



Illinois Emergency Management Agency

James K. Joseph, Director

Ms. Vicki Thomas  
Executive Director  
Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706

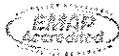
Re: 32 Ill. Adm. Code 326

Dear Ms. Thomas:

This SECOND NOTICE is for the Illinois Emergency Management Agency's Proposed Amendments pertaining to Financial Assurance Requirements.

In accordance with Sections 220.500 of the Operational Rules of the Joint Committee on Administrative Rules, the Illinois Emergency Management Agency states as follows:

- 1) The name of the agency is the Illinois Emergency Management Agency.
- 2) The title and citation of the proposed amendments are Financial Assurance Requirements, 32 Ill. Adm. Code 326.
- 3) The First Notice was published on May 15, 2015, in Vol. 39, Issue 20 of the Illinois Register, beginning at p. 6743.
- 4) The Agency has accepted all changes made by JCAR and they are included in the text.
- 5) The Agency received notification from the Office of the Secretary of State, Administrative Code Division that the Division had reviewed the Proposed Rules and found that the rules comply with codification requirements. (See Attachment A: Memorandum dated May 8, 2015)



Ms. Vicki Thomas

Page 2

- 6) The Proposed Amendment does not contain incorporations by reference pursuant to Section 100/5-75 of the Illinois Administrative Procedure Act.
- 7) The Agency received no comments regarding this rulemaking from businesses identifying themselves as small businesses pursuant to Section 100/5-40(c) of the IAPA. Therefore, a Final Regulatory Flexibility Analysis was not prepared.
- 8) In order to comply with the requirements of Section 100/5-30 of the Administrative Procedure Act and 1 Ill. Adm. Code 220.285, the Agency emailed a copy of the proposed Amendments to the members of the affected community.
- 9) The Agency did not receive any comments regarding this rulemaking during the First Notice Period.
- 10) This Amendment will: update cross-reference in correlation with an amendment to 32 Illinois Administrative Code 330.
- 11) Joint Committee questions may be directed to Louise Conway, Staff Attorney at 785-9876 or Traci Burton, Paralegal Assistant at 785-9860, telefax number 524-3698.
- 13) The Joint Committee on Administrative Rules did not request the Agency to complete a State Mandates Act Questionnaire.

Sincerely,

Traci Burton  
Rules Coordinator



SECOND NOTICE CHANGES  
32 ILL. ADM. CODE 326

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.

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. \_\_\_\_\_, effective \_\_\_\_\_.

SECOND NOTICE CHANGES  
32 ILL. ADM. CODE 326

**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 28<sup>th</sup> 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 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(ab).

SECOND NOTICE CHANGES  
32 ILL. ADM. CODE 326

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. \_\_\_\_\_, effective \_\_\_\_\_)