STATE OF ILLINOIS
DEPARTMENT OF NUCLEAR SAFETY
1035 OUTER PARK DRIVE • SPRINGFIELD, ILLINOIS 62704
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George H. Ryan
Governor

Thomas W. Ortciger
Director

January 3, 2000

Mr. Fred Combs
Deputy Director, Office of State Programs
U.S. Nuclear Regulatory Commission
Mail Stop 3D23
Washington, DC 20555-0001

Dear Mr. Combs:

In accordance with OSP Procedure SA-201, the Illinois Department of Nuclear Safety (Department) is hereby transmitting proposed changes to its regulations for NRC review and comment. Enclosed with this letter please find proposed changes to 32 Ill. Adm. Code 330, "Licensing of Radioactive Material," and a new Part, Part 326, "Financial Assurance Requirements." In Part 330, additions are marked with an underscore, and deletions are marked by overstrikes. Since Part 326 is new, the text of the whole rule is plain. These are advanced drafts of our proposals. We anticipate a publication date of later this month, with a 45-day comment period.

To facilitate your review, the enclosed document describes the changes and provides comments regarding compatibility of our proposals with NRC's regulations. As you review the enclosed language, if you have any questions, please feel free to contact me at 217-785-9931 or via e-mail at k_allen@idns.state.il.us.

Sincerely,

Kathy Allen

Kathy Allen
Senior Project Manager

KAA:kaa
Cc: Jim Lynch, Region III
Enclosures: Part 330
Part 326
Summary document

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Summary of Proposed Changes

This document was prepared to assist NRC in reviewing the proposed changes to Illinois regulations. I have tried to indicate the appropriate RATS ID number for several of the proposed changes. This document is not a detailed line-by-line comparison of NRC's regulations and the Illinois proposals, but the summaries of changes should assist in NRC's evaluation of the compatibility of our rules.

Part 330
Licensing of Radioactive Material

This Part contains many requirements for licensing of radioactive material, including general license provisions. Underlining for new text and strikeout of text to be deleted indicates changes. Below is a more detailed description of many of the proposed changes.

Section 330.10(b)
This Section was modified to streamline the cross-references. While the list may be useful to some licensees, it was often out-of-date and incomplete.

Section 330.220
This Section is being amended to clarify registration requirements for persons possessing generally licensed devices. Registration requirements were previously in 32 Ill. Adm. Code 320, but that Part of the regulations was modified to focus on registration of radiation-producing machines.

Section 330.250(c)
This Section deletes the old financial assurance requirements and provides a cross-reference to the new financial assurance requirements in Part 326.

Section 330.250(e), Section 330.290 and Appendix C
These two Sections describe which licensees need to establish emergency plans, and the requirements for implementing these plans. For the most part, our rule is identical to NRC's. Appendix C is identical to 10 CFR Schedule C, except for the inclusion of SI units in the table. Since emergency planning is Compatibility Category D/H&S, the minor differences between our programs should not be an issue.

Section 330.250(e)(1)(A) requires emergency plans if the TEDE exceeds 1 rem and the EDE to the thyroid exceeds 5 rem. NRC's 10 CFR 30.32(I)(1)(i) has limits of 1 rem effective dose equivalent and 5 rems to the thyroid.

Section 330.290(a)(10)(C) requires preparation for a "range of accident scenarios" rather than limit the types of exercises to only those scenarios "postulated as most probable" as required in 10 CFR 30.32(i)(3)(x).

Section 330.260
The changes in this Section are primarily clarifications and deletions of redundant requirements.

Section 330.310(b)
This addition is a clear reminder of the general licensee's obligation to report information to the Department.

Sections 330.310(d), (k) and (l) [RATS ID 1993-1 and 1996-3]
In combination, these Sections detail the recordkeeping requirements and requirements to transfer certain records to subsequent licensees. 10 CFR 30.35 is Compatibility Category D/H&S. Our language differs slightly from the NRC's, but we believe our rule adequately addresses the H&S issues. See the following chart for more detailed cross-references:

NRC Rule Reference	Corresponding IDNS Rule Reference
30.35(g)	330.310(d)
30.35(g)(1), (2) & (3)	330.310(k)
30.35(g)(3)(i), (ii) and (iv)	None*
30.35(g)(3)(iii)	330.310(l)(1)
30.35(g)(4)	330.310(l)(2)

* The concept of "restricted" or "unrestricted" area is not specifically addressed. We believe the language in 330.310(k) is broader in scope and addresses spills and contamination events in any area without regard to its designation of restricted or unrestricted.

Section 330.310(g) [RATS ID 1997-2]
This language meets the need to inform licensees that IDNS does not have jurisdiction in certain areas.

Section 330.310(i) [RATS ID 1994-3]
This Section addresses the timeliness in decommissioning requirements found in 10 CFR 30.36. the IDNS proposal is much shorter than the NRC language because many of the issues dealing with termination of a license are already addressed elsewhere in Part 330. This regulation has a Compatibility Category of D for many parts, and D/H&S for others. Section 330.310(i) addressed the key requirements for timeliness, health and safety.

Section 330.900
This Section currently has two parts that are almost identical, except that the first part contains reciprocity requirements for byproduct material and the second part contains reciprocity requirements for NARM. These often identical requirements have been combined into one comprehensive section.

Appendices G & H
These appendices contain the current language for financial assurance instruments. This language is being replaced by the new financial assurance requirements in appendices to Part 326.

Part 326
Financial Assurance Requirements

RATS ID 1994-1 and 1998-15

This Part deals with financial assurance requirements, and although we have incorporated self-guarantee as financial assurance mechanisms, our overall program differs greatly from NRC's program. In fact, IDNS has taken quite a different direction from NRC's rules by requiring more entities to address financial assurance. (Since this entire Part is new, there are no underline and strikeout indications.)

The first portion of this comprehensive program has all non-fee-exempt licensees paying $300 for a period of two years (for a total of $600 each). This money is called the "Recovery and Remediation" or "R&R" fee, and is billed annually with other licensing fees. The money collected under R&R will be used only for the costs of recovery and remediation of radioactive material when such costs cannot be recovered in a timely manner from a responsible person or an available surety. Any money subsequently recouped from a responsible party will be put back into the R&R "fund." (Many licensees have compared this approach to that used for uninsured motorists.)

Because licensees also pay R&R fees, certain types of radioactive materials, as listed in 326.50(b), are exempt from financial assurance.

NRC has commented against IDNS exemptions for educational institutions in the past, and those same exemptions are listed in Section 326.50(a). Issues such as these should be left to the state, since it is the state's obligation to ensure sites are properly decommissioned before a license is terminated. For example, a determination was made that large generally licensed devices should be regulated in a manner more consistent with specifically licensed devices. For that reason, Part 331 goes beyond NRC's requirements and requires certain general licensees to pay R&R fees. If the general licensee possessed large enough quantities, that licensee might also be required to establish additional financial assurance arrangements.

As briefly mentioned above, certain licensees are required to establish additional financial assurance in addition to paying R&R fees. Some licensees will be required to secure financial assurance arrangements in an amount of at least $25,000. Others, such as category III or IV irradiators, persons possessing large quantities of radioactive material with intermediate half-lives in unsealed form, waste processors, accelerator licensees, and persons considered "major possessors" will be required to submit a cost estimate for approval, and then establish additional financial assurance arrangements. Section 326.70 contains a complete list of those licensees.

Our table for "major possessor" is similar to the table referenced in 30.35(d), although some of the values will be different because we started with a different table. NRC's financial assurance quantities are in 10 CFR 30, Appendix B, and our rules started with 10 CFR 20, Appendix C values from January 1994 (which is what we currently reference). We started with the Appendix C numbers and used 10^3 for unsealed material and 10^{10} for sealed sources. We then rounded any sealed source values greater than 1000 down to 1000 and printed the actual numerical values, rather than reference a multiplication factor. Our values for C-14 are different by a factor of 10 from your values, although we do not believe this to be a significant difference. Our tables also do not contain any nuclides with half-lives less than 275 days, since those nuclides are addressed in Sections 326.50(c), 326.50(d) and 326.70(b).

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED RULES

1) Heading of the Part: Financial Assurance Requirements

2) Code Citation: 32 Ill. Adm. Code 326

3)

Section Number:	Proposed Action:
326.10	New Section
326.20	New Section
326.30	New Section
326.40	New Section
326.50	New Section
326.60	New Section
326.70	New Section
326.80	New Section
326.90	New Section
326.100	New Section
326.110	New Section
326.120	New Section
326.130	New Section
326.140	New Section
326.150	New Section
326.160	New Section
326.170	New Section
326.180	New Section
326.190	New Section
Appendix A	New Section
Appendix B	New Section
Appendix C	New Section
Appendix D	New Section
Appendix E	New Section
Appendix F	New Section

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

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this rulemaking to streamline the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part describes procedures and requirements for establishment of financial assurance to ensure licensees will have funds available to properly decontaminate facilities and dispose of radioactive material.

6) Will this proposed rule replace an emergency rule currently in effect? No

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

8) Does this proposed rule contain incorporations by reference? No

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

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Robert B. Holtsclaw
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-1003 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Department believes that this rule may affect small businesses and not for profit corporations licensed to use radioactive material. The Department does not believe these rules will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting and other procedures required for compliance with this Part are detailed in Sections 326.60, 70, 90 and 130 of this Part.

C) Types of professional skills necessary for compliance: There are no professional skills necessary for compliance with this rule.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

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

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
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
Appendix A	Quantities of Material for Major Possessor Determination
Appendix B	Wording of Surety Bonds
Appendix C	Wording for Letters of Credit
Appendix D	Wording for Certificates of Deposit
Appendix E	Wording for Self-Guarantee Documents
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 __ Ill. Reg. ____, effective _____.

Section 326.10 Purpose and Scope

This Part prescribes financial assurance requirements to ensure that specific and general licensees will have sufficient funds to reclaim properties. This Part identifies which licensees must file

financial assurance arrangements and describes arrangements acceptable to the Department. This Part is not applicable to licensees subject to 32 Ill. Adm. Code 332 that have financial assurance arrangements on file with the Department.

AGENCY NOTE: Throughout this Part, the use of the term "licensee" includes applicants for licensure and existing licensees.

Section 326.20 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

Section 326.30 General Provisions

Unless specifically exempted in Sections 326.50, 326.70(a) or 326.70(b) of this Part, each general and specific licensee identified in Sections 326.60 and 326.70(c) of this Part shall provide satisfactory financial assurance arrangements to ensure the protection of health and safety in the event of abandonment, default or other inability of the licensee to meet the requirements of the Radiation Protection Act of 1990 (the Act) [420 ILCS 40] or 32 Ill. Adm. Code: Chapter II, Subchapters b and d. Determination of satisfactory financial assurance arrangements shall be subject to the conditions specified in this Part.

AGENCY NOTE: As used in this Part, the terms "chief executive officer" and "chief financial officer" include other persons with equivalent titles, such as "president", "administrator" or "fiscal officer".

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, that 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 Department review and approval.

"Educational institution" means a non-profit organization which 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 such arrangements or other financial arrangements approved in writing by the Department.

"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(b).

AGENCY NOTE: Although general licensees may be required to register with the Department, only general licensee 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 such 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.

Section 326.50 Exemptions

a) Radioactive material possessed or used by the following persons is not subject to this Part:

1) All State, local or other government entities;

AGENCY NOTE: For purposes of this Section, "government entities" shall not include federal or state contractors, or non-governmental recipients of government funds.

2) Educational institutions;

3) Persons only licensed pursuant to a general license issued under 32 Ill. Adm. Code 330 to possess depleted uranium prefabricated as shielding;

4) Licensees not authorized to possess or use radioactive material in Illinois;

5) Licensees with no permanent storage or use facilities in Illinois; or

6) Licensees using radioactive material within Illinois under reciprocal recognition of an out-of-state license as specified in 32 Ill. Adm. Code 330.900.

b) Radioactive material in the following forms, is not subject to this Part:

1) Radioactive material for use in gas chromatographs, benchtop analytical laboratory instruments, x-ray fluorescence analyzers, static elimination devices and self-luminous exit signs;

2) Sealed sources for exchange into a device, provided that the sources do not concurrently remain in the licensee's possession for more than 30 days;

3) Radioactive noble gasses;

4) Depleted uranium prefabricated as shielding;

5) Radioactive material with half-lives of 30 days or less;

6) Radioactive material with atomic numbers less than or equal to 82 in the form of sealed sources, in quantities less than or equal to 37 MBq (1 mCi) per source, not to exceed 185 MBq (5 mCi) total; or

7) Radioactive material with atomic numbers greater than or equal to 83 in the form of sealed sources, in quantities less than or equal to 185 kBq (50 uCi) per source, not to exceed 37 MBq (1 mCi) total.

c) Except for low-level radioactive waste licensees as described in Section 326.60 of this Part, radioactive material with half-lives greater than 30 days, but less than or equal to 275 days, in the following forms, is not subject to this Part:

1) Radioactive material in forms other than noble gasses or sealed sources, in quantities not to exceed 37 GBq (1 Ci) per nuclide; and

2) Radioactive material in the form of a sealed source.

d) Except for licensees specified in Sections 326.60 and 326.70 of this Part, specific or general licensees that possess or use radioactive material with half-lives greater than 275 days, in the form of sealed sources in quantities less than 37 GBq (1 Ci) per source, but not exceeding the applicable quantities specified in Appendix A of this Part, are not subject to this Part.

Section 326.60 Low-Level Radioactive Waste Licensees

Waste handling licensees as defined in 32 Ill. Adm. Code 310.20, such as low-level radioactive waste treatment or disposal facilities, or centralized low-level radioactive waste storage licensees, shall submit a reclamation plan and a cost estimate for approval by the Department as described in Section 326.80 of this Part and secure a financial assurance arrangement for the amount specified in the Department-approved cost estimate. Such licensees shall ensure the cost estimate encompasses all radioactive material authorized by the license, except for radioactive material specifically exempted in Section 326.50(b) of this Part. The exemption specified in Section 326.50(c) and (d) of this Part are not applicable to the licensees described in this Section.

Section 326.70 Financial Assurance Amounts

Unless specified in Section 326.60 of this Part, the following specific and general licensees are required to a secure financial assurance arrangement in the amounts described in this Section:

a) Unless specified in subsection (b) of this Section, for specific or general licensees that possess or use radioactive material in the form of sealed sources in quantities greater than or equal to 37 GBq (1 Ci) per source, but not exceeding the quantities specified in Appendix A of this Part, the minimum amount is $25,000.

b) The following licensees shall submit a reclamation plan as described in Section 326.80 of this Part, and a cost estimate for approval by the Department. When approved, the licensee shall secure a financial assurance arrangement in the amount specified on the Department-approved cost estimate:

1) Major possessors as defined in Section 326.40 of this Part;

2) Persons who possess radioactive material in forms other than noble gasses or sealed sources with half-lives greater than 30 days, but less than or equal to 275 days, in quantities exceeding 37 GBq (1 Ci) per nuclide;

3) Persons who possess source material tailings or sludge;

4) Category III or IV irradiators;

5) Persons who use particle accelerators to manufacture radionuclides for distribution to other licensees or customers; and

6) Facilities owned or operated by the U.S. Department of Energy (DOE) or its contractors or subcontractors, if subject to the regulatory control of the Department. Contractors or subcontractors of DOE who may perform work that is not a direct function of the DOE operation are subject to other financial assurance requirements as provided for in this Part.

AGENCY NOTE: Licensees subject to 32 Ill. Adm. Code 332 are required to meet the financial assurance requirements specified in 32 Ill. Adm. Code 332.260, and therefore are not subject to this Part.

Section 326.80 Cost Estimates and Reclamation Plans

Licensees required to perform cost estimates, as described in Sections 326.60 and 326.70 of this Part, shall submit reclamation plans and cost estimates to the Department for approval prior to

securing financial assurance arrangements. The Department shall allow material described in Section 326.50(b) of this Part as exempt to be excluded from financial assurance estimates. The plan shall describe reclamation actions to be taken in order to terminate the license in accordance with the requirements of 32 Ill. Adm. Code 330. The Department shall consider, but may not be limited to, the following in approving the reclamation plan and cost estimates, and determining the financial assurance requirements for each individual licensee:

a) The probable extent of contamination resulting from the use or possession of radioactive material as authorized by a radioactive material license at the facility or site, and the probable cost of removal of such contamination in order to terminate the license in accordance with the requirements of 32 Ill. Adm. Code 330. This consideration shall encompass probable contaminating events associated with the licensee's methods or modes of operation and shall be based on factors such as quantities, half-lives, radiation hazards and toxicities, and chemical and physical forms;

b) The extent of possible offsite property damage caused by operation of the facility or site that is to be reclaimed;

c) The cost and method of removal and disposal of radioactive material and sources of radiation which are or would be generated, stored, processed, or otherwise present at the facility or site; and

d) The costs and methods involved in reclamation of the site or the property on which the facility is located and all other properties contaminated by radioactive material authorized by the license.

Section 326.90 Financial Assurance Arrangements

The following rules shall apply to applicants for specific licenses and general and specific licensees required to secure and file financial assurance arrangements with the Department:

a) The licensee or applicant shall choose from the financial assurance arrangements specified in Sections 326.100 through 326.160 of this Part.

b) The wording of the financial assurance arrangement shall contain the provisions described in this Part, and may use wording identical to the wording of the corresponding arrangement in Appendices B through F of this Part. No additional restrictions may be placed on any financial assurance arrangement filed with the Department.

c) The financial assurance arrangements shall be provided to and filed with the Department in a dollar amount greater than or equal to either the amount specified in Section 326.70(a) of this Part, or the amount specified in a cost estimate approved by the Department.

1) The financial assurance arrangements may be reviewed annually by the Department. The Department may require the licensee to adjust the value of the financial assurance arrangements to recognize any increases or decreases resulting from inflation or deflation, changes in engineering plans, activities performed and any other condition affecting costs for reclamation. Such changes will be required to ensure that sufficient financial assurance amounts are provided and retained to cover cost of reclamation.

2) When a change in activities not requiring a license amendment would raise the cost estimate for reclamation to an amount greater than the amount of the financial assurance arrangements currently filed with the Department, the licensee shall notify the Department within 60 days after the increase. This notification shall include submission of revised cost estimates and reclamation plans for Department review and approval. Upon approval of the revised cost estimates, the licensee may be required to file additional financial assurance arrangements at least equal to this increase.

3) When a license amendment would raise the cost estimate for reclamation to an amount greater than the amount of the financial assurance arrangements currently filed with the Department, the amendment shall be held until the required financial assurance arrangements are established.

4) When the current reclamation cost estimate decreases, upon the written request of the licensee, and provided that the decrease is verified by the Department, the Department shall authorize the reduction in the amount of financial assurance required for the facility to the amount of the approved amended reclamation cost estimate. Upon such occurrence, the Department shall allow the licensee to substitute new arrangements in the reduced amount for the arrangements on file.

5) For specific licensees, the term of the financial assurance arrangement shall be for the period from issuance of the license until termination of the license by the Department in accordance with 32 Ill. Adm. Code 330.

6) For general licensees, the term of the financial assurance arrangement shall be for the period from approval of the financial assurance arrangement until

all devices covered by the instrument have been properly transferred or disposed.

7) Upon termination of the license, the Department will release all financial assurance arrangements not drawn upon pursuant to Section 326.180 of this Part.

d) Use of Multiple Financial Assurance Arrangements. The licensee or applicant may utilize more than one financial assurance arrangement per facility to satisfy the requirement specified in this Section. Unless agreed otherwise by the Department and the licensee, financial assurance arrangements may be drawn upon in any order determined by the Department. The arrangements shall be as specified in Appendix B of this Part, and the sum value of all arrangements shall be in an amount greater than or equal to either the amount specified in Section 326.70(a) of this Part, or the amount specified in a cost estimate approved by the Department.

e) Use of a Financial Assurance Arrangement for Multiple Facilities or Multiple Licensees at a Facility. The licensee or applicant may use a financial assurance arrangement specified in Appendix B of this Part to meet the requirements of this Section for more than one license, or more than one facility owned or operated in Illinois. The arrangement submitted to the Department shall include a list indicating, for each facility, the registration number(s), license number(s), name(s), address(es) and amount(s) of funds for reclamation assured by the arrangement. The amount of funds available through the financial assurance arrangement shall not be less than the aggregate total of the funds that would be available if separate arrangement had been filed and maintained for each license or facility. If more than one license exists for a facility, the amount of funds for each license shall be specified.

f) Any applicant or licensee who fulfills the requirements of this Section by obtaining a surety bond or letter of credit will be deemed to be without the required financial assurance arrangement in the event of commencement of bankruptcy proceedings involving the issuing institution, or a suspension, termination, or revocation of the authority of the institution issuing the surety bond or letter of credit to issue such instruments. The applicant or licensee shall establish other Department-approved financial assurance arrangement within 30 days after such an event.

Section 326.100 Surety Bond as a Financial Assurance Arrangement

If a licensee elects to satisfy the requirement of Section 326.90 of this Part by securing a surety bond, that bond shall conform to the following requirements:

a) The surety company issuing the bond shall be among those listed as acceptable sureties or reinsurers on federal bonds in Circular 570 of the U.S. Department of Treasury, entitled "Surety Companies Acceptable On Federal Bonds", revised as of July 1, 1999.

b) The wording of the surety bond shall contain the substantive provisions specified in Appendix B of this Part. Additional conditions may be agreed to between the licensee and the surety company so long as no requirement of this Part is avoided or altered and no additional requirements are placed upon the Department.

c) The surety bond shall guarantee that:

1) Funds will be available, whenever required by the Department, in order to terminate the license in accordance with the requirements of 32 Ill. Adm. Code 330;

2) The surety waives notification of amendments to licenses, applicable laws, statutes, rules and regulations and agrees that no such amendment shall in any way alleviate its obligation on the bond; and

3) The licensee shall provide alternate financial assurance arrangements as specified in Section 326.170 of this Part prior to cancellation or termination of the bond.

d) Under the terms of the bond, the surety shall become liable on the bond obligation when the licensee fails to perform as guaranteed by the bond. Upon a determination by the Department that the licensee has failed to so perform, the surety shall perform reclaiming to the satisfaction of the State as guaranteed by the bond or shall pay the amount of the penal sum to the Department.

e) The penal sum of the bond shall be in an amount, after considering other financial assurance arrangements established in accordance with this Part, sufficient to provide the necessary funds in order to terminate the license in accordance with the requirements of 32 Ill. Adm. Code 330.

f) The surety may cancel the bond by sending notice of cancellation by certified mail, return receipt requested, to the licensee and to the Department. Cancellation shall not occur, however, during the 180 days beginning on the date after receipt of the notice of cancellation by both the licensee and the Department, as evidenced by the return receipts. During such period, the licensee shall obtain replacement financial assurance as provided in Section 326.170 of this Part. Upon notification by the Department that the licensee has failed to obtain replacement financial assurance

approved by the Department, the surety shall pay the amount of the penal sum to the Department.

g) The surety shall not be liable for the deficiency in the performance of reclaiming after the Department has determined satisfactory reclaiming has occurred.

h) The licensee may terminate the bond by sending written notice to the surety, provided, however, that no such notice shall become effective until the surety receives written authorization from the Department for the termination of the bond. The Department shall not authorize termination until the licensee has either provided replacement financial assurance arrangements in accordance with Section 326.170 of this Part, or the Department has determined satisfactory reclaiming has occurred.

i) The bond shall be accompanied by a letter from the licensee referring to the bond by number, issuing institution and date and providing the following information: the radioactive material license number(s), name(s) and address(es) of the facility(ies) and the amount of funds for each license assured for reclaiming of the facility(ies) by the surety bond.

Section 326.110 Letter of Credit as Financial Assurance Arrangement

If a licensee elects to satisfy the financial assurance requirements of Section 326.90 of this Part by filing an irrevocable standby letter of credit, the irrevocable standby letter of credit supporting this guarantee shall conform to the following requirements:

a) The institution issuing the letter of credit shall be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a Federal or Illinois agency.

b) The wording of the letter of credit shall contain the substantive provisions specified in Appendix C of this Part. Additional conditions may be agreed to between the licensee and the issuing institution so long as no requirement of this Part nor required provision is avoided or altered and no additional requirements are placed on the Department.

c) The letter of credit shall be accompanied by a letter from the licensee referring to the letter of credit by number, issuing institution and date and providing the following information: the radioactive material license number(s), name(s) and address(es) of the facility(ies) and the amount of funds for each license assured for reclaiming of the facility(ies) by the letter of credit.

d) The letter of credit shall be irrevocable and issued for a period of at least 1 year. The expiration date of the letter of credit shall be automatically extended for a period of at least 1 year unless, at least 180 days before the current expiration date, the issuing institution notifies both the licensee and the Department by certified mail, return receipt requested, of a decision not to extend the expiration date. The 180 days will begin on the date when both the licensee and the Department have received the notice, as evidenced by the return receipts. Unless released by the Department, the Department may draw upon this letter of credit if a new letter of credit or other financial assurance arrangements, approved in writing by the Department, is not furnished 60 days prior to the expiration date. The Department may delay the drawing if the issuing institution grants an extension of the term of this letter of credit. During the last 30 days of any extension, the Director may draw on this letter of credit if the licensee has failed to provide an alternate financial assurance arrangements approved in writing by the Department.

e) The letter of credit shall be in an amount, after considering other financial assurance arrangements that are in place, sufficient to provide the necessary funds in order to terminate the license in accordance with the requirements of 32 Ill. Adm. Code 330.

f) The Director may draw on the letter of credit as provided in Section 326.180 of this Part. The Director may also draw on the letter of credit if the licensee does not establish alternate financial assurance arrangements as specified in Section 326.170 of this Part.

Section 326.120 Certificate of Deposit as Financial Assurance Arrangement

If a licensee elects to satisfy the financial assurance requirements of Section 326.90 of this Part by filing a Certificate of Deposit, the certificate of deposit supporting this guarantee shall conform to the following requirements:

a) The institution issuing the certificate of deposit shall be an entity that has the authority to issue certificates of deposit and whose certificate of deposit operations are regulated and examined by a Federal or State agency.

b) The wording of the certificate of deposit shall contain the substantive provisions specified in Appendix D of this Part. Additional provisions may be included so long as no requirement of this Part is avoided or altered and no additional requirements are placed upon the Department.

c) The certificate of deposit shall be accompanied by a letter from the licensee referring to the certificate of deposit by number, issuing institution and date and providing the following information:

1) The letter shall reference the radioactive material license number(s), name(s) and address(es) of the facilities and the amount of funds assured for reclaiming of the facility(ies) by the certificate of deposit; and

2) The letter shall state that the licensee conveys, transfers, pledges, hypothecates and grants a security interest in and to the certificate to the Department.

d) The certificate of deposit shall be issued for a period of at least 1 year. The certificate of deposit shall provide that the certificate will be automatically renewed for a period of 1 year unless, at least 180 days before the current expiration date, the issuing institution notifies both the licensee and the Department by certified mail, return receipt requested, of a decision not to renew the certificate. The 180 days will begin on the date when both the licensee and the Department have received notice, as evidenced by the return receipts. Unless the Department provides written notice to the issuing institution that the licensee has provided substitute financial assurance acceptable to the Department as specified in Section 326.170 of this Part, the issuing institution shall, upon maturity of a certificate of deposit that is not being renewed, pay to the Department the amount deposited under the certificate of deposit. The Department may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any extension, the Director may draw on the certificate of deposit if the licensee has failed to provide alternate financial assurance arrangements as specified in Section 326.170 of this Part and obtain written approval of such arrangements from the Department.

e) The certificate of deposit shall be in an amount, after considering other financial assurance arrangements that are in place, sufficient to provide the necessary funds in order to terminate the license in accordance with the requirements of 32 Ill. Adm. Code 330.

f) Interest accrued on a certificate of deposit shall be paid directly to the licensee and shall not automatically increase the amount of any certificate of deposit on file with the Department.

Section 326.130 Self-Guarantee as a Financial Assurance Arrangement

a) All licensee electing to use self-guarantee as a financial assurance arrangement shall be subject to the following requirements:

1) The company shall not have a parent company holding majority control of its voting stock.

2) The company shall have at least one class of equity securities registered under the Securities Exchange Act of 1934.

3) The company shall submit a financial test, independently audited financial statements, and other documents demonstrating that it passes the financial tests prescribed in Section 326.140 of this Part. At a minimum, documentation shall include the following:

A) A self-guarantee as described in Appendix E of this Part, signed by the chief executive officer of the company;

B) A letter, as described in Appendix E of this Part, from the company's chief executive officer;

C) A letter, as described in Appendix E of this Part, from the company's chief financial officer demonstrating that the company passes the financial tests specified in Section 326.140 of this Part;

D) The company's audited financial statements for the most recently completed fiscal year, including an independent auditor's report on the financial statements; and

E) An independent auditor's special report, as described in Appendix E of this Part, stating that the certified public accountant has compared the amounts specified in the chief financial officer's letter with corresponding amounts in the audited year-end financial statements, and found no reason to believe that the amounts in the letter from the chief financial officer need to be adjusted.

4) The company's independent certified public accountant shall have compared the data used by the company in the financial test, which is required to be derived from the independently audited year end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the company shall inform

the Department within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the licensee no longer passes the test.

5) For commercial companies that issue bonds, the licensee shall provide notice in writing to the Department within 20 days of publication of a change by the rating service if, at any time, the company's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poor's or Moody's. If the company's most recent bond issuance ceases to be rated in any category A or above by both Standard and Poor's and Moody's, the licensee no longer meets the requirement of Section 326.140(a) of this Part. The licensee shall secure replacement financial assurance arrangements in accordance with Section 326.170 of this Part.

6) After the initial financial test, the company shall repeat passage of the test within 90 days after the close of each succeeding fiscal year, and provide the documents specified in subsection (a)(3) of this Section.

7) If the licensee no longer meets the requirements of the applicable financial tests in Section 326.140 of this Part, the licensee shall send notice to the Department of its intent to establish alternate financial assurance. The notice shall be sent by certified mail, return receipt requested, within 90 days after the end of the fiscal year for which the year end financial data demonstrates that the licensee no longer meets the financial test requirements. The licensee shall secure alternate financial assurance within 120 days after the end of such fiscal year.

8) The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, return receipt requested, to the Department. Cancellation shall not occur until either a replacement financial assurance arrangement is submitted and approved by the Department, or the Department confirms that the licensee has performed reclaiming in accordance with 32 Ill. Adm. Code 332.

9) The guarantee and financial test provisions specified in Section 326.140 of this Part shall remain in effect until the Department has terminated the license, or until a replacement financial assurance arrangement is accepted by the Department in accordance with Section 326.170 of this Part.

b) For hospitals, in lieu of the requirements in subsection (a) of this Section, a hospital seeking to use self-guarantee as a financial assurance arrangement may satisfy the following requirements:

1) The hospital shall submit a financial test, independently audited financial statements, and other documents demonstrating that it passes the financial tests prescribed in Section 326.140(c) of this Part. At a minimum, documentation shall include the following:

A) A self-guarantee as described in Appendix E, signed by the chief executive officer of the hospital;

B) A letter, as described in Appendix E, from the hospital's chief executive officer;

C) A letter, as described in Appendix E, from the hospital's chief financial officer, demonstrating that the hospital passes the financial tests specified in Section 326.140(b) of this Part;

D) The hospital's audited financial statements for the most recently completed fiscal year including an independent auditor's report on the financial statements;

E) An independent auditor's special report, as described in Appendix E of this Part, stating that the certified public accountant has compared the amounts specified in the chief financial officer's letter with the corresponding amounts in the audited year-end financial statements, and found no reason to believe that the amounts in the letter from the chief financial officer need to be adjusted.

2) The hospital's independent certified public accountant shall have compared the data used by the licensee in the financial test, which is required to be derived from the independently audited year end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform the Department within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the licensee no longer passes the test.

3) For hospitals that issue bonds, if at any time the hospital's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poor's or Moody's, the licensee shall provide notice in

writing to the Department within 20 days of publication of a change by the rating service. If the hospital's most recent bond issuance ceases to be rated in any category A or above by both Standard and Poor's and Moody's, the licensee no longer meets the requirements of Section 326.140(b) of this Part. The licensee shall secure replacement financial assurance arrangements in accordance with Section 326.170 of this Part.

4) After the initial financial test, the hospital shall, within 90 days after the close of each succeeding fiscal year, repeat passage of the test and provide the documents specified in subsection (a)(1) of this Section.

5) If the hospital no longer meets the requirements of the applicable financial tests in Section 326.140(c) of this Part, the licensee shall send notice to the Department of its intent to establish alternate financial assurance as specified in Section 326.170 of this Part. The notice shall be sent by certified mail, return receipt requested, within 90 days after the end of the fiscal year for which the year end financial data demonstrates that the license no longer meets the financial test requirements. The licensee shall secure alternate financial assurance within 120 days after the end of such fiscal year.

6) The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, return receipt requested, to the Department. Cancellation shall not occur until either a replacement financial assurance arrangement is submitted in accordance with Section 326.170 of this Part, or the Department confirms that the licensee has performed reclaiming in accordance with 32 Ill. Adm. Code 332.

7) The guarantee and financial test provisions specified in Section 326.140(b) of this Part shall remain in effect until the Department has terminated the license, or until a replacement financial assurance arrangement is accepted by the Department in accordance with Section 326.170 of this Part.

Section 326.140 Financial Tests for Self-Guarantee

A licensee may provide assurance of the availability of funds for reclaiming based on furnishing its own guarantee that funds will be available for reclaiming costs, provided that the licensee can demonstrate that it meets the applicable financial tests identified in this Section. For commercial corporations that issue bonds, a guarantee of funds may be used if the licensee meets the tests as specified in subsection (a) of this Section. For commercial corporations that do not issue bonds, a guarantee of funds may be used if the licensee meets the tests as specified in subsection (b) of this Section. For hospitals, a guarantee of funds may be used if the licensee meets the tests as

specified in subsection (b) of this Section. A guarantee by the licensee may not be used in any situation where the licensee has a parent company holding majority control of the voting stock of the company.

a) For commercial companies that issue bonds, to pass the financial test, the company shall demonstrate it meets all of the following criteria:

1) Tangible net worth at least 10 times the total current reclaiming cost estimate for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor.

2) Assets located in the United States amounting to at least 90 percent of total assets or at least 10 times the total current reclaiming cost estimate for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor.

3) A current rating for its most recent uninsured, uncollateralized and unencumbered bond issuance of AAA, AA or A as issued by Standard and Poor's, or Aaa, Aa or A as issued by Moody's.

b) For commercial companies that do not issue bonds, to pass the financial test, the company shall demonstrate it meets all of the following criteria:

1) Tangible net worth greater than $10 million, or at least 10 times the total current reclaiming cost estimate, whichever is greater, for all decommissioning activities for which the company is responsible under a parent company, a self-guarantee or a commitment to another regulatory agency (e.g., EPA).

2) Assets located in the United States amounting to at least 90 percent of total assets or at least 10 times the total current reclaiming cost estimate for all decommissioning activities for which the company is responsible under a parent company, a self-guarantee or a commitment to another regulatory agency (e.g., EPA).

3) The (sum of net income plus depreciation, depletion and amortization) divided by total liabilities shall be greater than 0.15 and total liabilities divided by net worth shall be less than 1.5.

c) For hospitals to pass the financial test, a hospital shall meet either the criteria in subsection (c)(1) or (2) of this Section:

1) For hospitals that issue bonds, a current rating for its most recent uninsured, uncollaterilized and unencumbered bond issuance of AAA, AA or A as issued by Standard and Poor's, or Aaa, Aa or A as issued by Moody's.

2) For hospitals that do not issue bonds, all of the following tests shall be met:

A) (Total revenues less total expenditures) divided by total revenues shall be equal to or greater than 0.04.

B) Long term debt divided by net fixed assets shall be less than or equal to 0.67.

C) (Current assets and depreciated fund) divided by current liabilities shall be equal to or greater than 2.55.

D) Operating revenues shall be at least 100 times the total current reclaiming cost estimate for all reclaiming activities for which the hospital is responsible as a self-guaranteeing licensee.

Section 326.150 Parent Company Guarantee as a Financial Assurance Arrangement

Each licensee electing to use a parent company guarantee as a financial assurance arrangement shall be subject to the following requirements:

a) The guarantor shall be a direct parent holding more than 50 percent of the voting stock of the licensee. A company shall not serve as a guarantor to a division of the company.

b) Each licensee electing to use a parent company guarantee as a financial assurance arrangement shall submit a financial test, independently audited financial statements and other documents demonstrating that it passes the financial tests prescribed in Section 326.160 of this Part. At a minimum, documentation shall include all of the following:

1) A parent company guarantee agreement as described in Appendix F, subsection (b)(5) of this Part, signed by the chief executive officer of the guarantor, that states in part, that if the licensee fails to conduct required reclamation activities, the parent company shall either:

A) Conduct the required activities, or

B) Pay the guaranteed amount to the Department as directed by the Director;

2) A copy of corporate bylaws, a letter, or other evidence indicating that the guarantor is the parent company of the licensee and that the guarantor has majority control of the licensee's voting stock;

3) A letter, as described in Appendix F, subsection (a) of this Part, from the parent company's chief executive officer;

4) A letter from the parent company's chief financial officer as described in Appendix F, subsection (a) of this Part, demonstrating that the company passes the financial tests specified in Section 326.160 of this Part;

5) The parent company's audited financial statements for the most recently completed fiscal year including an independent auditor's report on the financial statements; and

6) An independent auditor's special report, as described in Appendix F, subsection (d) of this Part, stating that the certified public accountant has compared the amounts specified in the letter from the chief financial officer with corresponding amounts in the audited year-end financial statements, and found no reason to believe that the amounts in the letter from the chief financial officer need to be adjusted.

c) The parent company's independent certified public accountant shall have compared the data used by the parent company in the financial test, which shall be derived from the independently audited year end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform the Department within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the parent company no longer passes the test.

d) After the initial financial test, the parent company shall repeat passage of the test within 90 days after the close of each succeeding fiscal year, and shall provide the documentation specified in subsection (b) of this Section.

e) If the licensee's parent company no longer meets the requirements of the applicable financial tests in Section 326.160 of this Part, the licensee shall send notice to the Department of its intent to establish alternate financial assurance as specified in Section 326.170 of this Part. The notice shall be sent by certified mail,

return receipt requested, within 90 days after the end of the fiscal year for which the year end financial data demonstrates that the parent company no longer meets the financial test requirements. The licensee shall secure alternate financial assurance within 120 days after the end of such fiscal year.

f) The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, return receipt requested, to the Department. Cancellation shall not occur until either a replacement financial assurance arrangement is submitted in accordance with Section 326.170 of this Part, or the Department confirms that the licensee has performed reclaiming in accordance with 32 Ill. Adm. Code 332.

g) The guarantee and financial test provisions specified in Section 326.160 of this Part shall remain in effect until the Department has terminated the license, or until a replacement financial assurance arrangement is accepted by the Department in accordance with Section 326.170 of this Part.

Section 326.160 Financial Tests for Parent Company Guarantee

A licensee may provide assurance of the availability of funds for reclaiming based on obtaining a parent company guarantee that funds will be available for reclaiming costs, provided that the parent company can demonstrate that it meets the applicable financial tests identified in this Section. To pass the financial test, the parent company shall demonstrate it meets the criteria specified in either subsection (a) or (b) of this Section:

a) The parent company shall have:

1) Two of the following three ratios:

A) A ratio of total liabilities to net worth less than 2.0;

B) A ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and

C) A ratio of current assets to current liabilities greater than 1.5;

2) Net working capital and tangible net worth each at least 6 times the total current reclamation cost estimate for all decommissioning activities for which the company is responsible under a parent company guarantee, a self-guarantee or a commitment to another regulatory agency (e.g., EPA);

3) Tangible net worth of at least $10 million; and

4) Assets located in the United States amounting to at least 90 percent of total assets or at least 6 times the total current reclamation cost estimate for all decommissioning activities for which the company is responsible under a parent company guarantee, a self-guarantee or a commitment to another regulatory agency (e.g., EPA).

b) Or the parent company shall have:

1) A current rating for its most recent uninsured, uncollateralized and unencumbered bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's;

2) Tangible net worth of at least 6 times the total current reclamation cost estimate for all decommissioning activities for which the company is responsible under a parent company guarantee, a self-guarantee or a commitment to another regulatory agency (e.g., EPA);

3) Tangible net worth of at least $10 million; and

4) Assets located in the United States amounting to at least 90 percent of total assets or at least 6 times the total current reclamation cost estimate for all decommissioning activities for which the company is responsible under a parent company guarantee, a self-guarantee or a commitment to another regulatory agency (e.g., EPA);

Section 326.170 Modification or Replacement of Financial Assurance Arrangements

The licensee shall not substitute, modify or replace financial assurance arrangements filed with the Department without prior approval by the Department.

a) Substitute or replacement financial assurance arrangements shall meet the requirements of this Part.

b) Proposed modifications to financial assurance arrangements already filed with the Department shall be submitted in writing to the Department for approval.

c) Existing financial assurance arrangements shall not be released by the Department until the proposed modifications or replacement financial assurance arrangements have been approved and filed in accordance with Section 326.90 of this Part.

Section 326.180 Drawing on Financial Assurance Arrangements

If a licensee fails to perform required reclamation activities or fails to obtain substitute or replacement financial assurance arrangements approved by the Department, the Department will exercise its rights under the applicable financial assurance arrangement. Notice of the Department's action shall be provided to the licensee at the address on file with the Department.

Section 326.190 Implementation

The following procedures shall apply in implementing this Part:

a) No new specific licenses shall be issued by the Department after the effective date of this Part, unless all financial assurance requirements have been addressed as specified in this Part.

b) All specific licensees with anniversary dates on and between 1 and 120 days after the effective date of this Part, shall submit, prior to (120 days after the effective date of this Part), either the amount of financial assurance specified in Section 326.70 of this Part, or a reclamation plan and cost estimate for approval by the Department, or updates to financial assurance arrangements currently on file.

c) All specific licensees with anniversary dates between 120 days and 365 days after the effective date of this Part, shall submit, prior to their anniversary date, either the amount of financial assurance specified in Section 326.70 of this Part, or a reclamation plan and cost estimate for approval by the Department, or updates to financial assurance arrangements currently on file.

d) All specific licensees shall review their financial assurance arrangements at time of renewal or when there is a change to the radiation safety program that would impact the amount of financial assurance on file with the Department.

e) Financial assurance arrangements for generally licensed devices shall be due within 90 days from the date of notification by the Department.

Section 326.Appendix A Quantities of Material for Major Possessor Determination

Radionuclide	Abbrev.	UNSEALED FORMS MBq	mCi	SEALED SOURCES GBq	Ci
Actinium-227	Ac-227	0.037	0.001	370	10
Aluminum-26	Al-26	370	10	37000	1000
Americium-241	Am-241	0.037	0.001	370	10
Americium-242m	Am-242m	0.037	0.001	370	10
Americium-243	Am-243	0.037	0.001	370	10
Antimony-125	Ab-125	3700	100	37000	1000
Barium-133	Ba-133	3700	100	37000	1000
Berkelium-247	Bk-247	0.037	0.001	370	10
Berkelium-249	Bk-249	3.7	0.1	37000	1000
Beryllium-10	Be-10	37	1	37000	1000
Bismuth-207	Bi-207	370	10	37000	1000
Bismuth-210m	Bi-210m	3.7	0.1	37000	1000
Cadmium-109	Cd-109	37	1	37000	1000
Cadmium-113	Cd-113	3700	100	37000	1000
Cadmium-113m	Cd-113m	3.7	0.1	37000	1000
Calcium-41	Ca-41	3700	100	37000	1000
Californium-248	Cf-248	0.37	0.01	3700	100
Californium-249	Cf-249	0.037	0.001	370	10
Californium-250	Cf-250	0.037	0.001	370	10
Californium-251	Cf-251	0.037	0.001	370	10
Californium-252	Cf-252	0.037	0.001	370	10
Carbon-14	C-14	37000	1000	37000	1000
Cerium-144	Ce-144	37	1	37000	1000
Cesium-134	Cs-134	370	10	37000	1000
Cesium-135	Cs-135	3700	100	37000	1000
Cesium-137	Cs-137	370	10	37000	1000
Chlorine-36	Cl-36	370	10	37000	1000
Cobalt-60	Co-60	37	1	37000	1000
Curium-243	Cm-243	0.037	0.001	370	10
Curium-244	Cm-244	0.037	0.001	370	10
Curium-245	Cm-245	0.037	0.001	370	10
Curium-246	Cm-246	0.037	0.001	370	10
Curium-247	Cm-247	0.037	0.001	370	10
Curium-248	Cm-248	0.037	0.001	370	10
Einsteinium-254	Es-254	0.37	0.01	3700	100
Europium-150 (34.2y)	Eu-150	37	1	37000	1000
Europium-152	Eu-152	37	1	37000	1000
Europium-154	Eu-154	37	1	37000	1000
Europium-155	Eu-155	370	10	37000	1000

Radionuclide	Abbrev.	UNSEALED FORMS MBq	mCi	SEALED SOURCES GBq	Ci
Europium-157	Eu-157	3700	100	37000	1000
Gadolinium-148	Gd-148	0.037	0.001	370	10
Gadolinium-152	Gd-152	3700	100	37000	1000
Germanium-68	Ge-68	370	10	37000	1000
Hafnium-172	Hf-172	37	1	37000	1000
Hafnium-182	Hf-182	3.7	0.1	37000	1000
Hafnium-184	Hf-184	3700	100	37000	1000
Holmium-166m	Ho-166m	37	1	37000	1000
Hydrogen-3	H-3	37000	1000	37000	1000
Indium-115	In-115	3700	100	37000	1000
Iodine-129	I-129	37	1	37000	1000
Iron-55	Fe-55	3700	100	37000	1000
Iron-60	Fe-60	37	1	37000	1000
Lanthanum-137	La-137	370	10	37000	1000
Lanthanum-138	La-138	3700	100	37000	1000
Lead-202	Pb-202	370	10	37000	1000
Lead-205	Pb-205	3700	100	37000	1000
Lead-210	Pb-210	0.37	0.01	3700	100
Lutetium-173	Lu-173	370	10	37000	1000
Lutetium-174	Lu-174	370	10	37000	1000
Lutetium-176	Lu-176	3700	100	37000	1000
Manganese-53	Mn-53	37000	1000	37000	1000
Manganese-54	Mn-54	3700	100	37000	1000
Mercury-194	Hg-194	37	1	37000	1000
Molybdenum-93	Mo-93	370	10	37000	1000
Neptunium-235	Np-235	3700	100	37000	1000
Neptunium-236 (1.15x105y)	Np-236	0.037	0.001	370	10
Neptunium-237	Np-237	0.037	0.001	370	10
Nickel-59	Ni-59	3700	100	37000	1000
Nickel-63	Ni-63	3700	100	37000	1000
Niobium-93m	Nb-93m	370	10	37000	1000
Niobium-94	Nb-94	37	1	37000	1000
Osmium-194	Os-194	37	1	37000	1000
Palladium-107	Pd-107	370	10	37000	1000
Platinum-193	Pt-193	37000	1000	37000	1000
Plutonium-236	Pu-236	0.037	0.001	370	10
Plutonium-238	Pu-238	0.037	0.001	370	10
Plutonium-239	Pu-239	0.037	0.001	370	10
Plutonium-240	Pu-240	0.037	0.001	370	10
Plutonium-241	Pu-241	0.37	0.01	3700	100
Plutonium-242	Pu-242	0.037	0.001	370	10

Radionuclide	Abbrev.	UNSEALED FORMS MBq	mCi	SEALED SOURCES GBq	Ci
Plutonium-244	Pu-244	0.037	0.001	370	10
Potassium-40	K-40	3700	100	37000	1000
Promethium-144	Pm-144	370	10	37000	1000
Promethium-145	Pm-145	370	10	37000	1000
Promethium-146	Pm-146	37	1	37000	1000
Promethium-147	Pm-147	370	10	37000	1000
Protactinium-231	Pa-231	0.037	0.001	370	10
Radium-226	Ra-226	3.7	0.1	37000	1000
Radium-228	Ra-228	3.7	0.1	37000	1000
Rhenium-186m	Re-186m	370	10	37000	1000
Rhenium-187	Re-187	37000	1000	37000	1000
Rhodium-101	Rh-101	370	10	37000	1000
Rhodium-102	Rh-102	370	10	37000	1000
Rubidium-87	Rb-87	3700	100	37000	1000
Ruthenium-106	Ru-106	37	1	37000	1000
Samarium-145	Sm-145	3700	100	37000	1000
Samarium-146	Sm-146	37	1	37000	1000
Samarium-147	Sm-147	3700	100	37000	1000
Samarium-151	Sm-151	370	10	37000	1000
Selenium-79	Se-79	3700	100	37000	1000
Silicon-32	Si-32	37	1	37000	1000
Sodium-22	Na-22	370	10	37000	1000
Strontium-90	Sr-90	3.7	0.1	37000	1000
Tantalum-179	Ta-179	3700	100	37000	1000
Tantalum-180m	Ta-180m	37000	1000	37000	1000
Technetium-97	Tc-97	37000	1000	37000	1000
Technetium-98	Tc-98	370	10	37000	1000
Technetium-99	Tc-99	3700	100	37000	1000
Tellurium-123	Te-123	3700	100	37000	1000
Terbium-157	Tb-157	370	10	37000	1000
Terbium-158	Tb-158	37	1	37000	1000
Thallium-204	Tl-204	3700	100	37000	1000
Thorium-228	Th-228	0.037	0.001	370	10
Thorium-229	Th-229	0.037	0.001	370	10
Thorium-230	Th-230	0.037	0.001	370	10
Thorium-232	Th-232	3700	100	37000	1000
Thulium-171	Tm-171	370	10	37000	1000
Tin-119m	Sn-119m	3700	100	37000	1000
Tin-121	Sn-121	37000	1000	37000	1000
Tin-126	Sn-126	370	10	37000	1000
Titanium-44	Ti-44	37	1	37000	1000
Uranium-232	U-232	0.037	0.001	370	10

Radionuclide	Abbrev.	UNSEALED FORMS MBq	mCi	SEALED SOURCES GBq	Ci
Uranium-233	U-233	0.037	0.001	370	10
Uranium-234	U-234	0.037	0.001	370	10
Uranium-235	U-235	0.037	0.001	370	10
Uranium-236	U-236	0.037	0.001	370	10
Uranium-238	U-238	3700	100	37000	1000
Vanadium-49	V-49	37000	1000	37000	1000
Zirconium-93	Zr-93	37	1	37000	1000
Thorium-natural		3700	100	37000	1000
Uranium-natural		3700	100	37000	1000

When a combination of nuclides is involved, the limit for the combination shall be derived as follows: For each nuclide, determine the ratio between the quantity authorized on the license and the quantity established in this Appendix A for the form of the material (sealed source or unsealed material). If the sum of the ratios for all nuclides is greater than one, then the licensee shall post financial assurance arrangements.

AGENCY NOTE: Possession of special nuclear material (Plutonium, Uranium-233 and Uranium-235) is limited to quantities not sufficient to form a critical mass as defined in 32 Ill. Adm. Code 310.20.

Section 326.Appendix B Wording for Surety Bonds

A surety bond guaranteeing funds for reclamation, as specified in 32 Ill. Adm. Code 326.100, shall contain the following provisions except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

SURETY BOND

Date bond executed:

Effective date:

Principal: [legal name and business address of licensee]

Type of organization: [insert "individual," "partnership" or "corporation"]

State of incorporation:

Surety(ies): [Name(s) and business address(es)]

License Number(s), name, address and reclamation cost for each facility guaranteed by this bond:

Total penal sum of bond: $_____

Surety's bond number:

KNOW ALL PERSONS BY THESE PRESENTS, That we, the Principal and Surety(ies) hereto are firmly bound to the Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704, (hereinafter called Department), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS said Principal is required, under the Radiation Protection Act of 1990, as amended, to have a license in order to receive, possess, store and use radioactive material at the facility identified above; and

WHEREAS said Principal is required to provide financial assurance for reclamation as a condition of the license;

NOW, THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform reclamation, whenever required to do so, of each facility for which this bond guarantees funds for reclamation, to the satisfaction of the Director, Illinois Department of Nuclear Safety, in accordance with acceptable practices for protection of health and safety pursuant to all applicable laws, statutes, rules and regulations, as such laws, statutes, rules and regulations may be amended;

OR, if the Principal shall provide alternate financial assurance as specified in 32 Ill. Adm. Code 326.170, and obtain the written approval of such assurance from the Illinois Department of Nuclear Safety (hereinafter called the Department), within 90 days after the date notice of cancellation is received by both the Principal and the Department from the Surety(ies), then this obligation shall be null and void; otherwise, it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Department that the Principal has been found in violation of the reclamation requirements of the Department, for a facility for which this bond guarantees funds for performance of reclamation, the Surety(ies) shall pay the reclamation cost amount guaranteed for the facility to the Department as directed by the Director.

Upon notification by the Department that the Principal has failed to provide alternate financial assurance as specified in 32 Ill. Adm. Code 326.170 and obtain written approval of such assurance from the Department during the 120 days following receipt by both the Principal and the Director of a notice of cancellation of the bond, the Surety(ies) shall pay the amount guaranteed for the facility(ies) to the Department as directed by the Director.

The Surety(ies) hereby waive(s) notification of amendments to licenses, applicable laws, statutes, rules and regulations and agree(s) that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the

aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the licensee and to the Department; provided, however, that cancellation shall not occur during the 180 days beginning on the date of receipt of the notice of cancellation by both the Principal and the Department, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies); provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Department.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this SURETY BOND and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies).

PRINCIPAL

[Signature(s)]
[Below each signature, type or print that person's name and Title]
Corporate seal:

CORPORATE SURETY(IES)

[Name and address]
State of incorporation:
Liability limit: $_____

[Signature(s)]
[Below each signature, type or print that person's name and Title]
Corporate seal:

[For every co-surety, provide signature(s), corporate seal and other information in the same manner as for the Surety above.]

Bond premium: $_____

Section 326.Appendix C Wording for Letters of Credit

A letter of credit, as specified in 32 Ill. Adm. Code 326.110, shall contain the following provisions except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Department of Nuclear Safety

Date: _____

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of [licensee's name and address] up to the aggregate amount of [in words] U.S. dollars $_____, available upon presentation of:

A) Your sight draft, bearing reference to this letter of credit No. _____; and

B) Your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Illinois Radiation Protection Act of 1990, as amended."

This letter of credit is effective as of [date] and shall expire on [date at least 1 year later], but such expiration date shall be automatically extended for a period of [at least 1 year] on [date] and on each successive expiration date, unless, at least 180 days before the current expiration date, we notify both you and [licensee's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. Unless released by the Department, the Department may draw upon this letter of credit if a new letter of credit or other financial assurance arrangement approved in writing by the Department is not furnished 60 days prior to the expiration date. The Department may delay the drawing if the issuing institution grants an extension of the term of this letter of credit. During the last 30 days of any extension, the Director may draw on this letter of credit if the licensee has failed to provide an alternate financial assurance arrangement approved in writing by the Department. [Financial institution] shall give immediate notice to [licensee] and the Department of any notice received or action filed alleging (1) the insolvency or bankruptcy of [financial institution] or (2) any violations of regulatory requirements that could result in suspension or revocation of [financial institution's] charter or license to do business. The financial institution also shall give immediate notice if [financial institution], for any reason, becomes unable to fulfill its obligation under the letter of credit.

Whenever this letter of credit is drawn on under and in compliance with the terms of the letter of credit, we shall duly honor such draft upon its presentation to us within 30 days, and we shall pay the amount of the draft to the Department in accordance with your instructions.

Each draft must bear on its face the clause: "Drawn under Letter of Credit No. _____, dated _____, and the total of this draft and all other drafts previously drawn under this letter of credit does not exceed [fill in amount]."

[Signature(s) and title(s) of official(s) of issuing institution] [Date]

This credit is subject to [the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce, or the Uniform Commercial Code].

Section 326.Appendix D Wording for Certificates of Deposit

A certificate of deposit, as specified in 32 Ill. Adm. Code 326.120, shall contain the following provisions except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

CERTIFICATE OF DEPOSIT

[Name and address of financial institution]
Certificate of Deposit [insert date]
No. _____ [insert $ amount]

[Licensee name and address] has deposited not subject to check [spell out dollar amount] Dollars [insert numerical value $] payable to the Illinois Department of Nuclear Safety [insert number of months] months after date, upon presentation of this certificate properly endorsed. The funds are deposited for the purpose of providing financial assurance for the cost of reclamation as required by 32 Ill. Adm. Code 326. Accordingly, this certificate shall be renewed automatically unless (a) [financial institution] receives written notice from the Department of (1) the default of [licensee] on these obligations, (2) the termination of the facility license, or (3) the substitution of another financial assurance arrangement; or (b) [financial institution] provides a minimum of 180 days written notice of its decision not to renew as provided in the Department's rules. In the event the Department notifies [financial institution] that [licensee] has not complied with its reclamation obligations under the Department's rules or its obligation to provide replacement financial assurance acceptable to the Department, [financial institution] shall pay the amount deposited to the Department.

[Financial institution] waives all rights of lien which it has or might have against this certificate.

The deposit documented in this certificate is insured by the Federal Deposit Insurance Corporation.

_____
(Cashier)

Section 326.Appendix E Wording for Self-Guarantee Documents

a) A self-guarantee, as specified in 32 Ill. Adm. Code 326.130, shall contain letters from the chief executive officer and the chief financial officer containing the following provisions except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

CHIEF EXECUTIVE OFFICER

I am the [chief executive officer or equivalent] of [name and address of firm], a [insert "proprietorship," "partnership," or "corporation"]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in 32 Ill. Adm. Code 326.

I hereby certify that [name of firm] is currently a going concern, and that it possesses positive tangible net worth in the amount of $_____.

This firm [insert "is required" or "is not required"] to file a Form 10K with the U.S. Securities and Exchange Commission for the latest fiscal year. The fiscal year of this firm ends on [month, day].

I hereby certify that the content of this letter is true and correct to the best of my knowledge.

[Signature]
[Below the signature, type or print that person's name and Title]
[Date]

CHIEF FINANCIAL OFFICER

I am the [chief financial officer or equivalent] of [name and address of firm], a [insert "proprietorship," "partnership," or "corporation"]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in 32 Ill. Adm. Code 326.

[Complete the following paragraph regarding facility(ies) and associated cost estimates or amounts specified in 32 Ill. Adm. Code 326.70. For each facility, include its license number, name, address, and current cost estimates for the specified activities.]

This firm guarantees, through the self-guarantee submitted to demonstrate compliance under 32 Ill. Adm. Code 326, the reclamation of the following

facility(ies) owned or operated by this firm. The current cost estimates or amounts specified in 32 Ill. Adm. Code 326.70, so guaranteed, are shown for each facility:

Name of Facility	Location of Facility	Cost Estimate or 326.70 Amounts

This firm [insert "is required" or "is not required"] to file a Form 10K with the U.S. Securities and Exchange Commission for the latest fiscal year.

This fiscal year of this firm ends on [month, day]. The figures for the financial test required by 32 Ill. Adm. Code 326.140 are derived from this firm's independently audited, year-end financial statements and footnotes for the latest completed fiscal year, ended [date].

[Insert completed financial test applicable to licensee from subsections (c), (d) or (e) of this Appendix.]

I hereby certify that the content of this letter is true and correct to the best of my knowledge.

[Signature]
[Below the signature, type or print that person's name and Title]
[Date]

b) A self-guarantee, as specified in 32 Ill. Adm. Code 326.130, shall contain the following provisions except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

SELF-GUARANTEE

Self-guarantee made this [date] by [name and address of licensee], a [insert "proprietorship," "partnership," or "corporation"] organized under the laws of the State of [insert name of State], herein referred to as "licensee," to the Illinois Department of Nuclear Safety.

Recitals

1) The licensee has full authority and capacity to enter into this guarantee [if guarantor is a corporation, add the following phrase "under its bylaws, articles of incorporation, and the laws of the State of [insert licensee's state of incorporation], its State of incorporation."]. [If the licensee has a Board of Directors, insert the following: "Licensee has approval from its Board of Directors to enter into this guarantee."]

2) This guarantee is being issued to comply with regulations issued by the Illinois Department of Nuclear Safety, pursuant to the Radiation Protection Act of 1990 as amended. The Illinois Department of Nuclear Safety has promulgated regulations in 32 Ill. Adm. Code 326 that require that general or specific licensees provide assurance that funds will be available when needed for reclamation activities.

3) The guarantee is issued to provide financial assurance for reclamation activities for [identify licensed facility(ies)] as required by 32 Ill. Adm. Code 326. The reclamation costs are as follows: [insert the current cost estimates or amounts specified in 32 Ill. Adm. Code 326.70 guaranteed for each identified facility].

4) The licensee meets or exceeds the financial test criteria specified in 32 Ill. Adm. Code 326.140 and agrees to comply with all notification requirements as specified in 32 Ill. Adm. Code 326.

5) Reclamation activities as used below refers to the activities required by 32 Ill. Adm. Code 330 for reclamation of facility(ies) identified above.

6) The licensee guarantees to the Illinois Department of Nuclear Safety that it will:

   A) Carry out the required reclamation activities as required by 32 Ill. Adm. Code 330; or
   B) Upon written notification from the Department, pay the reclamation cost amount guaranteed for the facility(ies) to the Department as directed by the Director.

7) The licensee shall submit revised financial statements, financial test data, and an auditor's special report and reconciling schedule annually within 90 days of the close of the licensee's fiscal year.

8) If, at the end of any fiscal year before termination of this guarantee, the licensee fails to meet the financial test criteria, the licensee shall send within 90 days of the end of the fiscal year, by certified mail, return receipt requested, notice to the Illinois Department of Nuclear Safety that the licensee intends to provide alternative financial assurance as specified in 32 Ill. Adm. Code 326.170. Within 120 days after the end of the fiscal year, the licensee shall provide such financial assurance.

9) The licensee shall notify the Department promptly if the ownership of the licensee is transferred and shall maintain this guarantee until the new parent firm or the licensee provides alternative financial assurance acceptable to the Department.

10) The licensee as well as its successors and assigns agree to remain bound jointly and severally under this guarantee notwithstanding any or all of the following: amendment of modification of the license or Department-approved reclamation funding plan for that facility, the extension or reduction of the time of performance of required activities, or any other modification or alteration of an obligation of the licensee pursuant to 32 Ill. Adm. Code 326.

11) All bound parties shall be jointly and severally liable for all litigation costs incurred by the Department in any successful effort to enforce this guarantee.

12) The licensee shall remain bound under this guarantee for as long as the licensee must comply with the applicable financial assurance requirements of 32 Ill. Adm. Code 326 for the previously listed facility(ies), except that the licensee may cancel this guarantee by meeting the requirements of 32 Ill. Adm. Code 326.170.

13) If the licensee fails to provide alternative financial assurance as specified in 32 Ill. Adm. Code 326.170, the licensee shall make full payment under this guarantee.

14) The licensee expressly waives notice of acceptance of this guarantee by the Illinois Department of Nuclear Safety.

15) If the licensee files financial reports with the U.S. Securities and Exchange Commission, then it shall promptly submit them to the Illinois Department of Nuclear Safety during each year in which this guarantee is in effect.

I hereby certify that the content of this guarantee is true and correct to the best of my knowledge.

Effective date: _____
[Name of licensee]
[Signature of chief executive officer or equivalent]
[Below the signature, type or print that person's name and Title]
Signature of witness or notary: _____

c) Financial test documentation for self-guarantee for a commercial company issuing bonds:

1) Current reclaiming and decommissioning cost estimates or certified amounts

A) Current reclaiming cost estimate or certified amount for all decommissioning activities covered by this self-guarantee $_____

B) Total reclaiming cost estimates and certified amounts for all decommissioning activities covered by other NRC or Agreement State, parent company or self-guarantees $_____

C) Total amounts for all decommissioning activities under parent company guarantees, self-guarantees and commitments to other regulatory agencies (e.g., EPA) $_____

Total for line 1 $_____

2) Current bond rating of most recent unsecured issuance of this firm

Rating _____

Name of rating service _____

3) Date of issuance of bond _____

4) Date of maturity of bond _____

5)* Tangible net worth** (if any portion of the cost estimates for reclaiming or decommissioning is included in total liabilities on your firm's financial statements, you may add the amount of that portion to this line) $_____

6)* Total assets in United States (required only if less than 90 percent of firm's assets are located in the United States) $_____

		Yes	No
7)	Is line 5 at least 10 times line 1?	___	___
8)	Are at least 90 percent of the firm's assets located in the United States? If not, complete line 9	___	___
9)	Is line 6 at least 10 times line 1?	___	___
10)	Is rating specified on line 2 "A" or better	___	___
11)	Does the licensee have at least one class of equity securities registered under the Securities Exchange Act of 1934?	___	___

---

* Denotes figures derived from financial statements.

** Tangible net worth is defined as net worth minus goodwill, patents, trademarks and copyrights.

d) Financial test documentation for commercial companies that have no outstanding rated bonds:

1) Current reclaiming and decommissioning cost estimates or certified amounts

A) Current reclaiming cost estimate or certified amount for all decommissioning activities covered by this self-guarantee $_____

B) Total reclaiming cost estimates or certified amounts for all decommissioning activities covered by other NRC or Agreement State, parent company or self-guarantees $_____

C) Total amounts for all decommissioning activities under parent company guarantees, self-guarantees and commitments to other regulatory agencies (e.g., EPA) $_____

Total for line 1 $_____

2)*	Total liabilities [if any portion of the cost estimates for reclaiming or decommissioning is included in total liabilities on your firm's financial statements, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4]	$_____
3)*	Tangible net worth**	$_____
4)*	Net worth	$_____
5)*	The sum of net income plus depreciation, depletion, and amortization	$_____
6)*	Total assets in United States [required only if less than 90 percent of firm's assets are located in the United States]	$_____

		Yes	No
7)	Is line 3 greater than $10 million, or at least 10 times line 1, whichever is greater	___	___
8)	Are at least 90 percent of the firm's assets located in the United States? If not, complete line 9	___	___
9)	Is line 6 at least 10 times line 1?	___	___
10)	Is line 5 divided by line 2 greater than 0.15?	___	___
11)	Is line 2 divided by line 4 less than 1.5?	___	___

---

* Denotes figures derived from financial statements.

** Tangible net worth is defined as net worth minus goodwill, patents, trademarks and copyrights.

e) Financial test documentation for self-guarantee for hospitals [Complete either Alternative 1 or Alternative 2]:

Alternative 1

1) Current bond rating of most recent unsecured, uncollateralized, and unencumbered issuance of this institution

Rating _____
Name of rating service _____

2) Date of issuance of bond _____

3) Date of maturity of bond _____

	Yes	No
4) Is the rating specified on line 1 "A" or better	___	___

Alternative 2

1) Current reclaiming and decommissioning cost estimates or certified amounts

A) Current reclaiming cost estimate or certified amount for all decommissioning activities covered by this self-guarantee $_____

B) Total reclaiming cost estimates and certified amounts for all decommissioning activities covered by other NRC or Agreement State, parent company or self-guarantees $_____

C) Total amounts for all decommissioning activities under parent company guarantees, self-guarantees and commitments to other regulatory agencies (e.g., EPA) $_____

Total for line 1 $_____

2)*	Total revenues	$_____
3)*	Operating expenses	$_____
4)*	Total expenditures	$_____
5)*	Total long-term debt	$_____
6)*	Net fixed assets**	$_____
7)*	Current assets	$_____
8)*	Depreciation fund	$_____
9)*	Current liabilities	$_____

		Yes	No
10)	Is line 3 at least 100 times line 1?	___	___

Guarantor shall meet each of the following ratios:

11)	Is (line 2 minus line 4) divided by line 2 at least 0.04?	___	___
12)	Is line 5 divided by line 6 less than or equal to 0.67?	___	___
13)	Is (line 7 plus line 8) divided by line 9 at least 2.55?	___	___

---

* Denotes figures derived from financial statements.

** Net fixed assets is defined as fixed assets minus accumulated depreciation.

f) A self-guarantee, as specified in 32 Ill. Adm. Code 326.130 and 326.140, shall include submission of an auditor's special report containing the following provisions except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

AUDITOR'S CONFIRMATION OF CHIEF FINANCIAL OFFICER'S LETTER

We have examined the financial statements of (self-guarantor's name) for the year ended (insert date), and have issued our report thereon dated (date). Our

examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary.

(Self-guarantor's name) has prepared documents to demonstrate its financial responsibility under Illinois Department of Nuclear Safety's financial assurance regulations, 32 Ill. Adm. Code 326. This letter is furnished to assist the licensee (insert IDNS license number and name) in complying with these regulations and should not be used for other purposes.

The attached schedule reconciles the specified information furnished in the chief financial officer's (CFO's) letter with the company's financial statements. In connection therewith, we have

1) Confirmed that the amounts in the column "Per Financial Statements" agree with amounts contained in the licensee's financial statements for the year ended (date);

2) Confirmed that the amounts in the column "Per CFO's Letter" agree with the amounts in the chief financial officer's letter;

3) Confirmed that the amounts in the column "Reconciling Items" are adequately explained in the attached schedule, that each reconciling item represents an appropriate adjustment to the financial data, and that the amount of each reconciling item is accurate; and

4) Recomputed the totals and percentages.

Because the procedures in subsections 1-4 above do not constitute a full examination made in accordance with generally accepted auditing standards, we do not express an opinion on the manner in which the amounts were derived in the items referred to above. In connection with the procedures referred to above, no matters came to our attention that cause us to believe that the chief financial officer's letter and supporting information should be adjusted.

_____ _____

Signature Date

AUDITOR'S SCHEDULE RECONCILING AMOUNTS IN CFO'S LETTER

(Name of self-guarantor)

Year ended (date)

Line number In CFO's Letter		Per Financial Statements	Recon-ciling Items	Per CFO's Letter
6	Total current liabilities	X		
	Long-term debt	X		
	Deferred income taxes	X		
		XX		
	Accrued decommissioning costs Included in current liabilities		X	
	Total liabilities (less accrued Decommissioning costs)			X
4	Net Worth	XX		
	Less: Cost in excess of value of tangible assets acquired	X		
		XX		
	Accrued decommissioning costs Included in current liabilities		X	
	Tangible net worth (plus decommissioning costs)			XX

(Balance of schedule is not illustrated.)

AGENCY NOTE: This illustrates the form of schedule that is contemplated. Details and reconciling items will differ in specific situations.

Section 326.Appendix F Wording for Parent Company Guarantee Documents

a) A parent company guarantee, as specified in 32 Ill. Adm. Code 326.150, shall contain letters from the chief executive officer and the chief financial officer, containing the following provisions except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

CHIEF EXECUTIVE OFFICER

I am the [chief executive officer or equivalent] of [name and address of firm], a [insert "proprietorship," "partnership," or "corporation"]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in 32 Ill. Adm. Code 326.

I hereby certify that [name of firm] is currently a going concern, and that it possesses positive tangible net worth in the amount of $_____.

This firm [insert "is required" or "is not required"] to file a Form 10K with the U.S. Securities and Exchange Commission for the latest fiscal year. The fiscal year of this firm ends on [month, day].

I hereby certify that the content of this letter is true and correct to the best of my knowledge.

[Signature]
[Below the signature, type or print that person's name and Title]
[Date]

CHIEF FINANCIAL OFFICER

I am the [chief financial officer or equivalent] of [name and address of firm], a [insert "proprietorship," "partnership," or "corporation"]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in 32 Ill. Adm. Code 326.

[Complete the following paragraph regarding facility(ies) and associated cost estimates or amounts specified in 32 Ill. Adm. Code 326.70. For each facility, include its license number, name, address, and current cost estimates for the specified activities.]

This firm guarantees, through the parent company guarantee submitted to demonstrate compliance under 32 Ill. Adm. Code 326, the reclamation of the

following facility(ies) owned or operated by subsidiary(ies) of this firm. The current cost estimates or amounts specified in 32 Ill. Adm. Code 326.70, so guaranteed, are shown for each facility:

Name of Facility	Location of Facility	Cost Estimate or 326.70 Amounts

This firm [insert "is required" or "is not required"] to file a Form 10K with the U.S. Securities and Exchange Commission for the latest fiscal year.

This fiscal year of this firm ends on [month, day]. The figures for the financial test required by 32 Ill. Adm. Code 326.160 are derived from this firm's independently audited, year-end financial statements and footnotes for the latest completed fiscal year, ended [date].

[Insert completed financial test from subsections (c) below.]

I hereby certify that the content of this letter is true and correct to the best of my knowledge.

[Signature]
[Below the signature, type or print that person's name and Title]
[Date]

b) A parent company guarantee, as specified in 32 Ill. Adm. Code 326.150, shall contain the following provisions except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

PARENT COMPANY GUARANTEE

Guarantee made this [date] by [name of guaranteeing entity], a [insert "proprietorship," "partnership," or "corporation"] organized under the laws of the State of [insert name of State], herein referred to as "guarantor," to the Illinois Department of Nuclear Safety, on behalf of our subsidiary [licensee] of [business address].

Recitals

1) The guarantor has full authority and capacity to enter into this guarantee [if guarantor is a corporation, add the following phrase "under its bylaws, articles of incorporation, and the laws of the State of [insert licensee's state of incorporation], its State of incorporation."]. [If the guarantor has a

Board of Directors, insert the following: "Guarantor has approval from its Board of Directors to enter into this guarantee."]

2) This guarantee is being issued to comply with regulations issued by the Illinois Department of Nuclear Safety, pursuant to the Radiation Protection Act of 1990 as amended. The Illinois Department of Nuclear Safety has promulgated regulations in 32 Ill. Adm. Code 326 that require that general or specific licensees provide assurance that funds will be available when needed for reclamation activities.

3) The guarantee is issued to provide financial assurance for reclamation activities for [identify licensed facility(ies)] as required by 32 Ill. Adm. Code 326. The reclamation costs are as follows: [insert the current cost estimates or amounts specified in 32 Ill. Adm. Code 326.70 guaranteed for each identified facility].

4) The guarantor meets or exceeds the financial test criteria specified in 32 Ill. Adm. Code 326.160 and agrees to comply with all notification requirements as specified in 32 Ill. Adm. Code 326.

5) The guarantor has majority control of the voting stock for the following licensee(s) covered by this guarantee. [For each facility, include its license number, name, address and current cost estimates for the specified activities.]

6) Reclamation activities as used below refers to the activities required by 32 Ill. Adm. Code 330 for reclamation of facility(ies) identified above.

7) For value received from [licensee], [If the guarantor is a corporation, add "and pursuant to the authority conferred upon the guarantor by ["the unanimous resolution of its directors" or "the majority vote of its shareholders"], a certified copy of which is attached,"] the guarantor guarantees to the Illinois Department of Nuclear Safety that if the licensee fails to perform the required reclamation activities as required by 32 Ill. Adm. Code 330, the guarantor shall:

   A) Carry out the required reclamation activities; or

   B) Upon written notification from the Department, pay the reclamation cost amount guaranteed for the facility(ies) to the Department as directed by the Director.

8) The guarantor agrees to submit revised financial statements, financial test data, and an auditor's special report and reconciling schedule annually within 90 days of the close of the parent guarantor's fiscal year.

9) The guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, it fails to meet the financial test criteria, the licensee shall send within 90 days of the end of the fiscal year, by certified mail, return receipt requested, notice to the Illinois Department of Nuclear Safety that the licensee intends to provide alternative financial assurance as specified in 32 Ill. Adm. Code 326.170. Within 120 days after the end of the fiscal year, the guarantor shall establish such financial assurance if (the licensee) has not done so.

10) The guarantor shall notify the Department promptly if the ownership of the licensee or parent firm is transferred and to maintain this guarantee until the new parent firm or the licensee provides alternative financial assurance acceptable to the Department.

11) The guarantor agrees that within 30 days after it determines that it no longer meets the financial test criteria or it is disallowed from continuing as a guarantor for [the licensee], it shall establish an alternative financial assurance as specified in 32 Ill. Adm. Code 326.170 as applicable, in the name of [licensee] unless [licensee] had done so.

12) The guarantor as well as its successors and assigns shall remain bound jointly and severally under this guarantee notwithstanding any or all of the following: amendment of modification of the license or Department-approved reclamation funding plan for that facility, the extension or reduction of the time of performance of required activities, or any other modification or alteration of an obligation of the licensee pursuant to 32 Ill. Adm. Code 326.

13) The guarantor agrees that all bound parties shall be jointly and severally liable for all litigation costs incurred by the Department in any successful effort to enforce the agreement against the guarantor.

14) The guarantor shall remain bound under this guarantee for as long as [licensee] must comply with the applicable financial assurance requirements of 32 Ill. Adm. Code 326 for the previously listed facility(ies), except that the guarantor may cancel this guarantee by meeting the requirements of 32 Ill. Adm. Code 326.170.

15) The guarantor agrees that if [licensee] fails to provide alternative financial assurance as specified in 32 Ill. Adm. Code 326.170, the guarantor shall provide such alternative financial assurance in the name of [licensee] or make full payment under this guarantee.

16) The guarantor expressly waives notice of acceptance of this guarantee by the Illinois Department of Nuclear Safety or by [licensee]. The guarantor also expressly waives notice of amendments or modification of the reclamation requirements and of amendments or modifications of the license.

17) If the guarantor files financial reports with the U.S. Securities and Exchange Commission, then it shall promptly submit them to the Illinois Department of Nuclear Safety during each year in which this guarantee is in effect.

I hereby certify that the content of this guarantee is true and correct to the best of my knowledge.

Effective date: _____
[Name of guarantor]
[Signature of chief executive officer or equivalent]
[Below the signature, type or print that person's name and Title]
Signature of witness or notary: _____

c) Financial test documentation for parent company guarantee [Complete either Alternative 1 or Alternative 2]:

Alternative 1

1) Current reclaiming and decommissioning cost estimates or certified amounts

A) Current reclaiming cost estimate or certified amount for all decommissioning activities covered by this parent company guarantee $_____

B) Total reclaiming cost estimates or certified amounts for all decommissioning activities covered by other NRC or Agreement State, parent company or self-guarantees $_____

	C) Total amounts for all decommissioning activities under parent company guarantees, self-guarantees and commitments to other regulatory agencies (e.g., EPA)	$_____
	Total for line 1	$_____
2)*	Total liabilities (if any portion of the cost estimates for reclaiming or decommissioning is included in total liabilities on your firm's financial statements, you may deduct the amount of that portion from this line and add that amount to lines (3) and (4)	$_____
3)*	Tangible net worth**	$_____
4)*	Net worth	$_____
5)*	Current assets	$_____
6)*	Current liabilities	$_____
7)*	Net working capital (line 5 minus line 6)	$_____
8)*	The sum of net income plus depreciation, depletion and amortization	$_____
9)*	Total assets in United States (required only if less than 90 percent of firm's assets are located in the United States)	$_____

		Yes	No
10)	Is line 3 at least $10 million?	___	___
11)	Is line 3 at least 6 times line 1?	___	___
12)	Is line 7 at least 6 times line 1?	___	___
13)	Are at least 90 percent of the firm's assets located in the United States? If not, complete line 14	___	___

14) Is line 9 at least 6 times line 1? ___ ___

Guarantor shall meet two of the following three ratios:

15) Is line 2 divided by line 4 less than 2.0? ___ ___

16) Is line 8 divided by line 2 greater than 0.1? ___ ___

17) Is line 5 divided by line 6 greater than 1.5? ___ ___

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* Denotes figures derived from financial statements.

** Tangible net worth is defined as net worth minus goodwill, patents, trademarks and copyrights.

Alternative 2

1) Current reclaiming and decommissioning cost estimates or certified amounts

A) Current reclaiming cost estimate or certified amount for all decommissioning activities covered by this parent company guarantee $_____

B) Total reclaiming cost estimates or certified amounts for all decommissioning activities covered by other NRC or Agreement State, parent company or self-guarantees $ _____

C) Total amounts for all decommissioning activities under parent company guarantees, self-guarantees and commitments to other regulatory agencies (e.g., EPA) $ _____

Total for line 1 $_____

2) Current bond rating of most recent unsecured, uncollateralized and unencumbered issuance of this firm

Rating _____

Name of rating service _____

3) Date of issuance of bond _____

4) Date of maturity of bond _____

5) Tangible net worth** [if any portion of estimates for reclaiming or decommissioning is included in total liabilities on your firm's financial statements, you may add the amount of that portion to this line] $_____

6) Total assets in United States [required only if less than 90 percent of firm's assets are located in the United States] $_____

		Yes	No
7)	Is line 5 at least $10 million?	___	___
8)	Is line 5 at least 6 times line 1?	___	___
9)	Are at least 90 percent of the firm's assets located in the United States? If not, complete line 10	___	___
10)	Is line 6 at least 6 times line 1?	___	___
11)	Is the rating specified on line 2 BBB or better [if issued by Standard & Poor's] or Baa or better [if issued by Moody's]?	___	___

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* Denotes figures derived from financial statements.

** Tangible net worth is defined as net worth minus goodwill, patents, trademarks and copyrights.

d) A parent company guarantee, as specified in 32 Ill. Adm. Code 326.150, shall include submission of an auditor's special report containing the following provisions except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

AUDITOR'S CONFIRMATION OF CHIEF FINANCIAL OFFICER'S LETTER

We have examined the financial statements of [name of parent guarantor] [Company] for the year ended (insert date), and have issued our report thereon dated (date). Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary.

The Company has prepared documents to demonstrate its financial responsibility under Illinois Department of Nuclear Safety's financial assurance regulations, 32 Ill. Adm. Code 326. This letter is furnished to assist the licensee (insert IDNS license number and name) in complying with these regulations and should not be used for other purposes.

The attached schedule reconciles the specified information furnished in the chief financial officer's (CFO's) letter with the company's financial statements. In connection therewith, we have

1) Confirmed that the amounts in the column "Per Financial Statements" agree with amounts contained in the company's financial statements for the year ended (date);

2) Confirmed that the amounts in the column "Per CFO's Letter" agree with the amounts in the chief financial officer's letter;

3) Confirmed that the amounts in the column "Reconciling Items" are adequately explained in the attached schedule, that each reconciling item represents an appropriate adjustment to the financial data, and that the amount of each reconciling item is accurate; and

4) Recomputed the totals and percentages.

Because the procedures in subsections 1-4 above do not constitute a full examination made in accordance with generally accepted auditing standards, we do not express an opinion on the manner in which the amounts were derived in the items referred to above. In connection with the procedures referred to above, no matters came to our attention that cause us to believe that the chief financial officer's letter and supporting information should be adjusted.

_____ _____
Signature Date

AUDITOR'S SCHEDULE RECONCILING AMOUNTS IN CFO'S LETTER

[COMPANY]

Year ended [date]

Line number In CFO's Letter		Per Financial Statements	Recon-ciling Items	Per CFO's Letter
6	Total current liabilities	X		
	Long-term debt	X		
	Deferred income taxes	X		
		XX		
	Accrued decommissioning costs Included in current liabilities		X	
	Total liabilities (less accrued Decommissioning costs)			X
4	Net Worth	XX		
	Less: Cost in excess of value of tangible assets acquired	X		
		XX		
	Accrued decommissioning costs Included in current liabilities		X	
	Tangible net worth (plus decommissioning costs)			XX

[Balance of schedule is not illustrated.]
AGENCY NOTE: This illustrates the form of schedule that is contemplated. Details and reconciling items will differ in specific situations.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Specific Licenses for Radioactive Material

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

3)

Section Number:	Proposed Action:
330.10	Amendment
330.220	Amendment
330.250	Amendment
330.260	Amendment
330.290	New Section
330.310	Amendment
330.340	Amendment
330.350	Amendment
330.360	Repealed
330.500	Amendment
330.900	Amendment
Appendix C	New Section
Appendix G	Repealed
Appendix H	Repealed

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

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to clarify and streamline certain licensing requirements. Additional requirements for persons generally licensed to possess radioactive materials were contained in 32 Ill. Adm. Code 320 and have been included in this Part. Further, the amendments to this Part describes procedures and requirements for large licensees to establish emergency plans and deletes old requirements and adds references to the new financial assurance requirements being proposed at 32 Ill. Adm. Code 326.

6) Will this proposed rule replace an emergency rule currently in effect? No

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

8) Does this proposed rule contain incorporations by reference? Yes

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

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Lyle J. Black
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations effected: The proposed changes will not have any significant impact on small businesses, small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: New notification requirements are contained in Sections 330.220(b), 330.310(b), 330.310 (h) and 330.310(i). New procedures are required only for certain licensees and are specified in Section 330.290.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

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

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 330
LICENSING OF ~~SPECIFIC LICENSES FOR~~ RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section
330.10 Purpose and Scope
330.15 Incorporations by Reference
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 Application 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 ~~Specific~~ Terms and Conditions of Specific and General Licenses ~~License~~
330.320 Expiration and Termination of Licenses
330.330 Renewal of Licenses
330.340 Amendment of Licenses at Request of Licensee
330.350 Department Action on Application to Renew or Amend

Section
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

SUBPART D: TRANSPORTATION (Repealed)

Section
330.1000 Transportation of Radioactive Materials (Repealed)

APPENDIX A Exempt Concentrations
APPENDIX B Exempt Quantities
APPENDIX C Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
TABLE A Group I (Repealed)
TABLE B Group II (Repealed)
TABLE C Group III (Repealed)
TABLE D Group IV (Repealed)
TABLE E Group V (Repealed)
TABLE F Group VI (Repealed)
APPENDIX D Limits for Broad Licenses (Section 330.270)
APPENDIX E Schedule E (Repealed)
APPENDIX F Schedule F (Repealed)
APPENDIX G Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
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].

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 adopted 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 __ Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 330.10 Purpose and Scope

a) This Part provides for the licensing of radioactive material. No person shall receive, possess, use ~~utilize~~, manufacture, distribute, transfer, own or acquire radioactive material or devices or equipment utilizing or producing such materials except as authorized in a specific or general license issued pursuant to this Part or as otherwise provided in 32 Ill. Adm. Code. These requirements provide for the protection of health, safety and the environment ~~this Part~~.

b) The requirements of this Part are in addition to, and not in substitution for, others in 32 Ill. Adm. Code: Chapter II, Subchapters b and d. Additional specific requirements for certain types of licenses are found in different Parts of 32 Ill. Adm. Code. ~~In addition to the requirements of subsection (a) above, all licensees are subject to the requirements of this Part and 32 Ill. Adm. Code 310, 320, 331, 340, 341 and 400. Licensees engaged in source material milling or possessing byproduct material as defined in Section 4(a)(2) of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-1 et seq.) [420 ILCS 40/4(a)(2)], are also subject to the requirements of 32 Ill. Adm. Code 332. Licensees engaged in industrial radiographic operations are also subject to the requirements of 32 Ill. Adm. Code 350. Licensees using radioactive material in the healing arts are also subject to the requirements of 32 Ill. Adm. Code 335. Licensees engaged in wireline and subsurface tracer studies are also subject to the requirements of 32 Ill. Adm. Code 351. The requirements of this Part do not apply to carriers. Carriers are subject to the requirements of 32 Ill. Adm. Code 341.~~

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

Section 330.220 General Licenses - Radioactive Material Other Than Source Material

a) Certain Devices and Equipment. A general license is hereby issued to transfer, receive, acquire, ~~own,~~ possess and use radioactive material incorporated in the following devices or equipment which have 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, 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 which relate to the labeling of containers.

1) Static Elimination Device. Devices designed for use as static eliminators which 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.

2) Ion Generating Tube. Devices designed for ionization of air which 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 or a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.

b) Certain Measuring, Gauging or Controlling Devices

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 ~~own,~~ receive, acquire, possess, use or transfer in accordance with the provisions of subsections (b)(2) through (4) of this Section ~~below~~, 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 in subsection (b)(1) of this Section ~~above~~ applies only to radioactive material contained in devices which have been manufactured and labeled in accordance with the specifications contained in a specific license issued by the Department pursuant to Section 330.280(d) of this Part or in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, which authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

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 thereon which is found in 21 CFR 179.21.

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

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 thereon 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 in the label; however,

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

ii) Devices 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 and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

C) Shall assure that testing (including testing required by subsection (b)(3)(B) of this Section ~~above~~), installation, servicing and removal from installation involving the radioactive material, its shielding or containment, are performed:

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

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

D) Shall maintain records showing compliance with the requirements of subsections (b)(3)(B) and (C) of this Section ~~above~~. The records shall show the results of tests concerning the installation, testing for leakage or contamination, servicing and removal of radioactive material, its shielding or containment. The records also shall show the dates of performance of and the names of persons performing these tests. Records of tests for leakage of, or contamination by, radioactive material required by subsection (b)(3)(B) of this Section ~~above~~ shall be maintained for 1 year after the next required test for leakage or contamination is performed or until the sealed source is transferred or disposed of. Records of tests of the on-off mechanism and indicator required by subsection (b)(3)(B) of this Section ~~above~~ shall be maintained for 1 year after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of. Records which are required by subsection (b)(3)(C) of this Section ~~above~~, other than records of tests for leakage of, or contamination by, radioactive material, shall be maintained for a period of 2 years from the date of the recorded event or until the device is transferred or disposed of;

E) Upon the occurrence of 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) or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to repair such devices, or disposed of by transfer to a person authorized by an applicable specific license to receive the radioactive material contained in the device and, within 30 days, furnish to the Department a report containing a brief description of the event and the remedial action taken;

F) Shall not abandon the device containing radioactive material;

G) Except as provided in subsection (b)(3)(H) of this Section ~~below~~, shall transfer or dispose of the device containing radioactive material only by transfer to a specific licensee of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State whose specific license authorizes him to receive the device and within 30 days after transfer of a device to a specific

licensee shall furnish to the Department a report containing identification of the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

H) Shall transfer the device to another general licensee only:

i) Where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (b) of this Section and any safety documents identified in the label on the device and within 30 days of the transfer, report to the Department the manufacturer's name and model number of device transferred, the name and address of the transferee and the name and/or position of an individual who may constitute a point of contact between the Department and the transferee; or

ii) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee;

I) Shall notify the department in writing no later than 30 days after receiving a device containing radioactive material. Such notification shall include:

i) The name and mailing address of the general licensee;

ii) Information about the device, including the manufacturer, model, serial number, date of receipt, location of use within the radiation installation, and radionuclides and activities within the device;

iii) Addresses at which devices are used or stored; and

iv) The name and telephone number of an individual responsible for having knowledge of the applicable regulations and the authority to take required actions to achieve compliance. The general licensee shall comply with the regulations through this individual, but the appointment does not relieve the general licensee of responsibility in this regard.

J) Shall report changes in the information submitted pursuant to subsection 330.220(b)(3)(I) of this Section. Such changes shall be reported within 30 days after they occur.

~~I~~K) Shall comply with the provisions of 32 Ill. Adm. Code 340.1210, 340.1220 and 340.1260 for reporting radiation incidents, theft, loss, leakage of, or contamination by, licensed material, but shall be exempt from the other requirements of 32 Ill. Adm. Code 340 and 400.

4) An out-of-state general licensee or other person from out-of-state shall notify the department in writing prior to transporting a device into Illinois. Such notification shall include the proposed locations and periods of possession. The notification shall also include the information required by subsection 330.220(b)(3)(I) of this Section, except that the date of receipt of a device and its location within a radiation installation need not be reported. The out-of-state person shall report proposed changes in the notification information previously submitted under this subsection (4) before the changes occur.

4~~5~~) The general license in subsection (b)(1) of this Section ~~above~~ does not authorize the manufacture of devices containing radioactive material.

~~5~~6) The general license provided in subsection (b)(1) of this Section ~~above~~ is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 326, 331, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

c) Luminous Safety Devices for Aircraft

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

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

B) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer or assembler of such device pursuant to licensing

requirements equivalent to those in 10 CFR 32.53 published January 1, 1998 ~~1993~~, exclusive of subsequent amendments or editions.

2) Persons who ~~own,~~ receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection (c)(1) of this Section ~~above~~ 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 ~~ownership,~~ 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, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

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

e) Calibration and References Sources

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

A) Any person who holds a specific license issued by the Department which authorizes him to receive, possess, use and transfer radioactive material; and

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

2) A general license is hereby issued to ~~own,~~ receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance

with the provisions of subsections (e)(4) and (5) of this Section ~~below~~ to any person who holds a specific license issued by the Department which authorizes him to receive, possess, use and transfer radioactive material.

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

4) The general licenses in subsections (e)(1) through (3) of this Section above apply only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.57 or 70.39, or which have been manufactured in accordance with the specifications contained in a specific license issued by the Department, an Agreement State or a Licensing State pursuant to licensing requirements equivalent to those contained in 10 CFR 32.57 or 70.39, published January 1, 1998 ~~1993~~, exclusive of subsequent amendments or editions.

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

A) Shall not possess at any one time, at any one location of storage or use, more than 185 kBq (5 microCi) of americium-241, 185 kBq (5 microCi) of plutonium or 185 kBq (5 microCi) 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 which includes one of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, as appropriate:

i) The receipt, possession, use and transfer of this source, Model ____, Serial No. ____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory

Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

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

_____
Name of Manufacturer or Importer

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

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

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

_____
Name of Manufacturer or Importer

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

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

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

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

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

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

1) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of subsections (f)(2) through (6) of this Section ~~below~~, 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 microCi) each.

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

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

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

G) Iron-59, in units not exceeding 740 kBq (20 microCi) each.

H) Selenium-75, in units not exceeding 370 kBq (10 microCi) each.

2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (f)(1) of this Section ~~above~~ until he has filed the Department form entitled "Certificate - In Vitro Testing with Radioactive Material Under General License," with the Department and received from the Department a validated copy of the form with certification number assigned. The

following information shall be furnished to the Department on the form entitled "Certificate - In Vitro Testing with Radioactive Material Under General License":

A) Name and address of the physician, veterinarian, clinical laboratory or hospital;

B) The location of use; and

C) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in subsection (f)(1) of this Section ~~above~~ and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (f)(1) of this Section ~~above~~ shall comply with the following:

A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (f)(1) of this Section ~~above~~, 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 microCi).

B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

C) The general licensee shall use the radioactive material only for the uses authorized by subsection (f)(1) of this Section ~~above~~.

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 Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

E) The general licensee shall dispose of the mock iodine-125 reference or calibration sources described in subsection (f)(1)(E) of this Section ~~above~~ as required by 32 Ill. Adm. Code 340.1010(a).

4) The general licensee shall not receive, acquire, possess or use radioactive material pursuant to subsection (f)(1) of this Section ~~above~~:

A) Except as prepackaged units which are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(g) of this Part or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State which authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57 or mock iodine-125 to persons generally licensed under subsection (f) of this Section or its equivalent; and

B) Unless one of the following statements, as appropriate, or a statement which 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 which accompanies the package:

i) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

_____
Name of Manufacturer

ii) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external

administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

_____
Name of Manufacturer

5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (f)(1) of this Section ~~above~~ shall report in writing to the Department, any changes in the information furnished by him in the "Certificate - In Vitro Testing with Radioactive Material Under General License", Department Form KLM.006. The report shall be furnished within 30 days after the effective date of such change.

6) Any person using radioactive material pursuant to the general license of subsection (f)(1) of this Section ~~above~~ is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to radioactive material covered by that general license, except that such persons using the mock iodine-125 described in subsection (f)(1)(E) of this Section ~~above~~ shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1210 and 340.1220.

7) This general license is subject to the provisions of 32 Ill. Adm. Code 331 and 310.40 through 310.90.

g) Ice Detection Devices

1) A general license is hereby issued to ~~own,~~ receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 MBq (50 microCi) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer of such device pursuant to licensing requirements equivalent to those in 10 CFR 32.61.

2) Persons who ~~own,~~ receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in subsection (g)(1) of this Section ~~above~~:

A) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage or contamination and repaired by a person holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service such 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 which bear a statement which prohibits removal of the labels, are maintained thereon; 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, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

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

Section 330.250 General Requirements for the Issuance of Specific Licenses

a) A license application <u>or a request for an amendment to an existing license</u> will be approved only if the Department determines that:

1) The <u>applicant's Radiation Safety Officer and authorized users are</u> ~~applicant is~~ qualified by reason of training and experience to use the material in question for the purpose requested ~~in accordance with this Part~~ in such a manner as to minimize danger to ~~public~~ health and safety or property;

2) The applicant's proposed equipment, facilities and procedures are adequate to minimize danger to ~~public~~ health and safety or property;

3) The issuance of the license will not be inimical to the health and safety of the public; and

4) The applicant satisfies any applicable special requirements in 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

b) Environmental Report, Commencement of Construction

1) In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, or for the conduct of any other activity which the Department determines will significantly affect the quality of the environment, a license application shall be reviewed and approved by the Department before commencement of construction of the plant or facility in which the activity will be conducted. Issuance of the license shall be based upon a consideration by the Department of the environmental, economic, technical and other benefits in comparison with the environmental costs and available alternatives and a determination that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values;

2) Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this subsection the term "commencement of construction" means any clearing of land, excavation or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.

c) Licensees must satisfy applicable financial assurance requirements specified in 32 Ill. Adm. Code 326. ~~Financial Surety Arrangements for Reclaiming Sites. For purposes of this subsection, "reclaiming" shall mean returning property to a condition or state such that the property no longer presents a public health or safety hazard or threat to the environment.~~

~~AGENCY NOTE: For purposes of subsection (c) above, the term "reclaiming" includes but is not limited to those activities necessary to decommission the licensed facility (i.e., to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of license).~~

~~1)~~ ~~Unless exempted by subsections (c)(4) or (5) below, issuance, renewal or amendment of a license shall be dependent upon satisfactory financial surety arrangements to ensure the protection of the public health and safety in the event of abandonment, default or other inability of the licensee to~~

~~meet the requirements of the Act, this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d. Self insurance, or any arrangement which essentially constitutes self insurance, will not satisfy the surety requirements since such arrangement provides no further assurance than being without insurance. Determination of satisfactory surety arrangements shall be subject to the following conditions:~~

~~A)~~ ~~Financial surety arrangements for site reclamation may consist of surety bonds, certificates of deposit, deposits of government securities, letters of credit, insurance policies or any combination of the above for the categories of licenses listed in subsection (c)(3) below. The amount of funds to be ensured by such surety arrangements shall be based on Department-approved reclaiming cost estimates for disposal of all radioactive material authorized under the license, including removal of all radioactive contamination caused by authorized material to a level in conformance with 32 Ill. Adm. Code 340.Appendix A. The Department shall consider the following in approving the cost estimate of the financial surety requirements for each individual applicant or licensee:~~

~~i)~~ ~~The probable extent of contamination through the use or possession of radioactive material at the facility or site and the probable cost of removal of such contamination to a level in conformance with 32 Ill. Adm. Code 340.Appendix A. This consideration shall encompass probable contaminating events associated with the licensee's methods or modes of operation and shall be based on factors such as quantities, half-lives, radiation hazards and toxicities, and chemical and physical forms;~~

~~ii)~~ ~~The extent of possible offsite property damage caused by operation of the facility or site;~~

~~iii)~~ ~~The cost of removal and disposal of sources of radiation, which are or would be generated, stored, processed or otherwise present at the licensed facility or site; and~~

~~iv)~~ ~~The costs involved in reclaiming the property on which the facility or site is located and all other properties contaminated by radioactive material authorized under the license.~~

~~B)~~ ~~The financial surety arrangements shall be filed with and maintained by the Chief, Division of Radioactive Materials of the Department (hereafter referred to as the Division Chief) in a dollar amount greater than or equal to the amount approved by the Department and determined necessary to provide for the protection of public health and safety in accordance with subsection (c)(1)(A) above.~~

~~i)~~ ~~A licensee or applicant shall submit a cost estimate for approval by the Department in accordance with subsection (c)(1)(A) above.~~

~~ii)~~ ~~The licensee's surety arrangements may be reviewed annually by the Department and be adjusted to recognize any increases or decreases resulting from inflation or deflation, changes in engineering plans, activities performed and any other condition affecting costs for reclaiming to ensure that sufficient surety is retained to cover liability which remains until license termination.~~

~~iii)~~ ~~When a change in activities not requiring a license amendment would raise the cost estimate for reclaiming to an amount greater than the amount of financial surety currently filed with the Division Chief, the licensee shall, within 60 days after the increase, file additional financial surety at least equal to this increase.~~

~~iv)~~ ~~When a license amendment would raise the cost estimate for reclaiming to an amount greater than the amount of financial surety currently filed with the Division Chief, the amendment shall not be issued until the required surety arrangements are established.~~

~~v)~~ ~~When the current reclaiming cost estimate decreases, upon the written request of the licensee, and provided that the decrease is verified by the Division Chief, the Division Chief shall reduce the amount of financial surety required for the facility to the amount of the current reclaiming cost estimate. Upon such occurrence, the Division Chief shall, considering the financial surety arrangements on file, either cause to be released to the licensee collateral which has been deposited equal to this reduction or allow the licensee~~

~~to substitute for the arrangements on file new arrangements in the reduced amount.~~

~~vi)~~ ~~The term of the surety arrangement shall be for the period from issuance of the license until termination of the license by the Department in accordance with Section 330.320.~~

~~vii)~~ ~~Upon termination of the license, the Division Chief will release all surety amounts not previously forfeited by the licensee.~~

~~C)~~ ~~The Director:~~

~~i)~~ ~~May order that any financial surety filed by a licensee pursuant to subsection (c) be forfeited to the State if the Director determines that the licensee has failed to perform reclaiming to assure health and safety from radiation hazards and comply with other license requirements or orders pertaining to reclaiming. Such forfeiture action shall follow the procedures provided in 32 Ill. Adm. Code 200.~~

~~ii)~~ ~~Shall, upon the date of issuance of the final order described in subsection (c)(1)(C)(i) above, notify the Attorney General who shall collect the forfeiture if voluntary payment is not made within 30 days of the date of issuance of the final order.~~

~~iii)~~ ~~Shall deposit all funds from forfeited financial sureties in a temporary, locally-held trust fund to be administered by the Department for site reclaiming.~~

~~D)~~ ~~The licensee or applicant shall choose from the financial surety arrangements specified in Section 330.Appendix G.~~

~~E)~~ ~~The wording of the financial surety may be identical to the wording of the corresponding arrangement in Section 330.Appendix H and shall contain provisions described in Section 330.Appendix G.~~

~~F)~~ ~~Use of Multiple Financial Surety Arrangements. The licensee or applicant may utilize more than one financial surety arrangement per facility to satisfy the requirement specified in subsection (c)(1) above. These arrangements are limited to bonds supported by~~

~~letters of credit, insurance and securities. The arrangement shall be as specified in Section 330.Appendix G, except that it is the combination of arrangements, rather than the single arrangement, which shall provide financial surety for the necessary amount.~~

~~G)~~ ~~Use of Financial Surety Arrangement for Multiple Facilities and/or Multiple Licensees at a Facility. The licensee or applicant may use a financial surety arrangement specified in Section 330.Appendix G to meet the requirements of subsection (c)(1) above for more than one license he holds, or more than one facility he owns or operates in Illinois. The arrangement submitted to the Division Chief shall include a list indicating, for each facility, the license number(s), name(s), address(es) and amount(s) of funds for reclaiming assured by the arrangement. The amount of funds available through the arrangement shall not be less than the sum of the sureties that would be available if a separate arrangement had been filed and maintained for each license or facility. If more than one license exists for a facility, the amount of funds for each license shall be specified.~~

~~H)~~ ~~Substitution of Alternate Financial Surety Arrangements. The licensee may substitute alternate financial surety arrangements specified in Section 330.Appendix G meeting the requirements of subsection (c)(1) above for the financial surety already filed with the Department for the facility. However, the existing arrangements shall not be released by the Division Chief until the substitute financial surety arrangements have been received and approved.~~

~~I)~~ ~~Any applicant or licensee who fulfills the requirements of subsection (c)(1) above by obtaining a surety bond, letter of credit or insurance policy, will be deemed to be without the required financial surety in the event of bankruptcy of the issuing institution, or a suspension, or revocation of the authority of the institution issuing the surety bond, letter of credit or insurance policy to issue such instruments. The applicant or licensee shall establish other Department-approved financial surety within 30 days after such an event.~~

~~2)~~ ~~The arrangements required in subsection (c)(1) above shall be established prior to issuance or amendment of the license to assure that sufficient funds will be available for reclaiming.~~

~~3) The following specific licensees are required to make financial surety arrangements:~~

~~A) Major processors as defined in 32 Ill. Adm. Code 310.20;~~

~~B) Waste handling licensees as defined in 32 Ill. Adm. Code 310.20;~~

~~C) Wet source storage irradiators;~~

~~D) Ore processors which produce source material tailings or sludge;~~

~~E) Possessors of source material tailings or sludge;~~

~~F) Persons who use particle accelerators to manufacture radionuclides for distribution to other licensees or customers;~~

~~G) Former U.S. Atomic Energy Commission or U.S. Nuclear Regulatory Commission licensed facilities that were licensed pursuant to 10 CFR, exclusive of subsequent amendments or additions, unless exempted by subsection (c)(4) below.~~

~~4) The following persons are exempt from the requirements of subsection (c)(1) above:~~

~~A) All State, local or other government agencies, unless they are subject to subsection (c)(3)(A) or (c)(3)(B) above;~~

~~AGENCY NOTE: For purposes of subsection (c), "government agencies" shall not include federal or state contractors, non-governmental recipients of government grants, or non-governmental medical institutions.~~

~~B) All educational institutions; and~~

~~AGENCY NOTE: An educational institution is a non-profit organization which has as its primary purpose the advancement of knowledge in one or more specific fields and which is accredited by the North Central Association of Colleges and Schools.~~

~~C) Persons authorized to possess only those radioactive materials with half-lives of 65 days or less.~~

~~5) Unless also described in subsection (c)(3) above, the following persons are exempt from the requirements of subsection (c)(1) above:~~

~~A) Persons licensed to manufacture or possess, but not distribute, radioactive material for medical purposes, including veterinary medicine;~~

~~B) Persons licensed to perform industrial radiography;~~

~~C) Persons licensed to perform wireline service operations and subsurface tracer studies;~~

~~D) Persons licensed to distribute radiopharmaceuticals, generators or reagent kits as a nuclear pharmacy;~~

~~E) Persons licensed to distribute, without processing, radioactive material or products containing radioactive material;~~

~~F) Persons licensed to possess irradiators, other than wet source storage irradiators;~~

~~G) Persons licensed to possess source material (depleted uranium) for shielding purposes;~~

~~H) Persons licensed to possess radioactive material for use in analytical instruments; and~~

~~I) Persons licensed to possess radioactive material in gauges or other measuring systems.~~

d) Long-Term Care Requirements

1) A license application will be approved only if the Department determines that a long-term care fund for monitoring and maintenance has been established by the waste handling applicant ~~licensee~~ prior to the issuance of the license; or

2) The waste handling applicants may choose, at the time of the licensure, to provide a financial surety arrangement in lieu of a long-term care fund.

AGENCY NOTE: Long-term care funding may also be required for former U.S. Atomic Energy Commission or U.S. Nuclear Regulatory Commission licensed facilities, or persons whose activities cause situations

that significantly affect ~~the public~~ health and safety, or the environment by reason of exposure to radiation or radioactive materials.

e) Emergency Plan

1) Except as exempted by subsection (e)(2) of this Section, each application to possess radioactive materials in excess of the quantities in Appendix C of this Part in unsealed form or sealed in glass or on foils or plated sources, shall contain either:

A) An evaluation showing that the maximum dose to an individual offsite due to a release of radioactive materials would not exceed 10 mSv (1 rem) total effective dose equivalent or 50 mSv (5 rem) effective dose equivalent to the thyroid; or

B) An emergency plan, as described in Section 330.290 of this Part, for responding to a release of radioactive material.

2) The requirements of this subsection (e) do not apply to licensees that possess only radioactive waste packaged in Type B containers.

3) In evaluating the maximum dose to an individual pursuant to subsection (e)(1)(A) of this Section, the applicant may take into account whether:

A) The radioactive material is physically separated so that only a portion could be involved in an accident;

B) All or part of the radioactive material is not subject to release during an accident due to the method of storage or packaging;

C) The release fraction in the respirable size range is predicted to be lower than the release fraction shown in Appendix C of this Part due to the chemical or physical form of the material;

D) The solubility of the radioactive material is predicted to reduce the dose received;

E) Facility design or engineered safety features in the facility are predicted to cause the release fraction to be lower than shown in Appendix C of this Part; or

F) Operating restrictions or procedures are predicted to prevent a release fraction as large or larger than that shown in Appendix C of this Part.

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

Section 330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials

a) Specific Licenses to Medical Institutions for Human Use of Radioactive Material. A specific license allowing a medical institution to use ~~for human use of~~ radioactive material for medical diagnosis, medical therapy, or medical research involving humans ~~in institutions~~ shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 335 ~~and the requirements set forth in Section 330.250~~.

b) Specific Licenses to Individual Physicians for Human Use of Radioactive Material. An application by an individual physician or group of physicians for a specific license for human use of radioactive material shall be approved only if:

1) The applicant satisfies the general requirements specified in this Part ~~Section 330.250~~;

2) The application is for use in the applicant's practice in an office outside a medical institution; and

3) The applicant has met the requirements of 32 Ill. Adm. Code 335.

c) Specific Licenses for Distribution or Transfer of Radiopharmaceuticals ~~Pharmacies Using Radioactive Material~~. In addition to the requirements set forth in ~~Section 330.250~~ this Part, persons licensed by the Department for distribution or transfer of radiopharmaceuticals~~, a specific license for a pharmacy~~ shall meet the following additional requirements:

1) Radiopharmaceuticals dispensed, ~~and/or~~ distributed, or transferred for human use shall be either:

A) Repackaged from prepared radiopharmaceuticals that have been approved by the U.S. Food and Drug Administration (FDA) for medical use as defined in 32 Ill. Adm. Code 335.20; or

B) Prepared from generators and reagent kits that have been approved by the FDA for medical use or are subject to the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] or the Pharmacy Practice Act of 1987 [225 ILCS 85] ~~are the subject of an FDA-approved "New Drug Application" (NDA) or for which the FDA has accepted an "Investigational New Drug Application" (IND)~~.

~~2)~~ ~~Prepared radiopharmaceuticals for which FDA has accepted an IND and radiopharmaceuticals prepared from generators or reagent kits for which the FDA has accepted an IND shall be dispensed and/or distributed:~~

~~A)~~ ~~In accordance with the directions provided by the sponsor of the IND; and~~

~~B)~~ ~~Only to physicians who have been accepted by the sponsor of the IND to participate in clinical evaluation of the drug.~~

~~3)~~ ~~The licensee shall inform in writing each physician who participates in an IND evaluation that the physician is responsible to the sponsor of the IND for use of the drug in accordance with protocols established by the sponsor and for reporting to the sponsor the clinical information obtained through use of the drug.~~

~~4)~~ ~~The licensee shall procure biological products labeled with radionuclides or kits used to prepare such products from a supplier who holds an unsuspended or unrevoked license issued by either the U.S. Department of Health, Education and Welfare or the U.S. Department of Health and Human Services to propagate, manufacture, prepare, label or distribute the products.~~

2~~5)~~ The licensee shall perform radiometric tests for molybdenum breakthrough upon each elution of a molybdenum-99/technetium-99m generator in accordance with the requirements of 32 Ill. Adm. Code 335.4~~020.~~

~~6)~~ ~~The licensee shall procure all radiopharmaceuticals from a supplier who manufactures or repackages the product under appropriate pharmaceutical controls related to assay, identity, quality, purity, sterility and non-pyrogenicity.~~

3~~7)~~ The licensee shall dispense radiopharmaceuticals only under the prescription of a ~~specifically licensed~~ physician who is authorized in a specific license to ~~possess and~~ use the radiopharmaceuticals ~~or of a physician authorized under the provisions of a broad radioactive material~~

~~license~~. The licensee shall maintain a copy of the recipient's radioactive material license ~~of each customer physician~~ and shall verify that the physician is authorized to receive the prescribed radiopharmaceutical prior to transfer ~~transferring the radiopharmaceutical~~.

4~~8~~) The licensee may distribute in vitro test kits to customers but shall neither remove any package insert nor violate the packaging.

~~9) The licensee shall subject each batch of sulfur colloid to microscopic tests for particle size and chromatographic tests for free pertechnetate, and shall maintain records of such tests for inspection by the Department. Preparations which contain particles one micron or larger in diameter, have more than ten percent free pertechnetate, or appear flocculent or aggregated shall not be dispensed to customers.~~

5~~10~~) The licensee shall report to the Department, within 10 days of occurrence, any irregularities pertaining to identification, labeling, quality or assay of any radiopharmaceutical received under the authority of this license.

d) Use of Sealed Sources in Industrial Radiography. ~~In addition to the requirements set forth in Section 330.250, a~~ A specific license for use of sealed sources in industrial radiography shall ~~will~~ be issued only if~~:~~ the applicant has met the requirements of this Part, and 32 Ill. Adm. Code 350 and 405.

~~1) The applicant will have an adequate program for training radiographers and radiographer's assistants and submits to the Department a schedule or description of such program which specifies the:~~

~~A) Initial training;~~

~~B) Periodic training;~~

~~C) On-the-job training;~~

~~D) Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with the conditions of the license, the provisions of this Part and 32 Ill. Adm. Code 310, 320, 340, 341, 350 and 400 and the operating and emergency procedures of the applicant; and~~

~~E) Means to be used by the licensee to determine the radiographer's assistants' knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant.~~

~~2) The applicant has established and submits to the Department satisfactory written operating and emergency procedures described in 32 Ill. Adm. Code 350.2020.~~

~~3) The applicant will have an internal inspection system to assure that the requirements of 32 Ill. Adm. Code 310, 320, 340, 341, 350, 400 and this Part, license provisions and the applicant's operating and emergency procedures are followed by radiographers and radiographer's assistants; the inspection system shall include the performance of internal inspections at intervals not to exceed 3 months and the retention of records of such inspections for 2 years. The inspection records shall contain the date, name of the person performing the inspection, inspection findings and a description of any corrective action taken.~~

~~4) The applicant submits to the Department a description of the overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program.~~

~~5) The applicant who desires to conduct his own leak tests has established adequate procedures to be followed in testing sealed sources for possible leakage and contamination and submits to the Department a description of such procedures, including:~~

~~A) Instrumentation to be used;~~

~~B) Method of performing tests; and~~

~~C) Pertinent experience of the individual who will perform the test.~~

~~6) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices and storage containers to assure proper functioning of components important to safety.~~

e) Use of Radioactive Materials in Wireline Service Operations and Subsurface Tracer Studies. A specific license for use of radioactive material in wireline operations shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 351.

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

Section 330.290 Requirements for Emergency Plans

a) An emergency plan for responding to a release of radioactive material submitted under Section 330.250(e) of this Part shall include the following information:

1) Facility Description. A brief description of the applicant's facility and area near the site.

2) Types of Accidents. An identification of each type of radioactive materials accident for which actions may be needed to protect members of the public.

3) Classification of Accidents. A method for classifying accidents as alerts or site area emergencies as defined below:

A) "Alert" means a condition in which events may occur, are in progress, or have occurred that could lead to a release of radioactive material but that the release is not expected to require a response by offsite response organizations to protect individuals offsite.

B) "Site area emergency" means a condition in which events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material that could require a response by offsite response organizations to protect individuals offsite.

4) Detection of Accidents. Identification of the means of detecting each type of accident in a timely manner.

5) Mitigation of Consequences. A brief description of the means and equipment for mitigating the consequences of each type of accident, including those provided to protect workers onsite, and a description of the program for maintaining the equipment.

6) Assessment of Releases. A brief description of the methods and equipment to assess releases of radioactive materials.

7) Responsibilities.

A) The names and titles of the applicant's personnel responsible for developing, maintaining and updating the plan.

B) A brief description of the responsibilities of the applicant's personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations, including the Department.

C) A list of offsite response organizations and a description of their responsibilities and anticipated actions.

8) Notification and Coordination.

A) A brief description of the means, in the event of a classified accident, of promptly notifying and, if necessary, requesting assistance from the offsite response organizations listed pursuant to subsection (a)(7)(C) of this Section. The assistance requested may include, but need not be limited to, medical treatment of contaminated or injured onsite workers.

B) A description or drawing of location(s) designated as locations from which control and assessment of an accident would be exercised (i.e., control points).

C) Provisions for arranging notification and coordination so that unavailability of some personnel, parts of the facility, or some equipment will not prevent notification and coordination.

9) Information to be Communicated. A brief description of the information to be provided to offsite response organizations, including the Department, in the event of a classified accident. The types of information to be provided shall include the status of the facility, a description of radioactive releases, the names and telephone numbers of onsite personnel designated as points of contact and recommendations for protective actions.

AGENCY NOTE: Protective actions means actions taken by members of the public to protect themselves from radiation from an incident involving radioactive material, which may include sheltering, evacuation, relocation, control of access, administration of radioprotective drugs, decontamination of persons, decontamination of land or property, or control of food or water.

10) Training.

A) A brief description of the performance objectives and plans for annual training that the applicant will provide workers on how to respond to an emergency, including any special instructions and orientation tours that the applicant will provide for fire, police, medical and other emergency personnel.

B) Provisions for familiarizing personnel with site-specific emergency procedures.

C) Provisions for preparing site personnel for their responsibilities for a range of accident scenarios for the specific site, including the use of drills, exercises and team training for such scenarios.

11) Safe Shutdown. A brief description of the means of restoring the facility to a safe condition after an accident.

12) Exercises. Provisions for:

A) Conducting quarterly communications checks with offsite response organizations that include the verification and updating of all necessary phone numbers.

B) Inviting offsite response organizations to participate in biennial exercises.

AGENCY NOTE: Participation of offsite response organizations in biennial exercises, although recommended, is not required.

C) Using accident scenarios postulated as most probable for the specific site.

D) Ensuring that accident scenarios are not known to exercise participants.

E) Providing critiques of each exercise by individuals who have no direct implementation responsibility for the plan.

b) The applicant shall allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the applicant's emergency plan before submitting it to the Department. Significant amendments to the plan should also

be provided to offsite agencies for comment before submission to the Department. The licensee shall provide any comments received within the 60 days to the Department with the emergency plan.

c) Hazardous Chemicals. The applicant shall certify to the Department that it has met its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L. 99-499, if applicable to the applicant's activities at the proposed place of use of the radioactive material.

d) The licensee shall:

1) Comply with the provisions and descriptions of the emergency plan submitted pursuant to this subsection (d);

2) Update the emergency plan at intervals not to exceed 1 year, and report the update to the Department and to affected offsite response organizations within 30 days after the update is completed;

3) Obtain Departmental approval before implementing changes to the plan except for updates to names, titles and telephone numbers;

4) Provide training at intervals not to exceed 1 year for all personnel with responsibilities for responding to accidents postulated as most probable for the specific site;

5) Conduct biennial onsite exercises to test the response to simulated emergencies;

6) Perform critiques of drills and exercises and ensure that such critiques evaluate the appropriateness of the emergency plan, emergency procedures, facilities, equipment, training of personnel and overall effectiveness of the response;

7) Correct deficiencies noted in critiques of drills and exercises; and

8) Notify offsite response organizations, including the Department, immediately after the licensee declares an alert or site area emergency.

AGENCY NOTE: The reporting requirement of subsection (d)(8) of this Section does not supersede or relieve licensees from complying with the requirements of the Emergency Planning and Community Right-to-Know

Act of 1986, Title III, Pub. L. 99-499 or other State or federal reporting requirements.

(Source: Added at __ Ill. Reg. ____, effective _____)

Section 330.310 ~~Specific~~ Terms and Conditions of Specific and General Licenses ~~License~~

a) Each specific or general license issued pursuant to this Part shall be subject to all applicable license conditions, provisions of the ~~Radiation Protection~~ Act ~~of 1990 (the Act) (Ill. Rev. Stat. 1991, ch. 111½, par. 210-1 et seq.)~~ [420 ILCS 40], now or hereafter in effect, and to all applicable rules, regulations and orders of the Department.

b) Each person granted a general license by this Part shall provide information required by the Department to track the location and use of generally-licensed devices. Such information shall be in the format prescribed by the Department, and shall be due within the time frame indicated on the notification.

c~~b~~) No specific or general license issued or granted to any person pursuant to ~~under~~ this Part, and no right to possess or use ~~utilize~~ 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 ~~any~~ license to any other person unless the Department shall, after securing full information, first:

1) Finds ~~find~~ that the proposed transfer, assignment or disposal is in accordance with the provisions of the Act;~~,~~ and

2) Consents ~~shall give its consent~~ in writing to the proposed transfer, assignment or disposal.

AGENCY NOTE: Department consent is required prior to any transfer or assignment of a specific license. A purported transfer or assignment without prior written 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 Department pursuant to 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 Department pursuant to the approval granted.

e~~e~~) Each person licensed by the Department pursuant to this Part shall confine use and possession of the material licensed to the locations and purposes authorized in the license.

f~~d~~) 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 ~~licensee shall notify the Department in writing prior to commencing activities to reclaim the licensed facility~~.

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 the United States Nuclear Regulatory Commission, either by filing a 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 Department 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.

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) Each specific licensee shall notify the Department in writing, not later than 60 days after:

1) A determination has been made to permanently cease use of radioactive materials at the licensee's site or in a separate building or outdoor area, and the licensee has not decontaminated the site or area; or

2) 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.

This notification shall include a description of the location of the site, building or outdoor area; a plan for reclaiming of decommissioning these facilities (including a proposed schedule) to be acceptable 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 Department, implementation shall begin within 6 months and be completed within 24 months of approval (unless the Department approves a different schedule).

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

je) Notification of Bankruptcy

1) Each specific or general licensee shall notify the Department, 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 that term is defined in 11 U.S.C. 101) controlling the licensee or listing the license or licensee as property of the estate; or

C) An affiliate (as that term is defined in 11 U.S.C. 101) of the licensee.

2) This notification shall indicate:

A) The bankruptcy court in which the petition for bankruptcy was filed; ~~and~~

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 or not 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 Illinois Department of Nuclear Safety 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 that 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, which 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 Department-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 __ Ill. Reg. _____, effective _____)

Section 330.340 Amendment of Licenses at Request of Licensee

Applications for amendment of a license shall be filed in accordance with Section 330.240 of this Part and shall specify the purpose for which the licensee desires the license to be amended and the grounds for such amendment. ~~The Department shall not issue amendments to licenses that were issued before June 1, 1987, for naturally occurring or accelerator produced radioactive material to authorize use, possession, or receipt of source, byproduct, or special nuclear material.~~

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

Section 330.350 Department Action on Application to Renew and Amend

In considering an application by a licensee to renew or amend the license, the Department will apply the criteria set forth in this Part and 32 Ill. Adm. Code: Chapter II, Subchapters b and d ~~Sections 330.250, 330.260, 330.270 or 330.280~~ as applicable.

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

Section 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)

~~Any person who, on the effective date of this Part, possesses a general or specific license for source, byproduct, or special nuclear material in quantities not sufficient to form a critical mass,~~

~~issued by the U.S. Nuclear Regulatory Commission, shall be deemed to possess a like license issued under this Part and the Act. Such license shall expire on the date of expiration specified in the U.S. Nuclear Regulatory Commission license.~~

(Source: Repealed at __ Ill. Reg. _____, effective _____)

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 Department 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 Department 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 Department.

~~c) Except in cases of willfulness or those in which the public health, interest, or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.~~

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

Section 330.900 Reciprocal Recognition of Licenses

a) ~~Licenses of Byproduct, Source and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass~~

~~1)~~ Subject to this Part, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or another state ~~an Agreement State~~ is hereby granted a general license to conduct the activities authorized in such licensing document within this State, in areas not under exclusive federal jurisdiction, for a period not in excess of 180 days in any 12-month period, provided that:

1~~A~~) A current copy of the licensing document is on file with the Department and the activities authorized by such document are not limited to specified installations or locations;

2~~B~~) The out-of-state licensee notifies the Department by telephone, telefacsimile, telegraph or letter prior to engaging in such activities. Such notification shall indicate the location, period and type of proposed possession and use within the State. If initial notification was by telephone~~, telefacsimile~~ or telegraph, the out-of-state licensee shall submit to the Department within 10 days following such notification a letter which contains the above information. Upon receipt from the out-of-state licensee of a written request which contains a schedule of activities to be conducted within Illinois, the Department shall ~~will~~ waive the requirement for additional notifications of activities on that schedule during the 12-month period following the receipt of the initial notification from a person engaging in activities under the general license provided in this Section ~~subsection (a)(1)~~;

3~~C~~) The out-of-state licensee complies with 32 Ill. Adm. Code: Chapter II and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with 32 Ill. Adm. Code: Chapter II;

4~~D~~) The out-of-state licensee supplies ~~such~~ other information as the Department may request to show compliance with 32 Ill. Adm. Code: Chapter II; and

5~~E~~) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used pursuant to ~~under~~ the general license provided in this Section ~~subsection (a)(1) above~~ except by transfer to a person:

A~~i~~) Specifically licensed by the Department ~~or by~~, the U.S. Nuclear Regulatory Commission or another state to receive such material; or

B~~ii~~) Exempt from the requirements for a license for such material under Section 330.40(a) of this Part.

b~~2~~) In addition to ~~Notwithstanding~~ the provisions of subsection (a) of this Section ~~(1) above~~, any person who holds a specific license issued by the

U.S. Nuclear Regulatory Commission or another state, ~~an Agreement State~~ authorizing the holder to manufacture, transfer, install or service a device described in Section 330.220(b)(1) of this Part within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service such a device in this State provided that:

1 ~~A)~~ Such person shall file a report with the Department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred and the radionuclide and activity of radioactive material contained in the device;

2 ~~B)~~ The device has been manufactured, labeled, installed and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or another state ~~an Agreement State~~;

3 ~~C)~~ Such person shall assure that any labels required to be affixed to the device under regulations of the authority that licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and

4 ~~D)~~ The holder of the specific license shall furnish to each general licensee to whom he transfers or on whose premises he installs such a device a copy of the general license contained in Section 330.220(b) of this Part or in equivalent regulations of the agency having jurisdiction over the manufacture and distribution of the device.

c~~3~~) The Department may withdraw, limit or qualify its acceptance of any specific license ~~or equivalent licensing document~~ issued by the U.S. Nuclear Regulatory Commission or another state ~~an Agreement State~~, or any product distributed pursuant to such license ~~licensing document~~, if the Department determines that had the person ~~individual~~ been licensed in Illinois by the Department, the license would have been subject to action under Section 330.500 of this Part or 32 Ill. Adm. Code 310.90.

~~b) Licenses of Naturally Occurring and Accelerator-Produced Radioactive Material~~

~~1) Subject to this Part, any person who holds a specific license or equivalent authorization from a Licensing State is hereby granted a general license to conduct the activities authorized in such licensing document or equivalent authorization within this State for a period not in excess of 180 days in any 12-month period, provided that:~~

~~A) A current copy of the licensing document or equivalent authorization is on file with the Department and the activities authorized by such document are not limited to specified installations or locations;~~

~~B) The out-of-state licensee notifies the Department by telephone, telefacsimile, telegraph or letter prior to engaging in such activities. Such notification shall indicate the location, period and type of proposed possession and use within the State. If initial notification was by telephone, telefacsimile or telegraph, the out-of-state licensee shall submit to the Department within 10 days following such notification a letter which contains the above information. Upon receipt from the out-of-state licensee of a written request which contains a schedule of activities to be conducted within Illinois, the Department will waive the requirement for additional notifications of activities on that schedule during the 12-month period following the receipt of the initial notification from a person engaging in activities under the general license provided in subsection (a)(1);~~

~~C) The out-of-state licensee complies with 32 Ill. Adm. Code: Chapter II and with all the terms and conditions of the licensing document or equivalent authorization, except any such terms and conditions which may be inconsistent with 32 Ill. Adm. Code: Chapter II;~~

~~D) The out-of-state licensee supplies any other information necessary to show compliance with 32 Ill. Adm. Code: Chapter II; and~~

~~E) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in subsection (b)(1) above except by transfer to a person:~~

~~i) Specifically licensed by the Department or by another Licensing State to receive such material; or~~

~~ii) Exempt from the requirements for a license for such material under Section 330.40.~~

~~2) Notwithstanding the provisions of subsection (b)(1) above, any person who holds a specific license or equivalent authorization issued by a Licensing State authorizing the holder to manufacture, transfer, install or service a device described in Section 330.220(b)(1) within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service such a device in this State provided that:~~

~~A) Such person shall file a report with the Department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred and the radionuclide and activity of radioactive material contained in the device;~~

~~B) The device has been manufactured, labeled, installed and serviced in accordance with applicable provisions of the specific license or equivalent authorization issued to such person by a Licensing State;~~

~~C) Such person shall assure that any labels required to be affixed to the device under regulations of the authority that licensed or otherwise authorized manufacture of the device bear a statement that "Removal of this label is prohibited"; and~~

~~D) The holder of the specific license or equivalent authorization shall furnish to each general licensee to whom he transfers or on whose premises he installs such a device a copy of the general license contained in Section 330.220(b) or in equivalent regulations of the agency having jurisdiction over the manufacture and distribution of the device.~~

~~3) The Department may withdraw, limit or qualify its acceptance of any specific license or equivalent authorization issued by a Licensing State, or any product distributed pursuant to such license or equivalent authorization, if the Department determines that had the out-of-state licensee been licensed by Illinois, the licensee's license would have been subject to action under Section 330.500 or 32 Ill. Adm. Code 310.90.~~

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

Section 330.Appendix C Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release

Radioactive Material[1]	Release Fraction	Quantity (GBq)	Quantity (Ci)
Actinium-228	0.001	148,000	4,000
Americium-241	0.001	74	2
Americium-242	0.001	74	2
Americium-243	0.001	74	2
Antimony-124	0.01	148,000	4,000
Antimony-126	0.01	222,000	6,000
Barium-133	0.01	370,000	10,000
Barium-140	0.01	1,110,000	30,000
Bismuth-207	0.01	185,000	5,000
Bismuth-210	0.01	22,200	600
Cadmium-109	0.01	37,000	1,000
Cadmium-113	0.01	2,960	80
Calcium-45	0.01	740,000	20,000
Californium-252	0.001	333	9 (20mg)
Carbon-14 (Non-CO2)	0.01	1,850,000	50,000
Cerium-141	0.01	370,000	10,000
Cerium-144	0.01	11,100	300
Cesium-134	0.01	74,000	2,000
Cesium-137	0.01	111,000	3,000
Chlorine-36	0.5	3,700	100
Chromium-51	0.01	11,100,000	300,000
Cobalt-60	0.001	185,000	5,000
Copper-64	0.01	7,400,000	200,000
Curium-242	0.001	2,220	60
Curium-243	0.001	110	3
Curium-244	0.001	148	4
Curium-245	0.001	74	2
Europium-152	0.01	18,500	500
Europium-154	0.01	14,800	400
Europium-155	0.01	111,000	3,000

Radioactive Material[1]	Release Fraction	Quantity (GBq)	Quantity (Ci)
Gadolinium-153	0.01	185,000	5,000
Gold-198	0.01	1,110,000	30,000
Hafnium-172	0.01	14,800	400
Hafnium-181	0.01	259,000	7,000
Holmium-166m	0.01	3,700	100
Hydrogen-3	0.5	740,000	20,000
Indium-114m	0.01	37,000	1,000
Iodine-125	0.5	370	10
Iodine-131	0.5	370	10
Iridium-192	0.001	1,480,000	40,000
Iron-55	0.01	1,480,000	40,000
Iron-59	0.01	259,000	7,000
Krypton-85	1.0	222,000,000	6,000,000
Lead-210	0.01	296	8
Manganese-56	0.01	2,220,000	60,000
Mercury-203	0.01	370,000	10,000
Molybdenum-99	0.01	1,110,000	30,000
Neptunium-237	0.001	74	2
Nickel-63	0.01	740,000	20,000
Niobium-94	0.01	11,100	300
Phosphorus-32	0.5	3,700	100
Phosphorus-33	0.5	37,000	1,000
Polonium-210	0.01	370	10
Potassium-42	0.01	333,000	9,000
Promethium-145	0.01	148,000	4,000
Promethium-147	0.01	148,000	4,000
Ruthenium-106	0.01	7,400	200
Samarium-151	0.01	148,000	4,000
Scandium-46	0.01	111,000	3,000
Selenium-75	0.01	370,000	10,000
Silver-110m	0.01	37,000	1,000
Sodium-22	0.01	333,000	9,000
Sodium-24	0.01	370,000	10,000
Strontium-89	0.01	111,000	3,000

Radioactive Material[1]	Release Fraction	Quantity (GBq)	Quantity (Ci)
Strontium-90	0.01	3,330	90
Sulfur-35	0.5	33,30	900
Technetium-99	0.01	370,000	10,000
Technetium-99m	0.01	14,800,000	400,000
Tellurium-127m	0.01	185,000	5,000
Tellurium-129m	0.01	185,000	5,000
Terbium-160	0.01	148,000	4,000
Thulium-170	0.01	148,000	4,000
Tin-113	0.01	370,000	10,000
Tin-123	0.01	111,000	3,000
Tin-126	0.01	37,000	1,000
Titanium-44	0.01	3,700	100
Vanadium-48	0.01	259,000	7,000
Xenon-133	1.0	33,300,000	900,000
Yttrium-91	0.01	74,000	2,000
Zinc-65	0.01	185,000	5,000
Zirconium-93	0.01	14,800	400
Zirconium-95	0.01	185,000	5,000
Any other beta-gamma emitter	0.01	370,000	10,000
Mixed fission products	0.01	37,000	1,000
Mixed corrosion products	0.01	370,000	10,000
Contaminated equipment, beta-gamma	0.001	370,000	10,000
Irradiated material, solid noncombustible	0.01	37,000	1,000
Mixed radioactive waste, beta-gamma	0.01	37,000	1,000
Packaged mixed waste,[2] beta-gamma	0.001	370,000	10,000
Any other alpha emitter	0.001	74	2
Contaminated equipment, Alpha	0.0001	740	20
Packaged waste, alpha[2]	0.0001	740	20

[1] For combinations of radioactive materials, the licensee is required to consider whether an emergency plan is needed if the sum of the ratios of the quantity of each radioactive material authorized to the quantity listed for that material above exceeds one.

[2] Waste packaged in Type B containers does not require an emergency plan.

(Source: Added at __ Ill. Reg. _____, effective _____)

Section 330.APPENDIX G Financial Surety Arrangements (Section 330.250 (c)(1)(D))
(Repealed)

~~a)~~ ~~Surety Bond. If an applicant or licensee elects to satisfy the requirements of Section 330.250(c)(1) by filing a surety bond, that bond shall conform to the following requirements:~~

~~1)~~ ~~The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties or reinsurers on federal bonds in Circular 570 of the U.S. Department of Treasury, entitled "Surety Companies Acceptable On Federal Bonds", 52 Fed. Reg. 24601, revised as of July 1, 1987;~~

~~2)~~ ~~The wording of the surety bond shall contain the provisions specified in subsection (1) of Section 330.Appendix H. Additional conditions may be agreed to between the applicant or licensee and the surety company so long as no requirement of this Part nor other required provision is avoided or altered;~~

~~3)~~ ~~The surety bond guarantees that:~~

~~A)~~ ~~Funds will be available to perform reclaiming in accordance with 32 Ill. Adm. Code 340.Appendix A to assure health and safety from radiation hazards and other requirements of the license for the facility whenever required by the Department;~~

~~B)~~ ~~Surety waives notification of amendments to licenses, applicable laws, statutes, rules and regulations and agrees that no such amendment shall in any way alleviate its obligation on the bond; and~~

~~C)~~ ~~The licensee will provide alternate financial surety as specified in Section 330.250(c)(1) and obtain the Division Chief's written approval of the assurance provided within 90 days of receipt by both the licensee and the Division Chief of a notice of cancellation of the bond from the surety;~~

~~4)~~ ~~Under the terms of the bond the surety shall become liable on the bond obligation when the licensee fails to perform as guaranteed by the bond. Following a determination by the Division Chief that the licensee has failed to so perform, under the terms of the bond the surety shall perform reclaiming to the satisfaction of the State as guaranteed by the bond or~~

~~shall forfeit the amount of the penal sum, as provided in Section 330.250(c)(1)(C);~~

~~5)~~ ~~The penal sum of the bond shall be in an amount at least adequate to provide the necessary financial surety;~~

~~6)~~ ~~Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail return receipt requested to the licensee and to the Division Chief. Cancellation shall not occur, however, during the 180 days beginning on the date of receipt of the notice of cancellation by both the licensee and the Division Chief, as evidenced by the return receipts;~~

~~7)~~ ~~The surety shall not be liable for the deficiency in the performance of reclaiming after the Division Chief has determined satisfactory reclaiming has occurred;~~

~~8)~~ ~~Licensee may terminate the bond by sending written notice to the surety, provided, however, that no such notice shall become effective until the surety receives written authorization from the Division Chief for the termination of the bond.~~

~~b)~~ ~~Personal Bond Supported by a Letter of Credit. If an applicant or licensee elects to satisfy the surety requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by collateral in the form of an irrevocable standby letter of credit, he shall guarantee funds to perform reclaiming in accordance with 32 Ill. Adm. Code 340.Appendix A for protection of health and safety and other requirements of the license for the facility. In addition, the irrevocable standby letter of credit supporting this guarantee shall conform to the following requirements:~~

~~1)~~ ~~The institution issuing the letter of credit shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a Federal or Illinois agency;~~

~~2)~~ ~~The wording of the letter of credit shall contain the provisions specified in subsection (a)(2) of Section 330.Appendix H. Additional conditions may be agreed to between the applicant or licensee and the issuing institution so long as no requirement of this Part nor required provision is avoided or altered;~~

~~3) The letter of credit shall be accompanied by a letter from the licensee referring to the letter of credit by number, issuing institution and date and providing the following information: the radioactive material license number(s), name(s) and address(es) of the facility(ies) and the amount of funds for each license assured for reclaiming of the facility(ies) by the letter of credit;~~

~~4) The letter of credit shall be irrevocable and issued for a period of at least 1 year. The letter of credit shall provide that the expiration date shall be automatically extended for a period of at least 1 year unless, at least 180 days before the current expiration date, the issuing institution notifies both the licensee and the Division Chief by certified mail of a decision not to extend the expiration date. Under the terms of a letter of credit, the 180 days will begin on the date when both the licensee and the Division Chief have received the notice, as evidenced by the return receipts;~~

~~5) The letter of credit shall be issued in an amount at least adequate to provide the necessary financial surety; and~~

~~6) The Director may draw on the letter of credit upon forfeiture as provided in Section 330.250(c)(1)(C). The Director shall also draw on the letter of credit if the licensee does not establish alternate financial surety as specified in this Part and obtain written approval of such alternate assurance from the Division Chief within 90 days after receipt by both the licensee and the Division Chief of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date. The Division Chief shall delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any extension, the Director will draw on the letter of credit if the licensee has failed to provide alternate financial surety as specified in Section 330.250(c)(1) and obtain written approval of such surety from the Division Chief.~~

~~c) Personal Bond Supported by Insurance. If an applicant or licensee elects to satisfy the surety requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by collateral in the form of an insurance policy, he shall guarantee funds sufficient to perform reclaiming in accordance with 32 Ill. Adm. Code 340.Appendix A for protection of health and safety and other requirements of the licensee for the facility. In addition, the insurance policy supporting this guarantee shall conform to the following requirements:~~

~~1) The insurer shall be licensed to transact the business of insurance or be eligible to provide insurance as an excess or surplus lines insurer;~~

~~2) The insurance policy shall be accompanied by a certificate of insurance in which the wording contains the provisions specified in subsection (3) of Section 330.Appendix H. Additional conditions may be agreed to between the applicant or licensee and the insurer so long as no requirement of this Part nor required provision is avoided or altered;~~

~~3) The insurance policy shall be for a face amount at least adequate to provide the necessary financial surety. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer shall not change the face amount, although the insurer's future liability shall be lowered by the amount of the payments;~~

~~4) The insurance policy shall guarantee that funds will be available for reclaiming the facility whenever reclaiming is necessary as determined by the Division Chief;~~

~~5) Upon forfeiture of financial surety as provided in Section 330.250(c)(1)(C), the Director shall direct the insurer to pay the full face amount to the State as specified in Section 330.250(c)(1)(C);~~

~~6) The licensee shall maintain the policy in full force and effect until license termination or substitution of alternate financial surety as specified in Section 330.250(c)(1). Failure to pay the premium without substitution of alternate financial surety as specified in Section 330.250(c)(1) shall constitute a violation of this Part. Such violation shall be considered to begin upon receipt by the Division Chief of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration;~~

~~7) The policy shall provide that the insurer shall not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy shall, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the licensee and the Division Chief. Cancellation, termination or failure to renew shall not occur, however, during the 180 days beginning with the date of receipt of the notice by both the Division Chief and the licensee, as evidenced by the return receipts. Cancellation, termination or failure to renew shall not~~

~~occur and the policy shall remain in full force and effect in the event that on or before the date of expiration:~~

~~A) The Division Chief considers the facility abandoned;~~

~~B) The license is terminated or revoked or renewal is denied;~~

~~C) Closure is ordered by the Director or a court of competent jurisdiction;~~

~~D) The licensee is named as debtor in a voluntary or involuntary proceeding under Title 11, U.S. Code (Bankruptcy); or~~

~~E) The premium due is paid.~~

~~8) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer will thereafter annually increase the face amount of the policy. Such increase shall be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities; and~~

~~9) Any provision of the policy inconsistent with any or all regulations in this Part will be deemed to be amended to eliminate such inconsistency.~~

~~d) Personal Bond Supported by Securities. If an applicant or licensee elects to satisfy the surety requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by collateral in the form of securities, he shall guarantee sufficient funds to perform reclaiming in accordance with 32 Ill. Adm. Code 340.Appendix A for protection of health and safety and other requirements of the license(s) for the facility(ies). In addition, the securities supporting this guarantee shall be fully registered as to principal and interest in such manner as to identify the State and the Department as holder of such collateral and also identifying that person filing such collateral. The securities shall be accompanied by a certificate whose wording contains the provisions specified in subsection (4) of Section 330.Appendix H, identifying the State and the Department as holder of such collateral and to also identify that person filing such collateral. These securities shall have a current market value at least adequate to provide the necessary financial surety and shall be included among the following types:~~

~~1)~~ ~~Negotiable United States Treasury securities assigned irrevocably to the State; or~~

~~2)~~ ~~Negotiable general obligation municipal or corporate bonds which have at least an "A" rating by Moody's and/or Standard and Poor's rating services and which are assigned irrevocably to the State.~~

~~e)~~ ~~Personal Bond Supported by Certificate of Deposit. If an applicant or licensee elects to satisfy the surety requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by a Certificate of Deposit in an amount at least adequate to provide necessary financial surety, the irrevocable certificate of deposit supporting this guarantee shall conform to the following requirements:~~

~~1)~~ ~~The institution issuing the certificate of deposit shall be an entity which has the authority to issue certificates of deposit and whose certificate of deposit operations are regulated and examined by a Federal or State agency;~~

~~2)~~ ~~The certificate of deposit shall be accompanied by a letter from the licensee referring to the certificate of deposit by number, issuing institution and date and providing the following information:~~

~~A)~~ ~~The radioactive material license number(s), name(s) and address(es) of the facility(ies) and the amount of funds assured for reclaiming of the facility(ies) by the certificate of deposit. Such certificate of deposit shall also include a statement signed by an officer of the issuing financial institution which waives all rights of lien which the institution has or might have against the certificate;~~

~~B)~~ ~~This letter shall contain the applicable provisions specified in subsection (5) of Section 330.Appendix H. Additional provisions may be agreed to between the applicant or licensee and the issuing institution so long as no requirement of this Part or required provision is avoided or altered;~~

~~3)~~ ~~The certificate of deposit shall be assigned irrevocably to the State and issued for a period of at least 1 year. The certificate of deposit shall provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 180 days before the current expiration date, the issuing institution notifies both the licensee and the Division Chief by certified mail of a decision not to extend the expiration date. Under the terms of the certificate of deposit, the 180 days will begin on the date when~~

~~both the licensee and the Division Chief have received the notice, as evidenced by the return receipts; and~~

4) ~~The Director may draw on the certificate of deposit upon forfeiture as provided in Section 330.250(c)(1)(C). The Director will also draw on the certificate of deposit if the licensee does not establish alternate financial surety as specified in this Part and obtain written approval of such alternate assurance from the Division Chief within 90 days after receipt by both the licensee and the Division Chief of a notice from the issuing institution that it has decided not to extend the certificate of deposit beyond the current expiration date. The Director may delay the drawing if the issuing institution grants an extension of the term of the certificate of deposit. During the last 30 days of any such extension, the Director will draw on the certificate of deposit if the licensee has failed to provide alternate financial surety as specified in this Part and obtain written approval of such surety from the Division Chief.~~

(Source: Repealed at __ Ill. Reg. _____, effective _____)

Section 330.APPENDIX H Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

~~1)~~ ~~A surety bond guaranteeing funds for reclaiming, as specified in subsection (a) of Section 330.Appendix G, shall contain the following provisions except that the instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:~~

~~SURETY BOND~~

~~Date bond executed: _____~~
~~Effective date: _____~~
~~Principal: (legal name and business address of applicant or licensee)~~
~~Type of organization: (insert "individual," "joint venture," "partnership" or "corporation")~~
~~State of incorporation: _____~~
~~Surety(ies): (Name(s) and business address(es))~~
~~License Number(s), name, address and reclaiming cost for each facility guaranteed by this bond: _____~~
~~Total penal sum of bond: $_____~~
~~Surety's bond number: _____~~

~~KNOW ALL PERSONS BY THESE PRESENTS, That we, the Principal and Surety(ies) hereto are firmly bound to the Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704, (hereinafter called Department), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.~~

~~WHEREAS said Principal is required, under the Radiation Protection Act of 1990, as amended, to have a license in order to receive, possess, store and use radioactive material at the facility identified above; and~~

~~WHEREAS said Principal is required to provide financial assurance for reclaiming as a condition of the license;~~

~~NOW, THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform reclaiming, whenever required to do so, of each facility for which this bond guarantees funds for reclaiming, to the satisfaction of the Director, Illinois Department of Nuclear Safety, in accordance with acceptable practices for protection of health and safety pursuant to all applicable laws, statutes, rules and regulations, as such laws, statutes, rules and regulations may be amended.~~

~~OR, if the Principal shall provide alternate financial assurance as specified in Section 330.250(c)(1)(H), and obtain the written approval of such assurance from the Chief, Division of Radioactive Materials (hereinafter called the Division Chief), within 90 days after the date notice of cancellation is received by both the Principal and the Division Chief from the Surety(ies), then this obligation shall be null and void; otherwise, it is to remain in full force and effect.~~

~~The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.~~

~~Upon notification by the Division Chief that the Principal has been found in violation of the reclaiming requirements of the Department, for a facility for which this bond guarantees funds for performance of reclaiming, the Surety(ies) shall forfeit the reclaiming cost amount guaranteed for the facility to the Department as directed by the Director.~~

~~Upon notification by the Division Chief that the Principal has failed to provide alternate financial assurance as specified in Section 330.250(c)(1)(H), and obtain written approval of such assurance from the Division Chief during the 30 days following receipt by both the Principal and the Director of a notice of cancellation of the bond, the Surety(ies) shall forfeit funds in the amount guaranteed for the facility(ies) to the Department as directed by the Director.~~

~~The Surety(ies) hereby waive(s) notification of amendments to licenses, applicable laws, statutes, rules and regulations and agree(s) that no such amendment shall in any way alleviate its (their) obligation on this bond.~~

~~The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or~~

~~payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.~~

~~The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the applicant or licensee and to the Division Chief; provided, however, that cancellation shall not occur during the 180 days beginning on the date of receipt of the notice of cancellation by both the Principal and the Division Chief, as evidenced by the return receipts.~~

~~The Principal may terminate this bond by sending written notice to the Surety(ies); provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Division Chief.~~

~~IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this SURETY BOND and have affixed their seals on the date set forth above.~~

~~The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies).~~

~~PRINCIPAL~~

~~(Signature(s))~~
~~(Name(s))~~
~~(Title(s))~~
~~Corporate seal:~~

~~CORPORATE SURETY(IES)~~

~~(Name and address)~~
~~State of incorporation: _____~~
~~Liability limit: $_____~~
~~(Signature(s))~~
~~(Name(s))~~
~~(Title(s))~~
~~Corporate seal:~~
~~(For every co-surety, provide signature(s), corporate seal and other information in the same manner as for the Surety above.)~~
~~Bond premium: $_____~~

~~2)~~ ~~A letter of credit, as specified in subsection (b) of Section 330.Appendix G, shall contain the following provisions except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:~~

~~IRREVOCABLE STANDBY LETTER OF CREDIT~~

~~Chief~~ ~~Date: _____~~
~~Division of Radioactive Materials~~
~~Illinois Department of Nuclear Safety~~

~~Dear Sir or Madam:~~

~~We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of (applicant's or licensee's name and address) up to the aggregate amount of (in words) U.S. dollars $_____, available upon presentation of:~~

~~A)~~ ~~your sight draft, bearing reference to this letter of credit No. _____; and~~

~~B)~~ ~~your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Illinois Radiation Protection Act of 1990, as amended."~~

~~This letter of credit is effective as of (date) and shall expire on (date at least 1 year later), but such expiration date shall be automatically extended for a period of (at least 1 year) on (date) and on each successive expiration date, unless, at least 180 days before the current expiration date, we notify both you and (applicant's or licensee's name) by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 180 days after the date of receipt by both you and (licensee's name), as shown on the signed return receipts.~~

~~Whenever this letter of credit is drawn on, under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall forfeit the amount of the draft to the State of Illinois in accordance with your instructions.~~

~~(Signature(s) and title(s) of official(s) of issuing institution) (Date)~~

~~This credit is subject to (the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce, or the Uniform Commercial Code).~~

~~3)~~ ~~A certificate of insurance, as specified in subsection (c) of Section 330.Appendix G, shall contain the following provisions except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:~~

~~CERTIFICATE OF INSURANCE FOR RECLAIMING~~

~~Name and Address of Insurer~~
~~(herein called the "Insurer"): _____~~
~~Name and Address of Insured~~
~~(herein called the "Insured"): _____~~

~~Facilities Covered: (List for each facility: The License Number, name, address and the amount of insurance for reclaiming (these amounts for all facilities covered shall total the face amount shown below)).~~
~~Face Amount: _____~~
~~Policy Number: _____~~
~~Effective Date: _____~~

~~The Insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial surety for reclaiming the facilities identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of subsection (c) of Section 330.Appendix G, as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulation is hereby amended to eliminate such inconsistency.~~

~~Whenever requested by the Chief, Division of Radioactive materials, Illinois Department of Nuclear Safety, the Insurer agrees to furnish to the Chief, Division of Radioactive Materials, a duplicate original of the policy listed above, including all endorsements thereon.~~

~~(Authorized signature for Insurer)~~
~~(Name of person signing)~~
~~(Title of person signing)~~
~~Signature of witness or notary: _____~~
~~(Date)~~

4) ~~A personal bond supported by securities, as specified in subsection (d) of Section 330.Appendix G, shall be accompanied by a document which contains the following provisions except that the instructions in parentheses are to be replaced with relevant information and the parentheses deleted:~~

~~ASSIGNMENT OF SECURITIES~~

~~Pursuant to 32 Ill. Adm. Code 330.250(c), (licensee or applicant's name) hereby transfers (_____ Dollars) ($_____) in negotiable United States Treasury Securities unto Illinois Department of Nuclear Safety, including interest which thereby accrues, represented by Certificate No. (_____), herewith and does hereby agree that such securities shall be used for purposes of ensuring reclamation of (name of facility) site.~~

5) ~~A certificate of deposit, as specified in subsection (e) of Section 330.Appendix G, shall contain the following provisions except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:~~

~~Name and address of Bank~~

~~Certificate of Deposit _____, 19__~~
~~No. _____ $_____~~

~~(Licensee name and address) has deposited not subject to check (_____) Dollars ($_____) payable to the order of Illinois Department of Nuclear Safety, Chief, Division of Radioactive Materials, (___) days after notice in writing of intended withdrawal shall have been given to the bank and upon surrender of this certificate properly endorsed, with interest as herein provided.~~

~~This certificate shall be automatically renewed at maturity for successive periods of 1 year each. The bank reserves the right not to renew this certificate at the expiration of any 1 year's period upon mailing to the payee, at least 180 days prior to the expiration date, a notice of its election not to renew the certificate.~~

~~_____~~
~~(Cashier)~~

~~Dated _____, 19__.~~

~~(Licensee or Applicant)~~
~~Signature Guaranteed~~

~~By: _____~~

JAN 1 3 2000

~~(Title)~~

~~ASSIGNMENT OF CORPORATE OR MUNICIPAL BOND~~

~~Pursuant to 32 Ill. Adm. Code 330.250(c), (licensee or applicant's name) hereby transfers to Illinois Department of Nuclear Safety bonds of the (Corporation or Municipality's name) for (_____) Dollars ($_____), No. (____) herewith standing in the name of the undersigned on the books of said (Corporation or Municipality) and does hereby agree that such bonds shall be used for purposes of ensuring reclaiming of (name of facility) site.~~

~~Dated _____, 19__.~~

~~(Licensee or Applicant)~~
~~Signature Guaranteed~~

~~By: _____~~
~~(Title)~~

(Source: Repealed at __ Ill. Reg. _____, effective _____)