

Note to Reader

These are the regulations of the Emergency Management Agency that apply to generally licensed measuring, gauging, and controlling devices.

Radioactive Materials Section  
Illinois Emergency Management Agency  
217-785-9947

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

PART 310  
GENERAL PROVISIONS  
(Excerpts Applicable to Generally Licensed Devices)

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

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 15657; amended at 10 Ill. Reg. 17259, effective September 25, 1986; amended at 15 Ill. Reg. 10604, effective July 15, 1991; amended at 17 Ill. Reg. 18472, effective January 1, 1994; amended at 20 Ill. Reg. 15978, effective December 9, 1996; amended at 23 Ill. Reg. 14454, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20748, effective December 16, 2005; amended at 31 Ill. Reg. 11573, effective July 26, 2007, amended at 35 Ill. Reg. 2908, effective February 7, 2011.

Section 310.40 Records

Each licensee and registrant shall maintain records showing the receipt, transfer, use, storage and disposal of all sources of radiation. Additional record requirements are specified elsewhere in 32

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

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

#### Section 310.50 Inspections

- a) Each person shall afford the Agency at all reasonable times opportunity to inspect radiation installations and sources of radiation and the premises and facilities in which those radiation installations and sources of radiation are used or stored.
- b) Each person shall make available to the Agency for inspection, upon reasonable notice, records maintained pursuant to 32 Ill. Adm. Code: Chapter II, Subchapters b and d.
- c) *The Agency is authorized to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of this Act and rules and regulations issued thereunder. The Agency may inspect and investigate premises, operations, and personnel and have access to and copy records for the purpose of evaluating past, current, and potential hazards to the public health, workers, or the environment resulting from radiation. Entry into areas under jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative. [420 ILCS 40/27]*

(Source: Amended at 29 Ill. Reg. 20748, effective December 16, 2005)

#### Section 310.60 Tests

Each licensee and registrant shall perform upon instructions from the Agency, or shall permit the Agency to perform, such reasonable tests as the Agency deems appropriate or necessary including, but not limited to tests of:

- a) sources of radiation;
- b) installations in which sources of radiation are used or stored;
- c) radiation detection and monitoring instruments; and
- d) other equipment and devices used in connection with utilization or storage of licensed or registered sources of radiation.

(Source: Amended at 29 Ill. Reg. 20748, effective December 16, 2005)

## Section 310.70 Additional Requirements

- a) The Agency is authorized to inspect and investigate the premises and operations and personnel of any radiation installation, whether or not the installation is required to be registered or licensed by the Agency, for the purpose of studying and evaluating the health hazards caused by the use and operation of machines and material.
- b) The Agency may impose additional requirements upon any licensee or registrant if the Agency deems these requirements to be necessary to minimize the danger to public health and safety or the environment.
- c) Nothing in 32 Ill. Adm. Code: Chapter II, Subchapters b and d relieves the licensee or registrant from complying with other applicable Federal, State or local requirements governing any toxic, hazardous, medical or any other property of these materials or products containing these materials.

(Source: Amended at 29 Ill. Reg. 20748, effective December 16, 2005)

## Section 310.74 Cost Assessment

The Agency has authority under the Radiation Protection Act of 1990 [420 ILCS 40] to take actions necessary to abate violations of the Act or any rules or regulations promulgated under the Act and may *provide that all or a portion of the cost of such actions be assessed to operators of radiation installations or other persons responsible for the violation or contamination.* [420 ILCS 40/36]

- a) The Agency may assess all or a portion of the costs incurred to abate violations to responsible operators of radiation installations or other responsible persons. Costs that are assessed shall be based on the Agency's actual response costs, including, but not limited to:
  - 1) Time required by the Agency professional staff to coordinate response;
  - 2) Time spent traveling and providing administrative support;
  - 3) Performance or oversight of decontamination activities at properties contaminated with radioactive material;
  - 4) Performance or oversight of confirmatory environmental monitoring;
  - 5) Performance or oversight of treatment, storage, transfer and disposal of sources of radiation;
  - 6) Equipment and supplies; and
  - 7) Contractual support, if any, incurred by the Agency.

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

- b) Any party affected by an order of the Agency assessing cost shall have the right to a hearing before the Agency in accordance with 32 Ill. Adm. Code 200.

(Source: Amended at 29 Ill. Reg. 20748, effective December 16, 2005)

#### Section 310.75 Emergency Response Cost Recovery

The Agency has authority under the Radiation Protection Act of 1990 [420 ILCS 40] to respond to conditions that constitute an immediate threat to health and to *assess the costs of its response against the person or persons responsible for the creation or continuation of the threat. If the Agency is unable to determine who is responsible for the creation or continuation of the threat, the costs shall be assessed against the owner of the property and shall constitute a lien against the property until paid* [420 ILCS 40/38(b)].

- a) Costs that are assessed shall be based on:

- 1) The Agency's actual response costs, including, but not limited to:

- A) Time required by Agency professional staff to coordinate response;
- B) Time spent traveling and providing administrative support;
- C) Performance or oversight of decontamination activities at properties contaminated with radioactive material;
- D) Performance or oversight of confirmatory environmental monitoring;
- E) Performance or oversight of treatment, storage and disposal of sources of radiation;
- F) Equipment and supplies; and
- G) Contractual support, if any, incurred by the Agency.

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

- 2) Costs incurred by other units of government while assisting the Agency, including agencies of the federal government, provided the costs are submitted as follows:

- A) Unless otherwise notified by the Agency, the request for reimbursement must be received by the Agency within 45 days after the assistance is rendered to the Agency or 45 days after the costs are determined, whichever is later, but in any case, not later than one year after the assistance is rendered;

- B) The request shall be in writing and shall include documentation justifying costs to be reimbursed; and
  - C) Reimbursable costs may include, but are not limited to, items specified in subsection (a)(1) of this Section.
- b) All reimbursable costs described in a reimbursement request by a governmental unit are subject to approval by the Director of the Agency. The Agency may request additional information in support of the requested reimbursement.
  - c) If a request by a governmental unit for costs is denied, or denied in part, the Agency shall notify the requesting governmental unit of the decision within 30 days after the date the request was submitted.
  - d) Each bill for emergency response costs assessed under this Section shall identify the items claimed and the costs related to each. Payment is due to the Agency within 45 days after receipt of the bill.
  - e) After all emergency response costs have been paid by the responsible parties, the Agency shall pay governmental units based on approved requests.
  - f) *Any person assessed costs under this Section shall have the right to a hearing before the Agency provided a written request for a hearing is served on the Agency within 10 days after notice of the assessment. In the absence of receipt of a request for a hearing, the affected party shall be deemed to have waived the right to a hearing [420 ILCS 40/38(b)].* Hearings shall be conducted in accordance with 32 Ill. Adm. Code 200.

(Source: Amended at 29 Ill. Reg. 20748, effective December 16, 2005)

#### Section 310.78 Deliberate Misconduct

- a) Any licensee, registrant, applicant for a license or certificate of registration, employee of a licensee, registrant or applicant, or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or registrant or applicant for a license or certificate of registration, who knowingly provides to any licensee, applicant, registrant, contractor or subcontractor any components, equipments, materials or other goods or services that relate to a licensee's, registrant's or applicant's activities in this Part shall not:
  - 1) Engage in deliberate misconduct that causes, or would have caused if not detected, a licensee, registrant or applicant to be in violation of any statute, regulation, limitation on any license issued by the Agency, or order; or
  - 2) Deliberately submit to an Agency licensee, an applicant, or a licensee's, certificate holder's or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the Agency.

- b) A person who violates subsection (a)(1) or (a)(2) of this Section may be subject to enforcement action as provided in Section 45 of the Radiation Protection Act of 1990.
- c) For the purposes of subsection (a)(1) of this Section, deliberate misconduct by a person means an intentional act or omission that the person knows:
  - 1) Would cause a licensee, registrant or applicant to be in violation of any regulation, statute or order, or any term, condition or limitation of any license issued by the Agency; or
  - 2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order or policy of a licensee, registrant, applicant, contractor or subcontractor.

(Source: Added at 29 Ill. Reg. 20748, effective December 16, 2005)

#### Section 310.80 Violations

- a) *Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by this Act, or who violates any determination or order of the Agency promulgated pursuant to the Act is guilty of a Class A misdemeanor; provided each day during which violation continues shall constitute a separate offense; and in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided. [420 ILCS 40/39(a)]*
- b) *A person who knowingly makes a false material statement to an Agency employee during the course of official Agency business or in an application for accreditation, certification, registration or licensure under the Act is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for a second or subsequent offense. [420 ILCS 40/39(b)(1)]*
- c) *A person who knowingly alters a credential, certificate, registration, or license issued by the Agency for the purpose of evading a requirement of the Act is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for a second or subsequent offense. [420 ILCS 40/39(b)(2)]*
- d) *Whenever the Agency believes upon examination of records or inspection and examination of a radiation installation or a radiation source as constructed, operated, or maintained that there has been a violation of any of the Agency's rules or regulations promulgated pursuant to the Act, the Agency, in addition to taking other enforcement action, may impose a civil penalty, not to exceed \$10,000 for such violation, provided each day the violation continues shall constitute a separate offense. [420 ILCS 40/36]*
- e) *The penalties provided herein shall be recoverable in an action brought in the name of the people of the State of Illinois by the Attorney General. [420 ILCS 40/39(c)]*

(Source: Amended at 29 Ill. Reg. 20748, effective December 16, 2005)

#### Section 310.81 Policy for Assessment of Civil Penalties

- a) Civil penalties shall be assessed in accordance with the provisions of this Section and Section 310.82 of this Part.

b) A civil penalty will be assessed whenever the Agency, based on consideration of the factors set forth in subsection (c) of this Section, determines that a civil penalty is appropriate and issues a Preliminary Order and Notice of Opportunity for Hearing, in accordance with 32 Ill. Adm. Code 200.60.

c) Factors to be Considered in Assessing Civil Penalties

1) The Agency shall consider the factors contained in subsection (c)(2) of this Section to determine whether a penalty should be assessed, as provided in subsection (d) of this Section, and the amount of the penalty. However, if the Agency has by rule established the amount to be assessed for a particular violation, the Agency shall assess the penalty as specified in that rule without regard to the factors contained in subsection (c)(2) of this Section.

AGENCY NOTE: For an example of a rule that establishes the amount of the civil penalty to be assessed, see 32 Ill. Adm. Code 401.170, which specifies the civil penalties to be assessed for violations of the Agency's radiologic technologist accreditation requirements.

2) The factors to be considered by the Agency are:

A) History of Previous Violations. The Agency shall consider the person's history of previous violations of the Radiation Protection Act of 1990, the Agency's rules promulgated under that Act (Title 32, Chapter II, Subchapters b and d), and licenses issued pursuant to the Act. Each prior violation will be considered without regard to whether it led to a civil penalty assessment. A prior violation shall not be considered, however, if the notice or order relating to the prior violation is the subject of pending administrative or judicial review, or if the time to request such review or to appeal any administrative or judicial decision relating to the prior violation has not expired. The Agency shall not consider a prior violation if a Preliminary or Final Order pertaining to that prior violation has been vacated. The Agency shall not consider previous violations that occurred more than 6 years prior to the issuance of the Preliminary Order.

B) Severity of the Violation. The Agency shall consider the severity of the violation, including, but not limited to, actual or potential contamination of the environment resulting from the violation and any actual or potential hazard to the health or safety of the public or to workers, resulting from the violation. When evaluating the severity of the violation, the Agency may also consider the impact that the violation has on the Agency's ability to determine compliance with requirements established by statute, regulation or license condition.

C) Culpability. The Agency shall consider whether the person to whom the Preliminary Order was issued was negligent in causing, allowing, or failing to correct the violation, condition, or practice which was cited in the Preliminary Order. The Agency shall also consider:

i) whether the violation was intentional or inadvertent;

- ii) whether the violation was allowed to continue once identified;
  - iii) whether actions were taken to correct or mitigate the violation and the timeliness of those actions; and
  - iv) whether the violation was voluntarily reported to the Agency.
- d) Determination of the Amount of Penalty; Assessment of Separate Violations for Each Day
- 1) The Agency may assess a civil penalty not to exceed \$10,000 per violation for each day the violation continues. In determining whether to make such an assessment, the Agency shall consider the factors listed in subsection (c) of this Section; however, if the Agency's rules (Title 32, Chapter II, Subchapters b and d) specify the amount of the civil penalty to be assessed for a particular violation, the Agency shall assess the civil penalty in that amount so specified, without consideration of the factors listed in subsection (c) of this Section.
  - 2) When determining the amount of penalty, the Agency shall consider each day of a continuing violation to be a separate violation. Accordingly, the Agency may assess a separate penalty, in accordance with this Section and Section 310.82 of this Part, for each day that a violation continues.

(Source: Amended at 29 Ill. Reg. 20748, effective December 16, 2005)

#### Section 310.82 Procedures for Assessment of Civil Penalties

##### a) Issuance of Assessment

- 1) If the Agency assesses a civil penalty pursuant to Section 310.81 of this Part, it shall do so by issuing a Preliminary Order and Notice of Opportunity for Hearing pursuant to 32 Ill. Adm. Code 200.
- 2) The Preliminary Order and Notice of Opportunity for Hearing shall contain, for each violation alleged, the proposed civil penalty to be assessed.

##### b) Payment of Assessment

Unless a hearing has been requested by the deadline specified in the Preliminary Order and Notice of Opportunity for Hearing, within 30 days after the Order becomes final, the person upon whom the penalty was assessed shall pay the penalty in full.

##### c) Procedures for Hearing

- 1) The person to whom the Preliminary Order and Notice of Opportunity for Hearing was issued may appeal the imposition of the civil penalty by submitting a written request for a hearing in accordance with 32 Ill. Adm. Code 200.

- 2) Upon receiving such a request for a hearing, the Agency shall conduct a public hearing regarding the finding of violation or the penalty assessment in accordance with the provisions of 32 Ill. Adm. Code 200.
- 3) After the hearing is held, the Director shall issue a Final Order in accordance with 32 Ill. Adm. Code 200.

d) Final Assessment and Payment of Penalty

- 1) If the person to whom a Preliminary Order and Notice of Opportunity for Hearing is issued fails to request a hearing, the Preliminary Order shall become a final order of the Agency and the penalty assessed shall become due and payable within 30 days from that date.
- 2) If the person to whom a Preliminary Order and Notice of Opportunity for Hearing is issued requests judicial review of a final order of the Agency, the penalty assessed in accordance with Section 310.81(c) of this Part shall not be payable until completion of the review.
- 3) The civil penalties provided in this Section shall be recoverable in an action brought in the name of the people of the State of Illinois by the Attorney General.

(Source: Amended at 29 Ill. Reg. 20748, effective December 16, 2005)

Section 310.90 Impounding

- a) *Authority of Department in cases constituting an immediate threat to health. Notwithstanding any other provision of the Act, whenever the Department finds that a condition exists which constitutes an immediate threat to health due to the violation of any provisions of this Act or any code, rule, regulation or order promulgated under this Act and requiring immediate action to protect the public health or welfare, it may issue an order reciting the existence of such an immediate threat and the findings of the Department pertaining thereto. The Department may summarily cause the abatement of such violation or may direct the Attorney General to obtain an injunction against such violator. [420 ILCS 40/38]*
- b) *Such order shall be effective immediately but shall include notice of the time and place of a public hearing before the Department to be held within 30 days of the date of such order to assure the justification of such order. On the basis of such hearing the Department shall continue such order in effect, revoke it or modify it. Any party affected by an order of the Department shall have the right to waive the public hearing proceedings. [420 ILCS 40/38]*

(Source: Amended at 23 Ill. Reg. 14454, effective January 1, 2000)

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

LICENSING OF RADIOACTIVE MATERIAL  
(Excerpts Applicable to Generally Licensed Devices)

Section	
330.20	Definitions
330.220(b)	Certain Measuring, Gauging or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere
330.310	Specific Terms and Conditions of License
330.500	Modification and Revocation of Licenses

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

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; 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 27, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011.

Section 330.20 Definitions

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

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

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

Section 330.220 General Licenses – Radioactive Material Other Than Source Material

- b) Certain Measuring, Gauging or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere
  - 1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business and

State or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions of subsections (b)(2) through (9), radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

- 2) The general license provided by subsection (b)(1) 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 Commission, an Agreement State or a Licensing State that authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a former Licensing State. The devices shall have been received from a specific licensee described in this subsection (b)(2) or through a transfer made under subsection (b)(3)(L).

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

- 3) Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (b)(1) of this Section:
  - A) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained on the device and shall comply with all instructions and precautions provided by such labels;
  - B) Shall assure that the device is tested for leakage of, or contamination by, radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified on the device labels; however:
    - i) A device containing only krypton need not be tested for leakage of, or contamination by, radioactive material; and
    - ii) A device containing only tritium or not more than 3.7 MBq (100 microCi) of other beta and/or gamma emitting material or 370 kBq (10 microCi) of alpha emitting material or a device held in storage in the original shipping container prior to initial installation need not be tested for any purpose;
  - C) Shall assure that testing (including testing required by subsection (b)(3)(B)), installation, servicing and removal from installation involving the radioactive material, its shielding or containment is performed:
    - i) In accordance with the instructions provided by the labels; or
    - ii) By a person holding an applicable specific license from the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to perform such

activities;

- D) Shall maintain records showing compliance with the requirements of subsections (b)(3)(B), (C) and (H) and (b)(6)(B). The records shall show the results of tests. The records shall also show the dates of performance of, and the names of persons performing, physical inventories, testing, installation, servicing and removal from installation of radioactive material or its shielding or containment. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license provided by subsection (b)(1) shall retain these records as follows:
- i) A record of a test of an on-off mechanism and indicator or a test for leakage or contamination performed in accordance with subsection (b)(3)(B) shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of; and
  - ii) A record of testing, installation, servicing or removal from installation performed in accordance with subsection (b)(3)(C) shall be retained for 5 years from the date of the recorded event or until the device is transferred or disposed of; and
  - iii) A record of transfer or disposal of a device in accordance with subsection (b)(3)(H) 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.

- iv) A record of a quarterly physical inventory performed in accordance with subsection (b)(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 nanoCi) or more removable radioactive material. The device shall not be operated until it has been repaired by the manufacturer or other person holding an applicable specific license from the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State 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 nanoCi) 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 nanoCi) or more removable radioactive material is detected on the device or failure of or damage to a source is

likely to result in contamination of the premises or the environs;

- F) Shall not abandon the device containing radioactive material;
- G) Shall not export the device containing radioactive material except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615, December 23, 2008, exclusive of subsequent amendments or editions;
- H) Shall transfer or dispose of the device containing radioactive material only:
  - i) By export as provided by subsection (b)(3)(G);
  - ii) By transfer to another general licensee as provided by subsection (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 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, the U.S. Nuclear Regulatory Commission or an Agreement State; or
  - v) As approved under subsection (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);

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

- J) Shall maintain a record of the transfer or disposal of the device as required by subsection (b)(3)(D)(iii);
- K) Shall obtain written approval from the Agency before transferring the device to a transferee not identified in subsections (b)(3)(H)(i) through (iv);
- L) Shall transfer the device to another general licensee only if

- i) The device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (b), a copy of 32 Ill. Adm. Code 310.40, 310.80, 330.310, 330.500, 340.1210, 340.1220, 340.1260 and any safety documents identified in the device labels; or
  - ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use;
- M) Shall furnish a report to the Agency within 30 days after transferring a device containing radioactive material as provided by subsection (b)(3)(L)(i). 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 (b)(3)(N) to have knowledge of, and authority to take actions to ensure compliance with, the appropriate regulations and requirements;
- N) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;
- O) May redesignate a device to be possessed and used under its own specific license without prior approval if the person:
  - i) Verifies that the specific license authorizes possession and use of the device or applies for and obtains an amendment to the license authorizing the possession and use;
  - ii) Removes, alters, covers or clearly and unambiguously augments the existing label required by subsection (b)(3)(A) so that the device is labeled in compliance with 32 Ill. Adm. Code 340.910; however, the manufacturer, model number and serial number shall be retained;
  - iii) Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and
  - iv) Reports the new designation as required by subsection (b)(3)(I).

- 4) Any person who receives, acquires, possesses or uses a device identified in subsection (b)(4)(A) shall register with the Agency in accordance with subsection (b)(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 (b)(1):
    - i) An electron capture detector, gauge or x-ray fluorescence analyzer containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material;
    - ii) A device containing a sealed source equal to or greater than 3.7 MBq (100  $\mu$ Ci) of strontium-90 or radium-226; or
    - iii) A static control or measuring device containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material other than polonium-210 or radium-226;
  - B) A person shall register with the Agency no later than 30 days after receiving a device identified in subsection (b)(4)(A). Registration information shall be in a format prescribed by the Agency and furnished in accordance with subsection (b)(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 (b)(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 (b)(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 (b)(4)(C)(iii);

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 (b)(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 the U.S. Nuclear Regulatory Commission or an Agreement State with respect to a device identified in subsection (b)(4)(A) is exempt from the registration requirement in subsection (b)(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 (b)(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 of, or contamination by, radioactive material shall be conducted during the storage interval as required by subsection (b)(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 (b)(6)(A) shall apply.

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

- 7) Failure of any person to comply with the requirements of this subsection (b) may cause the Agency to impose civil penalties in accordance with 420 ILCS 40/36 and 32 Ill. Adm. Code 200.
- 8) The general license described in subsection (b)(1) does not authorize the manufacture of devices containing radioactive material.
- 9) The general license described in subsection (b)(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 (b)(1) of this Section is exempt from the requirements of 32 Ill. Adm. Code 400 and 340 except for the Sections of 32 Ill. Adm. Code 340 specifically identified in subsections (b)(3)(E) and (b)(9) of this Section.

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

### 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. 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.
- 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.
  - 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:
      - A) The licensee;
      - B) An entity (as the term is defined in 11 USC 101(14)) 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 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.
- l) 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.

(Source: Amended at 30 Ill. Reg. 8928, effective April 28, 2006)

#### Section 330.500 Modification and Revocation of Licenses

- a) The terms and conditions of all licenses shall be subject to amendment, revision, or modification or the license may be suspended or revoked by reason of amendments to the Act, or by reason of rules, regulations, and orders issued by the Agency in accordance with 32 Ill. Adm. Code 200.

- b) In accordance with 32 Ill. Adm. Code 200, any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Agency to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and conditions of the Act, or of the license, or of any rule, regulation, or order of the Agency.

(Source: Amended at 32 Ill. Reg. 6462, effective April 7, 2008)

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

PART 331  
FEES FOR RADIOACTIVE MATERIAL LICENSES  
(Excerpts Applicable to Generally Licensed Devices)

Section	
331.10	Purpose
331.20	Scope
331.115	Radioactive Material Recovery and Remediation Fee
331.120(g) & (j)	Payment of Fees
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].

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

Section 331.10 Purpose

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

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

## Section 331.20 Scope

Except for persons who apply for or hold only licenses exempted in Section 331.110 of this Part, this Part applies to any person who is an applicant for, or holder of, a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601, a sealed source or device evaluation issued to a radioactive material licensee, or to any person who possesses a generally licensed kit or device as defined in Section 331.30 of this Part.

(Source: Amended at 22 Ill. Reg. 6951, effective April 1, 1998)

## Section 331.115 Radioactive Material Recovery and Remediation Fee

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

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

## Section 331.120 Payment of Fees

- 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:
  - 2) Annually to each person who receives, acquires, possesses or uses a generally licensed device and is required to register pursuant to 32 Ill. Adm. Code 330.220(b)(4).
- j) Fee payments. Payments shall be by check or money order made payable to the Illinois Emergency Management Agency.

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

## Section 331.**APPENDIX E** Primary Material Use Categories for Radioactive Material Licensees

<u>Fee Category</u>	<u>Primary Material Use Category Description</u>
209B.	Persons with Generally Licensed Devices – persons required to register with the Agency pursuant to 32 Ill. Adm. Code 330.220(b)(4).

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

## Section 331.**APPENDIX F** Fee Schedule for Radioactive Material Licensees

<u>Primary Category</u>	<u>Description</u>	<u>Annual Fee</u>	<u>Recovery and Remediation Fee</u>	<u>Remote Site Fee</u>
209B.	Persons with Generally Licensed Devices	\$400	\$300	N/A

(Source: Amended at 37 Ill. Reg. 20225, effective December 9, 2013)

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

PART 340  
STANDARDS FOR PROTECTION AGAINST RADIATION  
(Excerpts Applicable to Generally Licensed Devices)

Section

340.1210	Reports of Stolen, Lost or Missing Sources of Radiation
340.1220	Notification of Incidents
340.1260	Reports of Leaking or Contaminated Sealed Sources

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

**SOURCE:** Filed April 24, 1970 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 16027; recodified at 10 Ill. Reg. 11273; amended at 10 Ill. Reg. 17538, effective September 25, 1986; amended at 16 Ill. Reg. 11538, effective July 7, 1992; old Part repealed, new Part adopted at 17 Ill. Reg. 18507, effective January 1, 1994; amended at 19 Ill. Reg. 8264, effective June 12, 1995; emergency amendment at 27, Ill. Reg. 17273, effective November 18, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5445, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20841, effective December 16, 2005; amended at 31 Ill. Reg. 11593, effective July 26, 2007; amended at 35 Ill. Reg. 934, effective December 30, 2010.

Section 340.1210 Reports of Stolen, Lost or Missing Sources of Radiation

- a) Telephone Reports. Each licensee or registrant shall report to the Agency by telephone each stolen, lost or missing source of radiation immediately after its absence becomes known to the licensee or registrant. This requirement does not apply to sources of radiation that are not required to be licensed or registered.
- b) Written Reports. Each licensee or registrant required to make a report pursuant to subsection (a) of this Section shall, within 30 days after making the telephone report, make a written report to the Agency setting forth the following information:
  - 1) A description of the source of radiation involved, including for radioactive material, the

kind, quantity and chemical and physical form; and, for radiation machines, the type of unit, the manufacturer, model and serial number;

- 2) A description of the circumstances under which the loss or theft occurred;
  - 3) A statement of disposition, or probable disposition, of the source of radiation involved;
  - 4) Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;
  - 5) Actions that have been taken, or will be taken, to recover the source of radiation; and
  - 6) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the theft or loss of sources of radiation.
- c) Subsequent to filing the written report, the licensee or registrant shall also report any additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of such information.
- d) The licensee or registrant shall prepare any report filed with the Agency pursuant to this Section so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

(Source: Amended at 29 Ill. Reg. 20841, effective December 16, 2005)

#### Section 340.1220 Notification of Incidents

- a) Immediate Notification. Notwithstanding any other requirements for notification, each licensee or registrant shall immediately report to the Agency discovery of an event that prevents immediate protective actions necessary to avoid releases of radioactive material or doses in excess of the regulatory limits, or each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:
- 1) An individual to receive:
    - A) A total effective dose equivalent of 0.25 Sv (25 rem) or more; or
    - B) A lens dose equivalent of 0.75 Sv (75 rem) or more; or
    - C) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 2.5 Gy (250 rad) or more; or
  - 2) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the ALI, except the provisions of this subsection (a) do not apply to locations where personnel are not normally stationed during routine operations, such as hot cells or process enclosures.

- b) 24 Hour Notification. Each licensee or registrant shall, within 24 hours of discovery of the event, report to the Agency each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:
- 1) An individual to receive, in a period of 24 hours:
    - A) A total effective dose equivalent exceeding 0.05 Sv (5 rem); or
    - B) A lens dose equivalent exceeding 0.15 Sv (15 rem); or
    - C) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 0.5 Sv (50 rem); or
  - 2) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational ALI, except the provisions of this subsection (b) do not apply to locations where personnel are not normally stationed during routine operations, such as hot cells or process enclosures.
- c) Additional 24 Hour Notifications for Licensees. Each licensee shall notify the Agency within 24 hours after the discovery of any of the following events involving radioactive material:
- 1) An unplanned contamination event that:
    - A) Requires access to the contaminated area by workers or the public to be restricted for more than 24 hours by imposing radiological controls in addition to those established by the licensee prior to the event or by prohibiting entry into the area;
    - B) Involves a quantity of material greater than five times the lowest annual limit on intake specified in 10 CFR 20, appendix B, [published at 72 Fed. Reg. 55922, October 1, 2007](#)~~effective March 27, 2006~~, for the material; and
    - C) Results in access to the area being restricted for a reason other than to either comply with operating procedures established by the licensee, or to allow radionuclides with a half-life of less than 24 hours to decay prior to decontamination.
  - 2) An event in which equipment is disabled or fails to function as designated when:
    - A) The equipment is required by regulation or license condition to prevent releases or doses exceeding regulatory limits, or to mitigate the consequences of an accident;
    - B) The equipment is required to be available and operable when it is disabled or fails to function; and
    - C) No redundant equipment is available and operable to perform the required safety function.

- 3) An event that requires unplanned medical treatment at a medical facility of an individual with radioactive contamination on the individual's clothing or body.
- 4) An unplanned fire or explosion damaging any licensed material or any device, container or equipment containing licensed material when:
  - A) The quantity of material involved is greater than five times the lowest annual limit on intake specified in 10 CFR 20, appendix B, published at 72 Fed. Reg. 55922, October 1, 2007 effective March 27, 2006, for the material; and
  - B) The damage affects the integrity of the licensed material or its container.
- d) Licensees or registrants shall make the reports required by subsections (a) through, (b) and (c) of this Section by initial contact by telephone to the Agency and shall confirm the initial contact within 24 hours by overnight letter or telefacsimile to the Agency.
- e) The licensee or registrant shall prepare each written report filed with the Agency pursuant to this Section so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.
- f) The provisions of this Section do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to Section 340.1240 of this Part.

(Source: Amended at 3534 Ill. Reg. 934, effective December 30, 2010)

#### Section 340.1260 Reports of Leaking or Contaminated Sealed Sources

The licensee shall file a report within 5 days with the Agency if the test for leakage or contamination required pursuant to Section 340.410 of this Part indicates a sealed source is leaking or contaminated. The report shall describe the equipment involved, the test results and the corrective action taken.

(Source: Amended at 29 Ill. Reg. 20841, effective December 16, 2005)