

TABLE OF CONTENTS

August 28, 2015 Volume 39, Issue 35

PROPOSED RULES

INSURANCE, DEPARTMENT OF

Surplus Line Business Requirements

50 Ill. Adm. Code 2801.....11852

REVENUE, DEPARTMENT OF

Retailers' Occupation Tax

86 Ill. Adm. Code 130.....11865

SECRETARY OF STATE

Issuance of Licenses

92 Ill. Adm. Code 1030.....11889

ADOPTED RULES

EMERGENCY MANAGEMENT AGENCY, ILLINOIS

Financial Assurance Requirements

32 Ill. Adm. Code 326.....11900

Licensing of Radioactive Material

32 Ill. Adm. Code 330.....11905

Fees for Radioactive Material Licensees

32 Ill. Adm. Code 331.....11981

PUBLIC HEALTH, DEPARTMENT OF

Smoke Free Illinois Code

77 Ill. Adm. Code 949.....11995

PEREMPTORY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Pay Plan

80 Ill. Adm. Code 310.....12004

JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF RECOMMENDATION

BOARD OF HIGHER EDUCATION, ILLINOIS

Dual Credit Courses

23 Ill. Adm. Code 1009.....12028

JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF OBJECTION

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF

Medical Payment

89 Ill. Adm. Code 140.....12029

Hospital Services

89 Ill. Adm. Code 148.....12030

HUMAN SERVICES, DEPARTMENT OF

Child Care

89 Ill. Adm. Code 50.....12031

LABOR RELATIONS BOARD, ILLINOIS

General Procedures	
80 Ill. Adm. Code 1200.....	12032
RACING BOARD, ILLINOIS	
Entries, Subscriptions, and Declarations	
11 Ill. Adm. Code 1413.....	12033
JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENTS OF	
PROHIBITED FILINGS	
PUBLIC HEALTH, DEPARTMENT OF	
Grade A Pasteurized Milk and Milk Products	
77 Ill. Adm. Code 775.....	12034
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE	
ILLINOIS REGISTER	
CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES	
Notice of Public Information.....	12035
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	12036

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 preemptory 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 2015

Issue#	Rules Due Date	Date of Issue
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015
19	April 27, 2015	May 8, 2015

20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
26	June 15, 2015	June 26, 2015
27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Surplus Line Business Requirements
- 2) Code Citation: 50 Ill. Adm. Code 2801
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2801.10	Amendment
2081.30	Amendment
2081.40	Amendment
2801.50	Amendment
2801.60	Amendment
2801.70	Amendment
2801.80	Amendment
2801.90	Amendment
2801.100	Amendment
2801.110	Amendment
2801.120	Amendment
2801.130	Amendment
2801.140	Amendment
2801.ILLUSTRATION A	Amendment
- 4) Statutory Authority: Implementing Section 445 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/445 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: Changes need to be made as a result of SB 3324 becoming law. Senate Bill 3324 is an initiative of the Illinois Department of Insurance in conjunction with the Surplus Lines Association of Illinois and the Independent Insurance Agents of Illinois. SB 3324 aims clean up several provisions relating to the regulation of "surplus line" and "unauthorized" insurance which is a vital safety valve for the market – allowing Illinois businesses and residents to get insurance when it is not available with "licensed" insurers. These changes are needed to finish bringing Illinois statutes into compliance with the recently enacted federal Nonadmitted Reinsurance and Reform Act laws, to close a tax loophole, and to address other minor market and statutory inefficiencies.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

James Rundblom, Deputy General Counsel or
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

Susan Anders, Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

217/785-8559
fax: 217/524-9033

217/558-0957

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Insurance producers who are licensed to sell surplus line insurance
- B) Reporting, bookkeeping or other procedures required for compliance: Each Surplus Line producer must keep separate accounts and records of the business transacted under his Surplus Line license for 7 years from the policy effective date, and these separate accounts and records shall be open at all times to the inspection of the Illinois Director of Insurance or the members of his staff.
- C) Types of professional skills necessary for compliance: Surplus line producer license pursuant to 215 ILCS 5/445(2)
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER gg: FINAL PROVISIONSPART 2801
SURPLUS LINE BUSINESS REQUIREMENTS

Section

2801.10	Policies or Contracts of Insurance
2801.20	License Expiration
2801.30	Unauthorized InsurersCompanies
2801.40	Maintenance of Funds in Illinois
2801.50	Procurement of Policies or Contracts
2801.60	Record of Efforts to Procure Policies or Contracts
2801.70	Declinations of Artificial Coverage not Acceptable
2801.80	Surplus Line Association of Illinois
2801.90	Separate Records and Accounts
2801.100	License Rejection or Renewal Refusal
2801.110	Service of Process
2801.120	Required Surplus Line Policy Notice
2801.130	Taxes
2801.140	Classes not Subject to Surplus Line Law

2801.ILLUSTRATION A Written Warning to Insureds

AUTHORITY: Implementing Section 445 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/445 and 401].

SOURCE: Filed July 11, 1958; codified at 7 Ill. Reg. 897; amended at 12 Ill. Reg. 11754, effective July 1, 1988; amended at 20 Ill. Reg. 5846, effective April 9, 1996; amended at 39 Ill. Reg. _____, effective _____.

Section 2801.10 Policies or Contracts of Insurance

Policies or contracts of insurance may not be placed with [insurerseompanies](#) not authorized to do business in Illinois other than through surplus line producers licensed pursuant to Section 445 of the Illinois Insurance Code (the Code) [215 ILCS 5/445](Ill. Rev. Stat. 1987, ch. 73, par. 1057).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 2801.30 Unauthorized Insurers~~Companies~~

- a) Procurement of Insurance by a Surplus Line Producer
- 1) A surplus line producer may procure insurance from an unauthorized insurer domiciled in the United States~~company~~:
- A1) ~~that~~Which based upon information available to the surplus line producer, has a policyholders' surplus of not less than \$15,000,000 determined in accordance with accounting rules ~~as~~ set forth in the Illinois Insurance Code ~~that~~which are applicable to authorized insurer~~companies~~ (Section 445 of the Code); and
- B2) ~~that~~which has standards of solvency and management ~~that~~which are adequate for the protection of policyholders (Section 445 of the Code); and;
- C) that is permitted in its domiciliary jurisdiction to write the type of insurance involved.
- 2) A surplus line producer may procure insurance from an unauthorized insurer domiciled outside of the United States only if the insurer meets the standards for unauthorized insurers domiciled in the United States as set forth in subsection (a)(1), or if the insurer is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners.
- b) Information available to the surplus line producer at the time of procurement includes financial information published by the unauthorized insurer~~company~~, the financial information and quarterly listing of alien insurers published by the International Insurers Department of the National Association of Insurance Commissioner~~Commissioners' Non-Admitted Insurers Office~~ and information published by Best's Insurance Reports or other independent market reporting agencies.
- c) In determining whether the standards of solvency and management of an unauthorized insurer~~company~~ at the time of procurement ~~are such that~~ meet requirements necessary for the protection of policyholders, the surplus line

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

producer shall consider the financial condition of the ~~insurereompany~~, the ready acceptance of the ~~insurereompany~~ in responsible commercial markets, the general reputation of the ~~insurereompany~~, and the ~~insurer'scompany's~~ past and current performance of its obligations.

- d) When an unauthorized ~~insurereompany~~ does not meet the standards set forth in subsection (a)(1) ~~or (a)(2) of this Section~~ or a surplus line producer is unable to verify ~~thosesuch~~ facts, the surplus line producer may procure insurance from that ~~insurereompany~~ only if prior written warning of ~~thesuch~~ fact or condition is given to the insured by the insurance producer or surplus line producer. Evidence of the warning and its delivery shall be maintained by the insurance producer and surplus line producer, together with the evidence of coverage. ~~TheSuch~~ written warning shall be in a form substantially similar to the sample warning set forth in Illustration A ~~of this Part~~.
- e) If the Director at any time determines that the further assumption of risks might be hazardous to the policyholders of an unauthorized ~~insurereompany~~, the Director shall order the Surplus Line Association of Illinois not to countersign insurance contracts evidencing insurance in ~~that insurersuch company~~. ~~The Director'sSaid~~ determination will be made by examining the criteria contained in the Illinois Insurance Code for authorized ~~insurerseompanies~~. ~~TheIn such event the~~ Director shall also direct all surplus line producers to cease procuring insurance from ~~that insurersuch company~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.40 Maintenance of Funds in Illinois

Nothing contained in this Part shall be construed to prohibit an unauthorized ~~insurereompany~~ from maintaining funds in Illinois to service its business.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.50 Procurement of Policies or Contracts

- a) The ~~surplus line~~~~Surplus Line~~ producer must exert diligent effort to procure the policies or contracts required by the insureds from ~~insurers thateompanies which~~ are authorized to transact business in Illinois ~~(Section 445 of The Code)~~. Diligent effort by the ~~surplus line~~~~Surplus Line~~ producer shall be deemed to have been

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

exercised if the ~~surplus line~~ Surplus Line producer or the referring insurance producer ~~submits~~ shall submit a risk to three or more authorized insurers ~~that companies, which~~ are engaged in writing in Illinois the type of coverage sought, or if there are no insurer companies actually engaged in writing ~~that such~~ coverage, the risk shall be submitted to insurers ~~that companies which~~, in the surplus line ~~Surplus Line~~ producer's or the insurance producer's professional judgment, are the most likely to accept the risk.

- b) Submission of insuring contracts to the Surplus Line Association of Illinois constitutes a certification by the surplus line producer or by the insurance producer who presented the risk to the surplus line producer for placement as a surplus line risk that after diligent effort the required insurance could not be procured from insurers ~~that companies which~~ are authorized to transact business in this State and that ~~the such~~ procurement was otherwise in accordance with the surplus line law.
- c) Licensed surplus line producers may procure surplus line insurance from an unauthorized insurer for an exempt commercial purchaser, as that term is defined in Section 445, without making the required diligent effort to procure the insurance from authorized insurers if:
- 1) the producer has disclosed to the exempt commercial purchaser that the insurance may or may not be available from authorized insurers that may provide greater protection with more regulatory oversight; and
 - 2) the exempt commercial purchaser has subsequently, in writing, requested the producer to procure that insurance from an unauthorized insurer.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.60 Record of Efforts to Procure Policies or Contracts

The surplus line producer must maintain, with the copy of the insurance that was placed, a record of ~~the such~~ diligent effort, which must state the name of the authorized insurer companies and the individuals contacted at each insurer company who declined the risk. If the diligent effort was made by the insurance producer, the surplus line producer must maintain a written record signed by the insurance producer that the insurance producer made ~~the such~~ diligent effort, and the insurance producer must maintain a record that states the name of the authorized insurer companies and the individuals contacted at each insurer company who declined the risk.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.70 Declinations of Artificial Coverage not Acceptable

- a) Declinations by authorized ~~insurerseompanies~~ for the following reasons do not qualify insurance to be placed under the surplus line law:
- 1) Artificial division of one coverage into two or more proposed contracts;
 - 2) Differential in premium or rate quoted between an authorized ~~insurereompany~~ and an unauthorized ~~insurereompany~~.
- b) Declinations by authorized ~~insurerseompanies~~ for the following reasons do qualify insurance to be placed under the surplus line law:
- 1) Underwriting reason pertaining to the risk or the class;
 - 2) Size of the risk;
 - 3) Coverage is not available except in combination with other coverage not required by the insured;
 - 4) Required coverage is not acceptable in part to the authorized ~~insurereompany~~ although part of the coverage is acceptable, and the unauthorized ~~insurereompany~~ will accept only the entire risk and not solely the rejected portion; and
 - 5) Authorized ~~insurerseompanies~~ will accept less than the amount of coverage required and the entire amount and not just part of that amount~~thereof~~ will be accepted by unauthorized ~~insurerseompanies~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.80 Surplus Line Association of Illinois

- a) All surplus line insurance ~~placed on Illinois risks~~ must be submitted to the Surplus Line Association if Illinois is the insured's home state, as that term is defined in Section 445. The Surplus Line Association~~which~~ will process and countersign the

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

insurance policies or contracts, keep records of the business written and report to the surplus line producers and to the Director pursuant to Sections 445 and 445.1 of the Code. The Surplus Line Association shall report to ~~the surplus line producers and~~ the Director and, at the discretion of the Director, to the surplus line producers:

- 1) by July 15 each year, the business processed by each surplus line producer during the six month period ending June 30; and
 - 2) by January 15 each year, the business processed by each surplus line producer during the six month period ending December 31 of the previous year.
- b) The Surplus Line Association is authorized to charge a fee to cover its cost of operations. The fee is payable by the surplus line producer based on the same gross premiums ~~that~~^{which} are subject to the surplus line tax. The fee schedule is subject to the Director's approval. The Director's approval of the fee schedule shall be determined from the annual audited financial report submitted to the Director by the Surplus Line Association.
- c) The Surplus Line Association shall maintain records of surplus line insurance submitted by surplus line producers for a period of 10 years.
- d) The Association shall annually provide for an independent financial audit of the books and records of the Association by a certified public accountant and shall provide a copy of the audit report to the Director.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.90 Separate Records and Accounts

Each ~~surplus line~~^{Surplus Line} producer must keep separate accounts and records of the business transacted under ~~its surplus line~~^{his Surplus Line} license for 7 years from the policy effective date, and these separate accounts and records shall be open at all times to ~~the~~ inspection by the Illinois Director of Insurance or his or her designee~~or the members of his staff~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.100 License Rejection or Renewal Refusal

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Application for a surplus line producer license shall be rejected, or renewal thereof refused, for failure:

- a) ~~to~~ pay the tax required by Section 445 of the Illinois Insurance Code and by Section 12 of the Fire Investigation Act [425 ILCS 25/12]; or
- b) to pay the annual license fee to the Director of Insurance pursuant to Section 445(2)~~(b)~~ of the Code; or
- ~~e)~~ ~~to maintain the surety bond required by Section 445; or~~
- ~~c~~d) to pay the fee due the Surplus Line Association; or
- ~~d~~e) to exert diligent effort to secure the business required by an insured in duly authorized ~~insurer~~companies; or
- ~~e~~f) to procure surplus line policies or contracts or coverage from ~~insurer~~companies that have at least \$15,000,000 in policyholders surplus and have the standards of solvency or management necessary for the protection of policyholders; or
- ~~f~~g) to process all surplus line business on Illinois risks through the Surplus Line Association; or
- ~~g~~h) to maintain records and accounts pursuant to Section 445 of the Code; or
- ~~h~~i) to maintain membership in the Surplus Line Association of Illinois; or
- ~~i~~j) to comply with the requirements of the Illinois Insurance Code or 50 Ill. Adm. Code.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.110 Service of Process

- a) Service of process relating to any surplus line insurance ~~that~~which the Surplus Line Association receives from the Director shall be delivered to the surplus line producer for delivery to the unauthorized ~~insurer~~company. The surplus line producer shall promptly forward any such process by the fastest, most reliable

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

means to the unauthorized ~~insurer company~~ or its designated representative for service of process.

- b) Any unauthorized ~~insurer that company which~~ elects to do so may file a written request with the Surplus Line Association that service of process be forwarded directly to the ~~insurer. The company in which case the~~ Surplus Line Association shall forward a copy of ~~the such~~ process directly to the ~~insurer company~~ and ~~a copy~~ to the surplus line producer.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.120 Required Surplus Line Policy Notice

- a) Each policy or contract for insurance ~~procured from an unauthorized insurer, other than a domestic surplus line insurer, issued~~ in conformity with Section 445 of the Code shall have stamped or imprinted on the first page, ~~thereof~~ in not less than 12-pt. bold face type, the following legend:

"Notice to Policyholder"

"This contract is issued, pursuant to Section 445 of the Illinois Insurance Code, by a company not authorized and licensed to transact business in Illinois and as such is not covered by the Illinois Insurance Guarantee Fund."

- b) Each policy or contract for insurance procured from a domestic surplus line insurer in conformity with Section 445 of the Code shall have stamped or imprinted on the first page, in not less than 12-pt. bold face type, the following legend:

"Notice to Policyholder"

"This contract is issued by a domestic surplus line insurer, as defined in Section 445a of the Illinois Insurance Code, pursuant to Section 445 of the Code and, as such, is not covered by the Illinois Insurance Guaranty Fund."

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.130 Taxes

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- a) The surplus line producer shall pay to the Director as a surplus line tax a sum equal to ~~3%~~ of the gross premiums less returned premiums multiplied by the surplus line tax rate set forth in Section 445 of the Code upon all surplus line insurance. The payment is due on or before February 1 of each year for the business processed through the Surplus Line Association during the six month period ending December 31 of the previous year and on August 1 of each year for the six month period ending June 30. The Surplus Line Association will report to each surplus line producer and to the Director the business processed during each six month period.
- b) The surplus line producer shall pay to the Director as a Fire Marshal Tax a sum equal to 1% of the gross premiums less returned premiums on all surplus line insurance subject to the tax required by Section 12 of the Fire Investigation Act [425 ILCS 25] Chapter 127½, par. 16 of the Illinois Revised Statutes. The payment is due in the month of March for the business processed through the Surplus Line Association for the preceding calendar year. The Surplus Line Association, prior to March 1, will report to each surplus line producer and to the Director the business subject to this Fire Marshal Tax processed during each calendar year.
- c) The surplus line tax and the Fire Marshal tax, ~~when~~where applicable, shall be due and payable on all surplus line business processed by the surplus line producer through the Surplus Line Association.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2801.140 Classes not Subject to Surplus Line Law

Sections 445 and 445.5 inclusive of the Illinois Insurance Code (~~Ill. Rev. Stat. 1987, ch. 73, pars. 1057-1057.5~~) do not apply to insurance of property and operations of railroads or aircraft engaged in interstate or foreign commerce, insurance of vessels, crafts or hulls, cargoes, marine builders risks, marine protection and indemnity, or other risks including strikes and war risks insured under ocean or wet marine forms of policies. Surplus line producers should not submit the above types of insurance to the Surplus Line Association for processing.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 2801. ILLUSTRATION A Written Warning to Insureds

TO: _____

RE: (Name of Unauthorized
InsurerCompany)
(Type of Coverage)

In accordance with Section 445 of the Illinois Insurance Code, I hereby provide you with a written WARNING that the above-captioned unauthorized insurerecompany with which I propose to place the captioned coverage does not, or I am unable to verify that it does (checked as applicable):

_____ Have a policyholder surplus of \$15,000,000 or more;

_____ Meet minimal standards of solvency and management thatwhich are adequate for your protection.

Sincerely,

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
130.410	Amendment
130.415	Amendment
- 4) Statutory Authority: 35 ILCS 120/12; 20 ILCS 2505/2505-795
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking amends the Department's regulation governing the taxability of Transportation and Delivery Charges to incorporate the holding of the Illinois Supreme Court in *Kean v. Wal-Mart Stores, Inc.*, 235 Ill. 2d 351 (2009). It clarifies when transportation and delivery charges are considered part of "gross receipts" subject to the Retailers' Occupation Tax Act or the Use Tax Act.

The proposed rulemaking includes the following amendments to section 130.415. First, it identifies outgoing transportation and delivery charges subject to the requirements of the rule. Second, consistent with *Kean*, it provides that transportation and delivery charges are part of gross receipts when there is an "inseparable link" between the sale of the tangible personal property and its delivery. Third, it explains the circumstances that constitute an "inseparable link" requiring a retailer to collect and remit taxes on the cost of transportation and delivery. Fourth, it provides that the amount charged for transportation and delivery will be the amount taxed in certain circumstances. Fifth, it provides numerous examples to guide retailers as to when shipping and handling charges are subject to tax. Sixth, it explains how to calculate tax on transportation charges when the tangible personal property sold and shipped is taxed at different rates.

The amendments are retroactive to the date of the *Kean* decision, November 19, 2009.

The amendments to Section 130.410 are made to conform that provision to changes identified above in Section 130.415.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect: No

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
130.605	Amendment	39 Ill. Reg. 252; January 2, 2015
130.2055	Amendment	39 Ill. Reg. 252; January 2, 2015
130.2125	Amendment	39 Ill. Reg. 7221; May 22, 2015
130.1946	New Section	39 Ill. Reg. 9126; July 10, 2015
130.1947	New Section	39 Ill. Reg. 9126; July 10, 2015
130.1948	New Section	39 Ill. Reg. 9126; July 10, 2015
130.1949	New Section	39 Ill. Reg. 9126; July 10, 2015
130.1950	Amendment	39 Ill. Reg. 9126; July 10, 2015
130.1951	Amendment	39 Ill. Reg. 9126; July 10, 2015
130.1952	Amendment	39 Ill. Reg. 9126; July 10, 2015
130.1953	Amendment	39 Ill. Reg. 9126; July 10, 2015
130.1954	Amendment	39 Ill. Reg. 9126; July 10, 2015
130.1955	Amendment	39 Ill. Reg. 9126; July 10, 2015
130.1956	New Section	39 Ill. Reg. 9126; July 10, 2015

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Jerilynn Troxell Gorden
 Illinois Department of Revenue
 Legal Services Office
 101 West Jefferson
 Springfield IL 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect sellers of tangible personal property that provide for the delivery of property to their customers.
 - B) Reporting, bookkeeping or other procedures required for compliance: Basic bookkeeping
 - C) Types of professional skills necessary for compliance: Bookkeeping
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section

130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section

130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section

130.305	Farm Machinery and Equipment
130.310	Food, Soft Drinks and Candy
130.311	Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its Possessions
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 130.332 Automatic Vending Machines
- 130.335 Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
- 130.340 Rolling Stock
- 130.341 Commercial Distribution Fee Sales Tax Exemption
- 130.345 Oil Field Exploration, Drilling and Production Equipment
- 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 130.351 Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section

- 130.401 Meaning of Gross Receipts
- 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
- 130.410 Cost of Doing Business Not Deductible
- 130.415 Transportation and Delivery Charges
- 130.420 Finance or Interest Charges – Penalties – Discounts
- 130.425 Traded-In Property
- 130.430 Deposit or Prepayment on Purchase Price
- 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
- 130.440 Penalties
- 130.445 Federal Taxes
- 130.450 Installation, Alteration and Special Service Charges
- 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section

- 130.501 Monthly Tax Returns – When Due – Contents
- 130.502 Quarterly Tax Returns
- 130.505 Returns and How to Prepare
- 130.510 Annual Tax Returns
- 130.515 First Return
- 130.520 Final Returns When Business is Discontinued
- 130.525 Who May Sign Returns
- 130.530 Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments (Repealed)
130.605	Sales of Property Originating in Illinois; Questions of Interstate Commerce
130.610	Sales of Property Originating in Other States (Repealed)

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section	
130.801	General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
130.901 Civil Penalties
130.905 Interest
130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
130.1101 Definition of Federal Area
130.1105 When Deliveries on Federal Areas Are Taxable
130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
130.1201 General Information
130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
130.1301 When Lessee of Premises Must File Return for Leased Department
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
- 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section

130.1901	Addition Agents to Plating Baths
130.1905	Agricultural Producers
130.1910	Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
130.1915	Auctioneers and Agents
130.1920	Barbers and Beauty Shop Operators
130.1925	Blacksmiths
130.1930	Chiropodists, Osteopaths and Chiropractors
130.1934	Community Water Supply
130.1935	Computer Software
130.1940	Construction Contractors and Real Estate Developers
130.1945	Co-operative Associations
130.1950	Dentists
130.1951	Enterprise Zones
130.1952	Sales of Building Materials to a High Impact Business
130.1953	Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
130.1954	River Edge Redevelopment Zones
130.1955	Farm Chemicals
130.1960	Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
130.1965	Florists and Nurserymen
130.1970	Hatcheries
130.1971	Sellers of Pets and the Like
130.1975	Operators of Games of Chance and Their Suppliers
130.1980	Optometrists and Opticians
130.1985	Pawnbrokers
130.1990	Peddlers, Hawkers and Itinerant Vendors
130.1995	Personalizing Tangible Personal Property
130.2000	Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
130.2004	Sales to Nonprofit Arts or Cultural Organizations
130.2005	Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
130.2006	Sales by Teacher-Sponsored Student Organizations
130.2007	Exemption Identification Numbers
130.2008	Sales by Nonprofit Service Enterprises
130.2009	Personal Property Purchased Through Certain Fundraising Events for the Benefit

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

	of Certain Schools
130.2010	Persons Who Rent or Lease the Use of Tangible Personal Property to Others
130.2011	Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
130.2012	Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
130.2013	Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020	Physicians and Surgeons
130.2025	Picture-Framers
130.2030	Public Amusement Places
130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Trading Stamps, Discount Coupons, Automobile Rebates and Dealer Incentives
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
130.2170	Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section

130.2500	Direct Payment Program
130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
130.2515	Application for Permit
130.2520	Qualification Process and Requirements
130.2525	Application Review
130.2530	Recordkeeping Requirements
130.2535	Revocation and Withdrawal
130.ILLUSTRATION A	Examples of Tax Exemption Cards
130.ILLUSTRATION B	Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C	Food Flow Chart

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. 17060, effective July 25, 2014; amended at 38 Ill. Reg. 17421, effective July 31, 2014; amended at 38 Ill. Reg. 17756, effective August 6, 2014; amended at 38 Ill. Reg. 19998, effective October 1, 2014; amended at 39 Ill. Reg. 1793, effective January 12, 2015; amended at 39 Ill. Reg. _____, effective _____.

SUBPART D: GROSS RECEIPTS

Section 130.410 Cost of Doing Business Not Deductible

In computing Retailers' Occupation Tax liability, no deductions shall be made by a taxpayer from gross receipts or selling prices on account of the cost of property sold, the cost of materials used, labor or service costs, idle time charges, incoming freight or transportation costs, overhead costs, processing charges, clerk hire or salesmen's commissions, interest paid by the seller, or any other expenses whatsoever. Costs of doing business are an element of the retailer's gross

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

receipts subject to tax even if separately stated on the bill to the customer.

- a) For example, a retailer may choose to accept payment from a customer through the use of a credit or debit card, and the retailer may not receive the full amount of payment due to the service charges or fees charged by the credit or debit card company. These charges or fees are part of the retailer's cost of doing business and are not deductible from the gross receipts subject to tax.
- b) To determine whether outgoing shipping and handling charges are deductible from gross receipts that are subject to tax, see Section 130.415 ~~of this Part~~.
- c) Handling charges represent a retailer's cost of doing business, and are not deductible from the gross charges subject to tax. However, such charges are often stated in combination with shipping charges. In this case, charges designated as "shipping and handling", as well as delivery or transportation charges, ~~in general, are not taxable if it can be shown that they are both separately contracted for and that such charges are actually reflective of the costs of shipping. To the extent that shipping and handling charges exceed the costs of shipping, the charges are subject to tax as provided in.~~ (See Section 130.415 ~~of this Part~~.)

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 130.415 Transportation and Delivery Charges

- a) Until November 19, 2009:
 - 1) Transportation and delivery charges are considered to be freight, express, mail, truck or other carrier, conveyance or delivery expenses. These charges are also many times designated as shipping and handling charges.
 - 2b) The answer to the question of whether ~~or not~~ a seller, in computing his or her Retailers' Occupation Tax liability, may deduct, from his or her gross receipts from sales of tangible personal property at retail, amounts charged ~~by him~~ to ~~his~~ customers on account of the seller's payment of transportation or delivery charges in order to secure delivery of the property to ~~such~~ customers, or on account of the seller's incurrence of expense in making ~~the~~ delivery himself or herself, depends not upon the separate billing of ~~such~~ transportation or delivery charges or expense, but upon whether the transportation or delivery charges are included in the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

selling price of the property ~~that~~~~which~~ is sold or whether the seller and the buyer contract separately for ~~such~~ transportation or delivery charges by not including ~~those~~~~such~~ charges in ~~the~~~~such~~ selling price. In addition, charges for transportation and delivery must not exceed the costs of transportation or delivery. If those charges do exceed the cost of delivery or transportation, the excess amount is subject to tax.

- 3e) If ~~such~~ transportation or delivery charges are included in the selling price of the tangible personal property ~~that~~~~which~~ is sold, the transportation or delivery expense is an element of cost to the seller within the meaning of Section 1 of the Retailers' Occupation Tax Act, and may not be deducted by the seller in computing ~~his~~ Retailers' Occupation Tax liability.
- 4d) If the seller and the buyer agree upon the transportation or delivery charges separately from the selling price of the tangible personal property ~~that~~~~which~~ is sold, ~~then~~ the cost of the transportation or delivery service is not a part of the "selling price" of the tangible personal property ~~which is~~ sold, but instead is a service charge, separately contracted for, and need not be included in the figure upon which the seller computes ~~his~~ Retailers' Occupation Tax liability. Delivery charges are deemed to be agreed upon separately from the selling price of the tangible personal property being sold so long as the seller requires a separate charge for delivery and so long as the charges designated as transportation or delivery or shipping and handling are actually reflective of the costs of ~~the~~~~such~~ shipping, transportation or delivery. To the extent that ~~delivery~~~~such~~ charges exceed the costs of shipping, transportation or delivery, the charges are subject to tax. The best evidence that transportation or delivery charges were agreed to separately and apart from the selling price, is a separate and distinct contract for transportation or delivery. However, documentation ~~that~~~~which~~ demonstrates that the purchaser had the option of taking delivery of the property, at the seller's location, for the agreed purchase price, or having delivery made by the seller for the agreed purchase price, plus an ascertained or ascertainable delivery charge, will suffice.
- 5e) Incoming Transportation Costs
Transportation or delivery charges paid by a seller in acquiring property for sale are merely costs of doing business to the seller and may not be deducted by ~~that~~~~such~~ seller in computing ~~his~~ Retailers' Occupation Tax liability, even though ~~the seller~~~~he~~ passes ~~those~~~~such~~ costs on to ~~his~~

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

customers by quoting and billing ~~those~~ costs separately from the selling price of the tangible personal property ~~that~~ which he or she sells. The same is true of transportation or delivery charges paid by the seller in moving property to some point from which the property (when subsequently sold) will be delivered or shipped to the purchaser.

b) On and after November 19, 2009:

1) Outgoing Transportation and Delivery Charges (e.g., Shipping and Handling)

A) Applicability

i) Outgoing transportation and delivery charges are charges for the final transport or delivery of tangible personal property from the possession and control of the seller to the possession and control of the purchaser. Outgoing transportation and delivery charges include, but are not limited to, charges for freight, express, mail, truck or other carrier, conveyance or delivery expenses, and shipping and handling.

ii) Costs incurred by the retailer in moving property to some point from which the property will be delivered or shipped to the customer, or picked up by the customer, are not outgoing transportation and delivery charges; they are part of the retailer's costs of doing business. Any amounts the retailer charges a customer for moving the property cannot be deducted from gross receipts from that sale.

B) Taxability of Outgoing Transportation and Delivery

i) Outgoing transportation and delivery charges are part of the gross receipts subject to Retailers' Occupation Tax when there is an inseparable link between the sale of tangible personal property and the outgoing transportation and delivery of the property. (See Kean v. Wal-Mart Stores, Inc., 235 Ill. 2d 351(2009).)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- ii) An inseparable link exists when the transportation and delivery charges are not separately identified to the purchaser on the contract or invoice or when the transportation and delivery charges are separately identified to the purchaser on the contract or invoice, but the seller does not offer the purchaser the option to receive the tangible personal property in any manner except by delivery from the seller (e.g., the seller does not offer the purchaser the option to pick up the tangible personal property). (See Kean v. Wal-Mart Stores, Inc., 235 Ill. 2d 351, 375 (2009). Can the product that the customer has agreed to buy be sold to the customer without rendering the service? If "yes", then the service should not be included in the selling price of the sale of tangible personal property. (Airco Industrial Gas Division, The BOC Group, Inc. v. Department of Revenue, 223 Ill. App. 3d 386, 392 (4th Dist. 1991).))
- iii) Except as provided in subsection (b)(1)(B)(ii), outgoing transportation and delivery is considered a service separate and distinct from the sale of tangible personal property that is being transported or delivered and should be excluded from the gross receipts subject to the Retailers' Occupation Tax.
- C) Safe Harbor. If a seller of tangible personal property offers the purchaser the option to pick up the property and charges the same price for the property regardless of whether the property is delivered or picked up, then the transportation and delivery charges separately identified as delivery charges by the seller to the purchaser on the contract or invoice will not be subject to Retailers' Occupation Tax. However, if the selling price of the tangible personal property increases or decreases depending on whether the purchaser chooses to pick up the property or have it delivered, the transportation and delivery charges will be subject to Retailers' Occupation Tax to the extent those charges exceed the actual cost of outgoing transportation and delivery as described in subsection (b)(1)(A)(i).

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

D) EXAMPLES:

- i) Internet Purchase by an Illinois Customer from a Retailer Who Also Has Brick-and-mortar Stores. A customer selects property from a retailer's website on the Internet, clicks the "add to shopping cart" button and proceeds to "check out". The online retailer adds the price of the items in the shopping cart, for a total price of \$200. The online retailer then prompts the customer to click on the box corresponding to the method by which the customer prefers to obtain the merchandise (e.g., USPS or other common ground carrier for \$12.99, two-day delivery for \$18.50, Next Day Air for \$33.50, or the option to pick up the property for no extra charge at the retailer's store). The customer clicks on the ground carrier box for delivery to the purchaser's home. The retailer then calculates the total price of the order ($\$200 + \$12.99 = \$212.99$). The cost of the property and the cost of shipping are separately identified on the invoice when the property is delivered. Because the delivery charge is separately identified on the purchaser's invoice, and the purchaser had the option to pick up the property rather than having it shipped, there is no inseparable link between the purchase of the property and the outgoing transportation and delivery charges. Therefore, the delivery is a service separate and distinct from the sale of the items and is not part of the retailer's gross receipts subject to the Retailers' Occupation Tax. The taxable amount is \$200.
- ii) Internet Purchase from Retailer without a Brick-and-mortar Store. Assume the same facts as the example in subsection (b)(1)(D)(i), except, because the retailer has no brick-and-mortar store, the customer is not given the option of picking up the item. Because the tangible personal property could not be sold to the customer without including delivery, there is an inseparable link between the purchase and the delivery, and the charges for delivery are included in taxable gross receipts. The taxable amount is \$212.99.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- iii) Internet Purchase from Retailer with Out-of-state Pick Up Option. Assume the same facts as the example in subsection (b)(1)(D)(i). However, the retailer's only eligible pick up location is in San Diego, California. Because the retailer offers an option to pick up the property, there is no inseparable link between the sale of tangible personal property and the delivery of that property. The transportation and delivery charges are not taxable. The taxable amount is \$200.
- iv) Delivery Charges Need Not Reflect Actual Costs. Assume the same facts as the example in subsection (b)(1)(D)(i). However, the actual cost to ship the goods to the customer by ground carrier is \$11. The transportation charge exceeds the actual cost of shipping. However, because the customer has an option to pick up the property and avoid the transportation cost, and because the price of the property is the same regardless of whether the customer picks up the property or has it delivered, the charges identified as transportation and delivery are nontaxable. Therefore, the taxable amount is \$200.
- v) Price Includes Delivery. A customer telephones a retailer who sells propane. The retailer offers to sell propane to the customer for \$2/pound if the retailer delivers the propane or \$1/pound if the customer picks up the propane or arranges for the delivery with a third party. If a customer chooses to have the retailer deliver the propane for \$2/pound, the gross receipts for the delivered propane are \$2/pound, and the retailer may not make any deductions for transportation and delivery. There is an inseparable link between the purchase of the propane and its delivery because the retailer charges a single indivisible price. The taxable amount is \$2/pound.
- vi) A Transportation Company Offers to Purchase Material from a Quarry and Sell It to a Customer for \$15/Metric Ton, Including Delivery. The purchaser accepts the offer and orders three metric tons of gravel. The transportation

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

company purchases three metric tons of gravel from a quarry for \$10/metric ton and delivers it to the customer. The transportation company is a retailer responsible for the ROT on the material it sells. Because it offered to sell and deliver gravel for a single indivisible price, there is an inseparable link between sale and delivery. The taxable amount is \$15/metric ton.

- vii) Delivery by a Retailer's Affiliated Business. A customer purchases \$1,500 worth of furniture from a local furniture retailer. The retailer has no trucks of its own to make any deliveries. There is a delivery company affiliated with the furniture retailer that frequently delivers furniture to customers who make purchases from the furniture retailer. The furniture retailer offers to arrange for the delivery of the furniture through its affiliated company for an additional cost of \$100, which is identified separately as the delivery cost of the affiliated company. In the alternative, the customer may arrange to pick up the furniture or to have it delivered at his or her own cost. Because the customer can pick up the furniture or separately arrange for its delivery by a company of his or her choosing, the delivery of the furniture is a service separate and apart from the sale of tangible personal property. The \$100 delivery fee is not part of gross receipts and is not taxable. The taxable amount is \$1,500.
- viii) Assume the same facts as in the example in subsection (b)(1)(D)(vii), except that the retailer does not permit customers to pick up their purchases and requires that its affiliated delivery company makes all deliveries. When a retailer requires the customer to contract for shipping with a specific delivery company (or to choose one company among several with whom to contract), the retailer is deemed to be the provider of the shipping service. Because the tangible personal property could not be sold to the customer without including delivery, there is an inseparable link between the sale and delivery of the tangible personal

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

property, and the delivery charge is taxable. The taxable amount is \$1,600.

- E) Taxable Shipping: Exemptions and Rates. If a retailer has determined that the delivery charges are part of its gross receipts, then the retailer must determine if any exemptions apply and, if not, determine the appropriate tax rate for that transaction by observing the following rules:
- i) Exempt Tangible Personal Property. If the retailer determines that either the purchaser or all of the tangible personal property being sold is tax exempt, the entire gross receipts from the sale are not taxable, including the delivery charge.

EXAMPLE:

A church with an active exemption identification number purchases new choir robes for \$600. The retailer charged the church \$20 to deliver the robes. All amounts the retailer charged the church, including for delivery, are not taxable because the sale to the church was a tax-exempt sale.

- ii) Exempt Tangible Personal Property with Taxable Tangible Personal Property. If a retailer makes a sale of multiple items of tangible personal property, some of which are exempt and some of which are taxable, the outgoing transportation or delivery charges are exempt if the total selling price of the exempt tangible personal property is greater than the selling price of the taxable tangible personal property.

EXAMPLE:

A customer places an order for subscriptions to 3 magazines for a total of \$36 and purchases 2 children's books for a total of \$12 through an online retailer. The retailer charges \$4 for shipping and handling. The magazines qualify for the newsprint and ink exemption, but

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

the books do not. As a result, the selling price of the exempt tangible personal property (\$36) is greater than the selling price of the taxable tangible personal property (\$12). The shipping and handling charges (\$4) are exempt.

- iii) Delivery of Tangible Personal Property Taxed Entirely at the Low Rate of Tax or Entirely at the High Rate of Tax. If a retailer makes a sale of multiple items of tangible personal property that are either all taxable at the high rate of tax or all taxable at the low rate of tax, it must apply that rate to all the gross receipts from the sale, including delivery charges.

EXAMPLE:

A customer purchases a wheelchair on-line for \$500. The retailer charges \$40 for delivery. The \$40 delivery charge is taxed at the low rate of tax.

- iv) Delivery of Multiple Items of Tangible Personal Property, Some of Which are Taxed at the High Rate and Some of Which are Taxed at the Low Rate. In order to qualify for the low rate, the selling price of the tangible personal property that is taxed at the low rate must be greater than the total selling price of the tangible personal property that is taxed at the high rate.

EXAMPLE:

A customer orders crackers, cheese and fruit for \$200 and 6 bottles of wine at \$75 per bottle (\$450). The retailer charges the customer \$20 for delivery. The retailer's outgoing transportation and delivery charges are part of the retailer's costs of doing business and may not be deducted from its gross receipts from that sale. The transportation and delivery charges are taxable at the high rate of tax because the total selling price for tangible personal property taxed at the high rate (\$450) is greater than the total selling

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

price for the tangible personal property taxed at the low rate (\$200).

- v) Delivery of Multiple Items of Tangible Personal Property, Some of Which are Taxed at the High Rate, Some of Which are Taxed at the Low Rate, and Some of Which are Exempt. The outgoing transportation or delivery charges are exempt if the total selling price of the exempt tangible personal property is greater than the selling price of the taxable tangible personal property. If the total selling price of the exempt tangible personal property is not greater than the selling price of the taxable tangible personal property, the transportation and delivery charges will qualify for the low rate if the total selling price of the tangible personal property that is taxed at the low rate is greater than the total selling price of the tangible personal property that is taxed at the high rate.

2) Incoming Transportation and Delivery Costs

- A) Applicability. Incoming transportation and delivery costs are costs incurred by a retailer in acquiring tangible personal property for sale or moving tangible personal property from one location to another location, up to and including transportation to a point from which the property will be delivered or shipped to the customer, or picked up by the customer.
- B) General Rule. Incoming transportation and delivery costs are a business expense to the retailer and may not be deducted from the gross receipts from sales of tangible personal property at retail, even though the retailer may pass those costs on to its customers by quoting and billing those costs separately from the price of the tangible personal property sold.
- C) EXAMPLES:
- i) A customer purchases \$25 worth of books on the internet. The retailer is advertising a \$10 transportation and delivery charge special on orders over \$20 or a \$1 transportation and

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

delivery charge special on orders shipped to its brick-and-mortar store for in-store pick up by the customer. The customer chooses the in-store pickup option. The incoming transportation and delivery costs incurred by the retailer for the customer's order shipped to its brick-and-mortar store for in-store pickup are part of the retailer's costs of doing business. Any amounts the retailer charges the customer for shipping the books to its brick-and-mortar store are part of the retailer's gross receipts from that sale and cannot be deducted. The taxable amount on the sale of the books to the customer is \$26.

- ii) A customer goes to an appliance store (Store A) to purchase an oven for \$300. The store only has the display model at that location, but there are several in stock at a second store at another store location (Store B). The retailer offers to have Store B ship the oven to Store A for \$25, and the customer accepts. Any transportation costs to move the merchandise from Store B to Store A are part of the retailer's costs of doing business, and any amounts the retailer charges the customer for moving that merchandise cannot be deducted from the retailer's gross receipts from that sale. The taxable amount on the sale of the appliance is \$325.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
1030.85	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104 & 625 ILCS 5/6-109
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking specifically prohibits an applicant taking a road test from recording the road test. If the applicant refuses to stop and delete any recordings, the road test will be stopped and the applicant will be deemed to have failed the road test. However, the applicant has three opportunities to pass a road test.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule 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 rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
1030.1	Amendment	39 Ill. Reg. 8773; June 26, 2015
1030.16	Amendment	39 Ill. Reg. 8773; June 26, 2015
1030.150	New Section	39 Ill. Reg. 8773; June 26, 2015
- 11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield IL 62723

217/557-4462

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

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Driver's License
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images

- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. _____, effective _____.

Section 1030.85 Driver's License Testing/Road Test

- a) Classification of licenses is established in Section 1030.30.
- b) Persons applying for a Class C or Class D (CDL or Non-CDL) driver's license, a religious organization restriction, for-profit ridesharing arrangement restriction, or senior citizen transportation restriction in a First Division vehicle who are required by IVC Section 6-109 to complete a road test shall be evaluated on the following driving skills: start, posture, use of mirrors, steering, lane observance, right-of-way, left and right turns (signal, speed, lane, turn), attention (distraction level), following (too closely), speed (too fast/too slow), parking (up and/or down hill), starting (up and/or down hill), final park, signal (pulling into and away from curb, changing lanes), stop signs, other signs (yield, school, railroad, regulatory, warning, special), traffic lights, backing, turn about, and use of clutch or automatic transmission.
- c) In addition to those maneuvers listed in subsection (b), persons applying for a Class A or B driver's license (CDL) shall also be evaluated on the following:
 - 1) Pre-Trip Inspection – the applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:
 - A) locate and verbally identify air brake operating controls and monitoring devices;
 - B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;
 - C) inspect low pressure warning devices to ensure they will activate in emergency situations;
 - D) ascertain, with the engine running, that the system contains an adequate supply of compressed air;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and
 - F) operationally check the brake system for proper performance.
- 2) Vehicle skills test that shall include dock parking, straight line backing, stop at marked line, and predetermined right turn.
 - 3) Additional road test driving skills of use of gears, railroad crossing, expressway, bridge and underpass.
- d) In addition to those maneuvers listed in subsection (b), persons applying for a Class A or B driver's license (non-CDL) shall also be evaluated on straight line backing.
 - e) In addition to those maneuvers listed in subsection (c), persons applying for a school bus driver permit must complete a road test in a representative vehicle, which shall consist of the following: use of gears, railroad crossing (stop and observation), curb bus (simulate loading/unloading passengers), use of stop arm, and use of flasher lights.
 - f) Applicants for a Class L or Class M driver's license who are required to complete a road test shall be evaluated by using of the following drive tests: ALMOST – Alternate Motorcycle Operator Skill Test; 5 dot test; and Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test.
 - 1) Test exercises for the ALMOST and Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test, for both Class L and Class M, shall consist of the following: stalling (improper shift, failure to shift), sharp turn (path, foot down), normal stop (skid, position), cone weave (skips, hits, foot down), U-Turn (path, foot down), quick stop (distance), obstacle turn (path), slow drive (time, path, foot down).
 - 2) Test exercises for the 5 dot test, for both Class L and Class M, shall consist of the following: knowledge of controls, figure U Walk (walk vehicle without engine running), start from rest, slow drive, gear shifting skill, figure 8 ride, serpentine ride (balanced cone weave), posture,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

mounting/dismounting.

- g) Test exercises and skills are evaluated on a point system. When the applicant commits an error, a point or points are assessed based upon the severity of the error. Applicants for a CDL or Non-CDL Class A, B, C or D license or a religious organization vehicle restriction, for-profit ridesharing arrangement restriction or senior citizen transportation restriction are allowed 36 points. Applicants for a Second Division school bus permit are allowed 40 points. Applicants for a First Division school bus permit are allowed 36 points. Applicants for a Class L or M license taking the ALMOST or Offstreet Illinois Department of Transportation Motorcycle Operation Skill Test evaluation shall be allowed 11 points. Applicants for an L or M license taking the 5 dot test shall be allowed seven points.
- h) The following acts will result in immediate disqualification: violation in which an applicant receives a ticket; dangerous action; lack of cooperation or refusal to perform; or letting the cycle fall or falling off a cycle.
- i) A road test will be considered incomplete for the following reasons: the applicant becomes ill or disabled and is unable to continue the road test; the vehicle develops mechanical problems after the road test has begun; weather conditions make the continuation of the road test hazardous; or an accident occurs for which the applicant does not receive a ticket.
- j) No persons are allowed to accompany the applicant and examiner on the road test. When necessary, exceptions may be made for any applicants who may require a translator and for the training and evaluation of facility personnel.
- k) Any applicant who is suspected by a Driver Services Facility employee of having consumed alcohol and/or drugs must seek the approval of a Driver Services Facility manager prior to being administered the road test. If a Driver Services Facility manager has reasonable cause to believe that an applicant has consumed alcohol and/or drugs, the applicant shall not be administered the road test. Evidence of alcohol and/or drug consumption shall include, but not be limited to, one or more of the following conditions:
 - 1) the applicant admits he/she has consumed alcohol and/or drugs;
 - 2) the applicant has a strong odor of alcohol on his/her breath;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 3) the applicant's eyes are red and the pupils are dilated;
 - 4) the applicant's speech is slurred; or
 - 5) the applicant is unsteady when walking.
- l) All persons applying for a CDL, with the exception of those persons renewing their Illinois CDL, or those persons holding an Illinois CLP who successfully completed federally approved CDL training and testing in another CDL certified state, shall be required to successfully complete the examinations set forth in subsections (c) and (d) pursuant to IVC Section 6-508(a)(1).
- m) Military personnel are exempt from the CDL administered pre-trip, skills and road test (excluding school bus and passenger endorsements) if:
- 1) In the two-year period immediately prior to application for a CDL the applicant has not:
 - A) had more than one license, except for a military-issued driver's license;
 - B) had any driver's license suspended, revoked or cancelled;
 - C) had any convictions in any type of motor vehicle for the disqualifying offenses contained in 49 CFR 383.51(b) (October 1, 2012);
 - D) had more than one conviction in any type of motor vehicle for a serious traffic violation contained in 49 CFR 383.51(c) (October 1, 2012); and
 - E) had any conviction for a violation of military, State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.
 - 2) The applicant certifies that:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- A) he/she is regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle;
 - B) he/she was exempted from the CDL requirements of 49 CFR 383.3(c) (October 1, 2012); and
 - C) he/she was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate for at least the two years immediately preceding discharge from the military.
- 3) The applicant submits a completed Secretary of State CDL-ST WVR form, including signature of the applicant's commanding officer.
- n) The use of any recording device, including but not limited to cell phones, cameras, tape recorders or video recorders, is prohibited during the administration of a road test. If an examiner discovers a recording device is in use during the road test, the examiner shall request the applicant to stop the recording device and delete any recordings of the road test. If the applicant refuses to do so, the examiner shall immediately terminate the road test and the applicant will be deemed to have failed the road test.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Financial Assurance Requirements
- 2) Code Citation: 32 Ill. Adm. Code 326
- 3) Section Number: 326.40 Adopted Action:
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 Rule: August 17, 2015
- 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 rule, 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*: 39 Ill. Reg. 6743; May 15, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposed and Final Version: No changes
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Agency is proposing this amendment to update a cross-reference in correlation with an amendment to 32 Illinois Administrative Code 330.
- 16) Information and questions regarding this adopted rule shall be directed to:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 326

FINANCIAL ASSURANCE REQUIREMENTS

Section

326.10	Purpose and Scope
326.20	Incorporations by Reference
326.30	General Provisions
326.40	Definitions
326.50	Exemptions
326.60	Low-Level Radioactive Waste Licensees
326.70	Financial Assurance Amounts
326.80	Cost Estimates and Reclamation Plans
326.90	Financial Assurance Arrangements
326.100	Surety Bond as a Financial Assurance Arrangement
326.110	Letter of Credit as a Financial Assurance Arrangement
326.120	Certificate of Deposit as a Financial Assurance Arrangement
326.130	Self-Guarantee as a Financial Assurance Arrangement
326.140	Financial Tests for Self-Guarantee
326.150	Parent Company Guarantee as a Financial Assurance Arrangement
326.160	Financial Tests for Parent Company Guarantee
326.170	Modification or Replacement of Financial Assurance Arrangements
326.180	Drawing on Financial Assurance Arrangements
326.190	Implementation
326.APPENDIX A	Quantities of Material for Major Possessor Determination
326.APPENDIX B	Wording for Surety Bonds
326.APPENDIX C	Wording for Letters of Credit
326.APPENDIX D	Wording for Certificates of Deposit
326.APPENDIX E	Wording for Self-Guarantee Documents
326.APPENDIX F	Wording for Parent Company Guarantee Documents

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 24 Ill. Reg. 7989, effective June 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. 20781, effective December 16, 2005; amended at 39 Ill. Reg. 11900, effective August 17, 2015.

Section 326.40 Definitions

As used in this Part, the following definitions apply:

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

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

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

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

"Cost estimate" means a licensee's evaluation of the costs associated with reclamation of a facility or site. Cost estimates are subject to Agency review and approval.

"Educational institution" means a non-profit organization that has as its primary purpose the advancement of knowledge in one or more specific fields and which is accredited by the North Central Association Commission on Schools or the North Central Association Commission on Institutions of Higher Education.

"Financial assurance arrangement" means a method of guaranteeing that reclamation costs will be paid. A financial assurance arrangement consists of a surety bond, an irrevocable letter of credit, a certificate of deposit, a self-guarantee, a parent company guarantee, a combination of those arrangements or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

other financial arrangements approved in writing by the Agency.

"General licensee" means a person who possesses a generally licensed device as defined in this Section.

"Generally licensed devices" means gauges containing sealed sources equal to or greater than 37 MBq (1 mCi) of radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(a**b**).

AGENCY NOTE: Although general licensees may be required to provide information to the Agency, only general licensees possessing the types of devices defined in this Section are required to address financial assurance requirements specified in this Part.

"Major possessor" means a person who is licensed to use, possess or store radioactive material with half-lives greater than 275 days, as either sealed or unsealed sources in quantities exceeding the quantities specified in Appendix A of this Part.

"Reclamation" means decontamination of facilities and sites and disposal of radioactive material so that the property is returned to a state that no longer presents a radiological health or safety hazard to persons, or a threat to the environment.

AGENCY NOTE: For purposes of this Part, the term "reclamation" includes, but is not limited to, those activities necessary to decommission the licensed facility to allow termination of the license.

(Source: Amended at 39 Ill. Reg. 11900, effective August 17, 2015)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
330.40	Amendment
330.220	Amendment
330.240	Amendment
330.280	Amendment
330.310	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 11]
- 5) Effective Date of Rules: August 17, 2015
- 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 rule, 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*: 39 Ill. Reg. 6748; May 15, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposed and Final Version: No changes
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking adds new categories of exempt devices; clarifies restrictions on sale or distribution of exempt items; adds language

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

confirming practices for manufacturing, evaluation, quality assurance and registration of new products; and clarifies reporting requirements for manufacturers of tritium and promethium devices.

These rules are required for compatibility with the U. S. Nuclear Regulatory Commission (NRC) pursuant to RATS ID 2012-3 and 2012-4 (77 FR 39899 published 7/6/2012 and 77 FR 43666 published 7/25/2012). The amendments have been reviewed and approved by the NRC.

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

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

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 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Renewal Requirements for Specific Licenses
330.325	Termination Requirements for Specific Licenses and Locations of Use

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

330.330	Renewal of Licenses (Repealed)
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. 5789, effective April 16, 2013; amended at 37 Ill. Reg. 7960, effective May 31, 2013; amended at 38 Ill. Reg. 21451, effective October 31, 2014; amended at 39 Ill. Reg. 11905, effective August 17, 2015.

SUBPART A: GENERAL PROVISIONS

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 person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in Appendix A provided they have been introduced or transferred 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) or equivalent regulations of the U.S. Nuclear Regulatory Commission ([NRC](#)) (10 CFR 30.14) or an Agreement State, except in accordance with a specific license issued pursuant to Section 330.280(a).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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 person is exempt from this Part to the extent that 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. 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, knowing or having reason to believe that such quantities of radioactive

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

material will be transferred to persons exempt under this subsection (b) or equivalent regulations of ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State, except in accordance with a specific license issued by ~~NRC~~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), 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.

- 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 ~~DC, 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 or she 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 ~~DC, D.C.~~ 20555.

- A) Timepieces or hands or dials containing not more than the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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 (120 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/square centimeter of absorber: for wrist watches, 1 microGy (100 microrad)/hour at 10 centimeters from any surface; for pocket watches, 1 microGy (100 microrad)/hour at 1 centimeter from any surface; for any other timepiece, 2 microGy (200 microrad)/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.
- B) 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.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- C) 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.
- D) 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)/hour at 1 centimeter from any surface when measured through 7 milligrams/square centimeter of absorber.

AGENCY NOTE: For purposes of subsection (c)(1)(D), "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.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- i) Each source contains no more than one exempt quantity set forth in Appendix B; and
- ii) Each instrument contains no more than 10 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, provided that the sum of the fractions shall not exceed unity.

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

- F) Ionization chamber smoke detectors containing not more than 37 kBq (1 microCi) of americium-241 per detector in the form of a foil and designed to protect life and property from fires.
 - G) Static elimination 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.
 - H) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.
 - D) Devices described in subsections (c)(1)(G) and (H) authorized before October 23, 2015 for use under the general license then provided in Section 330.220(a) and manufactured, tested and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the Agency or the equivalent regulations of NRC or of an Agreement State.
- 2) Self-Luminous Products Containing Radioactive Material
 - A) Tritium, Krypton-85 or Promethium-147. Except for persons who

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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 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 ~~NRC~~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. ~~NRC~~The U.S. Nuclear Regulatory Commission shall make this determination of exemption.

B) Any person who desires to manufacture, process, produce or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85 or promethium-147 for use under subsection (c)(2)(A) should apply for a license under 10 CFR 32.22 and for a certificate of registration pursuant to 10 CFR 32.210 with NRC.

CB) Radium-226. Any person is exempt from this Part to the extent that person receives, possesses, uses, transfers or owns articles containing less than 3.7 kBq (100 nCi) of radium-226 that 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 person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards. The detectors ~~shall be~~shall have been manufactured, ~~processed, produced~~imported or initially transferred in accordance with a specific license issued by ~~NRC~~the U.S. Nuclear Regulatory

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~Commission~~ pursuant to 10 CFR 32.26 that authorizes transfer of the detectors to persons who are exempt from regulatory requirements and who have been issued a certificate of registration in accordance with 10 CFR 32.210 from NRC.

~~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.~~

- 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), provided that the device is labeled in accordance with the specific license and provided further that it meets the requirements of 10 CFR 32.26 in effect at the time of distribution. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by an Agreement State under comparable provisions to NRC's 10 CFR 32.26 authorizing distribution to persons exempt from regulatory requirements.

4) Certain Industrial Devices

- A) Except for persons who manufacture, process, produce or initially transfer for sale or distribution industrial devices containing byproduct material 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 an ionized atmosphere, any person is exempt from the requirements for a license set forth in Section 81 of the Act and from 32 Ill. Adm. Code: Chapter II, Subchapters b and d to the extent that person receives, possesses, uses, transfers, owns or acquires byproduct material, in these certain detecting, measuring, gauging or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced or initially transferred in accordance with a specific license issued under NRC's 10 CFR 32.30, which license authorized the initial transfer of the device for use under this Section. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.

- B) Any person who desires to manufacture, process, produce or initially transfer for sale or distribution industrial devices containing byproduct material for use under subsection (c)(4)(A), should apply for a license under 10 CFR 32.30 and for a certificate of registration in accordance with 10 CFR 32.210 from NRC.

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 DC 20555.

d) Exempt Material

- 1) Persons producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium (sum of radium-226 and radium-228 concentrations) less than or equal to 200 pCi/g (dry weight basis) are exempt from the licensing requirements provided they comply with this subsection (d). Persons producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium greater than 200 pCi/g (dry weight basis) are not exempt and shall comply with requirements in 32 Ill. Adm. Code 330.
- 2) The following individuals or entities producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

concentrations of total radium less than or equal to 200 pCi/g (dry weight basis) must register directly with the Agency:

- A) Owners and operators of facilities or plants that produce residuals or sludge resulting from the treatment of water or sewage and containing radium occurring naturally from groundwater; and
 - B) Owners and operators of Illinois Environmental Protection Agency (IEPA) permitted landfills if the residuals or sludge is disposed of in those landfills; and
 - C) Applicators who apply to agricultural lands residuals or sludge resulting from the treatment of water or sewage containing radium occurring naturally from groundwater; and
 - D) Any other person or entity that the Agency determines is required to register under the provisions of the Radiation Protection Act.
- 3) Owners and operators of facilities or plants that produce residuals or sludge resulting from the treatment of water or sewage and containing radium in concentration less than or equal to 200 pCi/g (dry weight basis) occurring naturally from groundwater will be exempt from the licensure and fee requirements of the Radiation Protection Act.
- 4) Residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater may be disposed of in accordance with the following provisions and the requirements of IEPA and the regulations of the Illinois Pollution Control Board (Title 35 of the Ill. Adm. Code: Subtitles C and G, and Part 391), as implemented by IEPA:
- A) If the level of radium in the residuals or sludge is less than or equal to 100 pCi/g (dry weight basis):
 - i) the residuals or sludge may be disposed of in an IEPA permitted landfill provided:
 - the residuals or sludge are covered during transportation; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- the residuals or sludge that are easily dispersible must be packaged or stabilized to prevent dispersion during transportation and/or landfill placement; and
 - there is at least 10 feet of non-contaminated overburden between the residuals or sludge and grade level (at the time of landfill closure).
- ii) the residuals or sludge may be used for soil conditioning purposes on agricultural crop land (e.g., corn, soybeans) provided:
- that use is in accordance with 35 Ill. Adm. Code 309.208; and
 - the concentration of the radium in the residuals or sludge (dry weight basis) shall be determined by laboratory analysis; and
 - the level of radium in the residuals or sludge and the application rate is such that, after the residuals or sludge is mixed with soil (for agricultural use), the cumulative increase of the total radium-226 and radium-228 combined concentration in the soil does not exceed 1.0 pCi/g (dry weight basis, an addition of 1778 microCi/acre); and
 - this increased limit applies to the sum of all land applications of residuals or sludge on a specific parcel of land; and
 - at no time shall the application of residuals or sludge result in the total radium concentration in the soil exceeding 3.0 pCi/g (the mean natural background as determined by the Agency of 2.0 pCi/g and the soil concentration increase limit of 1.0 pCi/g due to residuals or sludge application); and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- the landowner or an authorized agent of the landowner must acknowledge, on a form issued by the Agency, that he or she is aware that residuals or sludge containing radium is being applied to the land (this acknowledgement must be updated as landownership changes); and
- prior to using a parcel of land for the application of residuals or sludge containing radium for the first time, the generator must determine the total radium concentration in the soil using the soil sampling protocol specified below:
 - Soil sample collection shall be conducted so as to be representative of the entire sludge application site. Soil Plow Zone – one soil sample shall be collected per 8 acres of sludge application site area to a depth of 12 inches. Each soil sample shall be taken as a homogenous mixture composed of at least 10 samples randomly collected within the 8 acre area; or
 - Sampling protocols in compliance with the 24th edition of the Illinois Agronomy Handbook as published by the University of Illinois Extension Service (with sampling depth increased to 12 inches) (Pubs Plus, 1917 South Wright Street, Champaign IL 61820, 217/333-2007, PubsPlus@illinois.edu, 2009); and
 - Testing protocol specified by the Agency; and

AGENCY NOTE: The Agency will develop and provide a guidance document on residuals and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

sludge sampling, acceptable analysis methods and Agency reporting requirements.

- lands used for the application must have a pH equal to or greater than 6.0, have a 6-inch soil layer with a minimum clay content of at least 18% within the top 5 feet and above bedrock and the groundwater level (as determined by the County Soil Survey Book), and a 6-inch layer with an organic content of at least 12 tons/acre within the top 5 feet and above bedrock and the groundwater level (as determined by site-specific testing); and
 - lands receiving residuals or sludge containing radium shall not be used for the cultivation of tobacco; and
 - when the cumulative increase of the radium concentration in the soil is determined by calculation to be 0.8 pCi/g or when the total radium in soil is calculated to be 2.8 pCi/g (based on initial testing and subsequent applications of residuals or sludge containing radium), the generator must repeat the soil sampling and analysis to determine the actual total radium concentration in the soil and report the findings to the Agency; and
 - when calculating the increase in radium concentration, a soil density value of 90 pounds/cubic foot and a mixing depth of 1 foot should be used.
- B) If the level of radium in the residuals or sludge is greater than 100 pCi/g (dry weight basis) and less than or equal to 200 pCi/g (dry weight basis):
- i) in accordance with 32 Ill. Adm. Code 340.1020, the method of disposal must be reviewed and approved by IEMA-DNS in advance; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- ii) the residuals or sludge may be disposed of in a licensed low-level radioactive waste disposal facility.
- 5) By June 1, 2011, all persons applying water treatment residuals or sewage treatment sludge containing radium to land in Illinois must sample fields currently being used for land application using a sampling and testing protocol specified by the Agency to determine the total radium concentration of the soil and report the findings to the Agency. Any field that has a total radium concentration greater than 3.0 pCi/g may no longer be used for the land application of water treatment residuals or sewage treatment sludge containing radium.
- 6) On an annual basis, each person producing water treatment residuals or sewage treatment sludge containing radium must report, in a manner specified by the Agency, the following:
- A) Persons who dispose of water treatment residuals or sewage treatment sludge containing radium in a landfill must report:
 - i) the quantity of residuals or sludge containing radium; and
 - ii) the concentration of radium (in pCi/g (dry weight basis)) contained in the residuals or sludge; and
 - iii) the date the residuals or sludge were disposed of in a landfill; and
 - iv) the name and location of the landfill receiving these residuals or sludge; and
 - v) any additional information deemed appropriate by the Agency.
 - B) Persons who land apply water treatment residuals or sewage treatment sludge containing radium must report:
 - i) the identification, location and background radium concentrations, as determined prior to use for land

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- application, of the field receiving the land application of residuals or sludge containing radium; and
- ii) the concentration of radium in pCi/g (dry weight basis) in the residuals or sludge; and
 - iii) the application rate in dry tons/acre; and
 - iv) the date of the land application; and
 - v) any additional information deemed appropriate by the Agency.
- 7) All analysis of residuals or sludge must be conducted by a laboratory certified by the U.S. Environmental Protection Agency or the National Environmental Laboratory Accreditation Conference (NELAC) to perform radiological analysis, and concentration of radium will be determined by a method approved by the Agency.
- 8) Owners and operators of facilities that produce residuals or sludge that is land applied or disposed of in a landfill are not subject to the registration requirements specified in Section 4 and the fees specified in Section 13 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/4 and 13] and are not subject to the reporting requirements of Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste (32 Ill. Adm. Code 609) and Registration of Low-Level Radioactive Waste Generators (32 Ill. Adm. Code 620).
- 9) Owners and operators of facilities that produce residuals or sludge that is disposed of in a licensed low-level radioactive waste disposal facility are subject to the registration requirements specified in Section 4 and the fees specified in Section 13 of the Illinois Low-Level Radioactive Waste Management Act and are subject to the reporting requirements of 32 Ill. Adm. Code 609 and 620.

(Source: Amended at 39 Ill. Reg. 11905, effective August 17, 2015)

SUBPART B: TYPES OF LICENSES

Section 330.220 General Licenses – Radioactive Material Other Than Source Material

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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.~~

ab) 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 ab(2) through (9), 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 ab(1) 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) or in accordance with the specifications contained in an equivalent specific license issued by the U.S. Nuclear Regulatory

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Commission, an Agreement State or a Licensing State that authorizes distribution of devices to persons generally licensed by ~~NRC~~~~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 (a)(2) or through a transfer made under subsection (a)(3)(L).

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 (a)(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 ~~μmicro~~Ci) of other beta and/or gamma emitting material or 370 kBq (10 ~~μmicro~~Ci) 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 (a)(3)(B)), installation, servicing and removal from installation

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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, ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State to perform such activities;
- D) Shall maintain records showing compliance with the requirements of subsections (a)(3)(B), (C) and (H) and (a)(6)(B). 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 (a)(1) 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 (a)(3)(B) 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 (a)(3)(C) 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 (a)(3)(H) shall be retained for 5 years from the date of the recorded event; and

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- iv) A record of a quarterly physical inventory performed in accordance with subsection ~~(a)~~(6)(B) 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 ~~nCi~~ ~~nCi~~) 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, ~~NRC~~~~the U.S. Nuclear Regulatory Commission~~ or an Agreement 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 ~~nCi~~ ~~nCi~~) 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 ~~nCi~~ ~~nCi~~) 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,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

December 23, 2008, 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 (a**b**)(3)(G);
 - ii) By transfer to another general licensee as provided by subsection (a**b**)(3)(L);
 - 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) or an equivalent specific license issued by ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State;
 - iv) By transfer to a person authorized to perform waste collection by a specific license issued by the Agency, ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State; or
 - v) As approved under subsection (a**b**)(3)(K);
- I) Shall furnish a written report to the Agency within 30 days after transferring, disposing of or redesignating the device containing radioactive material. The 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);

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE: Subsection (a)(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 (a)(3)(D)(iii);
- K) Shall obtain written approval from the Agency before transferring the device to a transferee not identified in subsections (a)(3)(H)(i) through (iv);
- 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 (a), 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 (a)(3)(L)(i). The 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
 - iv) The name, title and phone number of the responsible individual identified by the transferee in accordance with subsection (a)(3)(N) to have knowledge of, and authority

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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 (a)(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 (a)(3)(I).
- 4) Any person who receives, acquires, possesses or uses a device identified in subsection (a)(4)(A) shall register with the Agency in accordance with subsection (a)(4)(B):
 - 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 (a)(1):

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- i) Devices (i.e., an electron capture detector, gauge, x-ray fluorescence analyzer, or other measuring, gauging or controlling device) containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material, based on the activity indicated on the label, other than strontium-90, radium-226 or polonium-210; or
 - ii) A device containing a sealed source equal to or greater than 3.7 MBq (100 μ Ci) of strontium-90 or radium-226;
- B) A person shall register with the Agency no later than 30 days after receiving a device identified in subsection (a)(4)(A). Registration information shall be in a format prescribed by the Agency and furnished in accordance with subsection (a)(4)(C);
- 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 (a)(3)(N) 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 (a)(4)(A). 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 (a)(4)(C)(iii);

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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), and bankruptcy notification requirements are in Section 330.310(j).

- D) Any person who is required by subsection (a)(4) 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 ~~NRC~~ the U.S. Nuclear Regulatory Commission or an Agreement State with respect to a device identified in subsection (a)(4)(A) is exempt from the registration requirement in subsection (a)(4) 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 (a)(1) 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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

of, or contamination by, radioactive material shall be conducted during the storage interval as required by subsection (a)(3)(B).

- 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 (a)(6)(A) shall apply.

AGENCY NOTE: Record keeping requirements are contained in subsection (a)(3)(D).

- 7) Failure of any person to comply with the requirements of this subsection (a) 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 (a)(1) does not authorize the manufacture of devices containing radioactive material.
- 9) The general license described in subsection (a)(1) 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 (a)(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 (a)(3)(E) and (a)(9) of this Section.

b) Luminous Safety Devices for Aircraft

- 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 NRC ~~the U.S. Nuclear~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~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, exclusive of subsequent amendments or editions.

- 2) Persons who receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection ~~(b)~~(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.
- ~~c~~) 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.
- ~~d~~) 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 ~~(d)~~(4) and (5), 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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- B) Any person who holds a specific license issued by ~~NRC~~~~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 (~~de~~)(4) and (5) 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 (~~de~~)(4) and (5) 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 (~~de~~)(1) through (3) 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 ~~NRC~~~~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, exclusive of subsequent amendments or editions.
- 5) The general licenses provided in subsections (~~de~~)(1) through (3) 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:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- A) Shall not possess at any one time, at any one location of storage or use, more than 185 kBq (5 μ Ci) of americium-241, 185 kBq (5 μ Ci) of plutonium or 185 kBq (5 μ Ci) 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 the following statement or a statement that contains the information called for in this statement:

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.

- C) Shall not transfer, abandon or dispose of the source except by transfer to a person authorized by a license from the Agency, [NRCthe U.S. Nuclear Regulatory Commission](#) or an Agreement 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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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.

ef) 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 ef(2) through (6), 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 μ Ci) each.

B) Cobalt-57, in units not exceeding 370 kBq (10 μ Ci) each.

C) Hydrogen-3 (tritium), in units not exceeding 1.85 MBq (50 μ Ci) each.

D) Iodine-125, in units not exceeding 370 kBq (10 μ Ci) 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 μ Ci) each.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- G) Iron-59, in units not exceeding 740 kBq (20 μ Ci) each.
 - H) Selenium-75, in units not exceeding 370 kBq (10 μ Ci) each.
- 2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (e~~f~~)(1) 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 (e~~f~~)(1) and that the 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 (e~~f~~)(1) shall comply with the following:
- A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (e~~f~~)(1), 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 μ Ci).
 - B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- C) The general licensee shall use the radioactive material only for the uses authorized by subsection (e~~f~~)(1).
- 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, ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement 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 (e~~f~~)(1)(E) 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 (e~~f~~)(1):
- 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) or in accordance with the provisions of a specific license issued by ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement 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 this subsection (e~~f~~) 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:

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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

- 5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (ef)(1) 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.

fg) 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 μ Ci) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by ~~NRC~~[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 (fg)(1):

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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 [NRC](#) ~~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. 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.
- [gh](#)) 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 ([gh](#)), 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 ([gh](#))(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;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- B) Intact timepieces containing greater than 37 kBq (1 μ Ci), 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 (1 μ Ci) of radium-226. For the purposes of this subsection (għ)(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 (għ)(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 (għ)(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 (għ)(3)(D);
 - C) Shall not export a product containing radium-226, except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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.
- 4) The general license in subsection (g~~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 39 Ill. Reg. 11905, effective August 17, 2015)

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.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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) ~~Shall identify~~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; or
 - B) ~~Shall contain~~Contain the information identified in Section 330.280(m); or
 - C) ~~Shall describe~~Describe, for a sealed source or device containing ~~naturally occurring or accelerator-produced~~radioactive material manufactured prior to ~~October 23, 2015~~~~November 30, 2007~~, that is not registered with ~~NRC~~~~the U.S. Nuclear Regulatory Commission~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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)(~~3~~)(~~2~~)(~~B~~) ~~or (C)~~:

- i) The information required by Section 330.280(m)(~~3~~) 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; or:

D) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with Section 330.280(m)(7), may supply only the manufacturer, model number, radionuclide and quantity; or

E) If it is not feasible to identify each sealed source and device individually, may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.

- 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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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), 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;
 - 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 39 Ill. Reg. 11905, effective August 17, 2015)

Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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
 - 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 the preceding report was filed; or
 - B) The licensee has:
 - 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).
- 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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Agreement State, except in accordance with a specific license issued pursuant to this subsection (a).

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 ~~DC, D.C.~~ 20555.

c) Licensing the Incorporation of Naturally Occurring and Accelerator-Produced Radioactive Material into Gas and Aerosol Detectors.

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 ~~DC, D.C.~~ 20555.

d) Licensing the Manufacture and Distribution of Devices to Persons Generally Licensed Under Section 330.220(~~ab~~).

AGENCY NOTE: Subsection (o) describes 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(~~ab~~) or equivalent regulations of ~~NRC the U.S. Nuclear Regulatory Commission~~ or an Agreement State will be approved if:

A) The applicant satisfies the general requirements of Section 330.250.

B) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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:

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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:

The receipt, possession, use and transfer of this device, Model____, Serial No.____, 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.

- 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.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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 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.
- F) The device has been registered in the Sealed Source and Device Registry in accordance with subsection (m)(2).
- 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;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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 330.220(~~ab~~), or under equivalent regulations of ~~NRC~~~~the U.S. Nuclear Regulatory Commission~~ or an Agreement 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) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(4) to each person to whom a device is to be transferred for possession and use under the general license in Section 330.220(~~ab~~). 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(~~ab~~);

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE: If certain provisions of Section 330.220(~~ab~~) 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(~~ab~~) in the regulations of ~~NRC the U.S. Nuclear Regulatory Commission~~ or an Agreement 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 ~~NRC the U.S. Nuclear Regulatory Commission~~, exclusive of subsequent amendments or editions, or the equivalent regulations of an Agreement State. ~~NRC 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 ~~NRC the U.S. Nuclear Regulatory Commission~~ regulations are provided to a prospective general licensee in lieu of applicable Agreement State regulations, they shall be accompanied

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

by a note explaining that use of the device is regulated by the Agreement State;

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 ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) and most Agreement States to take escalated enforcement action for improper disposal; and
 - E) The name or title, address and phone number of the contact at ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or Agreement 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 330.310(j), a person licensed under this subsection (d) shall, upon request, provide to the Agency, ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement 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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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~~(b)~~ will be approved if:
 - A) The applicant satisfies the general requirements specified in Section 330.250; and
 - B) The applicant satisfies the requirements of the following regulations of ~~NRC~~the U.S. Nuclear Regulatory Commission, exclusive of subsequent amendments or editions, or their equivalent. The regulations are 10 CFR 32.53, published at ~~7743~~7743 Fed. Reg. ~~436936923~~436936923, ~~July 25, 2012~~February 17, 1978, 10 CFR 32.54, published at 63 Fed. Reg. 39483, July 23, 1998 ~~and~~and, 10 CFR 32.55, published at ~~7739~~7739 Fed. Reg. ~~4369326397~~4369326397, ~~July 25, 2012~~July 19, 1974 and 10 CFR 32.101, published at ~~30 Fed. Reg. 8192~~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~~(b)~~ or equivalent regulations of ~~NRC~~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. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the Agency.
- 3) Each person licensed under this subsection (e) shall also file an annual report with the Director, Office of Nuclear Material Safety and Safeguards, ATTN: Document Control Desk/GLTS, by an appropriate method listed in 32 Ill. Adm. Code 310.110, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(b). The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

kind of device. Each report must cover the year ending June 30 and must be filed by July 30. If no transfers have been made to persons generally licensed under Section 330.220(b) during the reporting period, the report must so indicate.

- 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(~~de~~). 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(~~de~~) will be approved if:
- 1) The applicant satisfies the general requirements of Section 330.250; and
 - 2) The applicant satisfies the requirements of 10 CFR 32.57, published at 77 Fed. Reg. 43693, July 25, 2012~~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 it will satisfy, and subsequently satisfies, the requirements of 10 CFR 32.58 and, 32.59 ~~and 32.102~~, published at 77 Fed. Reg. 43694, July 25, 2012~~72 Fed. Reg. 55929, October 1, 2007~~, 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(~~ef~~), or equivalent regulations of NRC~~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.
 - 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.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- C) Hydrogen-3 (tritium) in units not exceeding 1.85 MBq (50 μ Ci) each.
 - D) Iodine-125 in units not exceeding 370 kBq (10 μ Ci) 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 μ Ci) each.
 - G) Iron-59 in units not exceeding 740 kBq (20 μ Ci) each.
 - H) Selenium-75 in units not exceeding 370 kBq (10 μ Ci) each.
- 3) Each prepackaged unit bears a durable, clearly visible label:
- A) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 370 kBq (10 μ Ci) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; 1.85 MBq (50 μ Ci) of hydrogen-3 (tritium); 740 kBq (20 μ Ci) 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 following statement, or a statement that contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

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,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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.

- 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 ~~that 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 ~~NRC 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(~~fg~~) will be approved if:
 - 1) The applicant satisfies the general requirements of Section 330.250; and
 - 2) The criteria of 10 CFR 32.61 ~~and, published at 58 Fed. Reg. 67660, December 22, 1993,~~ 32.62, ~~both~~ published at ~~7743 Fed. Reg. 436946923, July 25, 2012~~ ~~February 17, 1978, and 32.103, published at 30 Fed. Reg. 9906, August 10, 1965,~~ 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 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;
 - 2) The applicant submits information showing that:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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 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 [NRC](#)~~the U.S. Nuclear Regulatory Commission~~ or an Agreement 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 [thosesueh](#) 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 [thosesueh](#) reagent kits approved by the Agency for use by persons licensed pursuant to Section

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

330.260(a), (b) or (c) 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) for the uses specified in 32 Ill. Adm. Code 335.4010 will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250;
- 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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 330.260(a), (b) or (c) and 32 Ill. Adm. Code 335.4010 or under equivalent licenses of ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement 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.

- 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) 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;
 - 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;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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), (b) or (c) and 32 Ill. Adm. Code 335.2040, 335.2140, 335.6010, 335.7010 and 335.8010 or under equivalent licenses of [NRC](#) the [U.S. Nuclear Regulatory Commission](#) or an Agreement 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;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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; and;

6) [The source or device has been registered in the Sealed Source and Device Registry in accordance with subsection \(m\)\(2\).](#)

- 1) 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) or equivalent regulations of ~~NRC~~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.
 - 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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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 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 (1) if the end uses of the industrial product or device cannot be reasonably foreseen.
- 5) Each person licensed pursuant to this subsection (1) 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 ~~NRC~~[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";

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- D) Furnish:
- i) A copy of the general license contained in Section 330.210(d) 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); or
 - ii) A copy of the general license contained in ~~NRC's the U.S. Nuclear Regulatory Commission's~~ or Agreement State's regulation equivalent to Section 330.210(d) and a copy of ~~NRC's 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) 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 ~~NRC the U.S. Nuclear Regulatory Commission~~ or an Agreement State, with a note explaining that use of the product or device is regulated by ~~NRC the U.S. Nuclear Regulatory Commission~~ or an Agreement State under requirements substantially the same as those in Section 330.210(d);
- 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). The 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 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;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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 ~~NRC the U.S. Nuclear Regulatory Commission~~ all transfers of industrial products or devices to persons for use under ~~NRC 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);
 - iii) To ~~NRC 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 ~~the licensee~~ transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Section 330.210(d) or equivalent regulations of ~~NRC 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).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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.
 - 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 ~~NRC 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 shall include information required by subsection (m)(2)(B) or (C), 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;~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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.~~
- 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;~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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.~~
- 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, 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. Nuclear Regulatory Commission for filing in the "Registry of Radioactive Sealed Sources and Devices".~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 3) The request for review of a sealed source or a device must include sufficient information about the design, manufacture, prototype testing, quality control program, labeling, proposed uses and leak testing and, for a device, the request must also include sufficient information about installation, service and maintenance, operating and safety instructions, and the device's potential hazards to provide reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property.
- 4) The Agency normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the Agency formulates reasonable standards and criteria with the help of the manufacturer or distributor. The Agency shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property. Other subsections of this Section have specific criteria that apply to certain products.
- 5) After completion of the evaluation, the Agency issues a certificate of registration to the person making the request. The certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product, or concerning use under an exemption from licensing or general license, as applicable, for the category of certificate.
- 6) The person submitting the request for evaluation and registration of safety information about the product shall manufacture and distribute the product in accordance with:
 - A) The statements and representations, including quality control program, contained in the request; and
 - B) The provisions of the registration certificate.
- 7) Authority to manufacture or initially distribute a sealed source or device to specific licensees may be provided in the license without the issuance of a certificate of registration in the following cases:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- A) Calibration and reference sources containing no more than:
- i) 37 MBq (1mCi), for beta and/or gamma emitting radionuclides; or
 - ii) 0.37 MBq (10 μ Ci), for alpha emitting radionuclides; or
- B) The intended recipients are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in any form, in the case of unregistered sources, or, for registered sealed sources contained in unregistered devices, are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in unshielded form, as specified in their licenses; and
- i) The intended recipients are licensed under Section 330.270 or comparable provisions of NRC or an Agreement State; or
 - ii) The recipients are authorized for research and development; or
 - iii) The sources and devices are to be built to the unique specifications of the particular recipient and contain no more than 740 GBq (20Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.
- 8) After the certificate is issued, the Agency may conduct an additional review as it determines is necessary to ensure compliance with current regulatory standards. In conducting its review, the Agency will complete its evaluation in accordance with criteria specified in this Section. The Agency may request such additional information as it considers necessary to conduct its review and the certificate holder shall provide the information as requested.
- 9) A certificate holder who no longer manufactures or initially transfers any of the sealed sources or devices covered by a particular certificate issued

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

by the Agency shall request inactivation of the registration certificate. The request must be made to the Agency by an appropriate method listed in 32 Ill. Adm. Code 310.110 and must normally be made no later than two years after initial distribution of all the sources or devices covered by the certificate has ceased. However, if the certificate holder determines that an initial transfer was in fact the last initial transfer more than 2 years after that transfer, the certificate holder shall request inactivation of the certificate within 90 days after this determination and briefly describe the circumstances of the delay.

- 10) If a distribution license is to be terminated in accordance with Section 330.325, the licensee shall request inactivation of its registration certificates associated with that distribution license before the Agency will terminate the license. A request for inactivation of certificates must indicate that the license is being terminated and include the associated specific license number.
 - 11) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer the sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.
- 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 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 following statement, or a statement that contains the information called for in the following statement, appears on the label affixed to the container or appears in the leaflet or brochure that accompanies the package:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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.

- o) Material Transfer Reports and Records
Each person licensed under subsection (d) to distribute devices to generally licensed persons shall comply with the requirements of this subsection (o).
 - 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(~~ab~~) or the equivalent regulations of ~~NRC~~NRC ~~the U.S. Nuclear Regulatory Commission~~ or an Agreement State;
 - B) To the Agency and to the responsible regulatory agency all receipts of devices from persons generally licensed under Section 330.220(~~ab~~) or the equivalent regulations of ~~NRC~~NRC ~~the U.S. Nuclear Regulatory Commission~~ or an Agreement 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:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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) 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).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

These records shall be maintained for 5 years following the recorded event.

(Source: Amended at 39 Ill. Reg. 11905, effective August 17, 2015)

Section 330.310 Terms and Conditions of Specific and General Licenses

- a) Each specific or general license issued pursuant to this Part shall be subject to all applicable license conditions, provisions of the Act ~~[420 ILCS 40]~~, and all applicable rules, regulations and orders of the Agency.
- b) Each person granted a general license by this Part shall provide information required by the Agency to track the location and use of generally-licensed radioactive material. ~~The~~Such information shall be in the format prescribed by the Agency, shall be complete and accurate, and shall be due within the time frame indicated on the notification. In accordance with 32 Ill. Adm. Code 310.50, the Agency may inspect and investigate premises, operations or personnel and have access to or copy records:
 - 1) Of a person who fails to provide information as required by this subsection (b); or
 - 2) For the purpose of evaluating past, current or potential hazards to the public health, workers or the environment resulting from radiation.
- c) No specific license issued or granted to any person pursuant to this Part and no right to possess or use radioactive material granted to any person by any specific license issued pursuant to this Part shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the specific license to any other person unless the Agency, after securing full information, first:
 - 1) Finds that the proposed transfer, assignment or disposal is in accordance with the provisions of the Act; and
 - 2) Consents in writing to the proposed transfer, assignment or disposal.

AGENCY NOTE: Agency consent is required prior to any transfer or assignment of a specific license. A purported transfer or assignment without prior written

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

consent may subject the purported transferor or assignor to penalties for violating this Section. Likewise, a purported transferee or assignee may also be subject to penalties if it does not have a valid specific license and possesses radioactive material or performs activities requiring a valid specific license.

- d) Upon approval from the Agency under subsection (c)(2) ~~of this Section~~ for transfer, assignment or disposal of a specific license, the transferor shall ensure the following information is provided to the transferee:
- 1) The radioactive material license and all documents referenced in the license;
 - 2) Records maintained in accordance with 32 Ill. Adm. Code 340, Subpart L, inventory records, and any other records required by subsections (k) and (l) ~~of this Section~~; and
 - 3) Any other information required by the Agency pursuant to the approval granted.
- e) Each person licensed by the Agency pursuant to this Part shall confine use and possession of the material licensed to the locations and purposes authorized in the license.
- f) Each person issued a specific license pursuant to this Part shall maintain the license in accordance with the requirements of Section 330.320 ~~of this Part~~.
- g) When temporary jobsites are authorized on a specific license, radioactive material may be used at temporary jobsites, in areas not under exclusive federal jurisdiction, throughout the State of Illinois.

AGENCY NOTE: Authorization for use of byproduct radioactive materials at jobsites under exclusive federal jurisdiction must be obtained from ~~NRC~~ ~~the U.S.~~ ~~Nuclear Regulatory Commission~~, either by filing an NRC Form-241 in accordance with 10 CFR 150.20(b), "Recognition of Agreement State Licenses", or by applying for a specific license from ~~the~~ NRC. Also, specific licenses issued by the Agency do not authorize activities in other states. Before radioactive materials can be used at a temporary jobsite in another state, a license must be obtained from the appropriate state or federal regulatory agency.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

h) Each person issued a specific license pursuant to this Part shall apply for an appropriate license amendment not later than 30 days after a Radiation Safety Officer permanently discontinues performance of duties under the license.

i) Notification

1) Each specific licensee shall notify the Agency in writing not later than 60 days after principal activities involving the use of radioactive materials, other than sealed sources, at the site or in a separate building or outdoor area have not occurred for a period of 2 years, and the licensee has not decontaminated the site or area.

AGENCY NOTE: Principal activities are those originally authorized on the license for that site or location. For example, licensees could not store radioactive material in an otherwise unused building to avoid end-of-use decommissioning, unless storage was a principal activity for that building.

2) This notification shall include a description of the location of the site, building or outdoor area and a plan for reclaiming or decommissioning these facilities (including a proposed schedule) for release in accordance with applicable regulations. The notification shall include an evaluation of any changes, if required, to financial assurance arrangements submitted in accordance with 32 Ill. Adm. Code 326. Upon approval of the plan by the Agency, implementation shall begin within 6 months and be completed within 24 months after approval (unless the Agency approves a different schedule).

AGENCY NOTE: 32 Ill. Adm. Code 340.1310 requires licensees to notify the Agency no less than 30 days before vacating or relinquishing possession or control of premises that may have been contaminated with radioactive material.

j) Notification of Bankruptcy

1) Each specific or general licensee shall notify the Agency, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code by or against:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- A) The licensee;
 - B) An entity (as the term is defined in 11 USC 101(1514)) controlling the licensee or listing the license or licensee as property of the estate; or
 - C) An affiliate (as the term is defined in 11 USC 101(2)) of the licensee.
- 2) This notification shall indicate:
- A) The bankruptcy court in which the petition for bankruptcy was filed;
 - B) The date of the filing of the petition;
 - C) The chapter under which the bankruptcy petition has been filed;
 - D) The name, address and phone number of the bankruptcy trustee (if a trustee has been named at the time of the notification);
 - E) Whether the licensed radiation source remains in the possession and control of the licensee and whether any change in possession or control is expected or contemplated;
 - F) The name of the person in possession and control of the licensed radiation source if the licensee no longer maintains possession or control; and
 - G) Whether the Agency has been named in the bankruptcy petition either as a creditor or in some other capacity.
- k) Recordkeeping Requirements for Potentially Contaminated Areas. Except for areas containing only sealed sources, provided the sources have not leaked, or no contamination remains after any leakage, and except for areas where only radioactive materials with half-lives less than 90 days were used or stored, each specific licensee shall keep:
- 1) Records of spills or other unusual occurrences involving the spread of

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

contamination in and around the facility, equipment or site, when contamination remains after any cleanup procedures or when there is reasonable likelihood the contaminants may have spread to inaccessible areas (as in the case of possible seepage into porous materials such as concrete). These records must include the location and any known information on identification of involved radionuclides, quantities, chemical and physical forms, and concentrations.

- 2) Drawings and subsequent modifications of structures and equipment in restricted areas where radioactive materials are used or stored, and of locations of possible inaccessible contamination, such as buried or enclosed pipes, that may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.
- 1) Each licensee shall maintain the following records, if applicable:
 - 1) Records of all areas where low-level radioactive wastes were buried, including areas previously authorized by and documented pursuant to 10 CFR 20.2108.
 - 2) Records of the Agency-approved cost estimate for the amount certified for reclaiming and the associated reclamation plan, for licensees required by 32 Ill. Adm. Code 326 to secure financial assurance arrangements.
 - 3) All records required to be maintained pursuant to 32 Ill. Adm. Code Chapter II, Subchapters b and d.
 - m) To lawfully obtain termination for a specific license, each licensee shall meet the termination requirements of this Part.

(Source: Amended at 39 Ill. Reg. 11905, effective August 17, 2015)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
331.120	Amendment
331.Appendix E	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Radiation Protection Act of 1990, 420 ILCS 40/10 and 11
- 5) Effective Date of Rules: August 17, 2015
- 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 rules, 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*: 39 Ill. Reg. 6824; May 15, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposed and Final Version: No changes
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Agency is adopting these amendments to update references in correlation to an amendment to 32 Illinois Administrative Code 330.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

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 331

FEES FOR RADIOACTIVE MATERIAL LICENSEES

Section

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

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

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10968, effective July 28, 1997; amended at 22 Ill. Reg. 6951, effective April 1, 1998; amended at 23 Ill. Reg. 5585, effective April 23, 1999; amended at 25

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 8266, effective July 1, 2001; amended at 26 Ill. Reg. 14274, effective September 16, 2002; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 4298, effective March 9, 2009; amended at 36 Ill. Reg. 17387, effective November 30, 2012; amended at 37 Ill. Reg. 20225, effective December 9, 2013; amended at 39 Ill. Reg. 11981, effective August 17, 2015.

Section 331.120 Payment of Fees

Fees shall be assessed and paid as follows:

- a) For categories of specific licenses that are shown to have an annual fee in Appendix F, applicants and licensees shall be billed as described in this subsection (a). Payment is due within 60 days after the date of billing. Fees shall be assessed as follows:
 - 1) Annual fees: Unless a license or amendment application is exempt under Section 331.110, or the license fee is to be based on full cost recovery (see Appendix F), each licensee shall be assessed the fees specified in Appendix F for the primary material use category authorized by the license annually.
 - 2) Annual remote site fee: For each remote site listed on a specific radioactive material license, where radioactive material is stored or used under the same license, the applicant shall annually be assessed the amount specified in Appendix F for each remote site that corresponds to the highest material use category authorized by the license for each site.
 - 3) Changing the primary material use category or a remote site category. An application for amendment to a materials license that would change the primary material use category or a remote site category to a new category with a higher fee shall be assessed fees for the incremental difference between the applicable annual fees and the portion of the billing year remaining from the time the amendment is approved by the Agency.
 - 4) The annual and remote site fees listed in Appendix F are nonrefundable, and are assessed based on a 12 month period.
 - 5) Applicants requesting new licenses shall be assessed fees for the applicable Primary category as specified in Appendix F. Applicants shall

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

be assessed fees for the portion of the billing year remaining from the time the application is received in the Agency to the end of the billing year.

- 6) An educational institution (as defined in Section 331.30) that seeks or has a license authorizing possession and use of radioactive material for human use or veterinary use, or remunerated leak testing or instrument calibration services to others shall pay 100% of the highest primary material use category for which a fee is due.
- b) Recovery and remediation fees listed in Appendix F are nonrefundable and shall be billed along with the new license application fee described in subsection (a)(5) of this Section. The second installment, if required by Section 331.115, shall be assessed at the next billing date.
- c) For categories of licenses that have fees based on full cost recovery, as listed in Appendix F, fees shall be assessed for all new applications, evaluations, inspections, amendments (including amendments to terminate or renew a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decommissioning and decontamination activities at those properties. Fees based on full cost recovery shall be assessed as follows:
 - 1) A licensee or applicant shall be assessed the deposit prescribed in Appendix F when the first application is received by the Agency after July 1, 2001. Licensees that already have adequate deposits on file with the Agency shall not be required to resubmit a deposit except for sealed source or device evaluations as indicated in subsection (d) ~~of this Section~~. This deposit shall be held by the Agency until a new license request has been denied by the Agency or withdrawn by the applicant, or an existing license is terminated. The deposit shall be refunded in accordance with Section 331.130.
 - 2) The licensee may be billed quarterly, or when the Agency has incurred unpaid full cost expenses (as defined in Section 331.200(c)) in excess of the amount of the deposit, or upon completion of a license action (such as an amendment or renewal). Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of billing.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- d) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. Each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of \$500. The applicant shall be billed or issued a refund upon the completion of the review. Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of billing.
- e) For evaluations of financial assurance reclamation plans and cost estimates submitted to the Agency, fees for Agency review shall be assessed based on the full cost of review time in excess of two hours. Payment is due within 60 days after the date of billing.
- f) For categories of licenses not exempted in Section 331.110, and licenses not subject to full cost recovery as described in Appendix F, full cost recovery fees shall be assessed for Agency confirmatory measurements and Agency assessment of decommissioning and decontamination activities associated with the termination of a license or use of a site. The licensee shall be billed upon the completion of the assessment and prior to removal of a site from the license or termination of the license. Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of the billing.
- g) General license fees. Fees are nonrefundable and payment is due within 60 days after the date of the billing. The Agency shall assess fees:
- 1) Annually to each person who receives, acquires, possesses or uses a prepackaged unit for in vitro clinical or laboratory testing pursuant to the general license provided by 32 Ill. Adm. Code 330.220(~~ef~~)(1); and
 - 2) Annually to each person who receives, acquires, possesses or uses a generally licensed device and is required to register pursuant to 32 Ill. Adm. Code 330.220(~~ab~~)(4).
- h) Sealed source and device evaluation maintenance fee. Each person having an active sealed source or device evaluation on file with the Agency, except for custom sealed source and device evaluations, shall be billed the amount specified in Appendix F annually for each active evaluation sheet on file with the Agency. Fees are nonrefundable and payment is due within 60 days after the date of the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

billing.

- i) Reciprocity fees. Each person generally licensed under 32 Ill. Adm. Code 330.900 for reciprocal recognition of an out-of-state specific license shall be assessed fees for the applicable annual license fee for the primary material use category indicated in Appendix F. Fees are nonrefundable and payment is due within 60 days after the date of the billing. The assessed billing period shall be for the 12 consecutive months following the licensee's first use under the general license. If, at the end of the 12 month period, the licensee is not using the general license, no additional fees are due until licensed activities commence again.

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

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

(Source: Amended at 39 Ill. Reg. 11981, effective August 17, 2015)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 331.APPENDIX E Primary Material Use Categories for Radioactive Material LicenseesFee Category Primary Material Use Category DescriptionMANUFACTURING/DISTRIBUTION

- 201A. Broad Scope Manufacturing and/or Distributions – licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, nuclear pharmacy operations, or manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.
- 201B. Specific Manufacturing and /or Distribution – licenses for possession and use of greater than 37 GBq (1 Ci) of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.
- 201C. Nuclear Pharmacy and Limited Manufacturing and/or Distribution – this category of radioactive material licenses addresses two similar types of licenses, either:
- i) nuclear pharmacy licenses for possession, use and distribution of radiopharmaceuticals and sealed sources to persons authorized pursuant to 32 Ill. Adm. Code 335; or
 - ii) Licenses for possession and use of not more than 37 GBq (1 Ci) of radioactive material for research and development, and processing or manufacturing of radioactive material for limited commercial distribution, including, but not limited to, manufacturing of a chemical mixture, radiolabeled compound, solution or alloy that is listed in 32 Ill. Adm. Code 330.30.
- 201D. Distribution – licenses authorizing receipt, storage and distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

IRRADIATORS

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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

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

RESEARCH AND DEVELOPMENT

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

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

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

PORTABLE AND FIXED GAUGES

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

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

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

SERVICE

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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

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

WIRELINING (Well-Logging)

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

INDUSTRIAL RADIOGRAPHY

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

MEDICAL/VETERINARY

- 208A. Broad Scope Medical/Veterinary Use – ~~broad~~ scope licenses (as specified in 32 Ill. Adm. Code 330.270) authorizing diagnostic and/or therapeutic veterinary or human use of radioactive material. These licenses may include research and development, or use of radioactive material in sealed sources contained in teletherapy or high dose rate remote afterloader devices.
- 208B. Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader – licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material that include authorization for possession and use of radioactive material as sealed sources contained in teletherapy or high dose rate remote afterloader devices for medical or veterinary use and for the irradiation of other items.

AGENCY NOTE: Possession of a teletherapy unit that is out of service

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

and in storage only does not means the primary radioactive material use category is the teletherapy category described in 208B. Such licensees should review the other categories to determine their primary radioactive material use category. If this is the only material possessed under a specific license, then see category 212A.

- 208C. Medical/Veterinary Use – licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material (i.e., 32 Ill. Adm. Code 335.5010 and/or 335.7010).
- 208D. Diagnostic Use Only – licenses restricted to only the diagnostic human or veterinary use of radioactive material for uptake, dilution, excretion, imaging or localization studies, sealed sources for diagnosis; and in vitro kits (i.e., 32 Ill. Adm. Code 335.4010), except as specified in 32 Ill. Adm. Code 330.220(e~~f~~).
- 208E. Limited Medical/Veterinary Use – licenses restricted to only the human or veterinary use of radioactive material for uptake, dilution and excretion studies (i.e., 32 Ill. Adm. Code 335.3010).
- 208F. Mobile Nuclear Medicine – licenses authorizing the receipt, possession and use of radioactive material for diagnostic or therapeutic human or veterinary use at temporary jobsites.

AGENCY NOTE: Licensees wishing to establish mobile medical services involving High Dose Rate Remote Afterloaders for therapeutic use in humans or animals shall be licensed under Category 208B.

GENERAL LICENSES

- 209A. Persons with Prepackaged Units for In Vitro Testing – persons who receive, acquire, possess or use prepackaged units for in vitro clinical or laboratory testing pursuant to the general license provided by 32 Ill. Adm. Code 330.220(e~~f~~)(1).

AGENCY NOTE: Prepackaged units may be known as in vitro kits or RIA kits.

- 209B. Persons with Generally Licensed Devices – persons required to register with the Agency pursuant to 32 Ill. Adm. Code 330.220(a~~b~~)(4).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

SOURCE MATERIAL

- 210A. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332.20) – licenses for possession and use of source material in recovery operations such as milling, in-site leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode.
- 210B. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) – licenses for possession and use of source material that require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material, nor does it include specific licensees authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 201A, B and C of this Section.

WASTE DISPOSAL AND TREATMENT FACILITIES

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

OTHER

- 212A. Storage Only – licenses authorizing storage only of radioactive material, but does not include facilities described as Centralized Low-Level Radioactive Waste Storage Facilities.
- 212B. Possession Incident to Exempt Distribution – licenses authorizing possession, receipt, storage and repackaging of byproduct radioactive material for eventual distribution to persons exempt under a specific license issued by the U.S. Nuclear Regulatory Commission.
- AGENCY NOTE: The U.S. Nuclear Regulatory Commission maintains sole authority to issue licenses authorizing distribution of exempt quantities of byproduct radioactive material. However, those licenses do not authorize storage of the material at facilities in Illinois, therefore, a separate license must be obtained from the Agency for possession of the material.
- 212C. Other – all other specific radioactive material licenses not specified elsewhere in this Appendix.
- 212D. Reciprocity for Exhibition and Demonstration Only – licenses authorizing only exhibition or demonstration of devices for a period of not greater than 180 days in any 12-month period.
- 212E. Sealed Source and Device Evaluation Maintenance Fee – a fee per active evaluation sheet maintained by the Agency excluding custom sealed source and device evaluation sheets.

(Source: Amended at 39 Ill. Reg. 11981, effective August 17, 2015)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Smoke Free Illinois Code
- 2) Code Citation: 77 Ill. Adm. Code 949
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
949.10	New Section
949.20	New Section
949.30	New Section
949.40	New Section
- 4) Statutory Authority: Implementing and authorized by the Smoke Free Illinois Act [410 ILCS 82]
- 5) Effective Date of Rules: August 14, 2015
- 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 rules, 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 published in the *Illinois Register*: 38 Ill. Reg. 17283; August 15, 2014
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposed and Final Version: The following changes were made in response to comments received during the first notice or public comment period:

In Section 949.20, inserted a new definition as follows: "Enclosed area" or "indoors" means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors. A wall includes any retractable divider, removable wrapping or other physical barrier added to a wall, regardless of size, whether temporary or permanent, and whether or not containing windows or other openings of any kind, size or number. (Section 10 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Various nonsubstantive typographical, grammatical, and form changes were made in response to the comments from JCAR.

- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking implements the Smoke Free Illinois Act, PA 95-17, which authorizes the Illinois Department of Public Health to enforce the provisions of the Act and to assess fines for violation of the Act. This rulemaking includes provisions regarding filing of complaints and enforcement provisions.
- 16) Information and questions regarding these adopted rules shall be directed to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 949
SMOKE FREE ILLINOIS CODE

Section

949.10	Definitions
949.20	Referenced Materials
949.30	Complaints
949.40	Enforcement

AUTHORITY: Implementing and authorized by the Smoke Free Illinois Act [410 ILCS 82].

SOURCE: Adopted at 39 Ill. Reg. 11995, effective August 14, 2015.

Section 949.10 Definitions

"Act" means the Smoke Free Illinois Act [410 ILCS 82].

"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, brew pubs, saloons, microbreweries, sports bars, adult entertainment facilities, and cabarets. (Section 10 of the Act)

"Clear and conspicuous" means that signage is designed so that letters, numbers and symbols are of sufficient size to be clearly legible and visible to an individual who is not visually impaired from a distance of 10 feet.

"Complaint" means a written or oral report of an alleged violation of the Act or this Part.

"Department" means the Department of Public Health. (Section 10 of the Act)

"Drift" means the physical movement of smoke, regardless of cause, into any area where smoking is prohibited.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits, including, but not limited to, an independent contractor, or a person who volunteers his or her services for a non-profit entity. (Section 10 of the Act)

"Employer" means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons. (Section 10 of the Act)

"Enforcing agency" means State-certified local public health departments and local law enforcement agencies.

"Enclosed area" or "indoors" means all space between a floor and a ceiling that is enclosed or partially enclosed with:

solid walls or windows, exclusive of doorways; or

solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors. (Section 10 of the Act)

A wall includes any retractable divider, removable wrapping or other physical barrier added to a wall, regardless of size, whether temporary or permanent, and whether the wall contains windows or other openings of any kind, size or number.

"Local law enforcement agency" means:

police department of a city, town, village or other incorporated area;

sheriff's department; or

special jurisdictions that provide police services for defined entities or areas, including, but not limited to, parks, universities, schools, or transportation resources, such as airports, subways, etc.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

"Place of employment" means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to, entrances and exits to places of employment, including a minimum distance, as set forth in Section 70 of the Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult day care, or other similar social services care on the premises, is not a "place of employment". (Section 10 of the Act)

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity, and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 70 of the Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. "Public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theatres, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, places of worship, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences. (Section 10 of the Act)

"Restaurant" means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and a kitchen or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

catering facility in which food is prepared on the premises for serving elsewhere.
"Restaurant" includes a bar area within the restaurant. (Section 10 of the Act)

"Smoke" or "smoking" means the carrying, smoking, burning, inhaling or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment or smoked product. (Section 10 of the Act)

"State-certified local public health department" means a local health department that is certified under the Certified Local Health Department Code.

Section 949.20 Referenced Materials

- a) The following State and federal laws are referenced in this Part:
 - 1) Smoke Free Illinois Act [410 ILCS 82]
 - 2) Freedom of Information Act [5 ILCS 140]
 - 3) Illinois Administrative Procedure Act [5 ILCS 100]
- b) The following administrative rules are referenced in this Part:
 - 1) Access to Records of the Department of Public Health (2 Ill. Adm. Code 1127)
 - 2) Certified Local Health Department Code (77 Ill. Adm. Code 600)
 - 3) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

Section 949.30 Complaints

- a) *Any person may register a complaint with the Department, a State-certified local public health department, or a local law enforcement agency for a violation of the Act or this Part.* (Section 40(b) of the Act) Complaints shall be registered with the Department by calling the following toll-free telephone number: 1-866-973-4646 or by registering a complaint or downloading a complaint form from the Department's website (www.dph.illinois.gov). A complaint registered with the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

Department, a State-certified local public health department, or a local law enforcement agency shall include:

- 1) The name and address of the public place or place of employment that is the subject of the complaint (if available) and the name and address of the business owner (if available);
 - 2) The date and approximate time of the occurrence that prompted the complaint;
 - 3) A description of the occurrence that prompted the complaint; and
 - 4) Any other information relevant to the occurrence that prompted the complaint.
- b) The Department will protect the confidentiality of the complainant and will not disclose the complainant's name or other identifying information, including pursuant to any Freedom of Information Act request, unless he or she consents to the disclosure.
- c) Information about the complaint, including the date and time of the complaint, the complainant's name, the name of the public place or place of employment, and the specific allegations registered, will be maintained by the Department.
- d) After the receipt of a complaint, a State-certified local public health department or a local law enforcement agency shall investigate the complaint in accordance with the local health department's Smoke-Free Illinois enforcement policy on file with Department by:
- 1) Notifying the proprietor at the public place or place of employment of the complaint; or
 - 2) Conducting an inspection of the public place or place of employment for compliance with the Act and this Part.
- e) In determining whether a violation of the Act or this Part has occurred, the Department, State-certified local public health department, or local law enforcement agency shall consider the following:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 1) The presence of a used ashtray or container with ashes or cigarette butts in an area where smoking is prohibited;
 - 2) The lack of a sign that is required under the Act and this Part;
 - 3) The presence of smoke or smoking;
 - 4) The presence of ashes, cigarette butts or filters, or cigar stubs in an area where smoking is prohibited;
 - 5) The presence of smoke that drifts into a place of employment or public place through entrances, windows, ventilation systems or other means; and
 - 6) The presence of smoke or ashtrays within 15 feet from entrances, open windows or ventilation systems.
- f) Information concerning complaints can be requested pursuant to the Freedom of Information Act and the Department's rules titled Access to Records of the Department of Public Health; however, the identity of the complainant is not disclosable.

Section 949.40 Enforcement

- a) The Department, State-certified local public health departments, and local law enforcement agencies shall enforce the provisions of the Act and this Part. Fines may be assessed pursuant to Section 45 of the Act and this Part.
- b) Any employer, owner, manager, operator or employee of any public place or place of employment shall immediately inform persons who are violating the Act or this Part of the requirements of the Act and this Part that are applicable to the public place or place of employment.
- c) Upon observing or being notified of any violation of the Act or this Part, an employer, owner, manager, operator or employee shall immediately ask persons to cease smoking in prohibited areas. If smoking does not immediately cease, the employer, owner, manager, operator or employee shall immediately notify local law enforcement.
- d) In accordance with Section 40(c) of the Act and 77 Ill. Adm. Code 100.25(d) (Department's rules entitled Practice and Procedure in Administrative Hearings),

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

any person or entity receiving a citation or a notice of violation of the Act may request an administrative hearing, provided that the request is in writing and is delivered to the enforcing agency identified on the citation or notice of violation within 10 days after the person or entity receives the citation or notice of violation. *Upon receipt of a request for hearing to contest the imposition of a fine imposed by a citation, the enforcing agency shall immediately forward a copy of the citation and notice of the request for hearing to the Department for initiation of a hearing conducted in accordance with Article 10 of the Illinois Administrative Procedure Act and the Department's rules titled Practice and Procedure in Administrative Hearings, except that, in case of a conflict between Article 10 of the Illinois Administrative Procedure Act and the Act, the provisions of the Act shall control. Parties to the hearing shall be the enforcing agency and the violator.* (Section 40(d) of the Act)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE D Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table D to reflect the Agreement between the Departments of Central Management Services, Transportation, Human Services and Employment Security and the Teamster Local 700 Affiliated with the International Brotherhood of Teamsters (Cook County) signed July 14, 2015. The Agreement is effective July 1, 2015 through June 30, 2019.

Throughout the duration of the Agreement, all base salaries, including the in-hire rates, assigned to the classifications remain the same as base salaries in effect July 1, 2014. No employee receives advancement annually to a higher salary.

A Merit Incentive Program (MIP) is to be developed and implemented to reward and incentivize high-performing employees or a group or unit's performance. The State may create a MIP annual bonus fund for payout to those individuals deemed high performers or for a group's and/or unit's level of performance for the specific group and/or unit. Payment from the MIP annual bonus fund is based on the satisfaction of performance standards to be developed by the State in consultation with the Union. The compensation either for a group and/or unit or an individual shall be considered a one-time bonus and will be offered only as a non-pensionable incentive, and that any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation will not be included in any pension calculations.

Additionally, as a part of overall efforts to improve efficiency of state operations and align the incentives of the State with its employees, the State may develop gain sharing programs. Under gain sharing programs, employees or departments may propose initiatives to achieve substantial savings for the State. Upon realization of such savings, the State may elect to return a portion of this savings to the employees who participated in the identified initiative. Such compensation either for a group and/or unit or an individual shall be considered a one-time bonus and will be offered only as a non-pensionable incentive, and that any employee who accepts merit pay compensation does

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

so voluntarily and with the knowledge and on the express condition that the merit pay compensation will not be included in any pension calculations.

In each contract year in which a MIP is created, no less than 25% of the employees subject to the Agreement will receive some form of merit compensation under such programs. Funding for the performance bonuses is subject to annual approval as a part of the State's overall budget.

The State will develop specific policies for both of these programs and will give the Union an opportunity to review and comment on such policies prior to their implementation. The State's intent is to develop policies that will reward employees or units of employees based on specific achievements and to prevent payouts that are influenced by favoritism, politics, or other purely subjective criteria. Compliance with the policies for both of these programs shall be subject to the grievance and arbitration procedure. The exercise of such rights by management may not conflict with the provisions of the Agreement, except that it is understood that compensation payable pursuant to the programs shall be performance-based only. Moreover, an employee's failure or refusal to participate in this program may not be grounds for any form of discipline.

Effective January 1, 2016, employees newly hired into the bargaining unit shall receive a vacation payout of no more than 45 days.

The in-hire rates as amended to 75% for the 2008 – 2012 Collective Bargaining Agreement remain in effect. The 75% in-hire rates in the 2012 – 2015 agreement remain assigned to all classifications. Effective July 1, 2015, all employees' pay is frozen at their current rate for the duration of this agreement. Employees promoted and in the in-hire progression will receive the salary in the next step of the in-hire rate progression of the higher classification and then be frozen at that new in-hire rate. In addition, temporary assignments to higher-level classifications shall be calculated in the in-hire rate progression. All full-scale employees will be promoted to the full-scale rate as if they were promoted to the next higher classification within the series.

- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 6) Effective Date: August 13, 2015
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table D, the effective date of the rate table is changed to July 1, 2015. Three Notes are added. The Notes are Rates and Movements, Merit Incentive Program and Gain Sharing Programs and Vacation Payout Restriction. The Agreement's In-Hire Rates Sideletter language is added to that In-Hire Rate Note and prior Agreement's language is removed from the Note.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: August 13, 2015
- 10) This amendment is available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other amendments pending on this Part? No
- 13) Statement of Statewide Policy Objective: The amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hire Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.270	Legislated Rate (Repealed)
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN
COLLECTIVE BARGAINING UNIT AGREEMENTS

Section	
310.600	Jurisdiction (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 310.610 Pay Schedules (Repealed)
310.620 In-Hiring Rate (Repealed)
310.630 Definitions (Repealed)
310.640 Increases in Pay (Repealed)
310.650 Other Pay Provisions (Repealed)
310.660 Effective Date (Repealed)
310.670 Negotiated Rate (Repealed)
310.680 Trainee Rate (Repealed)
310.690 Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)
- 310.APPENDIX A Negotiated Rates of Pay
- 310.TABLE A RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
- 310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
- 310.TABLE C RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
- 310.TABLE D HR-001 (Teamsters Local #700)
- 310.TABLE E RC-020 (Teamsters Locals #330 and #705)
- 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 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
- 310.TABLE T HR-010 (Teachers of Deaf, IFT)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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 and Educator Trainees, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX C	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.ILLUSTRATION A	Classification Comparison Flow Chart: Both Classes are Whole
310.ILLUSTRATION B	Classification Comparison Flow Chart: One Class is Whole and One is Divided
310.ILLUSTRATION C	Classification Comparison Flow Chart: Both Classes are Divided
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,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory 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; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory 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; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory 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; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory 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; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory 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; preemptory 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; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory 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 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; preemptory 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; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory 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 February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory 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; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory 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; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory 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; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory 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;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory 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; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory 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; preemptory 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; preemptory 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; preemptory 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; preemptory 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; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory 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,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory 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; preemptory 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; preemptory 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; preemptory 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; preemptory 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; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory 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; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory 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; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory 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; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory 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; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory 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; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory 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; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; preemptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; preemptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; preemptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014; preemptory amendment at 38 Ill. Reg. 19806, effective September 26, 2014; amended at 38 Ill. Reg. 20695, effective October 14, 2014; amended at 38 Ill. Reg. 24005, effective December 9, 2014; preemptory amendment at 39 Ill. Reg. 728, effective December 23, 2014; emergency amendment at 39 Ill. Reg. 708, effective December 26, 2014, for a maximum of 150 days; preemptory amendment at 39 Ill. Reg. 6964, effective April 29, 2015; amended at 39 Ill. Reg. 7878, effective May 22, 2015; amended at 39 Ill. Reg. 11220, effective July 28, 2015; preemptory amendment at 39 Ill. Reg. 12004, effective August 13, 2015.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE D HR-001 (Teamsters Local #700)**

Title	Title Code	Bargaining Unit	Pay Plan Code	Full Scale Mo.	Effective Date
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4375.00	July 1, 2014

NOTE: Definition of Snowbirds – Snowbirds are all seasonal, full-time Highway Maintainers whose primary function is snow removal.

Effective July 1, ~~2015~~2014

Title	Title Code	Pay Plan Code	75%		80%		85%		90%		95%		Full Scale	
			Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
Building Services Worker	05616	B	2951	16.96	3148	18.09	3344	19.22	3540	20.34	3737	21.48	3934	22.61
Elevator Operator	13500	B	3011	17.30	3212	18.46	3413	19.61	3613	20.76	3814	21.92	4015	23.07
Elevator Operator – Assistant Starter	13500	B	3050	17.53	3254	18.70	3457	19.87	3660	21.03	3864	22.21	4067	23.37
Elevator Operator – Starter	13500	B	3069	17.64	3274	18.82	3478	19.99	3683	21.17	3887	22.34	4092	23.52
Grounds Supervisor	17549	B	4471	25.70	4769	27.41	5066	29.11	5365	30.83	5663	32.55	5961	34.26
Grounds Supervisor (DHS – Chicago Read)	17549	B	4633	26.63	4942	28.40	5251	30.18	5559	31.95	5868	33.72	6177	35.50
Grounds Supervisor (DHS – Supervisor Tractor Trailer)	17549	B	4854	27.90	5178	29.76	5501	31.61	5825	33.48	6149	35.34	6472	37.20
Heavy Construction Equipment	18465	Q	4739	27.24	5054	29.05	5370	30.86	5687	32.68	6002	34.49	6318	36.31

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Operator (Regular – RG) Heavy Construction Equipment Operator (Bridge Crew – BC)	18465	Q	4806	27.62	5127	29.47	5448	31.31	5768	33.15	6088	34.99	6409	36.83
Highway Maintainer (Regular – RG)	18639	Q	4641	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Highway Maintainer (Bridge Crew – BC)	18639	Q	4711	27.07	5026	28.89	5340	30.69	5654	32.49	5968	34.30	6282	36.10
Highway Maintainer (Drill Rig – DR)	18639	Q	4739	27.24	5054	29.05	5370	30.86	5687	32.68	6002	34.49	6318	36.31
Highway Maintainer (Emergency Patrol – EP)	18639	Q	4741	27.25	5057	29.06	5378	30.87	5689	32.70	6005	34.51	6321	36.33
Highway Maintenance Lead Worker (Regular – RG)	18659	Q	4770	27.41	5087	29.24	5405	31.06	5723	32.89	6040	34.71	6359	36.55
Highway Maintenance Lead Worker (Bridge Crew – BC)	18659	Q	4837	27.80	5159	29.65	5483	31.51	5805	33.36	6127	35.21	6449	37.06
Highway Maintenance Lead Worker (Emergency Patrol – EP)	18659	Q	4867	27.97	5192	29.84	5516	31.70	5841	33.57	6165	35.43	6489	37.29
Highway Maintenance Lead Worker (Lead Lead Worker) (Regular – RG)	18659	Q	4817	27.68	5139	29.53	5459	31.37	5780	33.22	6102	35.07	6423	36.91
Highway Maintenance Lead Worker (Lead Lead	18659	Q	4886	28.08	5211	29.95	5537	31.82	5862	33.69	6188	35.56	6514	37.44

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Worker) (Bridge Crew – BC)														
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol – EP)	18659	Q	4916	28.25	5244	30.14	5571	32.02	5899	33.90	6227	35.79	6555	37.67
Laborer (Maintenance) (Regular – RG)	23080	B	4492	25.82	4792	27.54	5091	29.26	5391	30.98	5690	32.70	5989	34.42
Maintenance Equipment Operator	25020	B	4583	26.34	4888	28.09	5194	29.85	5499	31.60	5805	33.36	6110	35.11
Maintenance Equipment Operator (DHS – Tractor Trailer)	25020	B	4605	26.47	4912	28.23	5219	30.95	5526	31.76	5833	33.52	6140	35.29
Maintenance Equipment Operator (Dispatcher)	25020	B	4751	27.30	5067	29.12	5385	29.99	5701	32.76	6018	34.59	6334	36.40
Maintenance Worker (not DOT, DHS – Chicago Read or DHS – Forensic)	25500	B	4440	25.52	4736	27.22	5032	28.92	5328	30.62	5624	32.32	5920	34.02
Maintenance Worker (DHS – Chicago Read)	25500	B	4583	26.34	4888	28.09	5194	29.85	5499	31.60	5805	33.36	6110	35.11
Maintenance Worker (DHS – Forensic)	25500	Q	4641	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Maintenance Worker (DOT – Regular – RG)	25500	B	4529	26.03	4831	27.76	5133	29.50	5435	31.24	5736	32.97	6038	34.70
Maintenance Worker (DOT – Emergency Patrol – EP)	25500	B	4626	26.59	4934	28.36	5242	30.13	5550	31.90	5859	33.67	6167	35.44
Power Shovel Operator	33360	B	4806	27.62	5127	29.47	5448	31.31	5768	33.15	6088	34.99	6409	36.83

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

(Maintenance)								
(Regular – RG)								
Sign Hanger	40900	B	4640	4950	5259	5568	5878	6187
Sign Hanger Foreman	40910	B	4769	5087	5405	5723	6041	6359

NOTES: Rates and Movements – Effective July 1, 2015, all current rates that are in effect will be frozen for the duration of the agreement (including contractual in-hire movements)

Merit Incentive Program and Gain Sharing Programs – The parties agree to develop and implement a merit incentive program to reward and incentivize high-performing employees, or a group's/unit's performance. As a part of such efforts, the Employer may create an annual bonus fund for payout to those individuals deemed high performers or for a group's/unit's level of performance for the specific group/unit. Payment from this bonus fund will be based on the satisfaction of performance standards to be developed by the Employer in consultation with the Union. Such compensation either for a group/unit or an individual shall be considered a one-time bonus and will be offered only as a non-pensionable incentive, and that any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation will not be included in any pension calculations.

Additionally, as a part of overall efforts to improve efficiency of state operations and align the incentives of the Employer with its employees, the Employer may develop gain sharing programs. Under such programs, employees or departments may propose initiatives that would achieve substantial savings for the State. Upon realization of such savings, the Employer may elect to return a portion of this savings to the employees who participated in the identified initiative. Such compensation either for a group/unit or an individual shall be considered a one-time bonus and will be offered only as a non-pensionable incentive, and that any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation will not be included in any pension calculations.

In each contract year in which a merit incentive program is created, no less than 25% of the employees subject to this agreement will receive some form of merit compensation under such programs. Funding for these performance bonuses is subject to annual approval as a part of the State's overall budget.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

The Employer will develop specific policies for both of these programs and will give the Union an opportunity to review and comment on such policies prior to their implementation. The Employer's intent is to develop policies that will reward employees or units of employees based on specific achievements and to prevent payouts that are influenced by favoritism, politics, or other purely subjective criteria. Compliance with the policies for both of these programs shall be subject to the grievance and arbitration procedure.

The exercise of such rights by management may not conflict with the provisions of this agreement, except that it is understood that compensation payable pursuant to such programs shall be performance-based only. Moreover, an employee's failure or refusal to participate in this program may not be grounds for any form of discipline.

Vacation Payout Restriction – Effective January 1, 2016, employees newly-hired into the bargaining unit shall be entitled to a vacation payout of no more than 45 days.

Shift Differential Pay – Employees (except Snowbirds) required to work a shift different than their normal day shift will be paid a \$0.50 per hour shift premium provided that ½ or more of their work shift falls before 6:30 a.m. or after 3:00 p.m. This shift premium does not include those employees normally working shifts other than the normal day shift or employees hired into positions where the regular shift hours are not considered day shift hours, or snow or ice season.

Clothing Allowance – Effective July 1, 2011, the clothing allowance for Lead Workers, Lead Lead Workers, Heavy Construction Equipment Operator, Highway Maintainers, and Maintenance Workers (Illinois Department of Transportation) employees increases to \$200.

Stipend – Employees shall receive a one-time 2.25% stipend that will not be added into the base salary effective June 1, 2013. Permanent part-time employees will be paid a pro-rated stipend based upon their regular work schedule that will not be added into the base salary. To be eligible for the stipend, the employee must be on payroll June 1, 2013. Employees on leave of absence who would otherwise be eligible will receive the lump sum stipend to which they are entitled upon return to the active payroll during fiscal year 2013. An employee, who worked during fiscal year 2013 (July 1, 2012 through June 30, 2013) and was on an authorized Worker's Compensation Leave of Absence, shall be paid the fiscal year 2013 stipend upon the employee's official return to work sometime during fiscal year 2014, unless otherwise compensated for the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

stipend. Return to work is defined as the employee's first day back to active payroll status with an authorized licensed physician's release.

In-Hire Rate – In-hire rates are located in Section 310.47(a). The parties agree the in-hire rate as was amended to 75% for the 2008-2012 Collective Bargaining Agreement shall continue in effect. The parties also agree that all classifications shall continue the 75% in-hire rate as agreed to in the 2012-2015 agreement, however, effective July 1, 2015 all employees will be frozen at their current rate for the duration of this agreement. Employees within this bargaining unit who are promoted and are in the in-hire progression will promote to the next step of the in-hire rate of the higher classification and would then be frozen at that new in-hire rate. In addition, temporary assignments to higher-level classifications shall also be calculated at the in-hire rates. All full-scale employees within this collective bargaining unit will be promoted to the full-scale rate as if they were promoted to the next higher classification within the series. Employees who are promoted and are in the in-hire progression will promote to the next step of the in-hire rate of the higher classification. In addition, temporary assignments shall also be calculated at the in-hire rates. Employees receiving an in-hire rate will receive a 5% increase each year for five years on their anniversary date in order to obtain the full rate. All full scale employees will be promoted to the full scale rate of the next higher classifications, upon promotion.

(Source: Amended by peremptory rulemaking at 39 Ill. Reg. 12004, effective August 13, 2015)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

BOARD OF HIGHER EDUCATION

Heading of the Part: Dual Credit Courses

Code Citation: 23 Ill. Adm. Code 1009

Section Numbers: 23.10 23.50
23.20 23.60
23.30 23.70
23.40 23.80

Date Originally Published in the *Illinois Register*: 5/1/15
39 Ill. Reg. 5945

At its meeting on August 11, 2015, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Board of Higher Education be more timely in implementing new statute in its rules. PA 96-194, which is being implemented in this rulemaking, became effective 1/1/10.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Numbers: 140.492 140.493

Date Originally Published in the *Illinois Register*: 7/24/15
39 Ill. Reg. 10427

At its meeting on August 11, 2015, the Joint Committee on Administrative Rules objected to the Department of Healthcare and Family Services use of emergency rulemaking to adopt rules titled Medical Payment (89 Ill. Adm. Code 140; 39 Ill. Reg. 10427 – 7/24/15) because the Department has not shown the existence of any situation warranting the use of emergency rulemaking. Since HFS has not yet received its FY16 appropriation for medical transportation services, it cannot, at this time, know that those appropriations will be inadequate to fund medical transportation services at the rates that existed in the most recent appropriation for this program (FY15) or the extent of any such inadequacy.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Hospital Services

Code Citation: 89 Ill. Adm. Code 148

Section Numbers: 148.299

Date Originally Published in the *Illinois Register*: 7/24/15
39 Ill. Reg. 10453

At its meeting on August 11, 2015, the Joint Committee on Administrative Rules objected to the Department of Healthcare and Family Services' use of emergency rulemaking to adopt rules titled Hospital Services (89 Ill. Adm. Code 148; 39 Ill. Reg. 10453 – 7/24/15) because the Department has not shown the existence of any situation warranting the use of emergency rulemaking. Since HFS has not yet received its FY16 appropriation for transitional supplemental Medicaid payments to hospitals, which include the Medicaid Facilitation and Utilization Payments terminated by this emergency rule, it cannot, at this time, know that those appropriations will be inadequate to continue these payments.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EMERGENCY RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Child Care

Code Citation: 89 Ill. Adm. Code 50

Section Numbers: 50.110 50.230 50.320 50.420 50.430

Date Originally Published in the *Illinois Register*: 7/17/15
39 Ill. Reg. 10072

At its meeting on August 11, 2015, the Joint Committee on Administrative Rules objected to the Department of Human Services' use of emergency rulemaking to adopt rules titled Child Care (89 Ill. Adm. Code 50; 39 Ill. Reg. 10072 – 7/17/15) because the Department has not demonstrated the existence of any situation that warrants the use of emergency rulemaking. As DHS has not yet received its FY16 appropriation for the Child Care Assistance Program, it cannot, at this time, know that those appropriations will be inadequate to serve all those who were eligible prior to the adoption of this emergency rule or the extent of any such inadequacy.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EMERGENCY RULEMAKING

ILLINOIS LABOR RELATIONS BOARD

Heading of the Part: General Procedures

Code Citation: 80 Ill. Adm. Code 1200

Section Numbers: 1200.50

Date Originally Published in the *Illinois Register*: 7/31/15
39 Ill. Reg. 10641

At its meeting on August 11, 2015, the Joint Committee on Administrative Rules objected to the Illinois Labor Relations Board's use of emergency rulemaking to adopt rules titled General Procedures (80 Ill. Adm. Code 1200; 39 Ill. Reg. 10641 – 7/31/15) because the Department has not shown the existence of any situation warranting the use of emergency rulemaking. Since ILRB has not yet received its FY16 appropriation for court reporting services, it cannot, at this time, know that those appropriations will be inadequate to fund court reporting services.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EMERGENCY RULEMAKING

ILLINOIS RACING BOARD

Heading of the Part: Entries, Subscriptions, and Declarations

Code Citation: 11 Ill. Adm. Code 1413

Section Numbers: 1413.130 1413.138

Date Originally Published in the *Illinois Register*: 7/24/15
39 Ill. Reg. 10465

At its meeting on August 11, 2015, the Joint Committee on Administrative Rules objected to the Illinois Racing Board's use of emergency rulemaking to adopt rules titled Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413; 39 Ill. Reg. 10465 – 7/24/15) because the emergency rule can have a negative economic impact on Illinois businesses that own, breed and train thoroughbred horses, some of which are small businesses. The Board should make every effort to avoid unnecessary use of emergency rulemaking.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO AND
PROHIBITION AGAINST FILING OF PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Grade A Pasteurized Milk and Milk Products

Code Citation: 77 Ill. Adm. Code 775

Section Numbers: 775.10 775.30 775.55
775.20 775.50 775.57

Date Originally Published in the *Illinois Register*: 9/5/14
38 Ill. Reg. 18346

At its meeting on August 11, 2015, the Joint Committee on Administrative Rules voted to object to the above-proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of this rulemaking would constitute a serious threat to the public interest. The reason for the Objection and Prohibition is as follows:

JCAR objects to and prohibits filing of the rulemaking of the Department of Public Health titled Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775; 38 Ill. Reg. 18346) because this rulemaking has not achieved an adequate balance between the State's role in protecting the public health and its mission to avoid unduly burdensome restrictions on small business. JCAR finds that adoption of this rulemaking in its current form would not be in the public interest.

The proposed rulemaking may not be filed with the Secretary of State or enforced by the Department of Public Health for any reason following receipt of this certification and statement by the Secretary of State for as long as the Filing Prohibition remains in effect.

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the *Illinois Register*.
2. Name of Contributor: Mr. James Abrams, Affiliated Person, Medline Industries, Inc.
3. Date of Violation: 11/26/13
4. Description of Violation: Mr. Abrams, an affiliated person of the business entity Medline Industries, Inc. made a contribution of \$700.00 to Citizens for Rauner, Inc., a campaign committee established to support the election of Bruce Rauner to public office. At the time of the contribution, Bruce Rauner was a declared candidate for the office of governor, and Medline Industries, Inc. had in place active contracts with the Department of Healthcare and Family Services, Department of Human Services, the Department of Veterans Affairs and the Department of Commerce and Economic Opportunity, the total annual combined value of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for General Services has notified Medline Industries, Inc. of the apparent violation, reviewed responsive information provided by Medline Industries, Inc., and has considered the value, status, and necessity of the contracts. In addition, the CPO has taken into consideration the recognition by Medline Industries, Inc. of the violation and its understanding of the necessity to avoid such situations in the future. We find that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Citizens for Rauner, Inc., is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 11, 2015 through August 17, 2015. Rulemakings are scheduled for review at the Committee's September 15, 2015 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
9/25/15	<u>Department of Human Services, Early Intervention Program (89 Ill. Adm. Code 500)</u>	5/8/15 39 Ill. Reg. 6153	9/15/15
9/25/15	<u>Teachers' Retirement System of the State of Illinois, The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)</u>	6/12/15 39 Ill. Reg. 8243	9/15/15
9/26/15	<u>Secretary of State, Department of Personnel (80 Ill. Adm. Code 420)</u>	5/15/15 39 Ill. Reg. 6853	9/15/15
9/26/15	<u>Secretary of State, General Rules, Definitions (92 Ill. Adm. Code 1000)</u>	5/15/15 39 Ill. Reg. 6869	9/15/15

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 35 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.

PROPOSED RULES

50 - 2801	.....	11852
86 - 130	.....	11865
92 - 1030	.....	11889

ADOPTED RULES

32 - 326	8/17/2015	11900
32 - 330	8/17/2015	11905
32 - 331	8/17/2015	11981
77 - 949	8/14/2015	11995

PEREMPTORY RULES

80 - 310	8/13/2015	12004
----------	-----------------	-------

**JOINT COMMITTEE ON
ADMINISTRATIVE RULES
STATEMENTS OF RECOMMENDATION**

23 - 1009	12028
-----------	-------	-------

**JOINT COMMITTEE ON
ADMINISTRATIVE RULES
STATEMENTS OF OBJECTION**

89 - 140	.....	12029
89 - 148	.....	12030
89 - 50	.....	12031
80 - 1200	.....	12032
11 - 1413	.....	12033

**JOINT COMMITTEE ON
ADMINISTRATIVE RULES
STATEMENTS OF PROHIBITED
FILINGS**

77 - 775	12034
----------	-------	-------

ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2012-2013 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register (1977 – 2003) Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices (2010) Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com