2011

ILLINOIS

REGISTER

RULES OF GOVERNMENTAL AGENCIES

Volume 35, Issue 8

February 18, 2011

Pages 2829-3036

Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017
www.cyberdriveillinois.com

Printed on recycled paper

Printed by authority of the State of Illinois. February 2011— 90

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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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 2011

Issue #	Rules Due Date	Date of Issue
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
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19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011
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23	May 23, 2011	June 3, 2011

24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

BOARD OF EXAMINERS

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Certificate of Certified Public Accountant

2) Code Citation: 23 Ill. Adm. Code 1400

3) Section Number: 1400.90 — Proposed Action: Amended

4) Statutory Authority: Implementing the Illinois Public Accounting Act [225 ILCS 450] and authorized by Section 26 of the Act [225 ILCS 450/26]

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment clarifies and amends current educational requirements necessary for admissions to take the Uniform Certified Public Accountant Examination after July 1, 2013.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: The rulemaking does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Board of Examiners will accept public comments on this rulemaking for a period of 45 days after the date of publication in the *Illinois Register*. Comments should be directed to:

Russ Friedewald, Executive Director
Illinois Board of Examiners
100 Trade Centre Dr., Suite 403
Champaign, IL 61820

rfriedwald@ilboa.org
Phone: 217/531-0929

12) Initial Regulatory Flexibility Analysis:

BOARD OF EXAMINERS

NOTICE OF PROPOSED AMENDMENT

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

13) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

BOARD OF EXAMINERS

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VI: BOARD OF EXAMINERS

PART 1400
CERTIFICATE OF CERTIFIED PUBLIC ACCOUNTANT

Section

BOARD OF EXAMINERS

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by Section 26 of the Illinois Public Accounting Act [225 ILCS 450/26].

SOURCE: Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342; amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. 14143, effective August 26, 1994; emergency amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days; transferred from Chapter V, 23 Ill. Adm. Code 1300 (Board of Trustees) pursuant to 225 ILCS 450, January 1, 1994, at 19 Ill. Reg. 6325; amended at 20 Ill. Reg. 6262, effective May 1, 1996; amended at 21 Ill. Reg. 13315, effective September 26, 1997; amended at 28 Ill. Reg. 4548, effective March 5, 2004; emergency amendment at 28 Ill. Reg. 16485, effective December 17, 2004, for a maximum of 150 days; emergency expired May 15, 2005; amended at 29 Ill. Reg. 19524, effective November 21, 2005; emergency amendment at 31 Ill. Reg. 11373, effective July 27, 2007, for a maximum of 150 days; emergency expired December 23, 2007; amended at 35 Ill. Reg. _____, effective _____.

Section 1400.90 The Educational Requirement

a) Requirements Applicable until January 1, 2001

1) As provided in Section 3 of the Act, to be admitted to take the examination given before January 1, 2001, a candidate for the Illinois certified public accountant examination must have successfully completed at least 120 semester hours of acceptable credit. Of the semester hours accepted by the Board, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided not more than 6 semester hours shall be in business law. Candidates may apply to take the certified public accountant examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given.

2)~~b)~~ Acceptable credit recognized by the Board is:

A)~~1)~~ credit earned from a college or university thatwhich~~which~~ is a candidate for or is accredited by a regional accrediting association thatwhich~~which~~ is a member of the Commission on Recognition of Postsecondary Accreditation (CORPA);~~;~~

B)2) credit earned at a business school or college of business within the educational institution that is accredited by the American Assembly of Collegiate Schools of Business (AACSB);; or

C)3) Association of Collegiate Business Schools and Programs (ACBSP).

b) Requirements Applicable from January 1, 2001 until July 1, 2013

1)c) To be admitted to take the examination for the first time after January 1, 2001 until July 1, 2013, a candidate for the Illinois CPA examination must have successfully completed at least 150 semester hours of acceptable credit and earnedincluding a baccalaureate or higher degree. The semester hours accepted by the Board must include an accounting concentration or its equivalent. A candidate will be deemed to have met the education requirement if, as part of the 150 semester hours of education or equivalent as determined by the Board, he or she has met any one of the four conditions listed in subsections (be)(1)(A) through (D4). With each of the conditions listed, accounting hours do not include business law, and no more than six semester hours of accounting may be obtained through internships or life-experience.

A)1) Earned a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency recognized by the Board.

B)2) Earned a graduate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed at least 24 additional semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level or equivalent combination thereof, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting.

C)3) Earned a baccalaureate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed 24 semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial

accounting, auditing, taxation, and management accounting, and completed at least 24 additional semester hours of business courses, or substantially equivalent (other than accounting) courses, at the undergraduate or graduate level.

D)4) Earned a baccalaureate or higher degree from an accredited educational institution or other institution recognized by the Board, including at least 24 semester hours of accounting at the undergraduate and/or graduate level with at least one course each in financial accounting, auditing, taxation, and management accounting and completed at least 24 additional semester hours in business courses or substantially equivalent (other than accounting) courses at the undergraduate or graduate level.

2)d) For purposes of subsection (be)(1), the formula for conversion of semester hours to quarter hours is 1 semester hour times 1.5 equals 1 quarter hour.

3)e) Authorization to Test

A)1) Except as otherwise provided in subsection (be)(32)(B), proof of satisfactory completion of all educational requirements must be received by the Board before the Board issues an authorization to test.

B)2) First time candidates who apply for the examination will be granted provisional approval of in-progress courses taken at domestic institutions. Candidates granted provisional approval shall be allowed 12060 days from the date of taking the first section of the examination to provide evidence that all requirements have been completed. No grades will be released to the candidate until all final official credentials are received and eligibility verified by board staff. If final transcripts verifying completion of all courses for eligibility to sit are not received by the Board within 12060 days after taking the first examination section of the computer-based examination, grades for all examination sections authorized with provisional approval will be voided.

c) Requirements Applicable beginning July 1, 2013

BOARD OF EXAMINERS

NOTICE OF PROPOSED AMENDMENT

1) Examination Qualifications

A) To be admitted to take the Uniform Certified Public Accountant Examination after July 1, 2013, an applicant must provide proof of successful completion of:

i) 150 semester credit hours, as defined, of college or university study that includes an accounting concentration or equivalent; and

ii) a baccalaureate or higher degree; and

iii) the requirements set out in subsection (b)(1)(A), (B) or (C).

B) Applicants who have taken the Uniform Certified Public Accountant Examination at least once before January 1, 2001 may take the examination under the qualifications in effect when the examination was first taken.

2) Definitions

A) Board – Illinois Board of Examiners (IBOE).

B) Semester Credit Hours or SCH – conventional college or university semester credit hours.

C) 150 SCH – accumulation of all credits earned and posted to the applicant's official college or university transcripts.

D) Conversion of Quarter Credit Hours to SCH – quarter credit hours may be converted to SCH by multiplying quarter credit hours by two-thirds.

E) Internship – faculty approved and appropriately supervised short-term work experience, usually related to student's major field of study, for which the student earns academic credit as posted to the applicant's official college or university transcripts.

F) Life Experience – college level life experience posted on a college or university transcript as academic credit that has been assessed by appropriate faculty and/or staff of that institution as earned competence. Those areas addressed in the review of life experience should, at a minimum, contain the context of the experience in relation to work and studies and a detailed description of the experience.

G) AICPA Content Specification Outlines or CSOs – extent of the technical content identified to be tested on each of the four sections of the Uniform Certified Public Accountant Examination. The outlines list the areas, groups and topics to be tested.

H) Colleges or Universities – Board-recognized institutions of higher education accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation (CHEA) and/or the U.S. Department of Education (USDE). Recognition means the accrediting organization is certified as legitimate and competent. An individual program within a larger accredited institution may be separately accredited by a professional or specialized organization. Business schools recognized by the Board are accredited by the Association to Advance Collegiate Schools of Business (AACSB) or the Association of Collegiate Business Schools and Programs (ACBSP). Programs in accounting recognized by the Board are accredited by AACSB.

I) Integration of Subject Matter – program of learning in which certain subjects that may be discrete courses in some colleges or universities are integrated or embedded within related courses. Colleges or universities that use an integrated approach to cover multiple course subjects will need to provide evidence of the required coverage. Acceptance of integration of any subject matter is subject to Board approval. Proof of coverage may be provided through specific evaluation by a national accrediting organization recognized by CHEA, such as AACSB or ACBSP, in which evidence is provided to assure the Board that the respective subjects adequately cover the desired content.

J) Ethics – program of learning that provides a framework of ethical reasoning, professional values and attitudes for exercising professional skepticism and other behavior that is in the best interest of the public and profession. At a minimum, an ethics program should provide a foundation for ethical reasoning and the core values of integrity, objectivity and independence.

K) Graduate Credit Hours – hours earned in courses classified by the college or university as post-secondary level courses leading to a master's degree. For purposes of meeting the accounting or business hours requirement, one graduate SCH is equivalent to 1.6 SCH earned at the undergraduate level.

L) Applicant – person who has applied to sit for the Uniform Certified Public Accountant Examination.

3) Examination Admittance
An applicant will be deemed to have met the educational requirement if, as part of the 150 SCH of education, or equivalent as determined by the Board, the applicant has met any one of the following three conditions:

A) Earned a graduate degree from an accounting program that is accredited in accounting by an accrediting agency recognized by the Board (see subsection (c)(2)(H));

B) Earned a graduate degree from a business program that is accredited in business by an accrediting agency recognized by the Board and completed at least 30 SCH in accounting as described in subsection (c)(4) at the undergraduate level, or the equivalent at the graduate level;

C) Earned a baccalaureate or higher degree from an accredited education institution recognized by the Board and:

i) completed 30 SCH in accounting, as described in subsection (c)(4), at the undergraduate level, or the equivalent at the graduate level; and

ii) completed at least 24 SCH in business other than accounting, as described in subsection (c)(5), at the undergraduate level, or the equivalent at the graduate level.

4) Accounting Course Requirements

A) Accounting courses are those courses commonly included in the accounting curriculum. The required 30 SCH in accounting must include all of the subject matter listed in this subsection (c)(4)(A). The 30 SCH in accounting may also include cost accounting, not-for-profit accounting, governmental accounting, internships and life experiences, research and analysis and other areas included in the CSOs that are approved by the Board. The subject matter of the CSOs shall include:

i) Financial accounting;

ii) Auditing;

iii) Taxation;

iv) Management accounting.

B) Internships and life experience credits included in the 30 SCH in accounting are limited to a maximum of three SCH.

C) The 30 SCH in accounting must include two SCH in research and analysis in accounting. The subject matter may be a discrete course or may be integrated throughout the undergraduate or graduate accounting curriculum. Integrated courses must meet the requirements of subsection (c)(2)(I). Two SCH in research and analysis in accounting is the maximum allowed in meeting the 30 SCH requirement.

5) Business Course Requirements

A) Business courses are those courses commonly included in the business curriculum and cover some or all of the following subject matter content:

i) Business ethics;

ii) Business law;

iii) Economics;

iv) Management;

v) Marketing;

vi) Finance;

vii) Business communication;

viii) Business statistics;

ix) Quantitative methods;

x) Information systems;

xi) Internship and/or life experience; or

xii) Other areas as may be approved by the Board.

B) Internships and life experience credits included in the 24 SCH in business are limited to a maximum of three SCH.

C) Two SCH in business communication and three SCH in business ethics is the maximum allowed in meeting the 24 SCH requirement. For integrated courses across the accounting and business curriculums, SCH may only apply in meeting either the accounting or business SCH requirement. The 24 SCH in business must include two SCH in business communication and three SCH in business ethics. The subject matter may be discrete courses or integrated throughout the undergraduate or graduate accounting curriculum or business curriculum. For example, if a three SCH course in accounting includes one SCH in business ethics, two

SCH may count toward accounting requirements and one SCH may count toward the business ethics requirement.

6) Evaluation of Foreign Credentials
The Illinois Board of Examiners reserves the right to evaluate all foreign academic credentials. Evaluations completed by outside agencies are not accepted. Factors that are considered when evaluating foreign educational credentials are:

A) The official status of the institution that issued the credentials;

B) The type of education that the credential represents: secondary, tertiary, academic, technical, vocational, pre-professional, in-service, or part of a certificate, diploma or degree program;

C) The authenticity of the credential;

D) The role the credential plays in the educational system of the country from which it came;

E) The recognition of the credential in the country where the candidate is from; and

F) The U.S. equivalent of the quantity and quality of education the credential represents.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3)

Section Numbers:	Proposed Action:
310.47	Amendment
310.APPENDIX A TABLE AA	Amendment

4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]

5) A Complete Description of the Subjects and Issues Involved: In Section 310.47, the NR-916 in-hiring rates effective January 1, 2011 for the titles in the Engineering Technician series are added.

In Section 310.Appendix A Table AA, the minimum and maximum rates not in effect during fiscal year 2011 are removed. The rates effective January 1, 2011 are added for ranges assigned to the titles represented by the NR-916 bargaining unit. The titles are placed in alphabetic order in the table with minimum and maximum rates effective January 1, 2010. The change to minimum and maximum rates allows for, effective January 1, 2011, the 2% general increase and 3% increase if the employee has been in the title for 5 years or more and is below the mid-range of pay for the title and, effective July 1, 2011, the 4% general increase. The increases are provisions in the Agreement by and between the Teamsters Local #916 and the Illinois Departments of Central Management Services, Transportation and Natural Resources July 1, 2008 to June 30, 2012 signed January 6, 2009.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois Department of Transportation Technical Pay Plan effective January 1, 2011 is used.

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? Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
310.210	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table C	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table G	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table K	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table L	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table P	Amendment	35 Ill. Reg. 678; January 14, 2011
310.Appendix A Table Q	Amendment	35 Ill. Reg. 678; January 14, 2011

11) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

Phone: 217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

14) Regulatory Agenda on which this rulemaking was summarized: None, it was an oversight not to list this rulemaking in the January 2011 Regulatory Agenda.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

SUBPART B: SCHEDULE OF RATES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory

amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg.

3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg.

13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28

Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3,

2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34

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Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; peremptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; peremptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; peremptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; peremptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; peremptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: NARRATIVE

Section 310.47 In-Hiring Rate

a) Request – An agency head may request in writing that the Director of Central Management Services approve an in-hiring rate. The rate is a Step or dollar amount depending on whether the classification title is assigned to a negotiated pay grade, merit compensation salary range or broad-band salary range. The rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hiring rate and the limitations are included in the agency request. An effective date may be included in the request.

b) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, length of vacancies, and the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title.

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c) Approval – The Director of Central Management Services indicates in writing the approved in-hiring rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.

d) Implementation – In the classification title or within the limitations of the classification title, an employee paid below the in-hiring rate receives the in-hiring rate on the approved effective date. The in-hiring rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-hiring rate is approved by the Director of Central Management Services.

e) Approved In-Hiring Rates –

Effective January 1, 2008

Title	Pay Grade or Range	In-Hiring Rate
Accounting & Fiscal Administration Career Trainee	RC-062-12	Step 3
Actuarial Examiner Trainee	RC-062-13	Step 4
Civil Engineer I	RC-063-15	Step 2
Civil Engineer II	RC-063-17	Step 1
Civil Engineer Trainee	NR-916	To minimum monthly rate for appointee with bachelor's degree in accredited civil engineering program, add $40/quarter work experience up to 8, add $60 if passed Engineering Intern exam, and master's degree adds to experience up to two years
Clinical Psychology Associate	RC-063-18	Step 1 for applicants possessing the minimum class requirements and Step 3 for applicants who have completed their doctoral

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		dissertation
Commerce Commission Police Officer Trainee	MS-10	$2,943
Correctional Officer	RC-006-09	Step 2
Correctional Officer Trainee	RC-006-05	Step 4
Engineering Technician I	NR-916	See Note
Engineering Technician II	NR-916	See Note
Engineering Technician III	NR-916	See Note
Engineering Technician IV	NR-916	See Note
Environmental Engineer I	RC-063-15	Step 2
Environmental Engineer II	RC-063-17	Step 1
Environmental Protection Engineer I	RC-063-15	Step 5
Environmental Protection Engineer II	RC-063-17	Step 4
Financial Institutions Examiner Trainee	RC-062-13	Step 2
Forensic Scientist Trainee	RC-062-15	Step 2, and Step 3 if completed Forensic Science Residency Program at the U of I-Chicago
Information Services Intern	RC-063-15	See Note
Information Services Specialist I	RC-063-17	Step 2 for Cook County
Insurance Company Financial Examiner Trainee	RC-062-13	Step 4
Internal Auditor Trainee	MS-09	$2,854
Juvenile Justice Specialist	RC-006-14	Step 1 for a bachelor's degree and Step 2 for a master's degree
Juvenile Justice Specialist Intern	RC-006-11	Step 1 for a bachelor's degree and Step 2 for a master's degree
Meat & Poultry Inspector Trainee	RC-033	Step 3 for Regions 1 and 6
Physician Specialist, Option C	RC-063-MD-C	Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities

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Physician Specialist, Option D	RC-063-MD-D	Step 5 for Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities
Products & Standards Inspector Trainee	MS-09	$3,057 for Cook, Dupage, Lake, Kane, and Will counties; and $2,854 for all other counties
Revenue Auditor Trainee	RC-062-12 (IL); RC-062-15 (See Note in 310.Appendix A Table W); and RC-062-13 (states other than IL and not assigned to RC-062-15)	Step 5
Revenue Special Agent Trainee	RC-062-14	Step 2
Security Therapy Aide Trainee	RC-009-13	Step 5 for the Joliet Treatment and Detention Facility
State Mine Inspector	RC-062-19	Step 1
Telecommunicator	RC-014-12	Step 2 for District 2
Telecommunicator Trainee	RC-014-10	Step 3 for Kane County and Step 7 for Cook County
Terrorism Research Specialist Trainee	RC-062-14	Step 2

Note: The Engineering Technician series has the following in-hiring rates –

Education Level	Effective Date January 1, 2010	Effective Date January 1, 2011
Completion of 2 years of college in civil engineering or job related technical/science curriculum (60 semester/90 quarter hours credit)	$2,600	$2,705
Completion of 3 years of college in areas other than civil engineering or job related technical/scientific curriculum (90	$2,500	$2,600

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semester/135 quarter hours credit)		
An Associate Degree from an accredited 2 year civil engineering technology program	$2,720	$2,830
Completion of 3 years of college courses in civil engineering or job related technical/scientific curriculum (90 semester/135 quarter hours credit)	$2,720	$2,830
Completion of 4 years of college courses in areas other than civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit)	$2,600	$2,705
Completion of 4 years of college in civil engineering or job related technical/scientific curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	$2,830	$2,945
Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology	$3,210	$3,340

The Information Services Intern title has the following in-hiring rates –

Education	Outside Cook County	Cook County
Computer Science degree at 4-year college	Step 4	Step 6
Computer Science degree at 2-year technical school	Step 2	Step 4
Non-Computer Science degree at 4-year college	Step 1	Step 3

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE AA NR-916 (Departments of Natural Resources and Transportation, Teamsters)

				~~Effective August 17, 2009~~	
~~Title~~	~~Title Code~~	~~Bargaining Unit~~	~~Pay Plan Code~~	~~Minimum Salary~~	~~Maximum Salary~~
~~Highway Construction Supervisor I~~	~~18525~~	~~NR-916~~	~~B~~	~~3626~~	~~6495~~

				~~Effective November 25, 2009~~	
~~Title~~	~~Title Code~~	~~Bargaining Unit~~	~~Pay Plan Code~~	~~Minimum Salary~~	~~Maximum Salary~~
~~Highway Construction Supervisor II~~	~~18526~~	~~NR-916~~	~~B~~	~~4058~~	~~7508~~

				Effective January 1, 2010	
Title	Title Code	Bargaining Unit	Pay Plan Code	Minimum Salary	Maximum Salary
~~Highway Construction Supervisor I~~	~~18525~~	~~NR-916~~	~~B~~	~~3795~~	~~6790~~
~~Highway Construction Supervisor II~~	~~18526~~	~~NR-916~~	~~B~~	~~4245~~	~~7850~~
Cartographer III	06673	NR-916	B	4165	7405
Civil Engineer I	07601	NR-916	B	4050	6255
Civil Engineer II	07602	NR-916	B	4325	7170
Civil Engineer III	07603	NR-916	B	4750	8035
Civil Engineer Trainee	07607	NR-916	B	3815	5320
Engineering Technician I	13731	NR-916	B	2355	4225
Engineering Technician II	13732	NR-916	B	2825	5075
Engineering Technician III	13733	NR-916	B	3420	6045
Engineering Technician IV	13734	NR-916	B	4190	7835
Highway Construction Supervisor I	18525	NR-916	B	3795	6790
Highway Construction	18526	NR-916	B	4245	7850

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Supervisor II					
Technical Manager I	45261	NR-916	B	3215	5710

				Effective January 1, 2011	
Title	Title Code	Bargaining Unit	Pay Plan Code	Minimum Salary	Maximum Salary
Cartographer III	06673	NR-916	B	4335	7705
Civil Engineer I	07601	NR-916	B	4215	6510
Civil Engineer II	07602	NR-916	B	4500	7460
Civil Engineer III	07603	NR-916	B	4940	8360
Civil Engineer Trainee	07607	NR-916	B	3970	5535
Engineering Technician I	13731	NR-916	B	2450	4395
Engineering Technician II	13732	NR-916	B	2940	5280
Engineering Technician III	13733	NR-916	B	3560	6290
Engineering Technician IV	13734	NR-916	B	4360	8150
Highway Construction Supervisor I	18525	NR-916	B	3950	7065
Highway Construction Supervisor II	18526	NR-916	B	4415	8165
Technical Manager I	45261	NR-916	B	3085	5305

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Reports of Child Abuse and Neglect

2) Code of Citation: 89 Ill. Adm. Code 300

3)

Section Number:	Adopted Action:
300.APPENDIX B	Amended

4) Statutory Authority: 325 ILCS 2

5) Effective Date of Amendment: February 8, 2011

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 material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 16, 2010; 34 Ill Reg. 2386

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: The final version contains non-substantive formatting edits recommended by the Joint Committee. Public comments resulted in several non-substantive content edits for the purpose of exactness.

12) Have all the changes agreed upon by the agency and JCAR been made 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: Adopted amendments to Appendix B address federal guidelines for the safety and well-being of children and families established by the Child Abuse Prevention Treatment Act and implement recommendations made by the Department's Office of the Inspector General. Other amendments include the new Allegation 40/90, Human Trafficking of Children; update medical terminology; and make non-substantive grammatical corrections.

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

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 300
REPORTS OF CHILD ABUSE AND NEGLECT

Section

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective

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November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendment at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. 7707, effective June 1, 2000; amended at 25 Ill. Reg. 12781, effective October 1, 2001; amended at 26 Ill. Reg. 7435, effective May 15, 2002; amended at 26 Ill. Reg. 11730, effective August 1, 2002; amended at 27 Ill. Reg. 1114, effective January 15, 2003; amended at 27 Ill. Reg. 9431, effective June 9, 2003; peremptory amendment at 29 Ill. Reg. 21065, effective December 8, 2005; amended at 33 Ill. Reg. 7862, effective June 15, 2009; amended at 34 Ill. Reg. 6373, effective May 1, 2010; amended at 35 Ill. Reg. 2861, effective February 8, 2011.

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Section 300.APPENDIX B Child Abuse and Neglect Allegations

This Appendix describes the specific incidents of harm which must be alleged to have been caused by the acts or omissions of the persons identified in Section 3 of the Abused and Neglected Child Reporting Act before the Department will accept a report of child abuse or neglect. The allegation definitions focus upon the harm or the risk of harm to the child. Many of the allegations of harm can be categorized as resulting from either abuse or neglect. All abuse allegations of harm are coded with a one or two digit number under 50~~30~~. All neglect allegations of harm are coded with a two digit number greater than 50. The allegations of harm are defined as follows:

ALLEGATION #	**DEFINITION**
1/51	**Death**

Death means the permanent~~Permanent~~ cessation of all vital functions.

The following definitions of death are also commonly used:

- Total irreversible cessation of cerebral function, spontaneous function of the respiratory system, and spontaneous function of the circulatory system;~~.~~
- The final and irreversible cessation of perceptible heart beat and respiration.

Verification of death must come from a physician or coroner.

2/52	**Head Injuries**

As used in this Part, head injury means a serious head injury causing skull fracture, brain damage or bleeding on the brain, such as subdural hematoma~~ or shaken baby syndrome~~. Brain damage, skull fractures, hematomas and subdural hematomas~~The following~~ are considered head injuries.~~:~~

Brain Damage

Brain damage ~~Damage~~ means injury to the brain~~large, soft mass of nerve~~

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~~tissue~~ contained within the cranium skull.

Skull Fracture

Skull fracture ~~Fracture~~ means a broken bone of the skull.

Hematoma

Hematoma means a swelling or mass of blood (usually clotted) confined to an organ, tissue or space and caused by a break in a blood vessel.

Subdural Hematoma

Subdural means beneath the dura mater (the outer membrane covering the spinal cord and brain).

A subdural hematoma is located beneath the membrane covering the brain and is usually the result of head injuries or the shaking of a small child or infant. It may result in the loss of consciousness, seizures, mental or physical damage, or death.

Additional abusive head trauma includes subarachnoid subgaleal and epidural hematomas.

Shaken Baby Syndrome ~~(Whiplash Shaken Infant Syndrome (WSIS))~~

Abusive head trauma in infants and children is the medical diagnosis and communication to describe the historical term shaken baby syndrome.

Shaking of an infant causes stretching and tearing of blood vessels in the brain causing subdural hematoma, bleeding in the brain and retinal hemorrhage. These injuries may occur with or without obvious evidence of impact.

Verification of head injuries and the presence or absence of any predisposing medical condition that may have caused or contributed to the injuries must come from a physician, preferably a neurosurgeon or radiologist~~Verification of head injuries must come from a physician, preferably a neurosurgeon or radiologist~~.

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4/54 **Internal Injuries**

An internal injury is an injury which is not visible from the outside, e.g., an injury to the organs occupying the thoracic or abdominal cavities. Such injury may result from a direct blow or a penetrating injury. A person so injured may be pale, cold, perspiring freely, have an anxious expression, or may seem semicomatose. Pain is usually intense at first, and may continue or gradually diminish as patient grows worse.

Verification of internal injuries must come from a physician.

5/55 **Burns**

Burns

Burns are tissue injuries~~Tissue injury~~ resulting from excessive exposure to thermal, chemical, electrical or radioactive agents. The effects vary according to the type, duration and intensity of the agent and the part of the body involved. Burns are usually classified as first, second, third or fourth degree.~~:~~

– First Degree (Partial Thickness)
First degree burns are superficial~~Superficial~~ burns~~,~~ in which damage is~~being~~ limited to the outer layer of the epidermis (skin) and are characterized~~. Characterized~~ by scorching or painful redness of the skin.

– Second Degree (Partial Thickness)
Second degree burns are burns in which the~~The~~ damage extends through the outer layer of the skin into the inner layers (dermis). Blistering will be present within 24 hours.

– Third Degree (Full Thickness)
Third degree burns are burns~~Burns~~ in which both layers of the skin (epidermis and dermis) are destroyed with damage extending into underlying tissues, which may be charred or coagulated.

– Fourth Degree (Full Thickness)

Fourth degree burns are burns that~~Burns~~ extend beyond skin and underlying tissues into bone, joints and muscles.

Scalding

Scalding is a ~~A~~ burn to the skin or flesh caused by moist heat and hot vapors, as steam.

Verification must come from a physician.~~All emersion burns (scalds) must be confirmed by a physician unless the alleged perpetrator has admitted to scalding the child.~~

6/56 Poison/Noxious Substances

Poison

A poison is any~~Any~~ substance, other than mood altering chemicals or alcohol, taken into the body by ingestion, inhalation, injection, or absorption that interferes with normal physiological functions. ~~(~~Virtually any substance can be poisonous if consumed in sufficient quantity.~~;~~ Therefore~~therefore~~, the term poison more often implies an excessive amount rather than the existence of a specific substance.~~)~~

Noxious Substances

Any substance deemed to be harmful~~Harmful~~, injurious, not wholesome.

Verification must come from a physician or by a direct admission from the alleged perpetrator that the poison/noxious substance was given to the minor by other than accidental means.

7/57 Wounds

A wound is a gunshot or stabbing injury.

Verification must come from a physician, a law enforcement officer or by a direct admission from the alleged perpetrator.

9/59 Bone Fractures

A fracture is a broken bone or certain cartilage injuries such as a broken nose.

Metaphyseal/Epiphyseal Fractures

Fractures located at the end of bones. They are commonly described as corner fractures, chipped fractures or bucket-handle fractures.

Diaphyseal Fractures

Diaphyseal fractures are located in the bone shaft. Fractures in the shaft of long bones of the extremities are spiral (oblique) or transverse. A spiral~~Spiral~~ fracture is caused by twisting or rotational force. Transverse fractures~~fracture~~ results from a direct blow or bending force.

Verification of the injury and the likely cause, including presence or absence of any predisposing medical conditions that may have caused or contributed to the injury, must come from a physician, preferably an orthopedist or radiologist.

10/60 Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare

Substantial risk of physical injury means that the parent, caregiver, immediate family member aged 16 or over, other person residing in the home aged 16 or over, or the parent's paramour has created a real and significant danger of physical injury that would likely cause disfigurement, death, or impairment of physical health or loss or impairment of bodily functions (abuse). This allegation of harm is to be used when the type or extent of harm is undefined but the total circumstances lead a reasonable person to believe that the child is in substantial risk of physical injury. This allegation of harm also includes incidents of violence or intimidation directed toward the child that have not yet resulted in injury or impairment but that clearly threaten such injury or impairment (abuse) or placing a child in an environment that is injurious to the child's health and welfare (i.e., domestic violence, intimidation, and a child's participation in a criminal act) (neglect). Intimidation of a child means subjecting a child to participation in or the

witnessing of the physical abuse or restraint of another person when it can be used by the perpetrator to intimidate the child (e.g., this could happen to you, this will happen to you, this would happen to you).

~~Examples of incidents or circumstances that place the child in substantial risk of physical injury include, but are not limited to, the following:~~

Incidents of Maltreatment

Examples of incidents that could place the child in substantial risk of physical injury include, but are not limited to, the following:

- Choking~~choking~~ the child (abuse);~~.~~
- Smothering~~smothering~~ the child (abuse);~~.~~
- Pulling~~pulling~~ the child's hair out (abuse);~~.~~
- Violently~~violently~~ pushing or shoving the child into fixed or heavy objects (abuse);~~.~~
- Throwing~~throwing~~ or shaking a smaller child (abuse);~~.~~
- Other~~other~~ violent or intimidating acts directed toward the child that cause excessive pain or fear (abuse);~~.~~
- Situations~~situations~~ that place a child at substantial risk of harm due to environmental issues in the home include but are not limited to exposure to toxic vapors resulting from flammable and/or corrosive chemicals used in the manufacture of illicit drugs in a child's home environment (neglect);~~.~~
- Situations that place a child at substantial risk of harm due to the effects of being subjected to participation in or the witnessing of the physical force or restraint of another (neglect);
- Allowing or encouraging a child to be involved in a criminal activity (neglect).

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Circumstances

Examples of circumstances that place the child in substantial risk of physical injury include, but are not limited to, the following:

- Domestic~~domestic~~ violence in the home when the child has been threatened and the threat is believable, as evidenced by a past history of violence or uncontrolled behavior (neglect).

- A~~a~~ perpetrator of child abuse who has been court ordered to remain out of the home returns home and has access to the abused child (abuse).

- Anyone~~anyone~~ living in the home has a documented history of violence toward children or has been arrested for violence to a child (abuse).

- The~~the~~ circumstances surrounding the death of one child provides reason to believe that another child is at real and significant risk of harm~~danger of physical injury~~ (neglect).

- Anyone~~anyone~~ in the home exposes the child to an environment that significantly affects the health and safety based on use, sale or manufacturing of illegal drugs or alcohol (neglect).

- Parent's~~parent's~~ or caregiver's~~caretaker's~~ mental illness and behavior poses a significant danger to the child's health and safety (neglect). To indicate an allegation based on this factor, the Investigation Specialist~~investigator~~ must rule out dependency as defined in the Juvenile Court Act as the presenting problem (abuse or neglect).

- The parent has been adjudicated unfit by a court and the parent has not completed services that would correct the conditions which led to the court finding (abuse/neglect).

Factors To Be Considered

Whether there is a real and significant danger to justify taking a report is determined by the following factors. ~~(~~All factors need not be present to

justify taking the report. One factor alone may present sufficient danger to justify taking the report. The list of factors does not constiute child abuse or neglect in every instance. All factors must be given consideration in order to identify potential aggravating, as well as mitigating, circumstances.)):

– Thethe child's age;,

– Thethe child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly related to his or her ability to protect himself or herself;,

– Thethe severity of the occurrence;,

– Thethe frequency of the occurrence;,

– Thethe alleged perpetrator's physical, mental and/or emotional abilities, particularly related to his or her ability to control his or her actions;,

– Thethe dynamics of the relationship between the alleged perpetrator and the child;,

– Thethe alleged perpetrator's access to the child;,

– Thethe previous history of indicated abuse or neglect;,

– Thethe current stresses/crisis in the home;,

– Thethe presence of other supporting persons in the home.

11/61 Cuts, Bruises, Welts, Abrasions and Oral Injuries

Cut (Laceration)

A cut is anAn opening, incision or break in the skin made by some external agent.

Bruise

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A bruise is anAn injury that results in bleeding under the skin, in which where the skin is discolored but not broken. A bruise is alsoAlso referred to as a contusion.

Welt

A welt is anAn elevation on the skin produced by a lash, blow, or allergic stimulus. The skin is not broken and the mark is reversible.

Abrasion

An abrasion is the A scraping away of the skin.

Oral Injuries

Oral injuries are injuriesInjuries to the child's mouth, including broken teeth.

Factors To Be Considered

Not every cut, bruise, or welt, abrasion, or oral injury constitutes an allegation of harm. The following factors should be considered when determining whether an injury that which resulted in cuts, bruises, or welts, abrasions or oral injuries constitutes constitute an allegation of abuse or neglectharm:

- Thethe child's age, mobility and developmental stage. Bruises on children younger than 6 months are suspicious due to the limited mobility often seen in children 0 to 6 months of age. (children aged 6 and under are at a much greater risk of harm).

- The child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly as they relate to the child's ability to seek help.

- A single incident or pattern or chronicity of similar events.pattern or chronicity of similar incidents.

– The severity/extent of the cuts, bruises, welts, ~~or~~ abrasions, or oral injuries (size, number, depth, extent of discoloration). Some bruises may fade quickly, such as around a young child's mouth, but still be considered serious if the type of bruise (e.g., fingerprint marks) suggest intentionality.

– The location of the cuts, bruises, welts, ~~or~~ abrasions, or oral injuries. Accidental bruises are frequently seen over boney areas such as knees, shins, the forehead, and other exposed bony surfaces. Bruises located on padded areas such as the buttocks, cheeks, genitalia, or on relatively protected areas like the ear lobes, neck or upper lip, or on soft areas such as the stomach are highly suspicious.

– The pattern of the injury.

– Whether the injury was caused by~~whether~~ an instrument ~~was~~ used on the child.

– Previous~~previous~~ history of indicated abuse or neglect, or history of previous injuries.

If the child has been treated by a physician, verification of the injury and the likely cause, including the presence or absence of any predisposing medical conditions that may have caused or contributed to the injury, must come from the physician who treated the child. Direct admission of the alleged perpetrator.

12/62 **Human Bites**

A human bite is a bruise, cut or indentation in the skin caused by seizing, piercing, or cutting the skin with human teeth.

Previous history of indicated abuse or neglect or history of previous injuries.

13/63 **Sprains/Dislocations**

Sprain

A sprain is a traumaTrauma to a joint that causes pain and disability, depending upon the degree of injury to ligaments and/or surrounding muscle tissue. In a severe sprain, ligaments and/or muscle tissue may be completely torn. The signs are rapid swelling, heat and disability, often discoloration and limitation of function.

Dislocation

A dislocation is theThe displacement of any part, especially the temporary displacement of a bone from its normal position in a joint. Types of dislocations include complicated, compound, closed and complete.:

- Complicated. A complicated dislocation is associated with other major injuries.

- Compound. A compound dislocation is oneDislocation in which the joint is exposed to the external air.

- Closed. A closed dislocation is a simple dislocation.

- Complete. A complete dislocation is a dislocation that which completely separates the surfaces of a joint.

The injury was inflicted or allowed to be inflicted through other than accidental means or was a result of blatant disregard of parental or caregiver responsibilities.

Verification of the injury and likely cause, including the presence or absence of any predisposing medical condition that may have caused or contributed to the injury, must come from a physician, preferably an orthopedist or radiologistregistered nurse, licensed practical nurse or by a direct admission from the alleged perpetrator.

14 **Tying/Close Confinement**

Tying/close confinement is the unreasonableUnreasonable restriction of a child's mobility, actions, or physical functioning by tying the child to a fixed (or heavy) object, tying limbs together or forcing the child to

remain in a closely confined area that ~~which~~ restricts physical movement. Examples include, but are not limited to:

– Locking~~locking~~ a child in a closet or small room;~~.~~

– Tying~~tying~~ one or more limbs to a bed, chair, or other object, except as authorized by a licensed physician;~~.~~

– Tying~~tying~~ a child's hand behind his or her back;~~.~~

– Putting~~putting~~ a child in a cage;~~.~~

– Locking or blocking exits with the intention of preventing the child's ability to escape in case of an emergency.

15/65 Substance Misuse

Option A

The consumption of a mood altering chemical capable of intoxication to the extent that it harmfully affects the child's health, behavior, motor coordination, judgment, or intellectual capability. Mood altering chemicals include cannabis (marijuana), hallucinogens, stimulants (including cocaine and methamphetamine), sedatives (including alcohol and Valium), narcotics, or inhalants (abuse/neglect). Abuse occurs if the parent provides the substance to the child. Neglect occurs if the parent allows the use or fails to protect the child from consumption.

Option B

A diagnosis of fetal~~Fetal~~ alcohol syndrome or drug withdrawal at birth caused by the mother's addiction to drugs is included in this definition and is considered child neglect (neglect).

Option C

Any amount of a controlled substance or a metabolite thereof that is~~,~~ found in the blood, urine or meconium (newborn's first stool) of a newborn infant. A controlled substance is defined in subsection (f) of

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Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102] (neglect). The presence of such substances shall not be considered as child neglect if the presence is due to medical treatment of the mother or infant.

NOTE: Methadone withdrawal or other withdrawal verified as under the auspices of a drug treatment program is not included under drug withdrawal at birth.

Examples
~~Examples of substance misuse include, but are not limited to:~~

– Giving~~giving~~ a minor (unless prescribed by a physician) any amount of heroin, cocaine, morphine, peyote, LSD, PCP, pentazocine, or methaqualone or encouraging, insisting, or permitting a minor's consumption of the above substances.

– Giving~~giving~~ any mood altering substance, including alcohol or sedatives, unless prescribed by a physician, to an infant or toddler.

~~– encouraging, insisting or permitting a child who has not reached puberty to consume alcohol, drugs, or another mood altering substance on a regular or frequent basis.~~

~~– encouraging, insisting or permitting an adolescent to consume alcohol, drugs, or another mood altering substance on a daily basis.~~

– Encouraging~~encouraging~~, insisting or permitting any minor to become intoxicated by alcohol, drugs, or another mood altering substance even if on an infrequent basis.

Parents supervising children permitted to drink a small amount of alcohol as part of a religious or family celebration should not be considered abusive/neglectful.

Factors To Be Considered

~~The following factors should be considered when determining whether a child is involved in substance misuse:~~

- Ageage of the child;

- Frequencyfrequency of substance misuse;

- Amountamount of substance consumption;

- Whetherwhether the substance is illegal for general population use;

- Degreedegree of behavioral dysfunction, or physical impairment linked to substance misuse;

- Thethe child's culture, particularly as it relates to use of alcohol in religious ceremonies or on special occasions;

- Whetherwhether the parent or caregiver's attempts to control an older child's substance misuse or to seek help for the child's substance misuse were reasonable under the circumstances;

- Whetherwhether the parent or caregiver knew or should have known of the child's substance misuse.

16 **Torture**

Torture means inflicting,Inflicting or subjecting the child to, intense physical and/or mental pain, suffering, or agony that can be a one time incident or is severe, repetitive, increased, or prolonged. This definition includes genital mutilation.

17/67 **Mental and Emotional Impairment**

Mental and emotional impairment means injuryInjury to the intellectual, emotional or psychological development of a child as evidenced by observable and substantial impairment in the child's ability to function within a normal range of performance and behavior, with due regard to his or her culture.

Verification that a child has been mentally injured must come from a medical doctor, psychiatrist, registered psychologist, certified social

worker, registered nurse or a therapist or counselor of a community mental health agency or a licensed therapist in private practice.

18 Sexually Transmitted Diseases

A sexually transmitted disease is a disease that ~~which~~ was acquired originally as a result of sexual penetration or sexual conduct with an individual who is afflicted with the disease. The diseases may include, but are not limited to:

- Acquired Immune Deficiency Syndrome (AIDS)
- AIDS Related Complex (ARC)~~Balanoposthitis~~
- ~~Calymmatobacterium Granulomatis~~
- Chancroid
- Chlamydia Trachomatis
- Genital Herpes
- Genital Warts
- Gonorrhea
- Granuloma Inquinale
- ~~Haemophilus Ducreyi~~
- HIV Infection
- Lymphogranuloma Venereum
- Neisseria Gonorrhea
- ~~Nonspecific Urethritis~~
- Proctitis

– Syphilis

– ~~Treponema Pallidum~~

– Trichomonas Vaginalis (Symptomatic)

Sexual penetration is defined in the Illinois Criminal Sexual Assault Act as "any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration."

Sexual conduct is defined in the Act as "any intentional or knowing touching or fondling of the victim or the perpetrator, either directly or through clothing of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child…for the purpose of sexual gratification or arousal of the victim or the accused."

Verification of sexually transmitted diseases must come from a medical source.

19 **Sexual Penetration**

Sexual penetration is any~~Any~~ contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person. This includes acts commonly known as oral sex (cunnilingus, fellatio), anal penetration, coition, coitus, and copulation.

In order to indicate this allegation, benign touching for the purpose of rendering normal, routine and reasonable care must be ruled out.

20 **Sexual Exploitation**

Sexual exploitation is the use of a child for sexual arousal, gratification, advantage, or profit. This includes but is not limited to:

– Indecent~~indecent~~ solicitation of a child/explicit verbal enticement;~~.~~

– Child~~child~~ pornography;~~.~~

– Intentionally exposing a child to sexually explicit material in any form;

– Exposing~~exposing~~ sexual organs to a child for the purpose of sexual arousal or gratification;~~.~~

– Forcing~~forcing~~ the child to watch sexual acts;~~.~~

– Self~~self~~-masturbation in the child's presence;~~.~~

– Other behavior by an eligible perpetrator that, when considered in the context of the circumstances, would lead a reasonable person to conclude that sexual exploitation of a child has occurred.

NOTE: Sexual penetration and molestation are excluded from this allegation. They are listed as separate allegations.

21 **Sexual Molestation**

Sexual molestation is sexual~~Sexual~~ conduct with a child when the ~~such~~ contact, touching or interaction is used for arousal or gratification of sexual needs or desires. Parts of the body, as used in the examples below, refer to the parts of the body described in the definition of sexual conduct found in the Illinois Criminal Sexual Assault Act [720 ILCS 5/12-12] as quoted above under Allegation 18, Sexually Transmitted Diseases. Examples include, but are not limited to:

– Fondling~~fondling~~;~~.~~

– The~~the~~ alleged perpetrator inappropriately touching or pinching parts of the child's body generally associated with sexual activity;~~.~~

– Encouraging~~encouraging~~, forcing, or permitting the child to touch parts of the alleged perpetrator's body normally associated with sexual

activity.

22 Substantial Risk of Sexual Injury

Substantial risk of sexual injury means that the parent, caregiver, immediate family member, other person residing in the home, or the parent's paramour has created a real and significant danger of sexual abuse as explained in the following options.~~, in that:~~

Option A

An indicated, registered, or convicted sex perpetrator~~offender~~ has significant access to children, and the extent/quality of supervision during contact is unknown or suspected to be deficient.

Option B

There are siblings or other children in the same household as the alleged perpetrator~~offender~~ of a current allegation of sexual abuse. There is credible information/evidence of a current or previous incident of child sexual abuse that did not meet Department eligibility requirements for a report to be taken (e.g., an ineligible victim or the victim discloses after attaining the age of 18) and the alleged perpetrator has current access to children.

Option C

Persistent, highly sexualized behavior or knowledge in a very young child (e.g., under the age of 5~~five~~ chronologically or developmentally) that is grossly age inappropriate, and there is reasonable cause to believe that the most likely manner in which this behavior or knowledge was learned is in having been sexually abused.

Reports of risk of sexual harm are not to be taken solely on the inappropriate or suggestive behavior of the alleged offender or because there is insufficient information for an allegation of specific sexual abuse.

If, during the course of the investigation, a specific allegation of harm is identified, the appropriate allegation must be added and a determination

made on all the allegations. If another allegation is determined to be more appropriate, that allegation should be utilized and the substantial risk of sexual injury allegation unfounded.

~~Note: When accepting a report based on behavioral indicators, State Central Register staff must inform the reporter that the report cannot be indicated unless the victim makes a statement regarding specific sexual abuse or a forensic evaluation or independent consultation results in a clinical finding of sexual abuse.~~

Option D

A member of the household is suspected of, or known to possess or engage in, the making and/or distribution of child pornography and has significant access to the children and the extent/quality of the supervision is unknown or suspected to be deficient.

A member of the household has engaged in child pornography activities outside and/or inside the residence and has significant access to the child and the extent/quality of the supervision is unknown or suspected to be deficient.

40/90 **Human Trafficking of Children**

Federal law defines severe forms of trafficking of persons as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. (22 USC 7102(8))

Incidents of Maltreatment

- Coerced labor exploitation (abuse);
- Domestic servitude (abuse);
- Commercial sexual exploitation (i.e., prostitution) (abuse);

- Anyone in the home exposes the child to an environment that significantly influences the child's health and safety (neglect).

Factors To Be Considered

All factors need not be present to justify taking a report. One factor alone may present sufficient danger to justify taking a report.

- The child's age.

- The child's inability to attend school on a regular basis due to actions of the perpetrator.

- A child who is a chronic runaway has been recruited, enticed, harbored and transported for the purpose of forced labor and/or commercial sexual exploitation.

- The child makes references to frequent travel to other cities.

- The child makes reference to having a pimp.

- The child makes reference to being coerced into performing illegal activities.

- The child exhibits bruises or other physical trauma, withdrawn behavior, depression or fear.

- The child lacks control over his or her identification documents.

- The child shows signs of exposure to drug manufacturing.

Additional factors that may indicate sex-related trafficking include the following:

- The child has a sudden change in attire, behavior or material possessions (e.g., expensive items).

- The child makes references to sexual situations that are beyond age-

specific norms.

- The child has a "boyfriend/girlfriend" who is noticeably older (10+ years).

- The child makes references to terminology of the commercial sex industry that are beyond age-specific norms or engages in promiscuous behavior and may be labeled "fast" by peers.

74 Inadequate Supervision

The child has been placed in a situation or circumstances that are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate. *A child shall not be considered neglected for the sole reason tha the child's parent or other person responsible for this or her welfare has left the child in the care of an adult relative for any period of time* [325 ILCS 5/3]. Examples include, but are not limited to:

- Leavingleaving children alone when they are too young to care for themselves.

- Leavingleaving children alone who have a condition that requires close supervision. Such conditions may include medical conditions, behavioral, mental, or emotional problems, or developmental or physical disabilities.

- Leavingleaving children in the care of an inadequate or inappropriate caregiver.

- Beingbeing present but unable to supervise because of the caregiver's condition. (This includes (1) the parent or caregiver who repeatedly uses drugs or alcohol to the extent that it has the effect of producing a substantial state of stupor, unconsciousness, intoxication or irrationality and (2) the parent or caregiver who cannot adequately supervise the child because of his or her medical condition, behavioral, mental, or emotional problems, or a developmental or physical disability.).

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– Leaving~~leaving~~ children unattended in a place that is unsafe for them when their maturity, physical condition, and mental abilities are considered.

Factors To Be Considered

The following factors should be considered when determining whether a child is inadequately supervised:~~.~~

Child Factors

– The child's age and developmental stage, particularly related to the ability to make sound judgments in the event of an emergency.

– The child's physical condition, particularly related to the child's ability to care for or protect himself or herself. Is the child physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications?

– The child's mental abilities, particularly as they relate~~related~~ to the child's ability to comprehend the situation.

Caregiver Factors

– Presence or Accessibility of Caregiver~~presence or accessibility of caregiver.~~

  • ~~o~~ How long does it take the caregiver to reach the child?

  • ~~o~~ Can the caregiver see and hear the child?

  • ~~o~~ Is the caregiver accessible by telephone?

  • ~~o~~ Has the child been given access to a phone and numbers to call in the event of an emergency?

– Caregiver's Capabilities~~caregiver's capability.~~

- ~~o~~ Is the caregiver mature enough to assume responsibility for the situation?

- ~~o~~ Does the caregiver depend on extraordinary assistance to care for self and the child, i.e., meal preparation, laundry, grocery shopping, transportation? Is the caregiver without consistent or reliable assistance?

- ~~o~~ Is the child assuming primary care giving duties, i.e., meal preparation, laundry, grocery shopping, transportation?

– Caregiver's Physical Condition~~caregiver's physical condition.~~

- ~~o~~ Is the caregiver physically able to care for the child? Do the caregiver's own health needs present serious obstacles to the care and well-being of the child?

– Caregiver's Cognitive and Emotional Condition~~caregiver's cognitive and emotional condition.~~

- ~~o~~ Is the caregiver able to make appropriate judgments on the child's behalf?

- ~~o~~ Do the caregiver's own health needs present serious obstacles to the care and well-being of the child?

Incident Factors

– What is the frequency of occurrence?~~.~~

– What is the duration of the occurrence (as related to the "child factors" above)?~~.~~

– What is the time of the day or night when the incident occurs?~~.~~

What is ~~child's location (~~the condition and location of the place where the minor was left without supervision?~~).~~

- What were the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light?~~.~~

- Were there other supporting persons who are overseeing the child? ~~.~~ ~~(~~Was the child given a phone number of a person or location to call in the event of an emergency, and whether the child was capable of making an emergency call?~~)~~

- Was there~~whether~~ food and other provisions ~~were~~ left for the child?~~.~~

- Are there other factors that may endanger the health and safety of the child?~~.~~

75 **Abandonment/Desertion**

Abandonment

Abandonment is parental/legal guardian conduct that ~~which~~ demonstrates the purpose of relinquishing all parental/legal rights and claims to the child. Abandonment is also defined as any parental or caregiver conduct that ~~which~~ evinces a settled purpose to forego all parental/legal ~~duties and relinquish all parental~~ claims to the child.

Desertion

Desertion is any conduct on the part of a parent or legal guardian that indicates that the parent or legal guardian has no intention, now or in the future, to maintain any degree of interest, concern or responsibility for the child. Desertion includes leaving a child with no apparent intention to return unless the child has been left in the care of a relative.

~~Desertion is any conduct on the part of a parent that indicates an intention to terminate custody of the child but not to relinquish all duties to and claims on the child.~~

Examples ~~of abandonment/desertion include, but are not limited to, parents who:~~

– Leave~~leave~~ a baby on a doorstep;~~.~~

– Leave~~leave~~ a baby in a garbage can;~~.~~

– Leave~~leave~~ a child with no apparent intention to return;~~.~~

– Leave~~leave~~ a child with an appropriate caregiver without a proper plan of care ~~but fail to resume care of the child, as agreed, and the caregiver cannot or will not continue to care for the child~~.

76 Inadequate Food

Inadequate food means that there is a lack~~Lack~~ of food adequate to sustain normal functioning. It is not as severe as malnutrition ~~Malnutrition~~ or failure ~~Failure~~ to thrive~~Thrive~~, both of which require a medical diagnosis.

Examples ~~include:~~

– The~~the~~ child ~~who~~ frequently and repeatedly misses meals or ~~who~~ is frequently and repeatedly fed insufficient amounts of food;~~.~~

– The~~the~~ child ~~who~~ frequently and repeatedly asks neighbors for food and other information substantiates that the child is not being fed;~~.~~

– The~~the~~ child ~~who~~ is frequently and repeatedly fed unwholesome foods when his or her age, developmental stage~~,~~ and physical condition are considered.

Factors To Be Considered

Child Factors

– The child's age;~~.~~

– The child's developmental stage;~~.~~

– The child's physical condition, particularly related to the need for

a special diet;~~.~~

– The child's mental abilities, particularly related to his or her ability to obtain and prepare his or her own food.

Incident Factors

– The frequency of the occurrence;~~.~~

– The duration of the occurrence;.

– The pattern or chronicity of occurrence;~~.~~

– Previous~~previous~~ history of occurrences;~~.~~

– The availability of adequate food.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

77 **Inadequate Shelter**

Inadequate shelter means there is a lack~~Lack~~ of shelter that is safe and that protects the children from the elements.

Examples ~~of inadequate shelter include, but are not limited to:~~

– No~~no~~ housing or shelter;

– Condemned~~condemned~~ housing;~~.~~

– Housing with exposed, frayed wiring;~~.~~

– Housing~~housing~~ with structural defects that endanger the health or safety of a child;~~.~~

- Housinghousing with indoor temperatures consistently below 50ºF;

- Housinghousing with broken windows in sub-zero weather;

- Housinghousing that is ana obvious fire hazard obvious to athe reasonable person;

- Housinghousing with an unsafe heat source that poses a fire hazard or threat of asphyxiation.

Factors To Be Considered

Child Factors

- The child's age;

- The child's developmental stage;

- The child's physical condition, particularly when it may be aggravated by the inadequate shelter;

- The child's mental abilities, particularly related to the child's ability to comprehend the dangers posed by the inadequate shelter.

Shelter Factors

- Seriousnessseriousness of the problem;

- Frequencyfrequency of the problem;

- Durationduration of the problem;

- Patternpattern or chronicity of the problem;

- Previousprevious history of shelter-related problems.

Investigative decisions must never be influenced in any way by the

family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

78 Inadequate Clothing

Inadequate clothing means a lack~~Lack~~ of appropriate clothing to protect the child from the elements.

Factors To Be Considered

Child Factors

- The child's age;~~.~~
- The child's developmental stage;~~.~~
- The child's physical condition, particularly related to conditions that may be aggravated by exposure to the elements;~~.~~
- The child's mental abilities, particularly related to his or her ability to obtain appropriate clothing.

Incident Factors

- Frequency~~frequency~~ of the incident;~~.~~
- Duration~~duration~~ of the incident;~~.~~
- Chronicity~~chronicity~~ or pattern of similar incidents;~~.~~
- Weather~~weather~~ conditions such as extreme heat or extreme cold.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that

the allegation is due to some reason other than financial circumstances alone.

79 **Medical Neglect**

Medical or Dental Treatment

Lack of medical or dental treatment for a health problem or condition that, if untreated or not treated as prescribed, could become severe enough to constitute ~~a~~ serious or long-term harm to the child; lack of follow-through on a reasonable prescribed medical or dental treatment plan for a condition that could become serious enough to constitute serious or long-term harm to the child if the treatment or treatment plan goes unimplemented.

Treatment is the administration of a remedy to cure a health condition.

Management is the practice of providing care of a chronic medical condition.

Lack of medical or dental management for a health problem or condition that, if unmanaged or not managed as prescribed, could become severe enough to constitute serious or long-term harm to the child.

Lack of proper or necessary health care recognized under State law as necessary for the child's well-being.

Proper and necessary preventive health care to include preventive health care, such as HIV and newborn screening tests that place children at serious risk of illness due to lack of early detection and treatment.

Health care professionals include physicians, nurse practitioners, nurses, dentists, physical therapists, infant development specialists and nutritionists.

Factors To Be Considered

– The child's age, particularly as it relates to the child's ability to obtain and implement a treatment/management plan;~~.~~

– The child's developmental stage;~~,~~

– The child's physical condition;~~,~~

– The seriousness of the current health problem;~~,~~

– The probable outcome if the current health problem is not treated and the seriousness of that outcome;~~,~~

– The generally accepted health~~medical~~ benefits of the prescribed treatment;~~,~~

– The generally recognized side effects/harms associated with the prescribed treatment;~~,~~

– Whether the parent has been informed about the availability of preventive health care services and how services can be obtained.

It must be verified that the child has/had an untreated health problem, or that a prescribed treatment plan was implemented. The ~~Such~~ verification must come from a physician, registered nurse, dentist, or by a direct admission from the alleged perpetrator. It must further be verified by a physician, registered nurse or dentist that the problem or condition, if untreated, could result in serious or long-term harm to the child.

81 Failure to Thrive (Non-Organic)

Failure to thrive is a ~~A~~ serious medical condition most often seen in children under one year of age. The child's weight, height and motor development fall significantly short of the average growth rates of normal children (i.e., below the fifth percentile). In a small percentage~~In about 10%~~ of these cases, there is an organic cause such as a serious kidney, heart~~,~~ or intestinal disease, a genetic error of metabolism or brain damage. Usually in non-organic failure to thrive cases there is a disturbed parent/child relationship that manifests itself as physical and emotional neglect of the child. Diseases that may prevent growth and psychosocial reasons that cause growth failure are not mutually

exclusive. They are often found together. ~~All other cases are a result of a disturbed parent-child relationship manifested in severe physical and emotional neglect of the child.~~ Non-organic failure to thrive requires a medical diagnosis before it may be indicated.

Verification of failure to thrive must come from a physician who has the relevant information to make a diagnosis.

Factors That Must Be Present

- The infant or child's weight and head circumference do not match standard growth charts. The person's weight falls lower than 3rd percentile (as outlined in standard growth charts) or 20% below the ideal weight for his or her height.

- There is emotional deprivation as a result of parental withdrawal, rejection or hostility.

- The physician has made a diagnosis of failure to thrive after eliminating medical causes such as Down syndrome and Turner syndrome or diseases involving major organs (e.g., heart, kidney, intestinal).

82 **Environmental Neglect**

The child's person, clothing, or living conditions are unsanitary to the point that the child's health may be impaired. This may include infestations of rodents, spiders, insects, snakes, etc., human or animal feces, rotten or spoiled food or rotten or spoiled garbage that the child can reach.

Factors To Be Considered

Special attention should be paid to the child's physical condition and the living conditions in the home in order to determine whether the report constitutes an allegation of harm. In addition, the following factors should be considered.

Child Factors

– The child's age (children aged 6 and under are more likely to be harmed);~~.~~

– The child's developmental stage;~~.~~

– The child's physical condition;~~.~~

– The child's mental abilities.

Incident Factors

– The severity of the conditions;~~.~~

– The frequency of the conditions;~~.~~

– The duration of the conditions;~~.~~

– The chronicity or pattern of similar conditions.

83 Malnutrition (Non-Organic)

Malnutrition is the lack~~Lack~~ of necessary or proper food substances in the body caused by inadequate food, lack of food, or insufficient amounts of vitamin or minerals. This is also~~(Also~~ known as marasmus or kwashiorkor.) Non-organic malnutrition requires a medical diagnosis before it may be indicated. There are various physical signs of malnutrition:

– A~~a~~ decrease in lean body mass or fat; very prominent ribs; the child may often be referred to as skin and bones;~~.~~

– Hair~~the hair~~ is often sparse, thin, dry, and is easily pulled out or falls out spontaneously;~~.~~

– The ~~the~~ child is often pale and suffers from anemia;~~.~~

– Excessive~~excessive~~ perspiration, especially about the head;~~.~~

– Thethe face appears lined and aged, often with a pinched and sharp appearance;.

– Thethe skin has an old, wrinkled look with poor turgor and typically;. (Classically, skin folds hang loose on the inner thigh and buttock;).

– Thethe abdomen is often protuberant;.

– Therethere are abnormal pulses, blood pressure, stool patterns, intercurrent infections, abnormal sleep patterns and a decreased level of physical and mental activity.

Verification of malnutrition must come from a physician.

84 **Lock-Out**

The parent or caregiver has denied the child access to the home and has refused or failed to make provisions for another living arrangement for the child.

85 **Medical Neglect of Disabled Infants**

Medical neglect of a disabled infant is theThe withholding of appropriate nutrition, hydration, medication or other medically indicated treatment from a disabled infant with a life-threatening condition. Medically indicated treatment includes medical care that is most likely to relieve or correct all life-threatening conditions and evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions. Nutrition, hydration, and medication, as appropriate for the infant's needs, are is medically indicated for all disabled infants. Other types of treatment are not medically indicated when:

– Thethe infant is chronically and irreversibly comatose;.

– Thethe provision of the treatment would be futile and would merely prolong dying;.

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- The~~the~~ provision of the treatment would be virtually futile and the treatment itself would be inhumane under the circumstances.

In determining whether treatment will be medically indicated, reasonable medical judgments, such as those made by a prudent physician knowledgeable about the case and its treatment possibilities, will be respected. However, opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated.

Factors To Be Considered

- The infant's physical condition;~~,~~
- The seriousness of the current health problem;~~,~~
- The probable medical outcome if the current health problem is not treated and the seriousness of that outcome;~~,~~
- The generally accepted medical benefits of the prescribed treatment;~~,~~
- The generally recognized side effects associated with the prescribed treatment;~~,~~
- The~~the~~ opinions of the Infant Care Review Committee (ICRC), ~~(~~if the hospital has an ICRC~~)~~;~~,~~
- The~~the~~ judgment of the Perinatal Coordinator regarding whether treatment is medically indicated and whether there is credible evidence of medical neglect;~~,~~
- The~~the~~ parent's knowledge and understanding of the treatment and the probable medical outcome.

Verification that treatment was medically indicated must come from a physician and may come from experts in the field of neonatal pediatrics.

(Source: Amended at 35 Ill. Reg. 2861, effective February 8, 2011)

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NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Services Delivered by the Department of Children and Family Services

2) Code Citation: 89 Ill. Adm. Code 302

3)

Section Number:	Adopted Action:
302.40	Amended

4) Statutory Authority: 20 ILCS 505/5

5) Effective Date of Rulemaking: February 8, 2011

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain an incorporation by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposed Rulemaking Published in the Illinois Register: May 21, 2010; 34 Ill. Reg. 7001

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences Between Proposal and Final Version: The Department made no changes after initial publication.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Number:	Proposed Action:	Illinois Register Citation:
302.410	Amendment	34 Ill. Reg. 13011; September 10, 2010

15) Summary and Purpose of Amendment: The Department is amending Section 302.40 to include the proposed Back Up Caregiver Program. The program helps maintain

permanency continuity into adulthood, in the event that an adoptive parent or guardian is unable to raise and care for children they may have adopted or for whom they may have attained guardianship. The Back-Up Caregiver program's primary goal is to keep children together with the adults that they see as family.

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

Jeff Osowski
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Department of Children and Family Services
406 E. Monroe, Station #65-D
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
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Facsimile: 217/557-0692

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302
SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days; emergency expired December 4, 2004; amended at 29 Ill. Reg. 20354, effective November 30, 2005; amended at 30 Ill. Reg. 2323, effective February 2, 2006; amended at 32 Ill. Reg. 11611, effective July 10, 2008; emergency amendment at 33 Ill. Reg. 14310, effective October 1, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 3248, effective February 26, 2010; emergency amendment at 34 Ill. Reg. 13182, effective September 1, 2010, for a maximum of 150 days; emergency expired on January 28, 2011; amended at 35 Ill. Reg. 2899, effective February 8, 2011.

SUBPART A: GENERAL PROVISIONS

Section 302.40 Department Service Goals

a) The Department provides, directly or through purchase, a number of services for

children and families that~~which~~ are individually planned to meet the needs of each child and family. These services are directed toward four service goals ~~which are~~:

1) family preservation;

2) family reunification;

3) adoption or attainment of a permanent living arrangement;

4) youth development.

b) Family Preservation
When family preservation is the goal, services are directed toward ensuring the children's development, safety and well-being in the home of their family and preventing placement of children away from their family. Families~~Such families~~ may have been reported to the Department for alleged child abuse or neglect or referred to the Department for services. The service constellation for these children and families may include:

1) counseling/advocacy;

2) emergency caretaker;

3) homemaker;

4) protective and family maintenance day care and child development;

5) family planning;

6) parent education;

7) self-help groups;

8) emergency family shelter;

9) intensive family preservation services;

10) other placement prevention services;

11) referral for substance abuse treatment services;

12) referral for financial assistance and employment related day care;

13) referral for housing assistance or housing advocacy;

14) referral for legal services.

c) Family Reunification
When family reunification is the goal, services are directed toward returning a child to his/her parent's or private guardian's home when the child was removed because of alleged child abuse or neglect or other reasons. Family reunification services are directed toward helping the children's parents~~parent(s)~~ or private guardians~~guardian(s)~~ achieve minimum parenting standards and ensuring the children's~~their~~ safety and well-being upon return home. The service constellation for these children and families may include:

1) counseling/advocacy;

2) homemaker;

3) protective and family maintenance day care and child development;

4) foster family home care;

5) relative home care;

6) residential care;

7) family planning;

8) parent education;

9) intensive family preservation services;

10) referral for substance abuse treatment services.

d) Adoption or Attainment of a Permanent Living Arrangement

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) When adoption or attainment of a permanent living arrangement is the goal, services are directed at securing a new legal status in a permanent living situation for children who cannot return to their legal families. A goal of permanent living arrangement means that the child is to remain with a relative or foster family permanently and the Department has transferred or intends to transfer legal guardianship to the family. The service constellation for these children may include:

A)~~1)~~ counseling;

B)~~2)~~ adoption;

C)~~3)~~ subsidized guardianship;

D)~~4)~~ relative home care;

E)~~5)~~ foster family home care;

F)~~6)~~ intensive family preservation services.

2) When a prospective adoptive parent or guardian has a medical and/or physical condition that may render him/her unable to care for the child into adulthood, the Department shall request that the prospective adoptive parent or guardian develops a back-up care plan for the child, which includes a "back-up caregiver" willing and able to care for the child into adulthood. The Department shall assess the back-up care plan and meet with the prospective adoptive parent or guardian and the back-up caregiver to review the Department's expectations with regard to the caregiver's role and responsibilities, the child's needs, available services, and financial assistance such as Subsidized Guardianship and/or Adoption Assistance. The Department shall obtain a signed statement from the back-up caregiver acknowledging that he/she is aware of the child's needs and that the back-up caregiver will assume responsibility for the child's care in the event that the adoptive parent or guardian is no longer capable of providing care. The statement will also inform back-up caregivers for guardianship that any subsidy the guardian was receiving is not transferable.

e) Youth Development

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) When youth development is the goal, services are directed at helping youth live independently or assisting unmarried youth with planning for the birth or care of their child. Such services may be provided by the Department to youth for whom itthe Department of Children and Family Services is legally responsible and who are:

   A) Youth 16 years of age or older for whom the Department has legal responsibility, to help them live independently of adult caregiver supervision and achieve economic self-sufficiency; and

   B) Youth who are high school graduates and have been awarded scholarships in accordance with the Children and Family Services Act [20 ILCS 505]; and

   C) unmarried andUnmarried pregnant youth for whom the Department has legal responsibility.

2) The service constellation for youth for whom the Department is legally responsible may include:

   A) counseling/advocacy;

   B) day care for the children of unmarried youth;

   C) homemaker services;

   D) family planning;

   E) maintenance payments or foster family home, relative home or residential care payment, except that maternity home payment shall be limited to a maximum of ninety (90) days.

(Source: Amended at 35 Ill. Reg. 2899, effective February 8, 2011)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: General Provisions for Radiation Protection

2) Code Citation: 32 Ill. Adm. Code 310

3)

Section Numbers:	Adopted Action:
310.10	Amendment
310.20	Amendment
310.40	Amendment

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40]

5) Effective Date of Amendments: February 7, 2011

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: 34 Ill. Reg. 16619; 10/29/10

10) Has JCAR issued a Statement of Objection to these Amendments? No

11) Differences between proposal and final version: Grammatical and stylistic changes were made in accordance with JCAR's recommendation. In addition, the following changes were made:

1. In Section 310.20 under definition of "Act", struck "(the Act)"

2. In Section 310.20 under definition of "Special form radioactive material" struck "73 Fed. Reg. 63572, October 24, 2008" and added "60 Fed. Reg. 50264, September 28, 1995".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? This is an exempt rulemaking; no agreements were necessary.

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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 proposed rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 20, 30, 32, and 35 regulations currently in place for use of radioactive materials. Agreement States such as Illinois are required to have these changes in place by December 17, 2010. NRC has assigned this rulemaking a compatibility category of A, which means that the Illinois rule must have language essentially identical to NRC's. This rulemaking will clarify standards for regulation of discrete sources of radium-226, accelerator-produced radioactive material, and discrete sources of naturally occurring radioactive material as required by the Energy Policy Act of 2005 (EPAct), which was signed into law on August 8, 2005. The EPAct expanded the Atomic Energy Act of 1954 definition of Byproduct material to include any discrete source of radium-226, any material made radioactive by use of a particle accelerator, or any discrete source of naturally occurring radioactive material other than source material. The proposed rulemaking will also clarify record retention and include a definition for "physician".

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The NRC has reviewed the proposed amendments and has indicated that these amendments are needed to ensure compatibility with 10 CFR 20, 30, 32, and 35. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the Illinois Register.

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

Louise Michels
Staff Attorney
Illinois Emergency Management Agency

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

1035 Outer Park Drive
Springfield, Illinois 62704

217/524-0770

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 310
GENERAL PROVISIONS FOR RADIATION PROTECTION

Section

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

SOURCE: Filed April 20, 1974 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. 15657; amended at 10 Ill. Reg. 17259, effective September 25, 1986; amended at 15 Ill.

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Reg. 10604, effective July 15, 1991; amended at 17 Ill. Reg. 18472, effective January 1, 1994; amended at 20 Ill. Reg. 15978, effective December 9, 1996; amended at 23 Ill. Reg. 14454, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20748, effective December 16, 2005; amended at 31 Ill. Reg. 11573, effective July 26, 2007; amended at 35 Ill. Reg. 2908, effective February 7, 2011.

Section 310.10 Scope

Except as otherwise specifically provided, this Part applies to all persons who receive, possess, use, transfer, own or acquire any source of radiation within the State of Illinois; provided, however, that nothing in this Part or 32 Ill. Adm. Code 320, 326, 330, 331, 332, 335, 340, 341, 346, 350, 351, 400, 401, 405 or ~~and~~ 601 shall apply to any person to the extent such person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

AGENCY NOTE: Regulation~~Attention is directed to the fact that regulation~~ by the State of source material, byproduct material and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of an agreement between the State and the NRC and to 10 CFR 150 of NRC's~~the Commission's~~ regulations.

(Source: Amended at 35 Ill. Reg. 2908, effective February 7, 2011)

Section 310.20 Definitions

As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, these terms have the definitions set forth below. Additional definitions used only in a certain Part will be found in that Part.

"Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

"Accelerator" or "particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV).

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Act" means the Radiation Protection Act of 1990 ~~(the Act)~~ [420 ILCS 40].

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"Activity" means the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the Bequerel (Bq) and the curie (Ci).

"Adult" means an individual 18 or more years of age.

"Agency" means the Illinois Emergency Management Agency.

"Agreement State" means any state with which the U. S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954, as amended (42 USC 2021(b) et seq.).

"Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors or gases.

"Airborne radioactivity area" means any room, enclosure or operating area in which airborne radioactive material, composed wholly or partly of licensed material, exists in concentrations:

in excess of the derived air concentrations (DACs) specified in appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007~~effective January 1, 2004~~, exclusive of subsequent amendments or editions; or

to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

"Annually" means at intervals not to exceed 1 year.

"As low as is reasonably achievable" or "ALARA" means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and

in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Background radiation" means radiation from cosmic sources, naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material) and global fallout as it exists in the environment from the testing of nuclear explosive devices, or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. Background radiation does not include radiation from radioactive materials regulated by the Agency.

"Becquerel" or "Bq" means the SI unit of activity. One becquerel (Bq) is equal to 1 disintegration (transformation) per second (dps or tps).

"Bioassay" or "radiobioassay" means the determination of kinds, quantities or concentrations and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

"Brachytherapy" means a method of radiation therapy in which sealed sources are used to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitory, intraluminal or interstitial application.

"Brachytherapy source" means a radioactive source, a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

"By-product material" means:

any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material;

the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes;

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any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity;

any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in commercial, medical, or research activity before, on, or after August 8, 2005, and which the U.S. Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat to the public health and safety or the common defense and security similar to the threat posed by a discrete source or radium-226. [420 ILCS 40/4(a-5)]

~~"Byproduct material" means:~~

~~*any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material; and*~~

~~*the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes.* [420 ILCS 40/4(a-5)]~~

"Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him for determining calendar quarters except at the beginning of a year.

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"Calibration" means the determination of:

the response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or

the strength of a source of radiation relative to a standard.

"CFR" means Code of Federal Regulations.

"Chelating agent" means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carbolic acid, and glucinic acid).

"Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

"Committed dose equivalent" or "$H_{T,50}$" means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

"Committed effective dose equivalent" or $H_{E,50}$ means the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \Sigma\ w_T H_{T,50}$).

"Critical group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

"Curie" means a unit of quantity of radioactivity. One Curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} disintegrations (transformations) per second (dps or tps).

"Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of property for unrestricted use and termination of the license.

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"Declared pregnant woman" means any woman who has voluntarily informed the licensee or registrant, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

"Dedicated check source" means a radioactive source that is used to assure the constant operation of a radiation detection or measurement device over several months or years.

"Deep dose equivalent" or "H_d" means the dose equivalent at a tissue depth of 1 centimeter (1000 milligrams per square centimeter) from external whole-body exposure.

"Densitometer" means a device that is used to provide a quantitative measurement of the optical density of x-ray film to determine the response of the film to exposure and development.

"Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

"Director" means the Director of the Illinois Emergency Management Agency.

"Discrete source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical or research activities.

"Distinguishable from background" means the detectable radioactivity is statistically different from background in the vicinity of the site, or, in the case of structures, in similar materials using adequate measurement technology, survey and statistical techniques.

"Dose" or "radiation dose" means either absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent or total effective dose equivalent.

"Dose equivalent" or"H_T" means the product of the absorbed dose in tissue, quality factor and all other necessary modifying factors (e.g., a distribution factor for non-uniform deposition) at the location of interest. The units of dose

equivalent are the sievert (Sv) and the rem.

"Dose limits" or "limits" means the permissible upper bounds of radiation doses established by, or in accordance with, 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to such devices.

"Effective dose equivalent" or "H_E" means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (W_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \Sigma w_T H_T$).

"Embryo/fetus" means the developing human organism from conception until the time of birth.

"Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

"Exposure" means:

the quotient of dQ divided by dm where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass "dm" are completely stopped in air. (See Section 310.140 ~~of this Part~~ for SI unit coulomb per kilogram (C/kg) and the special unit roentgen (R).); or

irradiation by ionizing radiation or radioactive material.

AGENCY NOTE: The context makes clear which is the appropriate definition.

"Exposure rate" means the exposure per unit of time, such as roentgen per minute (R/min) and milliroentgen per hour (mR/h).

"External dose" means that portion of the dose equivalent received from any

source of radiation outside the body.

"Extremity" means a hand, elbow, arm below the elbow, foot, knee and leg below the knee.

"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

"Gray" or "Gy" means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (J/kg) (100 rad).

"Healing arts" means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases or infirmities, and has the same meaning as "medicine" when the latter term is used in its comprehensive sense.

"High radiation area" means any area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

"Human use" means the internal or external administration of radiation or radioactive materials to human beings.

"Individual" means any human being.

"Individual monitoring" means the assessment of:

Dose equivalent by the use of individual monitoring devices or by the use of survey data; or

Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed (i.e., DAC-hours). (For the definition of DAC-hours, see 32 Ill. Adm. Code 340.30.)

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"Individual monitoring devices" (personnel dosimeter or dosimeter) means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring devices are film badges, thermoluminescence dosimeters (TLDs), optically stimulated luminescence dosimeters (OSLs), pocket ionization chambers, personal air sampling devices and electronic dosimeters (e.g., silicon diode dosimeters).

"Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Agency.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

"Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

"License" means any license issued by the Agency in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensed material" means radioactive material received, possessed, used, transferred or disposed of under a general or specific license issued by the Agency.

"Licensee" means any person who is licensed by the Agency in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensing State" means any state which has been provisionally or finally designated as such by the Conference of Radiation Control Program Directors, Inc., which reviews state regulations to establish equivalency with the Suggested State Regulations and ascertains whether a state has an effective program for control of naturally occurring or accelerator-produced radioactive material (NARM). The Conference will designate as licensing states those states with regulations for control of radiation relating to, and an effective program for the regulatory control of, NARM.

"Lost or missing source of radiation" means any licensed or registered source of radiation whose location is unknown. This definition includes, but is not limited

to, radioactive material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

"Major processor" means a person, other than medical programs, universities, industrial radiography services, or wireline service operations, who is licensed to process, handle, or manufacture radioactive material as unsealed sources in quantities exceeding the quantities specified in appendix C to 10 CFR 20, published at 60 Fed. Reg. 20186, April 25, 1995, ~~effective January 1, 2004,~~ exclusive of subsequent amendments or editions, by a factor of at least 10^3, or radioactive material as sealed sources in quantities exceeding the quantities specified in appendix C to 10 CFR 20 by a factor of at least 10^{10}.

"Member of the public" means any individual, except an individual who is performing assigned duties for the licensee or registrant involving exposure to sources of radiation.

"Minor" means an individual less than 18 years of age.

"Monitoring" or "radiation monitoring" or "radiation protection monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

"NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include byproduct, source, or special nuclear material.

"Natural radioactivity" means radioactivity of naturally occurring nuclides.

"Nuclear Regulatory Commission" or "NRC" means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

"Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties for the licensee or registrant involve exposure to sources of radiation. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released as authorized by the Agency, from voluntary participation in medical research programs, or as a member of the public.

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"Operator" means an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting the business or activities carried on within a radiation installation. [420 ILCS 40/4(d-7)]

"Package" means the packaging, together with its radioactive contents, as presented for transport.

"Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 32 Ill. Adm. Code 341. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding and devices for cooling or absorbing mechanical shocks. The vehicle, tie down system and auxiliary equipment may be designated as part of the packaging.

"Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV). For purposes of this definition, "accelerator" is an equivalent term.

"Person" *means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto. "Person" also includes a federal entity (and its contractors) if the federal entity agrees to be regulated by the State or as otherwise allowed under federal law.* [420 ILCS 40/4(e)]

"Personnel monitoring equipment" (see "Individual monitoring devices").

"PET" means positron emission tomography.

"Pharmacist" means an individual licensed by the State pursuant to the Pharmacy Practice Act of 1987 [225 ILCS 85] to compound and dispense drugs, prescriptions, and poisons.

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"Physician" means an individual licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25] or the Podiatric Medical Practice Act of 1987 [225 ILCS 100], who may use radiation for therapeutic, diagnostic or other medical purposes within the limits of the individual's licensure.

"Positron emission tomography radionuclide production facility" means a facility operating a particle accelerator for the purpose of producing PET radionuclides.

"Protective apron" means any apron made of radiation attenuating materials, at least 0.25 millimeter lead equivalent, that may be used to reduce exposure to radiation.

"Qualified engineering expert" means any person qualified under the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and/or any required combination thereof.

"Quality factor" or "Q" means the modifying factor (listed in Section 310.140, Tables 1 and 2 ~~of this Part~~) that is used to derive dose equivalent from absorbed dose.

"Quarterly" means at intervals not to exceed 3 months.

"Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (J/kg) (0.01 Gy).

"Radiation" or "ionizing radiation" means *gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves, or visible infrared or ultraviolet light.* [420 ILCS 40/4(f)]

"Radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in 1 hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

"Radiation dose" (see "Dose").

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"Radiation emergency" means *the uncontrolled release of radioactive material from a radiation installation which poses a potential threat to the public health, welfare and safety.* [420 ILCS 40/4(f-5)]

"Radiation Installation" *is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed or used for any purpose* [420 ILCS 40/4(g)], except where such radioactive materials or facility are subject to regulation by the NRC.

"Radiation machine" means *any device that produces radiation when in use* [420 ILCS 40/4(h)], except those that produce radiation only from radioactive materials.

"Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned that responsibility by the licensee or registrant.

"Radioactive material" means *any solid, liquid, or gaseous substance which emits radiation spontaneously.* [420 ILCS 40/4(i)] It includes material defined as "byproduct material" in the Act.

"Radioactivity" means the disintegration (transformation) of unstable atomic nuclei by the emission of radiation.

"Radiobioassay" (see "Bioassay").

"Registrant" means any person who is registered with the Agency and is legally obligated to register with the Agency pursuant to the Radiation Protection Act of 1990 [420 ILCS 40] and 32 Ill. Adm. Code 320.10.

"Registration" means registration with the Agency in accordance with 32 Ill. Adm. Code 320.10.

"Regulations of the U.S. Department of Transportation" or "regulations of USDOT" means the regulations in 49 CFR 100-189, revised October 1, 2008~~as of October 1, 2004~~, exclusive of ~~any~~ subsequent amendments or editions.

"Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad

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multiplied by the quality factor (1 rem = 0.01 Sv).

"Research and development" means:

theoretical analysis, exploration, or experimentation; or

the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Residual radioactivity" means radioactivity in structures, materials, soils, groundwater and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of 32 Ill. Adm. Code 340 or the equivalent provisions of 10 CFR 20.

"Restricted area" means any area access to which is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to sources of radiation. Restricted area shall not include areas used for residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

"Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58 x 10^{-4} coulombs per kilogram (C/kg). (See "Exposure" and Section 310.140 ~~of this Part~~.)

"Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material.

"Sealed source and device registry" means the national registry that contains all the registration certificates generated by the Agency, U.S. Nuclear Regulatory

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Commission or an Agreement State that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.

"Sensitometer" means a device that is used to test the setup and stability of film processing procedures and equipment by providing a standard pattern of light exposure of x-ray film.

"Shallow dose equivalent" or "H_s", which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 milligrams per square centimeter).

"SI" means the abbreviation for the International System of Units.

"Sievert" or "Sv" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

"Source material" means:

uranium or thorium, or any combination thereof, in any physical or chemical form; or

ores that contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium or any combination thereof.

Source material does not include special nuclear material.

"Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

"Special form radioactive material" means radioactive material that satisfies the following conditions:

It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

The piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and

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It satisfies the test requirements specified in 10 CFR 71.75 and 71.77, published at 60 Fed. Reg. 50264, September 28, 1995,~~January 26, 2004, with corrections published February 10, 2004,~~ exclusive of subsequent amendments or editions, except that special form radioactive material designed or constructed prior to July 1, 1985 need only meet the requirements of 10 CFR 71.75 and 71.77 in effect on June 30, 1983.

"Special nuclear material" means:

plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Agency declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or

any material artificially enriched by any of the foregoing, but does not include source material. [420 ILCS 40/4(l)]

"Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; U-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them, except source material, in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed one. For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175\,(\text{grams contained U - 235})}{350} + \frac{50\,(\text{grams U - 233})}{200} + \frac{50\,(\text{grams Pu})}{200} = 1$$

"Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. Such an evaluation includes, but is not limited to, measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.

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"Test" means the process of verifying compliance with an applicable regulation.

"Total effective dose equivalent" or "TEDE" means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

"Total organ dose equivalent" or "TODE" means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in 32 Ill. Adm. Code 340.1160(a)(6).

"Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating or refining.

"Unrestricted area" means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters.

AGENCY NOTE: Licensees or registrants may control access to certain areas for purposes other than radiation protection, but such action does not affect whether the areas are unrestricted areas as defined in this Part.

"Uranium fuel cycle" means the operations of milling of uranium ore, chemical conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel and reprocessing of spent uranium fuel to the extent that these activities directly support the production of electrical power for public use. Uranium fuel cycle does not include mining operations, operations at waste disposal sites, transportation of radioactive material in support of these operations and the reuse of recovered non-uranium special nuclear and byproduct materials from the cycle.

"U.S. Department of Energy" means the agency created by the Department of Energy Organization Act (established by P.L. 95-91, 91 Stat. 565, 42 USC 7101 et seq.), to the extent that the Department of Energy, or its duly authorized representatives, exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy

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Reorganization Act of 1974 (P.L. 93-438, 88 Stat. 1233 at 1237, 42 USC 5814) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (P.L. 95-91, 91 Stat. 565 at 577-578, 42 USC 7151).

"Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in 1 hour at 1 meter from a radiation source or 1 meter from any surface that the radiation penetrates.
AGENCY NOTE: For very high doses received at high dose rates, units of absorbed dose (e.g., gray and rad) are appropriate rather than units of dose equivalent (e.g., sievert and rem).

"Waste" means those low-level radioactive wastes containing source, special nuclear or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in Section 4(a-5)(2) of the Act.

"Waste handling licensee" means a person licensed by ~~the NRC,~~ the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State ~~or a Licensing State~~ to receive radioactive wastes for storage or treatment, or both storage and treatment, prior to disposal as well as any person licensed to receive radioactive waste for disposal away from the point of generation.

"Week" means 7 consecutive days starting on Sunday.

"Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow or legs above the knee.

"Worker" means any individual engaged in work under a license or registration issued by the Agency and controlled by a licensee or registrant, but does not include the licensee or registrant.

"Working level" or "WL" means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are for radon-

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222: polonium-218, lead-214, bismuth-214 and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212 and polonium-212.

"Working level month" or "WLM" means an exposure to 1 working level (WL) for 170 hours. (2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month.)

"Year" means the period of time beginning in January used to determine compliance with the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the decision to make the change is made not later than December 31 of the previous year. If a licensee or registrant changes a year, the licensee or registrant shall assure that no day is omitted or duplicated in consecutive years.

(Source: Amended at 35 Ill. Reg. 2908, effective February 7, 2011)

Section 310.40 Records

Each licensee and registrant shall maintain records showing the receipt, transfer, use, storage and disposal of all sources of radiation. Additional record requirements are specified elsewhere in 32 Ill. Adm. Code: Ch. II, Subchapters b and d. Each record required by this Part shall be legible throughout the specified retention period. The record shall be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel. The microform shall be capable of producing a clear copy throughout the required retention period. Records may be stored in electronic media with the capability for producing legible, accurate and complete records during the required retention period. Records such as letters, drawings and specifications shall include all pertinent information such as stamps, initials and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

(Source: Amended at 35 Ill. Reg. 2908, effective February 7, 2011)

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1) Heading of the Part: Licensing of Radioactive Material

2) Code Citation: 32 Ill. Adm. Code 330

3)

Section Numbers:	Adopted Action:
330.20	Amendment
330.40	Amendment
330.220	Amendment
330.240	Amendment
330.260	Amendment
330.270	Amendment
330.280	Amendment
330.320	Amendment
330.330	Repealed
330.400	Amendment
330.APPENDIX A	Amendment
330.APPENDIX C	Amendment

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]

5) Effective Date of Amendments: February 7, 2011

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: 34 Ill. Reg. 17022; November 12, 2010

10) Has JCAR issued a Statement of Objection to these Amendments? No

11) Differences between proposal and final version: In Section 330.220(b)(3)(E), (b)(3)(E)(1) and (2), struck "Symbol" and added "nano". In Section 330.220(h)(3)(D),

changed "340.1080" to "340.1010(a)". Grammatical and stylistic changes were made in accordance with JCAR's recommendations.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? This is an exempt rulemaking; no agreements were necessary.

13) Will these amendments replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Number:	Proposed Action:	Illinois Register Citation:
330.40	Amendment	33 Ill. Reg. 12061; August 28, 2009

15) Summary and Purpose of amendments: This proposed amendment will clarify the documentation required by the Agency for approval of an authorized nuclear pharmacist. It will also update and clarify general licenses and license exemptions and requirements for manufacture and distribution of radioactive material. In addition, it will clarify standards for regulation of discrete sources of radium-226, accelerator-produced radioactive material, and discrete sources of naturally occurring radioactive material as required by the Energy Policy Act of 2005 (EPAct), which was signed into law on August 8, 2005. The EPAct expanded the Atomic Energy Act of 1954 definition of *Byproduct material* to include any discrete source of radium-226, any material made radioactive by use of a particle accelerator, or any discrete source of naturally occurring radioactive material other than source material.

These proposed amendments will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 30, 32, and 35 regulations currently in place for use of radioactive materials. Agreement States such as Illinois are required to have these changes in place by October 29, 2010. NRC has assigned this rulemaking a compatibility category of B. This means that the Illinois rule must have language essentially identical to NRC's because of transboundary considerations.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of

the program. The NRC has reviewed the proposed amendments and has indicated that these amendments are needed to ensure compatibility with 10 CFR 30, 32, and 35. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the Illinois Register.

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 begin on the next page:

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TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330
LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section

SUBPART B: TYPES OF LICENSES

Section

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section

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SUBPART D: TRANSPORTATION

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

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SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011.

SUBPART A: GENERAL PROVISIONS

Section 330.20 Definitions

"Authorized nuclear pharmacist" means a pharmacist who:

Meets the requirements in Section 330.260(c)(18), ~~(c)~~(19) and ~~(c)~~(21) ~~of this Part~~; or

Is identified as an authorized nuclear pharmacist on:

A specific license issued by the Nuclear Regulatory Commission or Agreement State that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission master material licensee that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission or Agreement State broad scope medical use licensee that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission master material license broad scope medical use permittee that authorizes medical use or the practice of nuclear pharmacy; or

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Is identified as an authorized nuclear pharmacist by a commercial nuclear pharmacy that has been authorized to identify authorized nuclear pharmacists; or

Is designated as an authorized nuclear pharmacist in accordance with Section 330.260(c)(16) ~~of this Part~~.

"Consortium" means an association of medical use licensees and a PET radionuclide production facility in the same geographical area that jointly own or share in the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the consortium for noncommercial distributions among its associated members for medical use. The PET radionuclide production facility within the consortium must be located at an educational institution or a medical facility.

"General license" *means a license*, as set forth in this Part and 32 Ill. Adm. Code 341, which is *effective without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, radioactive material* [420 ILCS 40/4(d)], although the filing of a certificate with the Agency may be required by the particular general license. The general licensee is subject to all other applicable portions of 32 Ill. Adm. Code: Chapter II and any limitations of the general license.

"Nationally tracked source" is a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix F. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded in a solid form and is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

"Protective actions" means actions taken by members of the public to protect themselves from radiation from an incident involving radioactive material, which may include sheltering, evacuation, relocation, control of access, administration

of radiation-protective drugs, decontamination of persons, decontamination of land or property, or control of food or water.

"Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, radioactive materials [420 ILCS 40/4(m)]. The licensee is subject to all applicable portions of 32 Ill. Adm. Code: Chapter II, as well as any limitations specified in the licensing document.

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

Section 330.40 License Exemption − Radioactive Materials Other Than Source Material

a) Exempt Concentrations

1) Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in Appendix A of this Part provided they have been introduced or transferred~~distributed pursuant to a license~~ as described in subsection (a)(2) or (3)~~of this Section~~. This Section shall not be deemed to authorize the import of radioactive materials or products containing radioactive materials.

2) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under subsection (a)(1) ~~of this Section~~ or equivalent regulations of the U.S. Nuclear Regulatory Commission (10 CFR 30.14) or~~,~~ an Agreement State~~ or a Licensing State~~, except in accordance with a specific license issued pursuant to Section 330.280(a)~~. of this Part or the general license provided in Section 330.900 of this Part.~~

3) A manufacturer, processor or producer of a product or material is exempt from the requirements for a license set forth in this Part to the extent that person transfers radioactive material contained in a product or material in concentrations not in excess of those specified in Appendix A and introduced into the product or material by a licensee holding a specific license issued by the Agency expressly authorizing that introduction. This exemption does not apply to the transfer of radioactive material contained

in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

b) Exempt Quantities

1) Except as restricted by subsections (b)(2) through (4), any~~Any~~ person is exempt from this Part to the extent that ~~such~~ person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Appendix B ~~of this Part provided they have been distributed pursuant to a license as described in subsection (b)(3) of this Section~~. Furthermore, any person is exempt from this Part to the extent that person possesses, uses, transfers or owns radioactive material that was received or acquired before September 25, 1971, under the general license then provided by the regulations of the U.S. Atomic Energy Commission (10 CFR 31.4) or the equivalent regulations of an Agreement State.

AGENCY NOTE: Capsules distributed pursuant to 10 CFR 32.21 that contain carbon-14 urea are only authorized for "in-vivo" diagnostic use for humans. Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license from the Agency. Nothing in this Section relieves persons from complying with applicable Federal and State requirements governing receipt, administration and use of drugs.

2) This subsection (b) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

3) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Appendix B of this Part, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under this subsection (b) or equivalent regulations of the U.S. Nuclear Regulatory Commission, or an Agreement State ~~or a Licensing State~~, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.18 or 32.21, or by the Agency pursuant to Section 330.280(b) ~~of this Part~~, which states that the

radioactive material may be transferred by the licensee to persons exempt under this subsection (b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or, an Agreement State ~~or a Licensing State~~.

4) No person shall, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by the exemption in subsection (b)(1) so that the aggregate quantity exceeds the limits set forth in Appendix B, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by this Part.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

c) Exempt Items

1) Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products or persons who initially transfer for sale or distribution the following products, any person is exempt from this Part to the extent that he receives, possesses, uses, transfers, owns or acquires the following products:

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified radiation dose rate:

i) 925 MBq (25 mCi) of tritium per timepiece;

ii) 185 MBq (5 mCi) of tritium per hand;

iii) 555 MBq (15 mCi) of tritium per dial (bezels when used shall be considered as part of the dial);

iv) 3.7 MBq (100 microCi) of promethium-147 per watch or 7.4 MBq (200 microCi) of promethium-147 per any other timepiece;

v) 740 kBq (20 microCi) of promethium-147 per watch hand or 1.48 MBq (40 microCi) of promethium-147 per other timepiece hand;

vi) 2.22 MBq (60 microCi) of promethium-147 per watch dial or 4.44 MBq 1(20 microCi) of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial);

vii) The radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber: for wrist watches, 1 microGy (100 microrad) per hour at 10 centimeters from any surface; for pocket watches, 1 microGy (100 microrad) per hour at 1 centimeter from any surface; for any other timepiece, 2 microGy (200 microrad) per hour at 10 centimeters from any surface; or

viii) 37 kBq (1 microCi) of radium-226 per timepiece in intact timepieces manufactured prior to November 30, 2007~~acquired prior to May 1, 1974~~.

~~B)~~ ~~Lock illuminators containing not more than 555 MBq (15 mCi) of tritium or not more than74 MBq (2 mCi) of promethium-147 installed in automobile locks. The radiation dose rate from each lock illuminator containing promethium-147 will not exceed 10 microGy (1 mrad) per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.~~

B~~C~~) Precision balances containing not more than 37 MBq (1 mCi) of

tritium per balance or not more than 18.5 MBq (500 microCi) of tritium per balance part manufactured before December 17, 2007.

~~D)~~ ~~Automobile shift quadrants containing not more than 925 MBq (25 mCi) of tritium.~~

C~~E~~) Marine compasses containing not more than 27.8 GBq (750 mCi) of tritium gas and other marine navigational instruments containing not more than 9.25 GBq (250 mCi) of tritium gas manufactured before December 17, 2007.

~~F)~~ ~~Thermostat dials and pointers containing not more than 925 MBq (25 mCi) of tritium per thermostat.~~

D~~G~~) Electron tubes; provided that each tube does not contain more than one of the following specified quantities of radioactive material:

i) 5.55 GBq (150 mCi) of tritium per microwave receiver protector tube or 370 MBq (10 mCi) of tritium per any other electron tube;

ii) 37 kBq (1 microCi) of cobalt-60;

iii) 185 kBq (5 microCi) of nickel-63;

iv) 1.11 MBq (30 microCi) of krypton-85;

v) 185 kBq (5 microCi) of cesium-137; or

vi) 1.11 MBq (30 microCi) of promethium-147;

and provided further, that the radiation dose rate from each electron tube containing radioactive material will not exceed 10 microGy (1 mrad) per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber.

AGENCY NOTE: For purposes of subsection (c)(1)(D)~~(c)(1)(G) of this Section~~, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave

tubes, indicator tubes, pick-up tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical currents.

EH) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:

i) Each source contains no more than one exempt quantity set forth in Appendix B ~~of this Part~~; and

ii) Each instrument contains no more than ten exempt quantities. For purposes of this requirement, an instrument's sources may contain one or more radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in Appendix B ~~of this Part~~, provided that the sum of such fractions shall not exceed unity.

AGENCY NOTE: For purposes of subsection (c)(1)(E) ~~(c)(1)(H) of this Section~~, 1.85 kBq (50 nCi) of americium-241 is considered an exempt quantity.

~~I) Spark gap irradiators containing not more than 37 kBq (1 microCi) of cobalt-60 per spark gap irradiator for use in electrically-ignited fuel oil burners having a firing rate of at least 11.4 liters (3 gallons) per hour.~~

2) Self-Luminous Products Containing Radioactive Material

A) Tritium, Krypton-85 or Promethium-147. Except for persons who manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license, issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.22, which authorizes the transfer of the product to persons

who are exempt from regulatory requirements. The exemption in this subsection (c)(2)(A) does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments. The U. S. Nuclear Regulatory Commission shall make this determination of exemption.

B) Radium-226. Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers or owns articles containing less than 3.7 kBq (100 nCi) of radium-226 which were acquired prior to May 1, 1974.

3) Gas and Aerosol Detectors Containing Radioactive Material

A) Except for persons who manufacture, process, produce or initially transfer for sale and distribution gas and aerosol detectors containing radioactive material, any person is exempt from 32 Ill. Adm. Code: Chapter II, Subchapters b and d to the extent that such person receives, possesses, uses, transfers, owns or acquires ionization chamber smoke detectors containing not more than 37 kBq (1 µCi) of americium-241 per detector in the form of a foil and designed to protect life and property from fires. The detectors ~~radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that detectors containing radioactive material~~ shall have been manufactured, imported or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.26 that~~or a Licensing State pursuant to Section 330.280(c) of this Part, which~~ authorizes ~~the~~ transfer of the detectors to persons who are exempt from regulatory requirements.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

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B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State or a former Licensing State shall be considered exempt under subsection (c)(3)(A) ~~of this Section~~, provided that the device is labeled in accordance with the specific license ~~authorizing distribution of the generally licensed device~~ and provided further that it meets~~they meet~~ the requirements of 10 CFR 32.26 in effect at the time of distribution.~~Section 330.280(c) of this Part.~~

~~C) Gas and aerosol detectors containing naturally-occurring or accelerator-produced radioactive material (NARM) previously manufactured and distributed in accordance with a specific license issued by a Licensing State shall be considered exempt under subsection (c)(3)(A) of this Section, provided that the device is labeled in accordance with the specific license authorizing distribution and provided further that they meet the requirements of Section 330.280(c) of this Part.~~

~~4) Resins Containing Scandium-46 and Designed for Sand Consolidation in Oil Wells. Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or shall have been manufactured in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer of such resins pursuant to licensing requirements equivalent to those in 10 CFR 32.17 published January 1, 1997, exclusive of subsequent amendments or editions. This exemption does not authorize the manufacture of any resins containing scandium-46.~~

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

SUBPART B: TYPES OF LICENSES

Section 330.220 General Licenses − Radioactive Material Other Than Source Material

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a) Certain Devices and Equipment

1) A general license is hereby issued to transfer, receive, acquire, possess and use radioactive material incorporated in the following devices or equipment that has been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341 and~~,~~ 400 and Sections 330.40(a)(2), 330.310, 330.400 and 330.500 of this Part.

AGENCY NOTE: Attention is directed particularly to the provisions of 32 Ill. Adm. Code 340 that relate to the labeling of containers.

2) Static Elimination Device. Devices designed for use as static eliminators that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium-210 per device.

b) Certain Measuring, Gauging or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere

1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business and State or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions of subsections (b)(2) through (9)~~ of this Section~~, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

2) The general license provided by subsection (b)(1) ~~of this Section~~ applies only to radioactive material contained in devices that have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Agency pursuant to Section 330.280(d)~~ of this Part~~ or in accordance with the specifications contained in an equivalent specific license issued by the

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U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a former Licensing State. The devices shall have been received from a specific licensee described in this subsection (b)(2) or through a transfer made under subsection (b)(3)(L) ~~of this Section~~.

AGENCY NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling that is found in 21 CFR 179.21.

3) Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (b)(1) of this Section:

A) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained on the device and shall comply with all instructions and precautions provided by such labels;

B) Shall assure that the device is tested for leakage of, or contamination by, radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified on the device labels; however:

i) A device containing only krypton need not be tested for leakage of, or contamination by, radioactive material; and

ii) A device containing only tritium or not more than 3.7 MBq (100 microCi) of other beta and/or gamma emitting material or 370 kBq (10 microCi) of alpha emitting material or a device held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

C) Shall assure that testing (including testing required by subsection (b)(3)(B) ~~of this Section~~), installation, servicing and removal from

installation involving the radioactive material, its shielding or containment is performed:

i) In accordance with the instructions provided by the labels; or

ii) By a person holding an applicable specific license from the Agency, the U.S. Nuclear Regulatory Commission or, an Agreement State ~~or a Licensing State~~ to perform such activities;

D) Shall maintain records showing compliance with the requirements of subsections (b)(3)(B), (C) and (H) and (b)(6)(B) ~~of this Section~~. The records shall show the results of tests. The records shall also show the dates of performance of, and the names of persons performing, physical inventories, testing, installation, servicing and removal from installation of radioactive material or its shielding or containment. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license provided by subsection (b)(1) ~~of this Section~~ shall retain these records as follows:

i) A record of a test of an on-off mechanism and indicator or a test for leakage or contamination performed in accordance with subsection (b)(3)(B) ~~of this Section~~ shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of; and

ii) A record of testing, installation, servicing or removal from installation performed in accordance with subsection (b)(3)(C) ~~of this Section~~ shall be retained for 5 years from the date of the recorded event or until the device is transferred or disposed of; and

iii) A record of transfer or disposal of a device in accordance with subsection (b)(3)(H) ~~of this Section~~ shall be retained for 5 years from the date of the recorded event; and

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AGENCY NOTE: Note that this record must be retained after transfer of the device.

iv) A record of a quarterly physical inventory performed in accordance with subsection (b)(6)(B) ~~of this Section~~ shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of;

E) Shall immediately suspend operation of the device if there is a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 Bq (5 nano~~μ~~Ci) or more removable radioactive material. The device shall not be operated until it has been repaired by the manufacturer or other person holding an applicable specific license from the Agency, the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~ to repair such devices. The device and any radioactive material from the device shall be disposed of only by transfer to a person authorized by an applicable specific license to receive the radioactive material in the device or as otherwise approved by the Agency. A report containing a brief description of the event and the remedial action taken shall be furnished to the Agency within 30 days. As applicable, the following shall also be furnished to the Agency:

i) A report within 5 days (as required by 32 Ill. Adm. Code 340.1260) if detection of 185 Bq (5 nano~~μ~~Ci) or more removable radioactive material indicates that a sealed source is leaking or contaminated; and

ii) A plan within 30 days for ensuring that the person's premises and environs are acceptable for unrestricted use if 185 Bq (5 nano~~μ~~Ci) or more removable radioactive material is detected on the device or failure of or damage to a source is likely to result in contamination of the premises or the environs;

F) Shall not abandon the device containing radioactive material;

G) Shall not export the device containing radioactive material except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615, December 23, 2008~~as applicable, effective July 21, 2005~~, exclusive of subsequent amendments or editions;

H) Shall transfer or dispose of the device containing radioactive material only:

i) By export as provided by subsection (b)(3)(G) ~~of this Section~~;

ii) By transfer to another general licensee as provided by subsection (b)(3)(L) ~~of this Section~~;

iii) By transfer to a person authorized to receive the device by a specific license issued by the Agency pursuant to Section 330.280(d) ~~of this Part~~ or an equivalent specific license issued by the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~;

iv) By transfer to a person authorized to perform waste collection by a specific license issued by the Agency, the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~; or

v) As approved under subsection (b)(3)(K) ~~of this Section~~;

I) Shall furnish a written report to the Agency within 30 days after transferring~~, or~~ disposing of or redesignating the device containing radioactive material. The~~Such~~ notification shall include:

i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;

ii) The name, address and license number of the transferee (license number not applicable if exported);

iii) A receipt from the transferee showing the serial number of the device and the date that it was received (not applicable

if exported or redesignated);

AGENCY NOTE: Subsection (b)(3)(O) of this Section provides information about redesignation of administrative control over a device.

J) Shall maintain a record of the transfer or disposal of the device as required by subsection (b)(3)(D)(iii) ~~of this Section~~;

K) Shall obtain written approval from the Agency before transferring the device to a transferee not identified in subsections (b)(3)(H)(i) through (iv) ~~of this Section~~;

L) Shall transfer the device to another general licensee only if:

i) The device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (b) ~~of this Section~~, a copy of 32 Ill. Adm. Code 310.40, 310.80, 330.310, 330.500, 340.1210, 340.1220, 340.1260 and any safety documents identified in the device labels; or

ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use;

M) Shall furnish a report to the Agency within 30 days after transferring a device containing radioactive material as provided by subsection (b)(3)(L)(i) ~~of this Section~~. The~~Such~~ notification shall include:

i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;

ii) The transferee's name and mailing address;

iii) The address of the transferee's location of use or storage of the device; and

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iv) The name, title and phone number of the responsible individual identified by the transferee in accordance with subsection (b)(3)(N) ~~of this Section~~ to have knowledge of, and authority to take actions to ensure compliance with, the appropriate regulations and requirements;

N) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;~~.~~

O) May redesignate a device to be possessed and used under its own specific license without prior approval if the person:

i) Verifies that the specific license authorizes possession and use of the device or applies for and obtains an amendment to the license authorizing the possession and use;

ii) Removes, alters, covers or clearly and unambiguously augments the existing label required by subsection (b)(3)(A) so that the device is labeled in compliance with 32 Ill. Adm. Code 340.910; however, the manufacturer, model number and serial number shall be retained;

iii) Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and

iv) Reports the new designation as required by subsection (b)(3)(I).

4) Any person who receives, acquires, possesses or uses a device identified in subsection (b)(4)(A) ~~of this Section~~ shall register with the Agency in accordance with subsection (b)(4)(B) ~~of this Section~~:

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A) A person shall register with the Agency if the person receives, acquires, possesses or uses any of the following devices pursuant to the general license described in subsection (b)(1) ~~of this Section~~:

i) An electron capture detector, gauge or x-ray fluorescence analyzer containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material;

ii) A device containing a sealed source equal to or greater than 3.7 MBq (100 µCi) of strontium-90 or radium-226; or

iii) A static control or measuring device containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material other than polonium-210 or radium-226;

B) A person shall register with the Agency no later than 30 days after receiving a device identified in subsection (b)(4)(A) ~~of this Section~~. Registration information shall be in a format prescribed by the Agency and furnished in accordance with subsection (b)(4)(C) ~~of this Section~~;

C) When registering with the Agency, a person shall furnish the following and any other information requested by the Agency to track the location and use of a device:

i) The name and mailing address of the person;

ii) The name, title and phone number of the responsible individual designated by the person in accordance with subsection (b)(3)(N) ~~of this Section~~ as having knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements;

iii) Information about each device meeting the criteria of subsection (b)(4)(A) ~~of this Section~~. This information shall include the manufacturer (or initial transferor), model, serial number, radionuclide and activity as indicated on the labels, the location of the device within the radiation

installation, and the calendar quarter and year the person received the device;

iv) The addresses of the locations of use or storage of the devices reported under subsection (b)(4)(C)(iii) ~~of this Section~~;

AGENCY NOTE: For portable devices, these are the addresses of the primary places of storage.

v) Certification by the responsible individual that the information about devices was verified through a physical inventory and examination of label information; and

vi) Certification by the responsible individual that the general licensee is aware of the requirements of the general license;

AGENCY NOTE: Fee requirements for general licenses are in 32 Ill. Adm. Code 331. Reporting requirements are in Section 330.310(b) ~~of this Part~~, and bankruptcy notification requirements are in Section 330.310(j) ~~of this Part~~.

D) Any person who is required by subsection (b)(4) ~~of this Section~~ to register with the Agency shall report a change in mailing address or address of location of use or storage. This report shall be furnished to the Agency within 30 days after the change.

AGENCY NOTE: For portable devices, this is the address of the primary place of storage.

5) A person from out of state who is generally licensed by the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~ with respect to a device identified in subsection (b)(4)(A) ~~of this Section~~ is exempt from the registration requirement in subsection (b)(4) ~~of this Section~~ if the device is used in areas subject to Agency jurisdiction for a period less than 180 days in any calendar year.

6) Any person who receives, acquires, possesses or uses radioactive material in a device under the general license described in subsection (b)(1) ~~of this~~

~~Section~~ shall limit storage of a device that is not in use to a maximum of 2 years.

A) If a device with a shutter is not being used, the shutter shall be locked in the closed position. Testing for proper operation of the on-off mechanism and indicator is not required during the storage period. However, the on-off mechanism and indicator shall be checked before the device is returned to service if the device has not been tested within the required test interval. Tests for leakage of, or contamination by, radioactive material shall be conducted during the storage interval as required by subsection (b)(3)(B) ~~of this Section~~.

B) A device kept in standby for future use is exempt from the 2-year storage limit if the person performs a quarterly physical inventory of the device while it is in standby. The requirements and exemption of subsection (b)(6)(A) ~~of this Section~~ shall apply.

AGENCY NOTE: Record keeping requirements are contained in subsection (b)(3)(D) ~~of this Section~~.

7) Failure of any person to comply with the requirements of this subsection (b) ~~of this Section~~ may cause the Agency to impose civil penalties in accordance with 420 ILCS 40/36 and 32 Ill. Adm. Code 200.

8) The general license described in subsection (b)(1) ~~of this Section~~ does not authorize the manufacture of devices containing radioactive material.

9) The general license described in subsection (b)(1) ~~of this Section~~ is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 326, 331, 340.1210, 340.1220, 340.1260, and 341 and Sections 330.310 and 330.500 of this Part. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (b)(1) of this Section is exempt from the requirements of 32 Ill. Adm. Code 400 and 340 except for the Sections of 32 Ill. Adm. Code 340 specifically identified in subsections (b)(3)(E) and (b)(9) of this Section.

c) Luminous Safety Devices for Aircraft

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1) A general license is hereby issued to receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:

A) Each device contains not more than 370 GBq (10 Ci) of tritium or 11.1 GBq (300 mCi) of promethium-147; and

B) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in 10 CFR 32.53, published at 43 FR 6923, February 17, 1978~~January 1, 1998~~, exclusive of subsequent amendments or editions.

2) Persons who receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection (c)(1) of this Section are exempt from the requirements of 32 Ill. Adm. Code 340 and 400, except that they shall comply with the provisions of 32 Ill. Adm. Code 340.1210 and 340.1220.

3) This general license does not authorize the manufacture, assembly or repair of luminous safety devices containing tritium or promethium-147.

4) This general license does not authorize the receipt, acquisition, possession or use of promethium-147 contained in instrument dials.

5) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90 and~~,~~ 341 and Sections 330.310, 330.400 and 330.500 of this Part.

d) Ownership of Radioactive Material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Part, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.

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e) Calibration and References Sources

1) A general license is hereby issued to those persons listed below to receive, acquire, possess, use and transfer, in accordance with the provisions of subsections (e)(4) and (5) ~~of this Section~~, americium-241 in the form of calibration or reference sources:

A) Any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material; and

B) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission that authorizes the licensee to receive, possess, use and transfer special nuclear material.

2) A general license is hereby issued to receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) ~~of this Section~~ to any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material.

3) A general license is hereby issued to receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) ~~of this Section~~ to any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material.

4) The general licenses in subsections (e)(1) through (3) ~~of this Section~~ apply only to calibration or reference sources that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.57, published at 73 Fed. Reg. 42674, July 23, 2008, exclusive of subsequent amendments or additions, or 70.39, published at 43 Fed. Reg. 6925, February 17, 1978, exclusive of subsequent amendments or additions, or that have been manufactured in accordance with the specifications contained in a specific license issued by the Agency, an Agreement State or a former Licensing State pursuant to licensing requirements equivalent to those contained in 10 CFR 32.57, published at 73 Fed. Reg. 42674, July 23, 2008, exclusive

of subsequent amendments or additions, or 70.39, published at 43 Fed. Reg. 6925, February 17, 1978~~published January 1, 1998~~, exclusive of subsequent amendments or editions.

5) The general licenses provided in subsections (e)(1) through (3) ~~of this Section~~ are subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341 and~~,~~ 400 and Sections 330.310, 330.400 and 330.500 of this Part. In addition, persons who receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

A) Shall not possess at any one time, at any one location of storage or use, more than 185 kBq (5 µCi) of americium-241, 185 kBq (5 µCi) of plutonium or 185 kBq (5 µCi) of radium-226 in such sources;

B) Shall not receive, possess, use or transfer such source unless the source~~,~~ or the storage container~~,~~ bears a label that includes ~~one of~~ the following statement~~statements, as appropriate,~~ or a statement that contains the information called for in this ~~one of the~~ statement~~following statements, as appropriate~~:

~~i)~~ The receipt, possession, use and transfer of this source, Model ___ , Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM) (RADIUM-226). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

_____
Name of Manufacturer or Importer

AGENCY NOTE: Showing only the name of the appropriate material.

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~~ii)~~ ~~The receipt, possession, use and transfer of this source, Model ___, Serial No. _____, are subject to a general license and the regulations of a Licensing State. Do not remove this label.~~

~~CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.~~

~~Name of Manufacturer or Importer~~

C) Shall not transfer, abandon or dispose of the source except by transfer to a person authorized by a license from the Agency, the U.S. Nuclear Regulatory Commission or, an Agreement State ~~or a Licensing State~~ to receive the source;

D) Shall store the source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium or radium-226 that might otherwise escape during storage; and

E) Shall not use the source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium or radium-226.

f) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing

AGENCY NOTE: The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

1) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of

subsections (f)(2) through (6) ~~of this Section~~, the following radioactive materials in prepackaged units for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:

A) Carbon-14, in units not exceeding 370 kBq (10 µCi) each.

B) Cobalt-57, in units not exceeding 370 kBq (10 µCi) each.

C) Hydrogen-3 (tritium), in units not exceeding 1.85 MBq (50 µCi) each.

D) Iodine-125, in units not exceeding 370 kBq (10 µCi) each.

E) Mock iodine-125 reference or calibration sources, in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.

F) Iodine-131, in units not exceeding 370 kBq (10 µCi) each.

G) Iron-59, in units not exceeding 740 kBq (20 µCi) each.

H) Selenium-75, in units not exceeding 370 kBq (10 µCi) each.

2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (f)(1) ~~of this Section~~ until he or she has filed the Agency form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License", with the Agency and received from the Agency a validated copy of the form with certification number assigned. No person shall transfer a validated copy of the form to another person without prior written consent of the Agency. The following information shall be furnished to the Agency on the form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License":

A) Name and address of the physician, veterinarian, clinical laboratory or hospital;

B) The location of use; and

C) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in subsection (f)(1) ~~of this Section~~ and that the~~such~~ tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (f)(1) ~~of this Section~~ shall comply with the following:

A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (f)(1) ~~of this Section~~, at any one location of storage, or use a total amount of iodine-125, iodine-131, selenium-75, iron-59 and/or cobalt-57 in excess of 7.4 MBq (200 µCi).

B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

C) The general licensee shall use the radioactive material only for the uses authorized by subsection (f)(1) ~~of this Section~~.

D) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Agency, the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

E) The general licensee shall dispose of the mock iodine-125 reference or calibration sources described in subsection (f)(1)(E) ~~of this Section~~ as required by 32 Ill. Adm. Code 340.1010(a).

4) The general licensee shall not receive, acquire, possess or use radioactive material pursuant to subsection (f)(1) ~~of this Section~~:

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A) Except as prepackaged units that are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(g) ~~of this Part~~ or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~ that authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57 or mock iodine-125 to persons generally licensed under subsection (f) ~~of this Section~~ or its equivalent; and

B) Unless one of the following statements, as appropriate, or a statement that contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

~~i)~~ This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

_____

Name of Manufacturer or Importer

~~ii) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations~~

~~and a general license of a Licensing State.~~

~~Name of Manufacturer or Importer~~

5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (f)(1) ~~of this Section~~ shall report in writing to the Agency, any changes in the information furnished by the licensee in the "Certificate – In Vitro Testing with Radioactive Material Under General License", Agency Form KLM.006. The report shall be furnished within 30 days after the effective date of the change.

6) This general license is subject to the provisions of 32 Ill. Adm. Code 310 and 331.

g) Ice Detection Devices

1) A general license is hereby issued to receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 MBq (50 µCi) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Agency or an Agreement State to the manufacturer of the device pursuant to licensing requirements equivalent to those in 10 CFR 32.61.

2) Persons who receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in subsection (g)(1) ~~of this Section~~:

A) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage or contamination and repaired by a person holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service those devices; or shall dispose of the device pursuant to the provisions of 32 Ill.

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Adm. Code 340.1010(a);

B) Shall assure that all labels affixed to the device at the time of receipt, and that bear a statement that prohibits removal of the labels, are maintained on the device; and

C) Are exempt from the requirements of 32 Ill. Adm. Code 340 and 400 except that such persons shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1210, 340.1220 and 340.1260.

3) This general license does not authorize the manufacture, assembly, disassembly or repair of strontium-90 in ice detection devices.

4) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90 and, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

h) Certain Items and Self-Luminous Products Containing Radium-226

1) A general license is hereby issued to any person to acquire, receive, possess, use or transfer, in accordance with the provisions of this subsection (h), radium-226 contained in the following products manufactured prior to November 30, 2007:

A) Antiquities originally intended for use by the general public. For the purposes of this subsection (h)(1)(A), antiquities means products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts and healing pads;

B) Intact timepieces containing greater than 37 kBq (1 µCi), nonintact timepieces and timepiece hands and dials no longer installed in timepieces;

C) Luminous items installed in air, marine or land vehicles;

D) All other luminous products, provided that no more than 100 items are used or stored at the same location at any one time; and

E) Small radium sources containing no more than 37 kBq (1μCi) of radium-226. For the purposes of this subsection (h)(1)(E), "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources such as cloud chambers and spinthariscopes used in educational demonstrations, electron tubes, lightning rods, ionization sources, static eliminators or sources otherwise designated by the Agency.

2) Any person who acquires, receives, possesses, uses or transfers radioactive material under the general license in subsection (h)(1) is exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that the receipt, possession, use or transfer of radioactive material is within the terms of the general license. This exemption does not apply to any person specifically licensed under this Part.

3) Any person who acquires, receives, possesses, uses or transfers radioactive material in accordance with the general license in subsection (h)(1):

A) Shall notify the Agency within 30 days if there is any indication of possible damage to a product that could result in loss of radioactive material. The report shall provide a brief description of the event and the remedial action taken;

B) Shall not abandon a product containing radium-226. The product and any radioactive material from the product shall only be disposed of in accordance with subsection (h)(3)(D);

C) Shall not export a product containing radium-226, except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615, December 23, 2008, exclusive of subsequent amendments or editions; and

D) Shall dispose of a product containing radium-226 only in accordance with 32 Ill. Adm. Code 340.1010(a), or by transfer to a person specifically licensed under this Part to receive the radium-226 in the product, or as otherwise approved by the Agency in writing.

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4) The general license in subsection (h)(1) does not authorize the manufacture, assembly, disassembly, repair or import of a product containing radium-226, except that timepieces may be disassembled and repaired.

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section 330.240 Filing Applications for Specific Licenses

a) Application requirements:

1) Applications for the issuance, renewal or amendment of specific licenses shall be filed in duplicate and in English.

AGENCY NOTE: Applications involving Agency evaluation of a sealed source or device containing radioactive material shall be in accordance with the requirements of this Section.

2) Applications for initial issuance, amendment and renewal of specific licenses shall be in the format prescribed by the Agency. Each application filed shall be complete with all requested information submitted, including all applicable attachments. The Agency may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements from the applicant or licensee to enable the Agency to determine whether the application should be granted or denied or whether an existing license should be modified or revoked in accordance with Section 330.500 ~~of this Part~~.

3) Each application shall include all information required by this Part and any other Parts of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, applicable to the requested authorizations.

4) An application may incorporate by reference information contained in previous applications, statements or reports filed with the Agency, provided such references are clear and specific.

5) Each application and each request for amendment shall be signed by the applicant, licensee, or a person duly authorized in writing to act for and on the licensee or applicant's behalf.

6) Each application shall identify the radiation safety officer. The proposed activities shall be under the same administrative control for radiation safety purposes and the same radiation protection program.

7) An application may request authority to receive, possess, utilize, manufacture, distribute, transfer, own or acquire radioactive material or devices or equipment utilizing or producing radioactive materials. The request can include one or more of these activities.

8) An application for a specific license to authorize receipt, possession or use of radioactive material in the form of a sealed source or in a device that contains a sealed source shall either:

A) Identify the sealed source or device that contains a sealed source by manufacturer and model as registered with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210, or with an Agreement State or, for a source or device containing naturally occurring or accelerator-produced material, with a state under provisions comparable to 10 CFR 32.210;~~filed in an evaluation sheet in the "Registry of Radioactive Sealed Sources and Devices" maintained by the U.S. Nuclear Regulatory Commission;~~ or

B) Contain the information identified in Section 330.280(m); or~~of this Part.~~

C) Describe, for a sealed source or device containing naturally occurring or accelerator-produced radioactive material manufactured prior to November 30, 2007, that is not registered with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 32.210 or with an Agreement State or a former Licensing State and for which the applicant is unable to provide the information described in Section 330.280(m)(2)(B) or (C):

i) The information required by Section 330.280(m)(2) concerning the source and, if applicable, the device; and

ii) Sufficient additional information to demonstrate that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. The information shall include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.

9) For each location to be listed on the license as an authorized use location, the applicant shall submit:

A) A statement that the applicant owns the facility where radioactive material is used or stored; or

B) A copy of a certified letter sent to the facility owner or authorized representative of the owner informing the owner that radioactive material is being or will be used or stored at the facility; or

C) A copy of a letter or statement from the facility owner or authorized representative of the owner indicating that the owner is aware that radioactive material is being used or will be used or stored at the facility.

AGENCY NOTE: The Radiation Protection Act requires the Agency to provide written notice to a municipality of an application for a new license for a fixed location facility or a license amendment for a new location for a facility.

10) The applicant shall ensure that all applicable fees specified in 32 Ill. Adm. Code 331 are paid in full when due.

11) The applicant shall address the Emergency Plan requirements of Section 330.250(e) ~~of this Part~~, when applicable.

b) Review of application. When evaluating an application or request for amendment, the Agency shall consider:

1) The completeness of the application;

2) The complexity, similarity and proximity of the proposed activities;

3) The radiation protection program proposed by the applicant to ensure the protection of the licensee's personnel, the public and the environment;

4) The qualifications and experience of the applicant's proposed Radiation Safety Officer and authorized users; ~~and~~

5) The applicant's history of compliance; and~~.~~

c) Public access to information. Public inspection of applications and other documents submitted to the Agency pursuant to this Section shall be in accordance with 2 Ill. Adm. Code 1076 and the requirements of the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

Section 330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials

a) Specific Licenses to Medical Institutions for Human Use of Radioactive Material. A specific license allowing a medical institution to use radioactive material for medical diagnosis, medical therapy, or medical research involving humans shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 335.

b) Specific Licenses to Individual Physicians for Human Use of Radioactive Material. An application by an individual physician or group of physicians for a specific license for human use of radioactive material shall be approved only if:

1) The applicant satisfies the general requirements specified in this Part;

2) The application is for use in the applicant's practice in an office outside a medical institution; and

3) The applicant has met the requirements of 32 Ill. Adm. Code 335.

c) Specific Licenses for Distribution or Transfer of Radiopharmaceuticals. In

addition to the requirements set forth in this Part, persons licensed by the Agency for manufacture, preparation, or transfer for commercial distribution of radiopharmaceuticals containing radioactive material for medical use under 32 Ill. Adm. Code 335 shall meet the following additional requirements:

1) The applicant satisfies the general requirements specified in Section 330.250 ~~of this Part~~;

2) The applicant submits evidence that the applicant is at least one of the following:

A) Registered with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding or processing of a drug under 21 CFR 207.20(a);

B) Registered or licensed with a state agency as a drug manufacturer;

C) Licensed as a pharmacy by a state Board of Pharmacy; ~~or~~

D) Operating as a nuclear pharmacy within a Federal medical institution; or

E) A PET drug production facility registered with a state agency;

3) The applicant submits information showing that:

A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or

B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;

4) The applicant submits information on the radionuclide; the chemical and physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the shielding provided by the

packaging to show it is appropriate for the safe handling and storage of the radioactive drugs by medical use licensees;

5) The applicant satisfies the following labeling requirements:

A) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution. The label shall~~must~~ include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL"; the name of the radioactive drug or its abbreviation; and the quantity of radioactivity at a specified date and time. For radioactive drugs with a half life greater than 100 days, the time may be omitted.

B) A label is affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label shall~~must~~ include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label;

6) A licensee described by subsection (c)(2)(C) or (D)~~ of this Section~~:

A) May prepare radioactive drugs for medical use, as defined in 32 Ill. Adm. Code 335.20, provided that the radioactive drug is prepared by either an authorized nuclear pharmacist, as specified in subsections (c)(6)(B) and (C)~~ of this Section~~, or an individual under the supervision of an authorized nuclear pharmacist as specified in subsection (c)(15).~~ Actions authorized in this subsection (c)(6)(A) are permitted in spite of more restrictive language in license conditions.~~

B) May allow a pharmacist to work as an authorized nuclear pharmacist if the following conditions ~~of subsections (c)(6)(B)(i) through (iii)~~ are met:~~ Actions authorized in this subsection (c)(6)(A) are permitted in spite of more restrictive language in license conditions.~~

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i) The~~This~~ individual qualifies as an authorized nuclear pharmacist as defined in Section 330.20;

ii) The~~This~~ individual meets the requirements specified in subsections (c)(18)(B) and (c)(21), and the licensee has received an approved license amendment identifying the~~this~~ individual as an authorized nuclear pharmacist; or

iii) The~~This~~ individual is designated as an authorized nuclear pharmacist in accordance with subsection (c)(6)(C).

C) May designate a pharmacist (as defined in Section 330.20) as an authorized nuclear pharmacist if:

i) The individual was a nuclear pharmacist preparing only radioactive drugs containing accelerator-produced radioactive material; and

ii) The individual practiced at a pharmacy at a government agency or federally recognized Indian Tribe before November 30, 2007 or at all other pharmacies before August 8, 2009, or an earlier date as noticed by the U.S. Nuclear Regulatory Commission~~NRC~~.

D) Prior to allowing the individual to work as an authorized nuclear pharmacist under subsections (c)(6)(B)(i) and (iii), shall~~Shall~~ provide to the Agency a copy of the individual's State of Illinois pharmacist license~~pharmacy licensure prior to allowing, under subsections (c)(6)(B)(i) and (iii), the individual to work as an authorized nuclear pharmacist~~ and:

i) A copy of the~~each~~ individual's certification by a specialty board whose certification process has been recognized by the U.S. Nuclear Regulatory Commission~~NRC~~ or an Agreement State as specified in subsection (c)(18)(A) with the written attestation signed by a preceptor as required by subsection (c)(18)(B)(iii); or

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ii) U.S. Nuclear Regulatory Commission~~An NRC~~ or Agreement State license listing the individual as an authorized nuclear pharmacist; or

iii) A U.S. Nuclear Regulatory Commission~~NRC~~ master materials licensee permit listing the individual as an authorized nuclear pharmacist; or

iv) A~~The~~ permit issued by a licensee or U.S. Nuclear Regulatory Commission~~NRC~~ master material~~materials~~ permittee of broad scope or ~~the~~ authorization from a commercial nuclear pharmacy authorized to list its own authorized nuclear pharmacist; or

v) Documentation that only accelerator-produced radioactive materials were used in the practice of nuclear pharmacy at a government agency or federally recognized Indian Tribe before November 30, 2007 or at all other locations of use before August 8, 2009, or an earlier date as noticed by the U.S. Nuclear Regulatory Commission~~NRC~~;

7) A licensee shall possess and use instrumentation to measure the radioactivity of radioactive drugs. The licensee shall have procedures for use of the instrumentation. The licensee shall measure, by direct measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radioactive drugs prior to transfer for commercial distribution. In addition, the licensee shall:

A) Perform tests, before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence~~,~~ as appropriate for the use of the instrument and make adjustments when necessary; and

B) Check each instrument for constancy and proper operation at the beginning of each day of use;

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8) Nothing in this Section relieves the licensee from complying with applicable FDA or, other Federal or and State requirements governing radioactive drugs;

9) Radiopharmaceuticals dispensed, distributed or transferred for human use shall be either:

A) Repackaged from prepared radiopharmaceuticals that have been approved by the FDA for medical use as defined in 32 Ill. Adm. Code 335.20; or

B) Prepared from generators and reagent kits that have been approved by the FDA for medical use, or are subject to the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] or the Pharmacy Practice Act of 1987 [225 ILCS 85];

10) The licensee shall adhere to the concentration limits and other perform radiometric tests for molybdenum breakthrough for the first elute of a molybdenum-99/technetium-99m generator following transfer in accordance with the requirements of 32 Ill. Adm. Code 335.4020;

11) The licensee may distribute in vitro test kits to customers but shall neither remove any package insert nor violate the packaging;

12) The licensee shall report to the Agency, within 10 days after occurrence, any irregularities pertaining to identification, labeling, quality or assay of any radiopharmaceuticals received under the authority of this license;

13) A licensee such as a nuclear pharmacy that is For licensees authorized to dispense radiopharmaceuticals (such as nuclear pharmacies), the licensee shall ensure that radiopharmaceuticals are dispensed only under the prescription of a physician who is authorized in a specific license to use the radiopharmaceuticals. The licensee shall maintain a copy of the recipient's radioactive material license and shall verify that the physician is authorized to receive the prescribed radiopharmaceutical prior to transfer;

14) A licensee shall apply for and shall must receive a license amendment before it receives, prepares, or uses radioactive material for a type of use

that is permitted under this Part~~,~~ but that is not authorized on the licensee's current license issued under this Part;

15) Individuals Under Supervision of an Authorized Nuclear Pharmacist

A) A licensee that permits the preparation of radioactive material for medical use by an individual under the supervision of an authorized nuclear pharmacist who is an authorized user shall:

i) In addition to the requirements in 32 Ill. Adm. Code 400.120, instruct the supervised individual in the preparation of radiopharmaceutical material for medical use~~,~~ as appropriate to that individual's involvement with radioactive material; and

ii) Require the supervised individual to follow the instructions of the supervising authorized nuclear pharmacist regarding the preparation of radioactive material for medical use, written radiation protection procedures established by the licensee, the regulations of this Section, and license conditions.

B) A licensee that permits supervised activities under ~~of~~ this subsection (c)(15) is responsible for the acts and omissions of the supervised individual;

16) A licensee shall apply for and shall~~must~~ receive a license amendment identifying an authorized nuclear pharmacist as defined in Section 330.20 of this Part~~, and the invidiual meets the requirements in subsections (c)(18) and (c)(21) or, for an experienced nuclear pharmacist, subsection (c)(20),~~ before it allows the~~this~~ individual to work as an authorized nuclear pharmacist. The individual shall meet the requirements in subsections (c)(18) and (21). An experienced nuclear pharmacist shall meet the requirements in subsection (c)(20);

17) The licensee shall require an individual fulfilling the responsibilities of Radiation Safety Officer at a nuclear pharmacy to be an individual who:

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A) Is certified by a specialty board whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission or, an Agreement State ~~or a Licensing State~~ and who meets the requirements in subsections (c)(17)(B)(i) and (ii)~~(D) and (E)~~. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements:

i) Hold a bachelor's or graduate degree from an accredited college or university in physical science, ~~or~~ engineering or biological science with a minimum of 20 college credits in physical science;

ii) Have 5 or more years of professional experience in health physics (graduate training may be substituted for no more than 2 years of the required experience), including at least 3 years in applied health physics; and

iii) Pass an examination administered by diplomate~~diplomats~~ of the specialty board that~~, which~~ evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology and radiation dosimetry; or

B) Has met the requirements of subsections (c~~e~~)(17)(B)(i) and (ii)~~(D) and (E)~~ and completed a structured educational program consisting of:

i) 200 hours of didactic training in the following areas: radiation physics and instrumentation,~~;~~ radiation protection,~~;~~ mathematics pertaining to the use and measurement of radioactivity,~~;~~ radiation biology and~~;~~ radiation dosimetry;

ii) 1 year of full-time radiation safety experience under the supervision of the individual identified as the Radiation Safety Officer on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or former Licensing State license or a permit issued by a~~the~~ U.S. Nuclear Regulatory

Commission master material licensee that authorizes similar types and uses of radioactive material involving shipping, receiving and performing related radiation monitoring;

iii) Using and performing checks for proper operation of instruments used to determine the activity of dosages, instruments used to measure radionuclides and survey meters;

iv) Securing and controlling radioactive material;

v) Using administrative controls to avoid mistakes in the administration of radioactive material;

vi) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;

vii) Using emergency procedures to control radioactive material; and

viii) Disposing of radioactive material; or

C) Is an authorized nuclear pharmacist identified on the licensee's license, meets the requirements of subsections (c)(17)(B)(i) and (ii)~~(D) and (E)~~ and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has Radiation Safety Officer responsibilities; and

D) Obtained~~Has obtained~~ written attestation, signed by a preceptor authorized nuclear pharmacist Radiation Safety Officer, that the individual has satisfactorily completed the requirements in subsections (c)(17)(B)(ii)~~(E)~~ and (c)(17)(A)(i) first and second points~~and (ii)~~ or subsection (c)(17)(A)(ii) or (iii)~~(B) or (C)~~ and has achieved a level of radiation safety knowledge sufficient to function independently as an authorized nuclear pharmacist Radiation Safety Officer; and

E) TrainedHas training in the radiation safety, regulatory issues and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety Officer or authorized nuclear pharmacist, as appropriate, who is authorized for the types of use for which the licensee is seeking approval;

18) Before a licensee permits an individualanyone to work as an authorized nuclear pharmacist under his or her license, except for subsection (c)(19), the licensee shall require the individualauthorized nuclear pharmacist to be a State of Illinois licensed pharmacist who:

A) Is certified as a nuclear pharmacist by a specialty board whose certification process has been recognized by the U.S. Nuclear Regulatory Commission or an, Agreement State or Licensing State and who meets the requirements in subsection (c)(18)(B)(iii). To be recognized, a specialty board shall require a candidateall candidates for certification to meet the following requirements:

i) GraduateHas graduated from a pharmacy program accredited by the American Council of Pharmaceutical Education (ACPE) or passhave passed the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination;

ii) Hold a current, active license to practice pharmacy;

iii) Provide evidence of having acquired at least 4000 hours of training/experience in nuclear pharmacy practice. Academic training may be substituted for no more than 2000 hours of the required training and experience; and

iv) Pass an examination in nuclear pharmacy, administered by diplomatethe diplomats of the specialty board, that evaluatesassessed knowledge and competency in the procurement, compounding, quality assurance, dispensing, distribution, health and safety, radiation safety, provision of

information and consultation, monitoring patient outcomes~~,~~ and research and development; or

B) Has completed 700 hours in a structured educational program consisting of both didactic training in radiation physics and instrumentation or radiation protection with:

i) 200 hours of didactic training in radiation physics and instrumentation~~,~~; radiation protection~~,~~; mathematics pertaining to the use and measurement of radioactivity~~,~~; chemistry of radioactive material for medical use and~~,~~; radiation biology; and

ii) Supervised practical experience in a nuclear pharmacy involving shipping, receiving~~,~~ and performing related radiation surveys; using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters~~,~~ and, if appropriate, instruments used to measure alpha- or beta-emitting radionuclides; calculating, assaying~~,~~ and safely preparing dosages for patients or human research subjects; use of administrative controls to avoid medical events in the administration of radioactive~~byproduct~~ material; use of procedures to prevent or minimize radioactive contamination and use of proper decontamination procedures; and

iii) Written~~Has obtained written~~ attestation, signed by a preceptor authorized nuclear pharmacist, that the individual has satisfactorily completed the requirements in subsection (c)(18)(B) or subsections (c)(18)(A)(i) through (iii) ~~(c)(18)(A)(i) (iii) or (B)~~ and has achieved a level of competency sufficient to function independently as an authorized nuclear pharmacist;

AGENCY NOTE: The requirements in this subsection (c)(18) do not apply to an individual who meets the requirements of subsection (c)(19).

19) An individual identified as an authorized nuclear pharmacist on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or

former Licensing State license or a permit issued by an Agency, U.S. Nuclear Regulatory Commission or~~,~~ Agreement State broad scope licensee or master materials license permit or by a master materials license permittee of broad scope;

20) Training for Experienced Nuclear Pharmacist. A State of Illinois licensed pharmacist who has completed a structured educational program as specified in subsection (c)(18)(B) before October 24, 2007 and who is working in a nuclear pharmacy would qualify as an experienced nuclear pharmacist. An experienced nuclear pharmacist need not comply with the requirements for a preceptor statement and recentness of training to qualify as an authorized nuclear pharmacist;

21) Recentness of Training. The training and experience specified in subsection (c)(18) shall~~must~~ have been obtained within the 7 years preceding the date of application or the individual shall~~must~~ have had related continuing education and experience since the required training and experience was completed;

22) Resolution of Conflicting Requirements During Transition Period. If this Part conflicts with the licensee's radiation safety program as identified in its license, this Part shall apply~~,~~ unless the statements, representations, conditions and procedures in the license are more restrictive. However, if the licensee exercises its privilege to amend its license, the portion amended must comply with the requirements of this Part.

23) Licensing the production of PET radioactive drugs for noncommercial distribution within a consortium. An application from a medical facility or educational institution to produce PET radioactive drugs for noncommercial distribution within its consortium for use under 32 Ill. Adm. Code 335 or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State shall include:

A) A request for authorization to produce PET radionuclides or evidence of an existing license issued under this Part or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State; and

B) Evidence that the applicant is qualified to produce radioactive drugs for medical use by meeting one of the criteria in subsection (c)(2); and

C) If the applicant is a nuclear pharmacy:

i) Verification that the applicant satisfies the requirements of this Section that apply to nuclear pharmacies; and

ii) Identification of each individual authorized to prepare the PET radioactive drugs and documentation that each meets the requirements of an authorized nuclear pharmacist; and

D) The information required by subsection (c)(3) for each PET radioactive drug to be noncommercially distributed within the consortium; and

E) Verification that the applicant is in compliance with:

i) Applicable FDA and other Federal and State requirements governing radioactive drugs; and

ii) The labeling requirements of subsection (c)(5) for each PET radioactive drug transport radiation shield and each syringe, vial or other container used to hold a PET radioactive drug intended for noncommercial distribution to members of its consortium; and

iii) The requirements of subsections (c)(7), (12), (13), (14), (17) and (22).

AGENCY NOTE: Subsection (c)(7) contains requirements for measuring the radioactivity of radioactive drugs.

d) Use of Sealed Sources in Industrial Radiography. A specific license for use of sealed sources in industrial radiography shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 350 and 405.

e) Use of Radioactive Materials in Wireline Service Operations and Subsurface

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Tracer Studies. A specific license for use of radioactive material in wireline operations shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 351.

AGENCY NOTE: Specialty boards~~Boards~~ whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~ will be posted on ~~the~~ NRC's website~~Web page~~.

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

Section 330.270 Special Requirements for Specific Licenses of Broad Scope

This Section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material and certain regulations governing holders of those licenses.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

a) The different types of broad scope licenses are:

1) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in multiples of gigabecquerels or curies.

2) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in Appendix D, for any authorized purpose. The possession limit for a Type B license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column I of Appendix D. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in

Column I of Appendix D for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

3) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in Appendix D, for any authorized purpose. The possession limit for a Type C license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column II of Appendix D. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Column II of Appendix D for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

b) An application for a Type A specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant has engaged in a reasonable number of activities involving the use of radioactive material;

3) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting and management review that are necessary to assure safe operations, including:

A) The establishment of a Radiation Safety Committee composed of such persons as a Radiation Safety Officer, a representative of management and persons trained and experienced in the safe use of radioactive material;

i) The Committee shall meet at least once each calendar quarter.

ii) To establish a quorum and to conduct business, at least one-half of the Committee membership must be in attendance and shall include, at a minimum, the

management's representative, an authorized user and the Radiation Safety Officer. However, no more than once per year, the Radiation Safety Officer's designee may substitute for the Radiation Safety Officer, provided the designee has been given a written report. The report shall include all information necessary for that meeting, such as the minutes of the previous Committee meeting and reports by the Radiation Safety Officer. Reports by the Radiation Safety Officer shall include reports of investigations and information necessary for the reviews. To maintain membership on the Committee, a member must attend at least one-half of the meetings held in any year.

iii) The minutes of each Radiation Safety Committee meeting shall include:

- The date of the meeting;
- Members in attendance;
- Members absent;
- Summary of deliberations and discussions;
- Recommended actions and the results of all votes; and
- Documentation of the radiation protection program review required by 32 Ill. Adm. Code 340.110(c).

iv) The Committee shall provide each member with a copy of the meeting minutes before the next meeting and retain one copy for 5 years from the meeting date.

B) The appointment of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters.

C) The establishment of appropriate administrative procedures to assure:

i) Control of procurement and use of radioactive material;

ii) Completion of safety evaluations of proposed uses of radioactive material that take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

iii) Review, approval and recording by the Radiation Safety Committee of safety evaluations of proposed uses prepared in accordance with subsection (b)(3)(C)(ii) prior to use of the radioactive material; and

4) The applicant or its predecessor has been a specific licensee of the Agency for 5 years.

c) An application for a Type B specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250; and

2) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting and management review that are necessary to assure safe operations, including:

A) The nomination of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

B) The establishment of appropriate administrative procedures to assure:

i) Control of procurement and use of radioactive material;

ii) Completion of safety evaluations of proposed uses of radioactive material that take into consideration such matters as the adequacy of facilities and equipment,

training and experience of the user and the operating or handling procedures; and

iii) Review, approval and recording by the Radiation Safety Officer of safety evaluations of proposed uses prepared in accordance with subsection (c)(2)(B)(ii) prior to use of the radioactive material.

d) An application for a Type C specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:

A) A college degree at the bachelor level, or equivalent training and experience, in the physical, or biological sciences or in engineering; and

B) At least 40 hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation and biological hazards of exposure to radiation pertinent to the type and forms of radioactive material to be used; and

3) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, recordkeeping, material control and accounting and management review necessary to assure safe operations.

e) Specific licenses of broad scope are subject to the following conditions:

1) Unless specifically authorized, persons licensed pursuant to this Section shall not:

A) Conduct tracer studies in the environment involving direct release of radioactive material;

B) Receive, acquire, own, possess, use or transfer devices containing 3.7 PBq (100 kCi) or more of radioactive material in sealed sources used for irradiation of materials;

C) Conduct activities for which a specific license issued by the Agency under Section 330.260 or 330.280 is required; or

D) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

2) Each Type A specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Committee.

3) Each Type B specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Officer.

4) Each Type C specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of subsection (d)(2).

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

a) Licensing the Introduction of Radioactive Material into Products in Exempt Concentrations

1) In addition to the requirements set forth in Section 330.250, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another and

the transfer of ownership or possession of the product or material containing the radioactive material to persons exempted from this Part pursuant to Section 330.30 or 330.40(a) will be issued if:

A) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material and estimated concentration of the radioactive material in the product or material at the time of transfer; and

B) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in Appendix A, that reconcentration of the radioactive material in concentrations exceeding those in Appendix A is not likely, that use of lower concentrations is not feasible and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

2) Each person licensed under this subsection (a) is required to maintain records of transfer of material and shall file a report with the Agency that shall identify the following:

A) Type and quantity of each product or material into which radioactive material has been introduced during the reporting period;

B) Name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction;

C) The radionuclide, activity and activity assay date of radioactive material introduced into each product or material; and

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D) The initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee.

3) The licensee shall file the report within 30 days after any of the following events:

A) 5 years have passed since~~after filing~~ the preceding report was filed; or

B) The licensee has:~~Filing an application for renewal of the license under Section 330.330; or~~

i) Filed an application for renewal of the license under Section 330.320; or

ii) Notified the Agency under Section 330.325(c) that the licensee has ended activities authorized under the license issued under this subsection (a).

~~C)~~ ~~Notifying the Agency under Section 330.320(b) of the licensee's decision to permanently discontinue activities authorized under the license issued under this subsection (a).~~

4) The report shall cover the period between the filing of the preceding report and an occurrence specified in subsection (a)(3). If no transfers of radioactive material have been made under this subsection (a) during the reporting period, the report shall so indicate.

5) The licensee shall maintain the record of a transfer for a period of 1 year after the event has been included in a report to the Agency.

6) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under Section 330.30 or 330.40(a) or the equivalent regulations of the U.S. Nuclear Regulatory Commission (10 CFR 30.14) or of an Agreement State, except in accordance with a specific license issued pursuant to this subsection (a).

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b) Licensing the Distribution of Radioactive Material in Exempt Quantities

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

~~1) An application for a specific license to distribute NARM to persons exempted, pursuant to Section 330.40(b) of this Part, will be approved if:~~

~~A) The radioactive material is not contained in any food, beverage, cosmetic, drug or other commodity designed for ingestion or inhalation by, or application to, a human being;~~

~~B) The radioactive material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product or device intended for commercial distribution; and~~

~~C) The applicant submits copies of prototype labels and brochures and the Agency approves such labels and brochures.~~

~~2) The license issued under subsection (b)(1) of this Section is subject to the following conditions:~~

~~A) No more than ten exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantities provided the sum of the fractions shall not exceed unity.~~

~~B) Each exempt quantity shall be separately and individually packaged. No more than ten such packaged exempt quantities shall be contained in any outer package for transfer to persons~~

exempt pursuant to Section 330.40(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 5 microSv (500 microrem) per hour.

C) The immediate container of each quantity or separately packaged fractional quantity of radioactive material shall bear a durable, legible label that:

i) Identifies the radionuclide and activity; and

ii) Bears the words "Radioactive Material".

D) In addition to the labeling information required by subsection (b)(2)(C) of this Section, the label affixed to the immediate container, or an accompanying brochure, shall:

i) State that the contents are exempt from Licensing State requirements;

ii) Bear the words "Radioactive Material – Not for Human Use – Introduction into Foods, Beverages, Cosmetics, Drugs, or Medicinals or into Products Manufactured for Commercial Distribution is Prohibited – Exempt Quantities Should Not Be Combined"; and

iii) Set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage and disposal of the radioactive material.

3) Each person licensed under this subsection (b) is required to maintain records and file reports as follows:

A) Records of transfer of material identifying, by name and address, each person to whom radioactive material is transferred for use under Section 330.40(b) of this Part or the equivalent regulations of an Agreement State, or a Licensing State and stating the kinds and quantities of radioactive material transferred. The licensee shall maintain the record of a transfer for a period of 1 year after the event is included in a summary report to the Agency.

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~~B)~~ ~~The licensee shall file a summary report stating the total activity of each radioisotope transferred under the specific license with the Agency.~~

~~C)~~ ~~The licensee shall file the summary report within 30 days following:~~

~~i)~~ ~~5 years after filing the preceding report; or~~

~~ii)~~ ~~Filing an application for renewal of the license under Section 330.330 of this Part; or~~

~~iii)~~ ~~Notifying the Agency under Section 330.320(b) of this Part of the licensee's decision to permanently discontinue activities authorized under the license issued under subsection (b) of this Section.~~

~~D)~~ ~~The report shall cover the period between the filing of the preceding report and an occurrence specified in subsection (b)(3)(C) of this Section. If no transfers of radioactive material have been made under subsection (b) of this Section during the reporting period, the report shall so indicate.~~

c) Licensing the Incorporation of Naturally Occurring and Accelerator-Produced Radioactive Material into Gas and Aerosol Detectors. ~~An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under Section 330.40(c)(3) of this Part will be approved if the application satisfies requirements equivalent to those contained in 10 CFR 32.26, published January 1, 1993, exclusive of subsequent amendments or editions. The maximum activity of radium-226 in each device shall not exceed 3.7 kBq (100 nCi).~~

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

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d) Licensing the Manufacture and Distribution of Devices to Persons Generally Licensed Under Section 330.220(b). ~~of this Part~~

AGENCY NOTE: Subsection (o) describes~~Section 330.280(n) of this Part contains~~ requirements for radioactive material transfer reports and records.

1) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Section 330.220(b) ~~of this Part~~ or equivalent regulations of the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~ will be approved if:

A) The applicant satisfies the general requirements of Section 330.250 ~~of this Part~~.

B) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions and potential hazards of the device to provide reasonable assurance that:

i) The device can be safely operated by persons not having training in radiological protection;

ii) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device and it is unlikely that any person will receive in 1 year a dose in excess of 10 percent of the annual limits specified in 32 Ill. Adm. Code 340.210(a); and

iii) Under accident conditions such as fire and explosion associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

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Whole body; head and trunk; active blood-forming organs; gonads or lens of eye ..... 150 mSv (15 rem)

Hands and forearms; feet and ankles or localized areas of skin averaged over areas no larger than 1 square centimeter..... 2 Sv (200 rem)

Other organs ..... 500 mSv (50 rem).

C) Each device bears a durable, legible, clearly visible label or labels approved by the Agency, that contain in a clearly identified and separate statement:

i) Instructions and precautions necessary to assure safe installation, operation and servicing of the device. Documents such as operating and service manuals may be identified in the label and used to provide this information;

ii) The requirement, or lack of requirement, for testing for leakage or contamination, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by radionuclide, activity and activity assay date; and

iii) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

~~Devices Containing Radioactive Material Other Than Naturally Occurring Radioactive Material~~

The receipt, possession, use and transfer of this device, Model___, Serial No.~~9199~~____, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or a State with which the U.S. Nuclear Regulatory Commission has entered into an

agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION – RADIOACTIVE MATERIAL
Name of Manufacturer or Distributor

AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

~~Devices Containing Naturally-Occurring Radioactive Material~~

~~The receipt, possession, use and transfer of this device, Model4918____, Serial No. _____are subject to a general license or the equivalent and the regulations of a Licensing State. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.~~

~~CAUTION – RADIOACTIVE MATERIAL~~

~~AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.~~

D) Each device having a separable source housing that provides the primary shielding for the source also bears on the source housing a durable label displaying the device model and serial number, the radionuclide and activity, the words "Caution – Radioactive Material", the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A and the name of the manufacturer or distributor.

E) Each device meeting the criteria of 10 CFR 31.5(c)(13)(i), published at 73 Fed. Reg. 42673, July 23, 2008, exclusive of subsequent amendments or editions ~~(2005)~~ bears a permanent (e.g.,

embossed, etched, stamped or engraved) label affixed to the source housing, if separable, or the device, if the source housing is not separable, that includes the words "Caution – Radioactive Material", and, if practicable, the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A.

2) Except as provided in this subsection (d)(2), the interval between tests for proper operation of the on-off mechanism and indicator, if any, shall not exceed 6 months. The interval between tests for contamination of the device or for leakage of radioactive material from the device or for both shall not exceed 3 months for devices containing sources designed to emit alpha particles and 6 months for all other devices. In the event the applicant desires that the device be required to be tested at intervals longer than the above, the applicant shall include in the application sufficient information to demonstrate that such longer intervals are justified. The information shall include a description of the performance characteristics of the device or similar devices and of design features that have a significant bearing on the probability or consequences of contamination of the device or leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material or contamination of the device, the Agency will consider information that includes, but is not limited to:

A) Primary containment or source capsule;

B) Protection of primary containment;

C) Method of sealing containment;

D) Containment construction materials;

E) Form of contained radioactive material;

F) Maximum temperature withstood during prototype tests;

G) Maximum pressure withstood during prototype tests;

H) Maximum activity of contained radioactive material;

I) Radiotoxicity of contained radioactive material; and

J) Operating experience with identical devices or similarly designed and constructed devices.

3) In the event the applicant desires that the general licensee under subsection~~Section~~ 330.220(b) ~~of this Part~~, or under equivalent regulations of the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of, or contamination by, radioactive material, service the device, test the on-off mechanism and indicator or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated annual doses associated with such activity or activities and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage and use of devices under the general license, is unlikely to cause that individual to receive an annual dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

4) A person licensed under this subsection (d) ~~of this Section~~ to distribute devices to generally licensed persons shall provide the information in this subsection (d)(4) ~~of this Section~~ to each person to whom a device is to be transferred for possession and use under the general license in Section 330.220(b) ~~of this Part~~. This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to transfer to the intermediate person. The required information is:

A) A copy of Section 330.220(b) ~~of this Part~~;

AGENCY NOTE: If certain provisions of Section 330.220(b) ~~of this Part~~ do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

B) A copy of 32 Ill. Adm. Code 310.40, 330.310 and 340.1210, 1220 and 1260;

C) A list of the services that may only be performed by a specific licensee;

D) Information on acceptable disposal options, including estimated costs of disposal; and

E) A statement of the Agency's policy to take escalated enforcement action for improper disposal.

5) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(5) to each person to whom a device is to be transferred for possession and use under a general license equivalent to Section 330.220(b) ~~of this Part~~ in the regulations of the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~. This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to transfer to the intermediate person. The required information is:

A) A copy of the following regulations of the U.S. Nuclear Regulatory Commission, exclusive of subsequent amendments or editions, ~~10 CFR 31.5, 31.2, 30.51, 20.2201 and 20.2202 (2005)~~ or the equivalent regulations of an Agreement State ~~or Licensing State~~. The U.S. Nuclear Regulatory Commission regulations are 10 CFR 31.5, published at 73 Fed. Reg. 42673, July 23, 2008, 10 CFR 31.2, published at 65 Fed. Reg. 79187, December 18, 2000, 10 CFR 30.51, published at 61 Fed. Reg. 24673, May 16, 1996, 10 CFR 20.2201, published at 67 Fed. Reg. 3585, January 25, 2002 and 10 CFR 20.2202, published at 63 Fed. Reg. 39483, July 23, 1998. If ~~a copy of~~ the U.S. Nuclear Regulatory Commission~~NRC~~ regulations are~~is~~ provided to a prospective general licensee in lieu of ~~the~~ applicable Agreement State ~~or Licensing State~~ regulations, they~~it~~ shall be accompanied by a note explaining that use of the device is regulated by the Agreement State ~~or Licensing State~~;

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AGENCY NOTE: If certain provisions of the regulations do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

B) A list of the services that may only be performed by a specific licensee;

C) Information on acceptable disposal options, including estimated costs of disposal;

D) A statement of the policies of the U.S. Nuclear Regulatory Commission and most Agreement States ~~and Licensing States~~ to take escalated enforcement action for improper disposal; and

E) The name or title, address and phone number of the contact at the U.S. Nuclear Regulatory Commission or~~,~~ Agreement State ~~or Licensing State~~ regulatory agency from whom additional information may be obtained.

6) A person licensed under this subsection (d) may propose, for approval by the Agency, an alternative method of informing customers.

7) Each device transferred after February 19, 2002, shall meet the labeling requirements of subsections (d)(1)(C), (D) and (E) of this Section.

8) If a license is to be terminated or if notification of bankruptcy is required by Section~~subsection~~ 330.310(j) ~~of this Section~~, a person licensed under this subsection (d) shall, upon request, provide to the Agency, the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~ the records of final disposition required by subsection (o)(8) of this Section.

e) Special Requirements for the Manufacture, Assembly or Repair of Luminous Safety Devices for Use in Aircraft

1) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in

aircraft, for distribution to persons generally licensed under Section 330.220(c) ~~of this Part~~ will be approved if:

A) The applicant satisfies the general requirements specified in Section 330.250 ~~of this Part~~; and

B) The applicant satisfies the requirements of the following regulations of the U.S. Nuclear Regulatory Commission, exclusive of subsequent amendments or editions, ~~10 CFR 32.53-32.55 and 32.101, published January 1, 1993, exclusive of subsequent amendments or editions,~~ or their equivalent. The regulations are 10 CFR 32.53, published at 43 Fed. Reg. 6923, February 17, 1978, 10 CFR 32.54, published at 63 Fed. Reg. 39483, July 23, 1998, 10 CFR 32.55, published at 39 Fed. Reg. 26397, July 19, 1974 and 10 CFR 32.101, published at 30 Fed. Reg. 8192, June 26, 1965.

2) Each person licensed under this subsection (e) shall file an annual report with the Agency that shall state the total activity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(c) ~~of this Part~~ or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The report shall identify each general licensee by name and address, state the kinds and numbers of luminous devices transferred and specify the activity of tritium or promethium-147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

f) Special Requirements for License to Manufacture Calibration Sources Containing Americium-241, Plutonium or Radium-226 for Distribution to Persons Generally Licensed Under Section 330.220(e) ~~of this Part~~. An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under Section 330.220(e) ~~of this Part~~ will be approved if:

1) The applicant satisfies the general requirements of Section 330.250 ~~of this Part~~; and

2) The applicant satisfies the requirements of 10 CFR 32.57, published at 73 Fed. Reg. 42674, July 23, 2008, and 10 CFR 70.39, published at 43 Fed. Reg. 6925, February 17, 1978. The applicant shall also certify that

itJanuary 1, 1993 and certifies that the applicant will satisfy, and subsequently satisfies, the requirements of 10 CFR 32.58, 32.59 and 32.102, published at 72 Fed. Reg. 55929, October 1, 2007,January 1, 1993, exclusive of subsequent amendments or editions.

g) Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Section 330.220(f) of this Part, or equivalent regulations of the U.S. Nuclear Regulatory Commission or, an Agreement State or a Licensing State, will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250 of this Part.

2) The radioactive material is to be prepared for distribution in prepackaged units of:

A) Carbon-14 in units not exceeding 370 kBq (10 µCi) each.

B) Cobalt-57 in units not exceeding 370 kBq (10 µCi) each.

C) Hydrogen-3 (tritium) in units not exceeding 1.85 MBq (50 µCi) each.

D) Iodine-125 in units not exceeding 370 kBq (10 µCi) each.

E) Mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.

F) Iodine-131 in units not exceeding 370 kBq (10 µCi) each.

G) Iron-59 in units not exceeding 740 kBq (20 µCi) each.

H) Selenium-75 in units not exceeding 370 kBq (10 µCi) each.

3) Each prepackaged unit bears a durable, clearly visible label:

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A) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 370 kBq (10 µCi) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; 1.85 MBq (50 µCi) of hydrogen-3 (tritium); 740 kBq (20 µCi) of iron-59; or mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each; and

B) Displaying the radiation caution symbol described in 32 Ill. Adm. Code 340.910(a) and the words, "CAUTION – RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals".

4) The~~One of the~~ following statement~~statements, as appropriate~~, or a statement that contains the information called for in ~~one of~~ the following statement~~statements~~, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

~~A)~~ This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

~~B) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.~~

5) The label affixed to the unit, or the leaflet or brochure that accompanies the package, contains information about the precautions to be followed in handling and storing such radioactive material. In the case of the mock

iodine-125 reference or calibration source, the manufacturer shall state in the directions that this item shall be disposed of in compliance with 32 Ill. Adm. Code 340.1010(a) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State.

h) Licensing the Manufacture and Distribution of Ice Detection Devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Section 330.220(g) ~~of this Part,~~ will be approved if:

1) The applicant satisfies the general requirements of Section 330.250; and

2) The criteria of 10 CFR 32.61, published at 58 Fed. Reg. 67660, December 22, 1993, 32.62, published at 43 Fed. Reg. 6923, February 17, 1978, and 32.103, published at 30 Fed. Reg. 9906, August 10, 1965~~January 1, 1993~~, exclusive of subsequent amendments or editions, are met.

i) Manufacture and Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use Under Specific Licenses. An application for a specific license to manufacture and distribute radiopharmaceuticals~~radiopharmeceuticals~~ containing radioactive material for use by persons licensed pursuant to Section 330.260(a), (b) or (c) for the uses described in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010 will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250 ~~of this Part~~;

2) The applicant submits information showing that:

A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act (21 USC 301)or the Public Health Service Act (42 USC 201 et seq.); or

B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;

3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package and shielding provided by the packaging of the radioactive material that~~which~~ is appropriate for safe handling and storage of radiopharmaceuticals by specific licensees; and

4) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, activity and activity assay date and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a), (b) or (c) for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010, as appropriate, or under equivalent licenses of the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State~~ or a Licensing State~~. The labels, leaflets or brochures required by this subsection (i) are in addition to the labeling required by the FDA and may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

j) Manufacture and Distribution of Generators or Reagent Kits for Preparation of Radiopharmaceuticals Containing Radioactive Material

AGENCY NOTE: Although the Agency does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of such reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have such reagent kits approved by the Agency for use by persons licensed pursuant to Section 330.260(a), (b) or (c)~~ of this Part~~ for generators or reagent kits specified in 32 Ill. Adm. Code 335.4010 may submit the pertinent information specified in this subsection (j).

An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to Section 330.260(a), (b) or (c)~~ of this Part~~ for the uses specified in 32 Ill. Adm. Code 335.4010 will be approved if:

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1) The applicant satisfies the general requirements specified in Section 330.250 ~~of this Part~~;

2) The applicant submits evidence that:

   A) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or

   B) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;

3) The applicant submits information on the radionuclide, chemical and physical form, packaging, including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;

4) The label affixed to the generator or reagent kit contains information on the radionuclide, activity and activity assay date; and

5) The label affixed to the generator or reagent kit, or the leaflet or brochure that accompanies the generator or reagent kit, contains:

   A) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and

   B) A statement that the generator or reagent kit, as appropriate, is approved for use by persons licensed by the Agency pursuant to Section 330.260(a), (b) or (c) ~~of this Part~~ and 32 Ill. Adm. Code 335.4010 or under equivalent licenses of the U.S. Nuclear Regulatory Commission or, ~~an~~ an Agreement State ~~or a Licensing State~~. The labels, leaflets or brochures required by this subsection (j) are in addition to the labeling required by the FDA and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

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k) Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Section 330.260(a) or (b) ~~of this Part~~ for use as a calibration, transmission or reference source in 32 Ill. Adm. Code 335.2040 or for the uses listed in 32 Ill. Adm. Code 335.2140, 335.6010, 335.7010 and 335.8010 will be approved if:

1) The applicant satisfies the general requirements in Section 330.250 ~~of this Part~~;

2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

A) The radioactive material contained, its chemical and physical form and activity;

B) Details of design and construction of the source or device;

C) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;

D) For devices containing radioactive material, the radiation profile of a prototype device;

E) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

F) Procedures and standards for calibrating sources and devices;

G) Legend and methods for labeling sources and devices as to their radioactive content; and

H) Instructions for handling and storing sources or devices from the radiation safety standpoint. These instructions shall be included on a durable label attached to each source or device or attached to a permanent storage container for the source or device; provided,

that instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure that is referenced on the label;

3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, activity and activity assay date, radiation symbol and/or "Caution Radioactive Material", serial number, model, manufacturer name or logo, and a statement that the source or device is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a), ~~or~~ (b) or (c)~~of this Part~~ and 32 Ill. Adm. Code 335.2040, 335.2140, 335.6010, 335.7010 and 335.8010 or under equivalent licenses of the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~, provided that the labeling for sources that do not require long-term storage may be on a leaflet or brochure that accompanies the source;

4) In the event the applicant desires that the source or device be required to be tested for leakage of, or contamination by, radioactive material at intervals longer than 6 months, the applicant shall include in the application sufficient information to demonstrate that the longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of radioactive contamination or leakage of radioactive material from the source; and

5) In determining the acceptable interval for tests of leakage of, or contamination by, radioactive material, the Agency will consider information that includes, but is not limited to:

A) Primary containment or source capsule;

B) Protection of primary containment;

C) Method of sealing containment;

D) Containment construction materials;

E) Form of contained radioactive material;

F) Maximum temperature withstood during prototype tests;

G) Maximum pressure withstood during prototype tests;

H) Maximum activity of contained radioactive material;

I) Radiotoxicity of contained radioactive material;

J) Operating experience with identical sources or devices or similarly designed and constructed sources or devices; and

K) Proposed use of source.

l) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications.
An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Section 330.210(d) ~~of this Part~~ or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250 ~~of this Part~~.

2) The applicant submits sufficient information relating to the design (including blueprints), manufacture (construction materials and methods), prototype testing (description of testing that will be done and the acceptance criteria), quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to assure that possession, use or transfer of the depleted uranium in the product or device will not cause any individual to receive in any period of 1 year a radiation dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

3) The applicant submits information assuring that the presence of depleted uranium for a mass-volume application in the product or device will provide a unique benefit~~benefits~~ to the public, i.e., a benefit that could not be achieved but for the use of depleted uranium. The applicant's methods for use and handling of the product or device will not result in

uncontrolled disposal or dispersal of depleted uranium into the environment.

4) The Agency will deny any application for a specific license under this subsection (l) if the end uses of the industrial product or device cannot be reasonably foreseen.

5) Each person licensed pursuant to this subsection (l) shall:

A) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;

B) Label or mark each unit to:

i) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium and the activity of depleted uranium in each product or device; and

ii) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or an Agreement State;

C) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";

D) Furnish:

i) A copy of the general license contained in Section 330.210(d) ~~of this Part~~ and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom the licensee transfers depleted uranium in a product or device for use pursuant to

the general license contained in Section 330.210(d) ~~of this Part~~; or

ii) A copy of the general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to Section 330.210(d) ~~of this Part~~ and a copy of the U.S. Nuclear Regulatory Commission's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Section 330.210(d) ~~of this Part~~ and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission or an Agreement State, with a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in Section 330.210(d) ~~of this Part~~;

E) Report to the Agency all transfers of industrial products or devices to persons for use under the general license in Section 330.210(d) ~~of this Part~~. The~~Such~~ report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Agency and the general licensee, the type and model number of device transferred and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which the~~such a~~ product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Section 330.210(d) during the reporting period, the report shall so indicate;

F) File a report that identifies each general licensee by name and address, an individual by name and/or position who constitutes a point of contact between the Agency and the general licensee, the type and model number of the device transferred and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar

quarter in which such product or device is transferred to the generally licensed person. The licensee shall report:

i) To the U.S. Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the U.S. Nuclear Regulatory Commission general license in 10 CFR 40.25;

ii) To the responsible state agency all transfers of devices manufactured and distributed pursuant to this subsection (l) for use under a general license in that state's regulations equivalent to Section 330.210(d) ~~of this Part~~;

iii) To the U.S. Nuclear Regulatory Commission if no transfers have been made by the licensees during the reporting period;

iv) To the responsible Agreement State agency upon the request of that agency if no transfers have been made to general licensees within a particular Agreement State during the reporting period; and

G) Keep records showing the name, address and point of contact for each general licensee to whom he transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Section 330.210(d) ~~of this Part~~ or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The records shall be maintained for a period of 2 years and shall show the date of each transfer, the activity of depleted uranium in each product or device transferred and compliance with the report requirements of this subsection (l)~~Section~~.

m) Special Requirements for License to Manufacture, Import or Initially Distribute Sealed Sources or Devices Containing Sealed Sources to Persons Having a Specific License.

1) An application for license to manufacture, import or initially distribute sealed sources or devices containing sealed sources for initial transfer to

persons having a specific license to receive such sealed sources or devices will be approved subject to the following conditions:

A) The applicant satisfies the general requirements specified in Section 330.250 ~~of this Part~~;

B) The licensee subject to this subsection (m) shall not transfer a sealed source or device containing a sealed source to any person except in accordance with the requirements of Section 330.400 ~~of this Part~~.

2) Any manufacturer, importer or initial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to the Agency for evaluation of radiation safety information about its product and for filing an evaluation sheet in the U.S. Nuclear Regulatory Commission "Registry of Radioactive Sealed Sources and Devices".

A) A request for evaluation of a sealed source or device containing a sealed source shall be submitted in English and in duplicate. The request ~~and~~ shall include information required by subsection (m)(2)(B) or (C) ~~of this Section~~, as applicable, demonstrating that the radiation safety properties of the source or device will not endanger public health and safety or property.

B) A request for evaluation of a sealed source shall include the following radiation safety information:

i) Proposed uses for the sealed source;

ii) Chemical and physical form and maximum quantity of radioactive material in the sealed source;

iii) Details of design of the sealed source, including blueprints, engineering drawings or annotated drawings;

iv) Details of construction of the sealed source, including a description of materials used in construction;

v) Radiation profile of a prototype sealed source;

vi) Procedures for and results of prototype testing;

vii) Details of quality control procedures to be followed in manufacture;

viii) A description or facsimile of labeling to be affixed to the sealed source;

ix) Leak testing procedures; and

x) Any additional information, including experimental studies and tests, required by the Agency to facilitate a determination of the safety of the sealed source, as required by Section 330.250 ~~of this Part~~.

C) A request for evaluation of a device containing a sealed source shall include the following radiation safety information:

i) Proposed uses for the device;

ii) Manufacturer, model number, chemical and physical form and maximum quantity of radioactivity in the sealed source or sources to be used in the device;

iii) Details of design of the sealed source, including blueprints, engineering drawings or annotated drawings;

iv) Details of construction of the sealed source, including a description of materials used in construction;

v) Radiation profile of a prototype device;

vi) Procedures for and results of prototype testing;

vii) Details of quality control procedures to be followed in manufacture;

viii) A description or facsimile of labeling to be affixed to the device;

ix) Leak testing procedures;

x) A description of potential hazards in installation, service, maintenance, handling, use and operation of the device;

xi) Information about installation, service and maintenance procedures;

xii) Handling, operating and safety instructions; and

xiii) Any additional information, including experimental studies and tests, required by the Agency to facilitate a determination of the safety of the device as required by Section 330.250 ~~of this Part~~.

D) When evaluating a sealed source or device, the Agency will apply the radiation safety criteria described in 10 CFR 32.210(d), published at 73 Fed. Reg. 5719, January 31, 2008~~January 1, 1993~~, exclusive of subsequent amendments or editions.

E) The person submitting a request for evaluation of a product shall manufacture and distribute the product in accordance with:

i) The statements and representations, including the quality control program, described in the request; and

ii) The provisions of the evaluation sheet prepared by the Agency and submitted to the ~~U.S. Department of Health and Human Services for filing in the "Radioactive Material Reference Manual", or to the~~ U.S. Nuclear Regulatory Commission for filing in the "Registry of Radioactive Sealed Sources and Devices".

n) Manufacture and Distribution of Radioactive Material for Medical Use Under General License. A specific license authorizing the distribution of radioactive materials for diagnostic medical use by a physician under a general license shall

be issued only if the applicant for the specific license satisfies the requirements of Section 330.250 ~~of this Part~~ and:

1) The applicant submits evidence that the radioactive material is to be manufactured, labeled and packaged in accordance with an approval by the commissioner of Food and Drugs, U.S. Food and Drug Administration, or in accordance with an approval for a biologic product issued by the Secretary, U.S. Department of Health and Human Services; and

2) The~~One of the~~ following statement~~statements, as appropriate~~, or a statement that~~statement which~~ contains the information called for in ~~one of~~ the following statement~~statements~~, appears on the label affixed to the container or appears in the leaflet or brochure that accompanies the package:

~~A)~~ This radiopharmaceutical may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

~~B) This radiopharmaceutical may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of a Licensing State.~~

o) Material Transfer Reports and Records
Each person licensed under subsection (d) ~~of this Section~~ to distribute devices to generally licensed persons shall comply with the requirements of this subsection (o)~~subsection (n) of this Section~~.

1) The person shall report:

A) To the Agency and to the responsible regulatory agency all transfers of devices to persons for use under the general license in Section 330.220(b) ~~of this Part~~ or the equivalent regulations of the

U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~;

B) To the Agency and to the responsible regulatory agency all receipts of devices from persons generally licensed under Section 330.220(b) ~~of this Part~~ or the equivalent regulations of the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~;

C) To the Agency if no transfers were made to or from general licensees during the reporting period; and

D) To the responsible regulatory agency upon the request of the agency if no transfers during the reporting period were made to or from general licensees in the agency's area of jurisdiction.

2) The report shall be on NRC Form 653, "Transfers of Industrial Devices Report" or in a clear and legible format containing all of the information required by the form. The report shall cover each calendar quarter, shall be filed within 30 days after the end of the calendar quarter and shall clearly indicate the period covered.

3) For a transfer to a general licensee, the report shall provide:

A) The identity of the general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted, along with information on the actual location of use;

B) The name, title~~,~~ and phone number of the individual identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

C) The date of transfer;

D) The type, model and serial number of the device transferred; and

E) The radionuclide and activity contained in the device.

4) If one or more intermediate persons will temporarily possess a device at the intended place of use before its possession by the user, the report shall include the same information for both the intended user and each intermediate person and shall clearly designate all intermediate persons.

5) For a device received from a general licensee, the report shall provide the name and address of the general licensee and the type, model and serial number of the device and the date of receipt. For a device not initially transferred by the reporting person, the report shall provide the name of the manufacturer or distributor.

6) If the person makes a change to a device possessed by a general licensee that necessitates a change in the label, the report shall identify the general licensee, the device and the changes to information on the device label.

7) The report shall clearly identify the person licensed under subsection (d) ~~of this Section~~ that is furnishing the report and shall include the person's specific license number.

8) The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this subsection (o). These records shall be maintained for 5 years following the recorded event.

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

Section 330.320 Renewal Requirements for Specific Licenses

a) Each licensee issued a specific license shall maintain a valid specific license until the licensee completes the license termination requirements of Section 330.325 ~~of this Part~~ and the Agency has notified the licensee in writing that the specific license is terminated. Each specific license and any amendment to the license issued by the Agency contains an expiration date. Unless the specific license has been terminated in accordance with Section 330.325 ~~of this Part~~, the licensee shall, 30 days prior to the expiration date of the license, file with the Agency:

1) A complete application, in proper format, for license renewal as provided in Section 330.240 ~~of this Part~~; or

2) A complete application, in proper format, for a license authorizing, at a minimum, continued possession and storage of any radioactive materials possessed under the expiring specific license.

b) In any case in which a licensee, not less than 30 days prior to expiration of an existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, the existing license shall not expire until final action has been taken by the Agency. ~~files an application in accordance with subsection (a) of this Section before the expiration date of the specific license, the existing license shall not be terminated until the Agency renews the license or denies the application. An Agency denial of an application can be appealed pursuant to the procedures in 32 Ill. Adm. Code 200.~~

AGENCY NOTE: Nothing in this subsection (b) is intended to limit the Agency's authority, if circumstances warrant, to take emergency action in accordance with the Act [420 ILCS 40], or other appropriate action in regard to a specific license in accordance with procedures in 32 Ill. Adm. Code 200.

c) A licensee who fails to comply with the requirements of subsection (a) ~~of this Section~~ shall be subject to such civil penalties and sanctions as may be appropriate to the circumstances, in accordance with the Radiation Protection Act and 32 Ill. Adm. Code 310. In addition, if the expiration date passes without license termination requirements having been met by the licensee and without a timely renewal application having been filed by the licensee before the expiration date, the authority of the licensee to engage in licensed activities as specified in the specific license shall expire at the end of the specified expiration date. The passing of the expiration date shall not relieve the licensee of the duties and responsibilities of applying for and maintaining a valid specific license, decommissioning, reclaiming, and meeting the license termination requirements of Section 330.325 ~~of this Part~~. Immediately upon the passing of the expiration date, a licensee that has neither met license termination requirements nor filed a timely application under subsection (a) ~~of this Section~~ shall:

1) Cease use of radioactive material;

2) Store all radioactive material in a secure location and limit activities involving radioactive material to those necessary for shipping, transferring and disposing of the radioactive material;

3) File either a new application for a specific license or provide information equivalent to that required on Agency Form KLM.007 (Certificate Termination and Disposition or Radioactive Material);

4) Comply with all applicable Agency regulations;

5) Comply with the license conditions of the expired license until either a new license is issued or the termination requirements of Section 330.325 ~~of this Part~~ are met; and

6) Comply with any orders issued by the Agency in accordance with the Act and 32 Ill. Adm. Code 200 that result from violation of subsection (a) ~~of this Section~~ or any other applicable provisions of Agency regulations or the Act.

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

Section 330.330 Renewal of Licenses (Repealed)

~~a) Applications for renewal of specific licenses shall be filed in accordance with Section 330.240 of this Part.~~

~~b) In any case in which a licensee, not less than 30 days prior to expiration of an existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, the existing license shall not expire until final action has been taken by the Agency.~~

(Source: Repealed at 35 Ill. Reg. 2931, effective February 7, 2011)

Section 330.400 Transfer of Material

a) No licensee shall transfer radioactive material except as authorized pursuant to this Section.

b) Except as otherwise provided in his license and subject to the provisions of subsections (c) and (d), any licensee may transfer radioactive material:

1) To the Agency if prior approval has been granted by the Agency;

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2) To the U.S. Department of Energy;

3) To any person exempt from the regulations in this Part to the extent permitted under the~~such~~ exemption;

4) To any person authorized to receive the~~such~~ material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Agency, the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State, ~~or a Licensing State~~ or to any person otherwise authorized to receive the~~such~~ material by the Federal Government or any agency thereof, the Agency, or an Agreement State ~~or a Licensing State~~; or

5) As otherwise authorized by the Agency in writing.

c) Before transferring radioactive material to a specific licensee of the Agency, or to a general licensee who is required to register with the Agency, the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or a Licensing State~~ prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the radionuclide, form and activity of radioactive material to be transferred.

d) The following methods for the verification required by subsection (c) are acceptable:

1) The transferor may possess a current copy of the transferee's specific license or registration certificate authorizing the transferee to receive the radionuclide, form and activity of radioactive material to be transferred;

2) The transferor may possess a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the radionuclide, form and activity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date;

3) For emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the radionuclide, form and activity of radioactive

material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date; provided, that the oral certification is confirmed in writing within 10 days;

4) The transferor may obtain other information compiled by a reporting service from official records of the Agency, the U.S. Nuclear Regulatory Commission or, an Agreement State ~~or a Licensing State~~ regarding the identity of licensees and the scope and expiration dates of licenses and registration; or

5) When none of the methods of verification described in subsections (d)(1) through (4) are readily available or when a transferor desires to verify that information received by one of the~~such~~ methods is correct or up-to-date, the transferor may obtain and record confirmation from the Agency, the U.S. Nuclear Regulatory Commission or, an Agreement State ~~or a Licensing State~~ that the transferee is licensed to receive the radioactive material.

e) Shipment and transport of radioactive material shall be in accordance with the provisions of 32 Ill. Adm. Code 341.

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

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Section 330.APPENDIX A Exempt Concentrations

Element (atomic number)	Isotope	Column I Gas Concentration[1] Bg/ml	Column I Gas Concentration[1] microCi/ml	Column II Liquid and Solid Concentration[2] Bg/ml	Column II Liquid and Solid Concentration[2] microCi/ml
Antimony (51)	Sb-122			1.11×10^{1}	3×10^{-4}
	Sb-124			7.40×10^{0}	2×10^{-4}
	Sb-125			3.70×10^{1}	1×10^{-3}
Argon (18)	Ar-37	3.70×10^{1}	1×10^{-3}		
	Ar-41	1.48×10^{-2}	4×10^{-7}		
Arsenic (33)	As-73			1.85×10^{2}	5×10^{-3}
	As-74			1.85×10^{1}	5×10^{-4}
	As-76			7.40×10^{0}	2×10^{-4}
	As-77			2.96×10^{1}	8×10^{-4}
Barium (56)	Ba-131			7.40×10^{1}	2×10^{-3}
	Ba-140			1.11×10^{1}	3×10^{-4}
Beryllium (4)	Be-7			7.40×10^{2}	2×10^{-2}
Bismuth (83)	Bi-206			1.48×10^{1}	4×10^{-4}
Bromine (35)	Br-82	1.48×10^{-2}	4×10^{-7}	1.11×10^{2}	3×10^{-3}
Cadmium (48)	Cd-109			7.40×10^{1}	2×10^{-3}
	Cd-115m			1.11×10^{1}	3×10^{-4}
	Cd-115			1.11×10^{1}	3×10^{-4}
Calcium (20)	Ca-45			3.33×10^{0}	9×10^{-5}
	Ca-47			1.85×10^{1}	5×10^{-4}
Carbon (6)	C-14	3.70×10^{-2}	1×10^{-6}	2.96×10^{2}	8×10^{-3}
Cerium (58)	Ce-141			3.33×10^{1}	9×10^{-4}
	Ce-143			1.48×10^{1}	4×10^{-4}
	Ce-144			3.70×10^{0}	1×10^{-4}
Cesium (55)	Cs-131			7.40×10^{2}	2×10^{-2}
	Cs-134m			2.22×10^{3}	6×10^{-2}
	Cs-134			3.3×10^{0}	9×10^{-5}
Chlorine (17)	Cl-38	3.33×10^{-2}	9×10^{-7}	1.48×10^{2}	4×10^{-3}

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Chromium (24)	Cr-51	7.40×10^{2}	2×10^{-2}
Cobalt (27)	Co-57	1.85×10^{2}	5×10^{-3}
	Co-58	3.70×10^{1}	1×10^{-3}
	Co-60	1.85×10^{1}	5×10^{-4}
Copper (29)	Cu-64	1.11×10^{2}	3×10^{-3}

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Element (atomic number)	Isotope	Column I Gas Concentration[1] Bg/ml	Column I Gas Concentration[1] microCi/ml	Column II Liquid and Solid Concentration[2] Bg/ml	Column II Liquid and Solid Concentration[2] microCi/ml
Dysprosium (66)	Dy-165			$1.48x10^{2}$	$4x10^{-3}$
	Dy-166			$1.48x10^{1}$	$4x10^{-4}$
Erbium (68)	Er-169			$3.33x10^{1}$	$9x10^{-4}$
	Er-171			$3.70x10^{1}$	$1x10^{-3}$
Europium (63)	Eu-152 (9.2h)			$2.22x10^{1}$	$6x10^{-4}$
	Eu-155			$7.40x10^{1}$	$2x10^{-3}$
Fluorine (9)	F-18	$7.40x10^{-2}$	$2x10^{-6}$	$2.96x10^{2}$	$8x10^{-3}$
Gadolinium (64)	Gd-153			$7.40x10^{1}$	$2x10^{-3}$
	Gd-159			$2.96x10^{1}$	$8x10^{-4}$
Gallium (31)	Ga-72			$1.48x10^{1}$	$4x10^{-4}$
Germanium (32)	Ge-71			$7.40x10^{2}$	$2x10^{-2}$
Gold (79)	Au-196			$7.40x10^{1}$	$2x10^{-3}$
	Au-198			$1.85x10^{1}$	$5x10^{-4}$
	Au-199			$7.40x10^{1}$	$2x10^{-3}$
Hafnium (72)	Hf-181			$2.59x10^{1}$	$7x10^{-4}$
Hydrogen (1)	H-3	$1.85x10^{-1}$	$5x10^{-6}$	$1.11x10^{3}$	$3x10^{-2}$
Indium (49)	In-113m			$3.70x10^{2}$	$1x10^{-2}$
	In-114m			$7.40x10^{0}$	$2x10^{-4}$
Iodine (53)	I-126	$1.11x10^{-4}$	$3x10^{-9}$	$7.40x10^{-1}$	$2x10^{-5}$
	I-131	$1.11x10^{-4}$	$3x10^{-9}$	$7.40x10^{-1}$	$2x10^{-5}$
	I-132	$2.96x10^{-3}$	$8x10^{-8}$	$2.22x10^{1}$	$6x10^{-4}$
	I-133	$3.70x10^{-4}$	$1x10^{-8}$	$2.59x10^{0}$	$7x10^{-5}$
	I-134	$7.40x10^{-3}$	$2x10^{-7}$	$3.70x10^{1}$	$1x10^{-3}$
Iridium (77)	Ir-190			$7.40x10^{1}$	2x10-3
	Ir-192			$1.48x10^{1}$	$4x10^{-4}$
	Ir-194			$1.11x10^{1}$	$3x10^{-4}$
Iron (26)	Fe-55			$2.96x10^{2}$	$8x10^{-3}$
	Fe-59			$2.22x10^{1}$	$6x10^{-4}$

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Krypton (36)	Kr-85m	$3.70x10^{-2}$	$1x10^{-6}$		
	Kr-85	$1.11x10^{-1}$	$3x10^{-6}$		
Lanthanum (57)	La-140			$7.40x10^{0}$	$2x10^{-4}$
Lead (82)	Pb-203			$1.48x10^{2}$	$4x10^{-3}$

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Element (atomic number)	Isotope	Column I Gas Concentration[1] Bg/ml	Column I Gas Concentration[1] microCi/ml	Column II Liquid and Solid Concentration[2] Bg/ml	Column II Liquid and Solid Concentration[2] microCi/ml
Lutetium (71)	Lu-177			3.70×10^{1}	1×10^{-3}
Manganese (25)	Mn-52			1.11×10^{1}	3×10^{-4}
	Mn-54			3.70×10^{1}	1×10^{-3}
	Mn-56			3.70×10^{1}	1×10^{-3}
Mercury (80)	Hg-197m			7.40×10^{1}	2×10^{-3}
	Hg-197			1.11×10^{2}	3×10^{-3}
	Hg-203			7.40×10^{0}	2×10^{-4}
Molybdenum (42)	Mo-99			7.40×10^{1}	2×10^{-3}
Neodymium (60)	Nd-147			2.22×10^{1}	6×10^{-4}
	Nd-149			1.11×10^{2}	3×10^{-3}
Nickel (28)	Ni-65			3.70×10^{1}	1×10^{-3}
Niobium (Columbium) (41)	Nb-95			3.70×10^{1}	1×10^{-3}
	Nb-97			3.33×10^{2}	9×10^{-3}
Osmium (76)	Os-185			2.59×10^{1}	7×10^{-4}
	Os-191m			1.11×10^{3}	3×10^{-2}
	Os-191			7.40×10^{1}	2×10^{-3}
	Os-193			2.22×10^{1}	6×10^{-4}
Palladium (46)	Pd-103			1.11×10^{2}	3×10^{-3}
	Pd-109			3.33×10^{1}	9×10^{-4}
Phosphorus (15)	P-32			7.40×10^{0}	2×10^{-4}
Platinum (78)	Pt-191			3.70×10^{1}	1×10^{-3}
	Pt-193m			3.70×10^{2}	1×10^{-2}
	Pt-197m			3.70×10^{2}	1×10^{-2}
	Pt-197			3.70×10^{1}	1×10^{-3}
Potassium (19)	K-42			1.11×10^{2}	3×10^{-3}
Praseodymium (59)	Pr-142			1.11×10^{1}	3×10^{-4}
	Pr-143			1.85×10^{1}	5×10^{-4}

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Promethium (61)	Pm-147	7.40×10^{1}	2×10^{-3}
	Pm-149	1.48×10^{1}	4×10^{-4}
Rhenium (75)	Re-183	2.22×10^{2}	6×10^{-3}
	Re-186	3.33×10^{1}	9×10^{-4}
	Re-188	2.22×10^{1}	1×10^{-4}
Rhodium (45)	Rh-103m	3.70×10^{3}	1×10^{-1}
	Rh-105	3.70×10^{1}	1×10^{-3}

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Element (atomic number)	Isotope	Column I Gas Concentration[1] Bg/ml	Column I Gas Concentration[1] microCi/ml	Column II Liquid and Solid Concentration[2] Bg/ml	Column II Liquid and Solid Concentration[2] microCi/ml
Rubidium (37)	Rb-86			$2.59x10^{1}$	$7x10^{-4}$
Ruthenium (44)	Ru-97			$1.48x10^{2}$	$4x10^{-3}$
	Ru-103			$2.96x10^{1}$	$8x10^{-4}$
	Ru-105			$3.70x10^{1}$	$1x10^{-3}$
	Ru-106			$3.70x10^{0}$	$1x10^{-4}$
Samarium (62)	Sm-153			$2.96x10^{1}$	$8x10^{-4}$
Scandium (21)	Sc-46			$1.48x10^{1}$	$4x10^{-4}$
	Sc-47			$3.33x10^{1}$	$9x10^{-4}$
	Sc-48			$1.11x10^{1}$	$3x10^{-4}$
Selenium (34)	Se-75			$1.11x10^{2}$	$3x10^{-3}$
Silicon (14)	Si-31			$3.33x10^{2}$	$9x10^{-3}$
Silver (47)	Ag-105			$3.70x10^{1}$	$1x10^{-3}$
	Ag-110m			$1.11x10^{1}$	$3x10^{-4}$
	Ag-111			$1.48x10^{1}$	$4x10^{-4}$
Sodium (11)	Na-24			$7.40x10^{1}$	$2x10^{-3}$
Strontium (38)	Sr-85			$3.70x10^{1}$	$1x10^{-3}$
	Sr-89			$3.70x10^{0}$	$1x10^{-4}$
	Sr-91			$2.59x10^{1}$	$7x10^{-4}$
	Sr-92			$2.59x10^{1}$	$7x10^{-4}$
Sulfur (16)	S-35			$2.22x10^{1}$	$6x10^{-4}$
Tantalum (73)	Ta-182			$1.48x10^{1}$	$4x10^{-4}$
Technetium (43)	Tc-96m			$3.70x10^{3}$	$1x10^{-1}$
	Tc-96			$3.70x10^{1}$	$1x10^{-3}$
Tellurium (52)	Te-125m			$7.40x10^{1}$	$2x10^{-3}$
	Te-127m			$2.22x10^{1}$	$6x10^{-4}$
	Te-127			$1.11x10^{2}$	$3x10^{-3}$
	Te-129m			$1.11x10^{1}$	$3x10^{-4}$
	Te-131m			$2.22x10^{1}$	$6x10^{-4}$
	Te-132			$1.11x10^{1}$	$3x10^{-4}$

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Terbium (65)	Tb-160	$1.48x10^{1}$	$4x10^{-4}$
Thallium (81)	Tl-200	$1.48x10^{1}$	$4x10^{-3}$
	Tl-201	$1.11x10^{2}$	$3x10^{-3}$
	Tl-202	$3.70x10^{1}$	$1x10^{-3}$
	Tl-204	$3.70x10^{1}$	$1x10^{-3}$

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Element (atomic number)	Isotope	Column I Gas Concentration[1] Bg/ml	Column I Gas Concentration[1] microCi/ml	Column II Liquid and Solid Concentration[2] Bg/ml	Column II Liquid and Solid Concentration[2] microCi/ml
Thulium (69)	Tm-170			$1.85x10^{1}$	$5x10^{-4}$
	Tm-171			$1.85x10^{2}$	$5x10^{-3}$
Tin (50)	Sn-113			$3.33x10^{1}$	$9x10^{-4}$
	Sn-125			$7.40x10^{0}$	$2x10^{-4}$
Tungsten (Wolfram) (74)	W-181			$1.48x10^{2}$	$4x10^{-3}$
	W-187			$2.59x10^{1}$	$7x10^{-4}$
Vanadium (23)	V-48			$1.11x10^{1}$	$3x10^{-4}$
Xenon (54)	Xe-131m	$1.48x10^{-1}$	$4x10^{-6}$		
	Xe-133	$1.11x10^{-1}$	$3x10^{-6}$		
	X3-135	$3.70x10^{-2}$	$1x10^{-6}$		
Ytterbium (70)	Yb-175			$3.70x10^{1}$	$1x10^{-3}$
Yttrium (39)	Y-90			$7.40x10^{0}$	$2x10^{-4}$
	Y-91m			$1.11x10^{3}$	$3x10^{-2}$
	Y-91			$1.11x10^{1}$	$3x10^{-4}$
	Y-92			$2.22x10^{1}$	$6x10^{-4}$
	Y-93			$1.11x10^{1}$	$3x10^{-4}$
Zinc (30)	Zn-65			$3.70x10^{1}$	$1x10^{-3}$
	Zn-69m			$2.59x10^{1}$	$7x10^{-4}$
	Zn-69			$7.40x10^{2}$	$2x10^{-2}$
Zirconium (40)	Zr-95			$2.22x10^{1}$	$6x10^{-4}$
	Zr-97			$7.40x10^{0}$	$2x10^{-4}$
Beta-and/or gamma-emitting radioactive material not listed above with half-life of less than 3 years.		$3.70x10^{-6}$	$1x10^{-10}$	$3.70x10^{2}$	$1x10^{-6}$

[1] Values are given in Column I only for those materials normally used as gases.

[2] Bq or microCi/g for solids.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

NOTE 1: Many radionuclides~~radioisotopes~~ transform into nuclides that~~isotopes which~~ are also radioactive. In expressing the concentrations in this Appendix, the activity stated is that of the parent radionuclide~~isotope~~ and takes into account the daughters.

NOTE 2: For purposes of Section 330.40 where there is involved a combination of radionuclides~~isotopes~~, the limit for the combination should be derived as follows: Determine for each radionuclide~~isotope~~ in the product the ratio between the radioactivity concentration present in the product and the exempt radioactivity concentration established in this Appendix for the radionuclide~~specific isotope~~ when not in combination. The sum of such ratios may not exceed "1".

EXAMPLE:

$$\frac{\text{Concentration of Nuclide}\sim\sim\text{Isotope}\sim\sim\text{ A in Product}}{\text{Exempt Concentration of Nuclide}\sim\sim\text{Isotope}\sim\sim\text{ A}} + \frac{\text{Concentration of Nuclide}\sim\sim\text{Isotope}\sim\sim\text{ B in Product}}{\text{Exempt Concentration of Nuclide}\sim\sim\text{Isotope}\sim\sim\text{ B}} \leq 1$$

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 330.APPENDIX C Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release

Radioactive Material[1]	Release Fraction	Quantity (GBq)	Quantity (Ci)
Actinium-228	0.001	148,000	4,000
Americium-241	0.001	74	2
Americium-242	0.001	74	2
Americium-243	0.001	74	2
Antimony-124	0.01	148,000	4,000
Antimony-126	0.01	222,000	6,000
Barium-133	0.01	370,000	10,000
Barium-140	0.01	1,110,000	30,000
Bismuth-207	0.01	185,000	5,000
Bismuth-210	0.01	22,200	600
Cadmium-109	0.01	37,000	1,000
Cadmium-113	0.01	2,960	80
Calcium-45	0.01	740,000	20,000
Californium-252	0.001	333	9 (20mg)
Carbon-14 (Non-CO_2)	0.01	1,850,000	50,000
Cerium-141	0.01	370,000	10,000
Cerium-144	0.01	11,100	300
Cesium-134	0.01	74,000	2,000
Cesium-137	0.01	111,000	3,000
Chlorine-36	0.5	3,700	100
Chromium-51	0.01	11,100,000	300,000
Cobalt-60	0.001	185,000	5,000
Copper-64	0.01	7,400,000	200,000
Curium-242	0.001	2,220	60
Curium-243	0.001	110	3
Curium-244	0.001	148	4
Curium-245	0.001	74	2
Europium-152	0.01	18,500	500
Europium-154	0.01	14,800	400
Europium-155	0.01	111,000	3,000
Gadolinium-153	0.01	185,000	5,000
Germanium-68	0.01	74,000	2,000
Gold-198	0.01	1,110,000	30,000

Hafnium-172	0.01	14,800	400
Hafnium-181	0.01	259,000	7,000
Holmium-166m	0.01	3,700	100
Hydrogen-3	0.5	740,000	20,000
Indium-114m	0.01	37,000	1,000
Iodine-125	0.5	370	10
Iodine-131	0.5	370	10
Iridium-192	0.001	1,480,000	40,000
Iron-55	0.01	1,480,000	40,000
Iron-59	0.01	259,000	7,000
Krypton-85	1.0	222,000,000	6,000,000
Lead-210	0.01	296	8
Manganese-56	0.01	2,220,000	60,000
Mercury-203	0.01	370,000	10,000
Molybdenum-99	0.01	1,110,000	30,000
Neptunium-237	0.001	74	2
Nickel-63	0.01	740,000	20,000
Niobium-94	0.01	11,100	300
Phosphorus-32	0.5	3,700	100
Phosphorus-33	0.5	37,000	1,000
Polonium-210	0.01	370	10
Potassium-42	0.01	333,000	9,000
Promethium-145	0.01	148,000	4,000
Promethium-147	0.01	148,000	4,000
Radium-226	0.001	3,700	100
Ruthenium-106	0.01	7,400	200
Samarium-151	0.01	148,000	4,000
Scandium-46	0.01	111,000	3,000
Selenium-75	0.01	370,000	10,000
Silver-110m	0.01	37,000	1,000
Sodium-22	0.01	333,000	9,000
Sodium-24	0.01	370,000	10,000
Strontium-89	0.01	111,000	3,000
Strontium-90	0.01	3,330	90
Sulfur-35	0.5	33,300	900
Technetium-99	0.01	370,000	10,000
Technetium-99m	0.01	14,800,000	400,000
Tellurium-127m	0.01	185,000	5,000
Tellurium-129m	0.01	185,000	5,000

Terbium-160	0.01	148,000	4,000
Thulium-170	0.01	148,000	4,000
Tin-113	0.01	370,000	10,000
Tin-123	0.01	111,000	3,000
Tin-126	0.01	37,000	1,000
Titanium-44	0.01	3,700	100
Vanadium-48	0.01	259,000	7,000
Xenon-133	1.0	33,300,000	900,000
Yttrium-91	0.01	74,000	2,000
Zinc-65	0.01	185,000	5,000
Zirconium-93	0.01	14,800	400
Zirconium-95	0.01	185,000	5,000
Any other beta-gamma emitter	0.01	370,000	10,000
Mixed fission products	0.01	37,000	1,000
Mixed corrosion products	0.01	370,000	10,000
Contaminated equipment, beta-gamma	0.001	370,000	10,000
Irradiated material, any form other than solid noncombustible	0.01	37,000	1,000
Irradiated material, solid noncombustible	0.001	370,000	10,000
Mixed radioactive waste,[2] beta-gamma	0.01	37,000	1,000
Packaged mixed waste, [2] beta-gamma	0.001	370,000	10,000
Any other alpha emitter	0.001	74	2
Contaminated equipment, Alpha	0.0001	740	20
Packaged waste, alpha[2]	0.0001	740	20

[1] For combinations of radioactive materials, the licensee is required to consider whether an emergency plan is needed if the sum of the ratios of the quantity of each radioactive material authorized to the quantity listed for that material above exceeds one.

[2] Waste packaged in Type B containers does not require an emergency plan.

(Source: Amended at 35 Ill. Reg. 2931, effective February 7, 2011)

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 February 1, 2011 through February 7, 2011 and have been scheduled for review by the Committee at its March 8, 2011 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
3/19/11	Department of Public Health, Birth Center Demonstration Program Code (77 Ill. Adm. Code 265)	8/20/10 34 Ill. Reg. 12012	3/8/11

PROCLAMATIONS

2011-8
GUBERNATORIAL PROCLAMATION

Extremely severe winter weather is predicted to impact all parts of the State beginning today and continuing throughout the week. The possibility of an ice storm in central and southern Illinois combined with blizzard conditions and potential record snowfall in western and northern Illinois are likely to result in a Statewide emergency or disaster. It is critical that State agencies and local governments take action to protect public health and safety throughout the State in anticipation of the consequences of this extreme winter weather. As a result, the Illinois Emergency Management Agency has activated the State Emergency Operations Center in Springfield and will monitor operations 24/7.

In the interest of aiding the citizens of Illinois and the State agencies and local governments responsible for ensuring public health and safety with the threat of widespread or severe damage, injury or loss of life or property, I hereby proclaim that a disaster exists in the State of Illinois pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (Act).

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and other State agencies in coordinating State resources, including but not limited to emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster.

Date: January 31, 2011
Filed: February 1, 2011

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 35, Issue 8 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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