [require monitoring the integrity of the alternative repair, or approve the alternative repair on a temporary basis](#). The [AgencyDepartment](#) will use relevant safety data in determining the need for ~~installing~~ [installation of](#) safety features or operating features, [monitoring the integrity of the alternative repair, or approving the alternative repair on a temporary basis](#).
 - 5) If the [AgencyDepartment](#) denies a request for the use of alternative standards for repair, the owner may request a hearing pursuant to Section 505.84 ~~of this Part~~.
- f) Owners shall meet the requirements of Section 505.170 ~~of this Part~~ in all cases involving use of alternative standards for non-ISI boilers or pressure vessels.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

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Section 505.2900 Authorized Inspection Agencies

- a) Authorized Inspection Agencies that are insuring a non-ISI boiler or pressure vessel shall immediately notify the AgencyDepartment when thesuch insurance is canceled, not renewed, suspended or otherwise made ineffective because of unsafe conditions.
- b) Organizations seeking to provide inspection services to the requirements of the National Board Inspection Code or the ASME Code, except for Section III and Section XI, shall be subject to the requirements of Section 505.190 of this Part.
- c) The request for recognition submitted in Section 505.190(a) of this Part shall also contain documentation demonstrating that the organization meets the ASME Code or the National Board Inspection Code requirements for Authorized Inspection Agencies, if any, for the scope of inspection activities.
- d) Organizations that are providing inspection services at nuclear facilities may be reviewed by the AgencyDepartment. TheSuch reviews shall be for the purpose of verifying that the organization is in compliance with applicable ASME Code Sections or National Board Inspection Code, as applicable, including qualification and duty requirements for Authorized Inspection Agencies contained in those codestherein.
- e) An organization that is recognized by the AgencyDepartment under Section 505.190(b) of this Part as an Authorized Inspection Agency may be reviewed by the AgencyDepartment either prior or subsequent to recognition. TheSuch reviews shall be for the purpose of verifying that the organization is in compliance with applicable ASME Code Sections or National Board Inspection Code, as applicable, including qualification and duty requirements for Authorized Inspection Agencies contained in those codestherein.
- f) The AgencyDepartment shall give 15 days written notice before any reviews are performed under this Section. Reviews shall be performed at the locations where control of Authorized Inspectors occurs or at the organization's home office.

(Source: Amended at 33 Ill. Reg. 4345, effective March 9, 2009)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Number: 1650.520 Adopted Action: Amended
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]
- 5) Effective Date of Amendment: March 3, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the Teachers' Retirement System's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 17, 2008; 32 Ill. Reg. 16750
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: A non-substantive change conforms the Subpart F heading in the rule text to the wording of the Subpart F heading in the Part's Table of Contents.
- 12) Have all the changes agreed upon by the agency and JCAR been adopted as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The System is amending its Suspension of Benefits rule to give staff discretion concerning whether to suspend benefit payments made through State warrant when two warrants go uncased. In most cases, the problem

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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is resolved through a contact with the member or the member's representative, and there is no need to stop monthly benefit payments.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Sandy Cochran, Office of the General Counsel
Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, Illinois 62794-9253

217/753-0375

The full text of the Adopted Amendment begins on the next page:

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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	Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney
- 1650.540 Conservators/Guardians
- 1650.550 Presumption of Death
- 1650.560 Benefits Payable on Death
- 1650.561 Valid Beneficiary Designations

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 1650.570 Survivors' Benefits
- 1650.571 Payment of Monthly Survivor Benefits to a Trust
- 1650.575 Full-time Student – Receipt of Survivors Benefits Until Age 22
- 1650.580 Evidence of Eligibility
- 1650.590 Comptroller Offset
- 1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section

- 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section

- 1650.610 Staff Responsibility
- 1650.620 Right of Appeal
- 1650.630 Form of Written Request
- 1650.635 Presiding Hearing Officer – Duties and Responsibilities
- 1650.640 Prehearing Procedure
- 1650.641 Claims Hearing Committee Hearing Packet
- 1650.650 Hearing Procedure
- 1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section

- 1650.710 Amendments

SUBPART J: RULES OF ORDER

Section

- 1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section

- 1650.910 Summary and Purpose
- 1650.920 Definitions

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.930	Submission of Requests
1650.940	Form and Content of FOIA Requests
1650.950	Appeal of a Denial
1650.960	Executive Director's Response to Appeal
1650.970	Response to FOIA Requests
1650.980	Inspection of Records at System Office
1650.990	Copies of Public Records
1650.995	Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section	
1650.1000	Nomination of Candidates
1650.1001	Elections Date/Election Day – Defined
1650.1010	Petitions
1650.1020	Eligible Voters
1650.1030	Election Materials
1650.1040	Marking of Ballots
1650.1050	Return of Ballots
1650.1060	Observation of Ballot Counting
1650.1070	Certification of Ballot Counting
1650.1080	Challenges to Ballot Counting
1650.1090	Special Election to Fill Un-Expired Term of Elected Trustee

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1650.1110	Definitions
1650.1111	Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112	Requirements for a Valid QILDRO Calculation Order
1650.1113	Required Forms
1650.1114	Filing a QILDRO or a Calculation Order with the System
1650.1115	Benefits Affected by a QILDRO
1650.1116	Effect of a Valid QILDRO
1650.1117	QILDROs Against Persons Who Became Members Prior to July 1, 1999
1650.1118	Alternate Payee's Address
1650.1119	Electing Form of Payment
1650.1120	Automatic Annual Increases
1650.1121	Reciprocal Systems QILDRO Policy Statement (Repealed)

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- 1650.1122 Providing Benefit Information for Divorce Purposes
- 1650.1123 Suspension and Expiration of a QILDRO
- 1650.1124 Income Tax Reporting
- 1650.1125 Lump-Sum Death Benefit Allocation to Alternate Payee

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section

- 1650.1200 Payroll Deduction Program Guidelines
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations
- 1650.1203 Payroll Deduction Program – Full Time Employment Defined
- 1650.1204 Payroll Deduction Program – Disability Defined
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

SUBPART O: RETIREMENT BENEFITS

Section

- 1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009.

SUBPART F: ~~RULES GOVERNING~~ ANNUITANTS AND BENEFICIARIES**Section 1650.520 Suspension of Benefits**

- a) Monthly benefit payments to annuitants ~~may~~shall be suspended when two monthly warrants remain uncashed. The System shall inquire as to the cause for the non-cashing of the warrants. These and subsequent payments shall be made upon learning the circumstances or whereabouts of the warrants, or upon prompt compliance in cashing ~~the warrant~~same.
- b) Recipients of a non-occupational disability benefit, occupational disability benefit, disability retirement annuity, or ~~a~~monthly survivor benefit who fail to return documentation of continued eligibility within the specified time period shall have their monthly benefit payment suspended. Upon receipt of the required documentation and upon determination of continued eligibility, these and subsequent payments shall be made.

(Source: Amended at 33 Ill. Reg. 4401, effective March 3, 2009)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notice was received by the Joint Committee on Administrative Rules during the period of March 3, 2009 through March 9, 2009 and has been scheduled for review by the Committee at its April 21, 2009 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
4/22/09	<u>Department of Children and Family Services, Licensing Standards for Foster Family Homes (89 Ill. Adm. Code 402)</u>	8/8/08 32 Ill. Reg. 13104	4/21/09

PROCLAMATIONS

**2009-45
World TB Day**

- WHEREAS, 469 cases of active tuberculosis disease were reported in Illinois in 2008 and an estimated 650,000 Illinoisans are infected with the bacterium that causes tuberculosis (TB); and
- WHEREAS, Illinois reports the fifth highest number of tuberculosis cases of any state in the nation; and
- WHEREAS, there is a disproportionate burden of TB in minorities and persons born outside the United States; and
- WHEREAS, each year thousands of household members, health care employees and others who share the air of infectious tuberculosis patients are at risk of becoming infected with the tuberculosis bacterium and progressing to active disease; and
- WHEREAS, the Illinois Department of Public Health is working to promote prompt diagnosis and treatment of tuberculosis cases, implementation of strategies to prevent tuberculosis in children, improved working relationships between public health providers and private providers, hospitals, long term care facilities, correctional facilities, managed care organizations and others, and decreased tuberculosis transmission in health care facilities and community settings; and
- WHEREAS, maintaining control of TB in Illinois requires strengthening current TB control and prevention systems, and progress toward the elimination of TB cannot occur without mobilizing support and engaging in global TB prevention and control; and
- WHEREAS, this year's World Tuberculosis Day local theme of "CSI TB: Collaboration to Stop Infection", national theme of "Partnerships for TB Elimination", and global theme of "I am stopping TB" recognize that tuberculosis prevention and control is possible, that every individual can have a role in stopping TB, and that Illinois is committed to working toward the elimination of tuberculosis:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 24, 2009, as **WORLD TB DAY** in Illinois, and urge all citizens to increase their awareness and understanding of tuberculosis infection and disease and to join the global effort to stop the spread of this disease.

Issued by the Governor February 27, 2009

PROCLAMATIONS

Filed by the Secretary of State March 6, 2009

2009-46**Great American Meatout Day**

WHEREAS, a wholesome diet of vegetables, fresh fruits, and whole grains promotes health and reduces the risk of heart disease, stroke, cancer, diabetes, and other chronic diseases that debilitate then kill 1.3 million Americans annually; and

WHEREAS, such a diet helps preserve topsoil, water, energy, and other food production resources that are essential to human survival; and

WHEREAS, as a result, a change in eating habits will help preserve our forests, grasslands, and other wildlife habitats and reduces pollution of our waterways by crop debris, manure, and pesticides; and

WHEREAS, such a diet helps enormously in reducing the emissions of greenhouse gases that contribute to global warming; and

WHEREAS, a healthy diet can help prevent the suffering and death of more than ten billion sentient animals each year in the US; and

WHEREAS, each year, dedicated Illinois Meatout volunteers encourage their neighbors to explore such a diet:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 20, 2009 as **GREAT AMERICAN MEATOUT DAY** in Illinois, and encourage all citizens to explore a wholesome diet of vegetables, fresh fruits, and whole grains.

Issued by the Governor February 27, 2009

Filed by the Secretary of State March 6, 2009

2009-47**Congenital Diaphragmatic Hernia Awareness Day**

WHEREAS, a congenital diaphragmatic hernia is an opening in the diaphragm that allows the abdominal organs to push into the chest cavity. This birth defect is often life-threatening because it limits the growth of the lungs; and

WHEREAS, congenital diaphragmatic hernias account for 8 percent of all major congenital anomalies and occur in 1 of every 2,000 live births in the United States; and

PROCLAMATIONS

WHEREAS, early diagnosis and appropriate management of fetuses with congenital diaphragmatic hernias can minimize the incidence of emergency situations and dramatically improve survival rates. However, there is a need for increased public awareness of the condition; and

WHEREAS, groups such as Breath of Hope are working to promote public awareness and encourage research efforts to one day prevent or successfully treat all those diagnosed with congenital diaphragmatic hernias; and

WHEREAS, on March 31, they will join forces to provide families whose lives have been affected an opportunity to celebrate life and remember the loved ones they have lost to congenital diaphragmatic hernias, to honor dedicated health professionals, and to meet others to let them know they are not alone:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 31, 2009 as **CONGENITAL DIAPHRAGMATIC HERNIA AWARENESS DAY** in Illinois, in order to raise public awareness of this condition, and to encourage all citizens to learn more about congenital diaphragmatic hernias and support those who are affected.

Issued by the Governor February 27, 2009
Filed by the Secretary of State March 6, 2009

2009-48**Jewish Sports Heritage Month**

WHEREAS, sports, physical education and fitness programs are important in fostering active and constructive leisure habits, as well as improving the health and wellbeing and quality of life for all people; and

WHEREAS, throughout our nation's history, sports have also served as a forum for combating prejudice and racism by illustrating the ability of men and women from different backgrounds to come together and work toward a common goal; and

WHEREAS, the National Jewish Sports Hall of Fame and Museum is dedicated to honoring the long list of Jewish sports legends who have helped dissolve social stereotypes and prejudice through their accomplishments in the athletic world; and

WHEREAS, the National Jewish Sports Hall of Fame and Museum focuses public attention on the outstanding contributions of Jewish men and women in professional sports; and

PROCLAMATIONS

WHEREAS, Illinois joins with the directors of the National Jewish Sports Hall of Fame and Museum in expressing our great admiration for the contributions made by Jewish men and women in professional sports throughout the country:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2009 as **JEWISH SPORTS HERITAGE MONTH** in Illinois, in recognition of the importance of physical education and fitness programs to the health and wellbeing of our residents and to the quality of life.

Issued by the Governor February 27, 2009

Filed by the Secretary of State March 6, 2009

2009-49
Seed Month

WHEREAS, the abundance of Illinois' crops relies on fertile soil, diligent farmers, and high quality seeds; and

WHEREAS, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and

WHEREAS, agriculture and the seed industry significantly contribute to our state's economy with value-added products marketed throughout the world; and

WHEREAS, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, which is the state's official seed-certifying agency, and an independent, nonprofit organization; and

WHEREAS, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and has developed an effective seed program advocating pertinent legislation:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2009 as **SEED MONTH** in Illinois in appreciation of the seed industry's contribution to supplying food and fiber to the world through the production of Illinois crops.

PROCLAMATIONS

Issued by the Governor February 27, 2009
Filed by the Secretary of State March 6, 2009

2009-50**Telecommunications Week**

WHEREAS, public safety telecommunicators, specialists in operating state-of-the-art radio and computer systems, are a cornerstone of the public safety community; and

WHEREAS, every hour of every day, telecommunicators access, monitor, and disseminate information of critical importance to the safety of public officials and success of public safety goals; and

WHEREAS, these professional men and women effectively and efficiently perform their duties to help ensure the safety and protection of life, property, and individual rights of all people in Illinois; and

WHEREAS, it is appropriate that we set aside a time to demonstrate our appreciation of their knowledge, training, service and dedication:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 12-18, 2009 as **TELECOMMUNICATIONS WEEK** in Illinois, in recognition of the vital contributions telecommunication professionals make to the safety and well-being of our citizens.

Issued by the Governor February 27, 2009
Filed by the Secretary of State March 6, 2009

2009-51**Chicago Latino Film Festival Days**

WHEREAS, 2009 marks the 25th Silver Anniversary Edition of the Chicago Latino Film Festival presented by the International Latino Cultural Center of Chicago (ILCC); and

WHEREAS, the ILCC is a nonprofit, multi-arts organization dedicated to developing, promoting, and increasing awareness of Pan-Latino cultures among Latinos and all communities through a wide variety of art forms and education; and

WHEREAS, the ILCC has screened more than 1000 films and videos, including many award-winners that otherwise would have never been shown in Chicago; sponsored

PROCLAMATIONS

workshops and discussions with over 600 visiting filmmakers; and hosted more than 100 foreign journalists; and

WHEREAS, each year, the ILCC produces the two-week Festival in the spring, screening more than 100 of the best films of all genres from Latin America, Portugal, Spain, and the United States; and

WHEREAS, the growth of the Chicago Latino Film Festival from 500 attendees in 1985 to more than 35,000 25 years later is clear evidence of the great demand for quality Latino arts programming in Chicago; and

WHEREAS, this year, the ILCC will celebrate the Chicago Latino Film Festival from April 17 to April 29:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 17-29, 2009 as **CHICAGO LATINO FILM FESTIVAL DAYS** in Illinois in celebration of the International Latino Cultural Center of Chicago's 25th Silver Anniversary Edition of the Chicago Latino Film Festival, which has become an annual tradition, and undoubtedly a jewel for Chicago, contributing greatly to its positioning as a world-class city.

Issued by the Governor February 27, 2009
Filed by the Secretary of State March 6, 2009

2009-52**Red, White, and BBQ Competition Days**

WHEREAS, on May 23rd and 24th, 2009, the Westmont Lions Club will hold the third annual "Red, White, and BBQ Competition" in Westmont, Illinois; and

WHEREAS, the "Red, White, and BBQ Competition", as an Illinois State Competition, allows teams to qualify for national level barbeque competitions; and

WHEREAS, this event, a Kansas City Barbecue Society (KCBS) sanctioned event, will bring together amazing entertainment and award winning BBQ competitors, as well as raise funds to go to the Lions and Jaycees for their many charitable works; and

WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbeque skills to the test during this event:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 23-24, 2009 as **RED, WHITE, AND BBQ COMPETITION DAYS** in Illinois, and recognize this event as an Illinois State Competition.

Issued by the Governor February 27, 2009
Filed by the Secretary of State March 6, 2009

2009-53
Sergeant Scott B. Stream

WHEREAS, on Tuesday, February 24, Sergeant Scott B. Stream from Mattoon died at age 39 of injuries sustained when an improvised explosive device detonated near his vehicle in Kandahar, Afghanistan, where Sergeant Stream was serving in support of Operation Enduring Freedom; and

WHEREAS, Sergeant Stream was assigned to B Company, 2nd Battalion, 130th Infantry Regiment, Army National Guard, based in Effingham, Illinois; and

WHEREAS, a funeral will be held on Saturday, March 7 for Sergeant Stream, who is survived by his parents, his wife, and a daughter:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on March 5, 2009 until sunset on March 7, 2009 in honor and remembrance of Sergeant Stream, whose selfless service and sacrifice is an inspiration.

Issued by the Governor February 27, 2009
Filed by the Secretary of State of Illinois March 6, 2009.

2009-54
Days of Remembrance

WHEREAS, the Holocaust was the state sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and

WHEREAS, during this sad time in history, six million were murdered, while many others were forced into grievous oppression and death under Nazi tyranny for racial, ethnic or national reasons; and

PROCLAMATIONS

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, the people of the State of Illinois also should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny. In addition, we should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the State of Illinois to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the victims of the Holocaust. This year's observances will take place from Sunday, April 19 through Sunday, April 26, including the Day of Remembrance known as Yom Hashoah, on April 21:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 19-26, 2009 as **DAYS OF REMEMBRANCE** in Illinois, in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and urge all citizens to collectively and individually strive to overcome bigotry, hatred and indifference through learning, tolerance and remembrance.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

2009-55**Playground Safety Week**

WHEREAS, the safety and well being of children is a priority of this State; and

WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year, equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and

WHEREAS, the National Program for Playground Safety was created at the University of Northern Iowa to help inform the nation about playground injuries, and possible ways to reduce them; and

PROCLAMATIONS

WHEREAS, the National Program for Playground Safety has identified key areas that could help substantially reduce the number of playground injuries and keep our children SAFE – providing: proper Supervision, Age appropriate equipment, materials to soften Falls to the surface, and Equipment maintenance; and

WHEREAS, spring is often a time that children head to the playground, as a result, a large percentage of playground injuries occur in the months of April through June; and

WHEREAS, child care centers, schools, parks and other public facilities are preparing for summer season and playground participants. It is essential that we take the time to inspect, repair, and sustain the many playgrounds that provide our children with much needed exercise and enjoyment; and

WHEREAS, the State of Illinois is committed to the notion that no child should play on an unsafe playground:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 20-24, 2009 as **PLAYGROUND SAFETY WEEK** in Illinois, and encourage all citizens to help to keep our children safe on community playgrounds.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

2009-56**Motorcycle Awareness Month**

WHEREAS, Illinois is a national leader in motorcycle education and safety; and

WHEREAS, sharing a roadway is where motorist awareness starts. The Illinois Department of Transportation urges all motor vehicle drivers to expect to see more motorcyclists riding in traffic in spring and summer months and to respect that they rightfully enjoy the same access to the roads as other traffic; and

WHEREAS, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training program since 1976; and

WHEREAS, the program is supported by state motorcycle registration fees and has been responsible for training more than 272,000 cyclists; and

WHEREAS, better rider education, licensing and public awareness lead to safer motorcycling:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2009 as **MOTORCYCLE AWARENESS MONTH** in Illinois, and encourage all drivers to help keep our roadways safe through proper motorist awareness.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

2009-57**Health Care Workers Day**

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and

WHEREAS, the Chicago area is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and

WHEREAS, a health care team, as a vital component in the provision of modern health care, consists of nurses, allied health professionals, support staff, financial services personnel, administrative staff, physicians and volunteers, and each of those individuals are all integral parts of a successful health care team; and

WHEREAS, health care employees make much-needed contributions in every health care facility and help increase the greater Chicagoland area's reputation for health care excellence; and

WHEREAS, the more than 140 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor health care workers for their many contributions to the health and well-being of the people in their communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 6, 2009 as **HEALTH CARE WORKERS DAY** in Illinois, and urge all citizens to recognize the achievements of these dedicated workers.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

2009-58**Save Abandoned Babies Day**

PROCLAMATIONS

- WHEREAS, signed into law in August 2001, the Illinois Abandoned Newborn Protection Act allows parents to relinquish a newborn infant to personnel at a local hospital, police station, fire station, or emergency medical facility anonymously and free from prosecution; and
- WHEREAS, relinquished babies then may become custody of the state and are placed in a responsible and nurturing safe haven; and
- WHEREAS, the Illinois Abandoned Newborn Protection Act provides a safe alternative to abandonment for Illinois parents who feel they cannot cope with the responsibility of caring for a newborn baby; and
- WHEREAS, it is the hope of the State of Illinois that as awareness of this Act increases, it will stop the abandonment of newborn infants, a practice that has led to healthy babies being found harmed, deceased or in unsafe places; and
- WHEREAS, since the signing of the Illinois Abandoned Newborn Protection Act, numerous newborn babies have been safely relinquished in Illinois pursuant to this Act, but at the same time, newborn infants continue to be unsafely relinquished; and
- WHEREAS, the Illinois Abandoned Newborn Protection Act is a critical statute in the State of Illinois, as it affords the chance of a better life for abandoned newborn babies, but continued public awareness of the Act is necessary to fulfill the goals of protecting all newborn infants and providing parents with a responsible and safe mechanism to relinquish a newborn infant:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 17, 2009 as **SAVE ABANDONED BABIES DAY** in Illinois, and encourage all citizens to recognize the importance of protecting abandoned infants and giving them the proper care they deserve.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

2009-59**Chicago Business Opportunity Days**

- WHEREAS, the 42nd Annual Chicago Business Opportunity Fair (CBOF), which is of special interest to Illinois-based businesses, will be held April 6-8, 2009; and

PROCLAMATIONS

- WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and
- WHEREAS, Thomas J. Wilson, President and CEO of the Allstate Corporation, will serve as Honorary Chairperson of the fair's Sponsors Committee; and
- WHEREAS, the 42nd Anniversary of the Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc. an organization devoted to stimulating minority business development and purchasing in Chicago and throughout the State of Illinois; and
- WHEREAS, Michael Gaines, President of Computer Resources Solutions will serve as Chairman of the CBOF Minority Business Enterprise Input Committee (MBEIC) Awards Dinner. This event will recognize the MBE's corporate and government buyers and organizations that have shown exceptional commitment to business development:
- THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 6-8, 2009 as **CHICAGO BUSINESS OPPORTUNITY DAYS** in Illinois in recognition of the 42nd anniversary of the Chicago Business Opportunity Fair.

Issued by the Governor March 2, 2009
Filed by the Secretary of State March 6, 2009

2009-60**National Environmental Education Week**

- WHEREAS, environmental education bolsters core environmental literacy in our k-12 students by featuring actual grade-appropriate "e-literacy" goals and content standards. It also encourages schools to partner with local museums, nature centers, zoos, science centers, aquariums, and local parks; and
- WHEREAS, National Environmental Education Week, created as a full week of educational preparation for Earth Day, involves many k-12 classrooms, university campuses, and informal settings such as nature centers, zoos, aquariums, and museums; and
- WHEREAS, collaborative efforts will increase the amount of environmental education taking place in America's classrooms prior to Earth Day, while drawing educator attention to the larger opportunities and value of environmental education for both education and environmental stewardship; and

PROCLAMATIONS

WHEREAS, also during this week, the professional environmental education community will have an opportunity to annually feature its accomplishments with the nation's educational leaders; and

WHEREAS, National Environmental Education Week, coordinated by the National Environmental Education Foundation in cooperation with hundreds of outstanding environmental education organizations, education associations, and agencies, will become an annually anticipated event for local participation in schools and various education centers in this state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 12-18, 2009 as **NATIONAL ENVIRONMENTAL EDUCATION WEEK** in Illinois, and encourage all citizens to recognize the importance of our environment by participating in the week's festivities in preparation for Earth Day 2009.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

2009-61**Medical Laboratory Professionals Week**

WHEREAS, the health and well-being of all citizens depends upon the hard work of individuals with educated minds and skilled hands; and

WHEREAS, medical laboratory professionals, which include clinical laboratory scientists/medical technologists, clinical laboratory technicians/medical laboratory technicians, histologic technicians, cytotechnologists, phlebotomists, clinical chemists, clinical microbiologists, pathologists' assistants, pathologists, forensic scientists, and other related professionals play a critical role in providing patients with the best possible health care; and

WHEREAS, the role of medical laboratory professionals is to perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment, and help prevent diseases. In addition, they perform tests to identify and detect biohazardous substances; and

WHEREAS, the practice of modern medicine at the exacting standards we now enjoy would be impossible without the numerous types of scientific tests performed daily in the medical laboratory; and

PROCLAMATIONS

WHEREAS, through this dedication the medical laboratories of Illinois have made vital contributions to the quality of health care in our state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 19-25, 2009 as **MEDICAL LABORATORY PROFESSIONALS WEEK** in Illinois, and urge all citizens to recognize and support the vital services provided by the laboratory practitioner for the benefit of all citizens.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

2009-62**Illinois Museum Day**

WHEREAS, museums have long been places where cultural and natural history have been preserved for all people to appreciate; and

WHEREAS, museums provide unique educational opportunities because they serve as portals to the past by preserving and studying important artifacts and providing special programs, exhibits and activities which enhance the public knowledge of history, the arts, science, and industry. This allows people of all ages to learn about the past, examine the present, and look to the future; and

WHEREAS, Illinois museums serve as economic engines for our state by providing employment for thousands of our citizens and attracting tourists from across the country; and

WHEREAS, on March 24th, the Illinois Association of Museums and Museums In The Park will hold their 11th annual Museum Day event. On this day, museum staff and interested citizens from across the state will gather at the Illinois State Museum to attend an Advocacy workshop and then proceed to the Capitol building to visit their legislators:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 24, 2009 as **ILLINOIS MUSEUM DAY** and encourage all citizens to recognize the importance of preserving these valuable institutions.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

2009-63

PROCLAMATIONS

Early Hearing Detection and Intervention Day

- WHEREAS, each day in the United States, it is estimated that sixty babies are born with moderate to severe hearing loss; and
- WHEREAS, early detection is the single most important factor in successful treatment of hearing loss. In Illinois, there are approximately 180,000 newborn babies who have their hearing screened every year. Recent studies suggest that intervention within the first six months of a hard of hearing infant's life is crucial to them reaching their speech, language, and learning potential; and
- WHEREAS, in Illinois, nearly five-hundred children are born with congenital hearing loss each year; and
- WHEREAS, to better deal with congenital hearing loss, the Illinois Hearing Screening for Newborns Act, passed in July of 1999, requires all birthing hospitals in the state to implement universal newborn hearing screening and reporting. The Universal Newborn Hearing Screening program was established to implement and administer the provisions of the act; and
- WHEREAS, the Universal Newborn Hearing Screening program is a joint effort of two state agencies: the Department of Human Services and the Department of Public Health. These agencies, along with the University of Illinois at Chicago's Division of Specialized Care for Children, the Bureau of Early Intervention, hospital personnel, healthcare professionals, and community-based organizations, strive to ensure that parents of babies who have a hearing loss receive follow-up diagnostic testing and information regarding communication options and other services for their children; and
- WHEREAS, the State of Illinois realizes the importance of universal newborn hearing screening and its impact on not only the lives of our children but their families and communities as well:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2, 2009 as **EARLY HEARING DETECTION AND INTERVENTION DAY** in Illinois in order to increase awareness of the role that early detection plays in the successful treatment of hearing loss.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

PROCLAMATIONS

2009-64**Northwestern University Dance Marathon Weekend**

WHEREAS, Northwestern University's Dance Marathon is one of the largest student-run philanthropic groups in the world, where dancers raise money starting in the fall and the fundraising efforts culminate with thirty hours of dancing in March; and

WHEREAS, this year, the Northwestern University Dance Marathon is benefiting Project Kindle, a nonprofit AIDS service organization specializing in the needs of children who are affected by the disease and HIV prevention among young people. Project Kindle provides cost-free programs to children and families through summer camps, HIV/AIDS education, scholarships, and support services; and

WHEREAS, over its 35-year history, the Northwestern University Dance Marathon has raised over \$9 million for charitable organizations, including more than \$1.4 million on behalf of three pediatric AIDS organizations; and

WHEREAS, this year's Northwestern University Dance Marathon will be held March 6-8, featuring thousands of participants, live music, and appearances by celebrities and activists:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 6-9, 2009, as **NORTHWESTERN UNIVERSITY DANCE MARATHON WEEKEND** in Illinois, in recognition of the wonderful work being done by these students.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

2009-65**Sergeant Schuyler B. Patch**

WHEREAS, on Tuesday, February 24, Sergeant Schuyler B. Patch from Kewanee died at age 25 of injuries sustained when an improvised explosive device detonated near his vehicle in Kandahar, Afghanistan, where Sergeant Patch was serving in support of Operation Enduring Freedom; and

WHEREAS, Sergeant Patch graduated from Wethersfield High School in 2002. He enlisted in the Oklahoma National Guard in 2005 and then transferred to the Illinois Army National Guard in 2007; and

PROCLAMATIONS

WHEREAS, Sergeant Patch was assigned to C Troop, 2nd Squadron, 106th Cavalry Regiment, Army National Guard, based in Aurora, Illinois. This was his second overseas deployment; and

WHEREAS, a funeral will be held on Saturday, March 7 for Sergeant Patch, who is survived by his mother, father, and a sister:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on March 5, 2009 until sunset on March 7, 2009 in honor and remembrance of Sergeant Patch, whose selfless service and sacrifice is an inspiration.

Issued by the Governor March 2, 2009

Filed by the Secretary of State March 6, 2009

2009-66**State Farm Day**

WHEREAS, State Farm Insurance Companies was founded in 1922, by George J. Mecherle, a farmer from Merna, Illinois; and

WHEREAS, State Farm's mission is to help people manage the risks of everyday life, recover from the unexpected, and realize their dreams; and

WHEREAS, State Farm has grown over the past 87 years from a small farm mutual auto insurer to the leading United State home insurer and one of the world's largest financial institutions; and

WHEREAS, State Farm employs 68,000 associates, including more than 16,500 in Illinois; and

WHEREAS, about 17,000 State Farm agents are spread around the world, including 1,000 in Illinois who provide products and services to thousands of families and businesses; and

WHEREAS, State Farm is a model corporate citizen, demonstrating a proven commitment to helping to build safe, strong, and educated communities – not only in Illinois but throughout the nation; and

WHEREAS, State Farm's Good Neighbor Citizenship shows through the company's support and encouragement of associate and agent volunteerism, numerous initiatives to promote safety ranging from child passenger safety to financial safety, and working collaborations that strengthen and support public education; and

PROCLAMATIONS

WHEREAS, State Farm's success is built on a foundation of shared values – quality service and relationships, mutual trust, integrity, and financial strength:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 1, 2009 as **STATE FARM DAY** in Illinois, in recognition of State Farm's outstanding commitment to Illinois and its citizens.

Issued by the Governor March 4, 2009

Filed by the Secretary of State March 6, 2009

2009-67**Prescription Pill and Drug Disposal Day**

WHEREAS, unused and unwanted consumer pharmaceuticals have a negative impact on public health and the environment, and the lack of effective and efficient methods of drug disposal has resulted in unwelcome social, cultural, ecological and global effects; and

WHEREAS, theft and social use, misuse, and abuse of pharmaceuticals by teenagers, adults and older adults has increased; and

WHEREAS, increasing poly-pharmacy, non-adherence to prescriptions and medication errors contribute to accumulation and poor patient outcomes; and

WHEREAS, potential deleterious effects on wildlife and humans due to drug disposition in surface and ground waters are a result of improper disposal; and

WHEREAS, unused medications represent wasted health care dollars to consumers, insurance carriers and taxpayers:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 1, 2009 as **PRESCRIPTION PILL AND DRUG DISPOSAL DAY (P²D²)** in Illinois, and urge all citizens to recognize the need for proper adherence to medication and appropriate drug disposal across the State of Illinois.

Issued by the Governor March 4, 2009

Filed by the Secretary of State March 6, 2009

2009-68**Municipal Clerks Week**

PROCLAMATIONS

- WHEREAS, the Office of Municipal Clerk is a time-honored and vital part of local government in countries throughout the world; and
- WHEREAS, this office consistently and efficiently serves its local legislative body, the municipal staff and the general public by recording the actions of the Council, Commissions, and Committees, maintaining records for reference, inspection, and preservation; and
- WHEREAS, this office also most often performs one or more additional important functions including election administration, finance management, records administration and general administrative services; and
- WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and
- WHEREAS, the Illinois Municipal Clerks, an organization dedicated to pursuing state legislation that upgrades the professional and educational opportunities of the Municipal Clerk and representing the interests of Illinois' Municipal Clerks, is celebrating the 40th Annual Municipal Clerks week this year; and
- WHEREAS, it is appropriate that we set aside a time to recognize the accomplishments of this office and draw attention to the many services Municipal Clerks perform:
- THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 3-May 9, 2009 as **MUNICIPAL CLERKS WEEK** in Illinois, in recognition of the vital services performed by Municipal Clerks.

Issued by the Governor March 4, 2009
Filed by the Secretary of State March 6, 2009

2009-69**Huntington's Disease Awareness Day**

- WHEREAS, Huntington's disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12-15 year period; and
- WHEREAS, currently, Huntington's disease affects approximately 30,000 patients and 200,000 genetically "at risk" individuals in the United States; and

PROCLAMATIONS

- WHEREAS, since the discovery of the gene that causes Huntington's disease in 1939, the pace of its research has accelerated; and
- WHEREAS, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming; and
- WHEREAS, researchers are conducting important research projects involving Huntington's disease; and
- WHEREAS, the Huntington's Disease Society of America (HDSA) dedicates its tireless efforts to advocating for families, educating the public, and providing support and services to affected families living with this disease; and
- WHEREAS, on May 17, 2009 the Illinois Chapter of HDSA will hold its 5th Annual TEAM HOPE - Walk For A Cure to raise funds for research into a cure or treatment for Huntington's Disease:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 17, 2009 as **HUNTINGTON'S DISEASE AWARENESS DAY** in Illinois, to raise awareness of this devastating disease and in support of the efforts of the Illinois Chapter of the Huntington's Disease Society of America.

Issued by the Governor March 4, 2009

Filed by the Secretary of State March 6, 2009

2009-70**Crossing Guard Appreciation Day**

- WHEREAS, approximately 20,000 children under the age of fourteen suffer from motor vehicle-related pedestrian injuries every year, and more than half of those injuries require hospitalization; and
- WHEREAS, many of these injuries could be avoided if children had proper road-safety education and did not choose to cross streets or use intersections unsupervised; and
- WHEREAS, crossing guards are a dependable means of helping children to avoid unnecessary accidents and injuries; and

PROCLAMATIONS

WHEREAS, motorists should be aware of children walking to and from school and be especially cautious in and around school zones. They also should follow the directions of all crossing guards and recognize that by doing so, road safety can be improved; and

WHEREAS, crossing guards play an integral role in our communities, working hard to ensure the security of children as they walk to and from school and cross streets. In addition, they teach children to look both ways before crossing streets, as well as other essential safety rules:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 5, 2009 as **CROSSING GUARD APPRECIATION DAY** in Illinois in recognition of the services that these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor March 4, 2009

Filed by the Secretary of State March 6, 2009

2009-71**Illinois River Management Month**

WHEREAS, the Illinois River is a critical component of our State's geography, history, economy, and ecology, and

WHEREAS, many attributes are threatened as a result of the cumulative effects of human activities that have significantly altered the Illinois River system; and

WHEREAS, our State is embracing an integrated approach to large river management and is working in a coordinated and continuous manner for this river; and

WHEREAS, the implementation of the Illinois River Coordinating Council, the Conservation Reserve Enhancement Program, the Partners for Conservation Program, Illinois Rivers 2020, the Open Lands Trust fund, the Mud to Parks Program, the Landowner Incentive Program, the Illinois Fish and Wildlife Action Plan, the Illinois Conservation Stewardship Program, the Illinois Conservation Climate Initiative, the Stream and Watershed Assessment and Restoration Program, and the Farm Bill Conservation Title are important milestones in efforts to protect the resources of the Illinois River; and

WHEREAS, the theme of the 2009 Conference on the management of the Illinois River System is "Looking Back, Moving Forward"; and

PROCLAMATIONS

WHEREAS, the conference will be taking place October 20-22, 2009 at the Hotel Pere Marquette in Peoria, Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2009 as **ILLINOIS RIVER MANAGEMENT MONTH**, and encourage citizens to recognize the economic, recreational, social, and environmental benefits of conserving to properly utilize the resources of the Illinois River basin.

Issued by the Governor March 5, 2009

Filed by the Secretary of State March 6, 2009

2009-72

Specialist Simone A. Robinson

WHEREAS, on Sunday, March 1, Specialist Simone A. Robinson from Robbins died at age 21 of injuries sustained on January 17 when a vehicle-borne improvised explosive device detonated near her vehicle in Kabul, Afghanistan, where Specialist Robinson was serving in support of Operation Enduring Freedom; and

WHEREAS, Specialist Robinson dreamed of being a fashion designer, but felt strongly about service, joining the National Guard at 17 during her senior year at Thornton Township High School; and

WHEREAS, Specialist Robinson was assigned to E Company, 634th Brigade Support Battalion, Illinois Army National Guard, based in Joliet, Illinois; and

WHEREAS, a funeral will be held on Saturday, March 7 for Specialist Robinson, who is survived by her mother Regina Byther, her father Charles Robinson, and her two year-old daughter Nyzia:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on March 5, 2009 until sunset on March 7, 2009 in honor and remembrance of Specialist Robinson, whose selfless service and sacrifice is an inspiration.

Issued by the Governor March 5, 2009

Filed by the Secretary of State March 6, 2009

ILLINOIS ADMINISTRATIVE CODE
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