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REGISTER

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AGENCIES



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having an established Federal Upper Limit at the time of listing; or

- D) the average wholesale price for drugs where that price is based upon the actual market wholesale price, ~~or B) the wholesale-acquisition-cost-plus-12-percent.~~

- 2) For brand name drugs, the Department's maximum price is calculated as the lower lowest of:

- A) the average wholesale price minus 11 ten percent; or
B) the average wholesale price for drugs where that price is based upon the actual market wholesale price, ~~or C) the wholesale-acquisition-cost-plus-8-percent.~~

(Source: Amended at 25 Ill. Reg. 14957, effective NOV - 1 2001)

Section 140.447 Reimbursement

- a) The calculation of average wholesale price and ~~wholesale-acquisition cost~~ in the determination of the Department's maximum price (Section 140.445(b)) is made using the standard package size.
- b) If a pharmacy gives discounts to the general public, it must provide the same to Public Aid recipients. If discounts are allowed only to a specific group of people, they shall be extended to a recipient if he or she is a member of the special discount group. Public Aid recipients can constitute a special group and receive a discount, but they cannot be excluded from a discount group just because they are recipients.
- c) The Department will require pharmacies to complete hard copy (paper) claim forms for pharmacy services and attach a Prescribing Practitioner Name Identification Form. A separate hard copy (paper) claim form and Practitioner Name Identification Form is to be required for each recipient and prescribing practitioner.
- d) The Department will authorize an exception for pharmacies, to the requirements of subsection (c) of this Section, by allowing pharmacy claims to be submitted with the prescribing practitioner's DEA number, Department Medical Assistance Program participating provider identification number or Social Security Number.

(Source: Amended at 25 Ill. Reg. 14957, effective NOV - 1 2001)

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DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Certification of Individuals to Perform Industrial Radiography
- 2) Code Citation: 32 Ill. Adm. Code 405
- 3) Section Number: 405.60
405.120
Emergency Action: Amendment
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].
- 5) Effective Date of Amendments: October 30, 2001
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire when the proposed amendment is adopted.
- 7) Date Filed with the Index Department: October 30, 2001
- 8) A copy of this adopted emergency amendment, including any material incorporated by reference, is on file at the Department's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Reason for the Emergency: The Department of Nuclear Safety is amending this Part to provide more opportunity for individuals to become certified in Illinois to perform industrial radiography. Certification in industrial radiography is necessary for not only the safety of the radiographers but also for the safety of the public.
- 10) A Complete Description of the Subjects and Issues Involved: The Department is adopting this emergency amendment to accept alternative examinations that are found to be acceptable by the Conference of Radiation Control Program Directors to qualified candidates applying for certification as industrial radiographers. In addition, the Department is extending its reciprocity procedures to accept the American Society of Nondestructive Testing (ASNT) standards in issuing certifications to an applicant certified by the ASNT.

The Department's action should not be understood as a desire to limit or preclude public comment. Elsewhere in this issue of the *Illinois Register*, the Department is proposing, for public comment, a general rulemaking that covers the topics and text included in the emergency rule.

- 11) Are there any proposed amendments to this Part pending: Yes
- 12) Statement of Statewide Policy Objectives: The requirements imposed by the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

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.

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

Louise Michels
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

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

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

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

PART 405

CERTIFICATION OF INDIVIDUALS TO PERFORM INDUSTRIAL RADIOGRAPHY

Section

- 405.10 Purpose and Scope
- 405.20 Definitions
- 405.30 Application for Certification
- 405.40 Categories of Certification
- 405.50 Examination Requirements
- 405.60 Examinations

EMERGENCY

- 405.70 Approved Training Program
- 405.80 Experience Requirements for Certification
- 405.90 Requirements for Issuance of Certification
- 405.100 Duration of Certification
- 405.110 Fees
- 405.120 Reciprocity

EMERGENCY

- 405.130 Requirements for Renewal of Certification
- 405.140 Suspension and Revocation of Certification
- 405.150 Civil Penalties

APPENDIX A Minimum Training Requirements for Industrial Radiography
Applicable to Radioactive Materials and Radiation Machines

AUTHORITY: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

SOURCE: Adopted at 18 Ill. Reg. 10721, effective June 23, 1994; amended at 20 Ill. Reg. 9 12502, effective September 6, 1996; emergency amendment at 25 Ill. Reg. 14 12502, effective October 30, 2001.

Section 405.60 Examinations

EMERGENCY

- a) The Department shall administer examinations in each class of industrial radiography as specified in Section 405.40(b) of this Part at such times and places as the Department determines necessary.
 - 1) The examination shall be available through the Conference of Radiation Control Program Directors, Inc.
 - 2) The scaled passing score shall be 70 percent.
 - 3) A candidate who fails an examination may apply for re-examination in accordance with Section 405.50 of this Part.
- b) The Department shall accept alternative examinations provided that the such examinations are found acceptable by the U.S. Nuclear Regulatory

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NOTICE OF EMERGENCY AMENDMENTS

Commission or the Conference of Radiation Control Program Directors, Inc.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 14975, effective October 30, 2001, for a maximum of 150 days)

Section 405.120 Reciprocity
EMERGENCY

- a) The Department shall issue certification to an applicant who has been certified in another state or jurisdiction, or by the American Society of Nondestructive Testing (ASNT), provided that:
- 1) The applicant holds a valid certification in the appropriate category and class issued by another state or jurisdiction or by the ASNT;
 - 2) The standards and procedures for the certification issued by in the state, or jurisdiction, or ASNT that issued the certification are the same or comparable to the certification standards established by or pursuant to the Radiation Protection Act of 1990 and this Part;
 - 3) The applicant presents a copy of the certification document issued by the other state or jurisdiction or by the ASNT to the Department; and
 - 4) The applicant submits the application fee in accordance with Section 405.110(a) of this Part.
- b) Individuals who are certified by reciprocity shall either:
- 1) Maintain the certification upon which the reciprocal certification was issued; or
 - 2) Satisfy the requirements of Section 405.90 of this Part prior to the expiration of the certification upon which reciprocal certification was issued.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 14975, effective October 30, 2001, for a maximum of 150 days)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Section Numbers: Emergency Action:
1001.400 Amend
1001.410 Amend
1001.441 Amend
- 4) Statutory Authority: Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), (d) and (h), 6-206(c)3, and 11-501(i) of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), (d) and (h), 6-206(c)3, and 11-501(i)].
- 5) Effective Date of Amendments: November 9, 2001
- 6) If these rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable.
- 7) Date filed with the Index Department: November 1, 2001
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is in the Department's Springfield and Chicago offices and is available for public inspection.
- 9) Reason for Emergency: The statutory amendments described below became effective upon the Governor's signing of HB 2265, which occurred on 17 August 2001. In order to properly and effectively implement and administer the legislation in the interest of the public safety and welfare, these rules must be promulgated immediately.
- 10) A Complete Description of the Subjects and Issues Involved: These amendments implement P.A. 92-418 (HB 2265), which was signed by the Governor on 17 August 2001 and is effective immediately. The reason for the emergency is that P.A. 92-418 amended Sections 6-205(c) and (d), and 6-206(c)3 of the Illinois Vehicle Code to state that the Secretary of State shall condition the issuance of restricted driving permits upon the installation and use of an ignition interlock device on vehicles driven by multiple offenders under the driving under the influence and the implied consent/summary suspension statutes (Sections 11-501(a) and 11-501.1 of the IVC). Section 11-501(i) also provides that the Secretary of State shall establish by rule and regulation the procedures for use of the interlock system.

Furthermore, Sections 6-205(c) and 6-206(c)3 have been amended to prohibit the Secretary of State from issuing restricted driving permits to DUI offenders for one year after a second or subsequent revocation for driving under the influence, entered pursuant to Section 6-205(a)(2).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

the Department. Awarding of grants will be on a competitive basis (see Section 3050.70) and will be made under authority of the Director of the Department of Natural Resources.

- c) Project grant applications will consist of the following components:
- 1) applicant's name, address and telephone number;
 - 2) information on the supply of existing public park and open space acreage located within the project sponsor's (applicant) jurisdiction;
 - 3) an itemized proposed project cost estimate;
 - 4) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits, proposed usages and method of financing or accomplishing the project;
 - 5) project location map, site plat map and proposed site development and/or restoration plans;
 - 6) project environmental evaluation;
 - 7) a document signed by the applicant verifying the applicant has the resources to initially finance and subsequently manage the project area and will comply with program regulations; and
 - 8) a commitment for title insurance in the name of the project sponsor for the property planned for acquisition or other Department approved means of title search.
- d) A program information packet may be obtained from the Division of Grant Administration, Illinois Department of Natural Resources, 524 S. Second Street, Springfield IL 62701-1787, telephone 217/782-7481.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certification of Individuals to Perform Industrial Radiography
- 2) Code Citation: 32 Ill. Adm. Code 405
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
405.20	Amendment
405.30	Amendment
405.40	Amendment
405.50	Amendment
405.60	Amendment
405.70	Amendment
405.80	Amendment
405.90	Amendment
405.100	Amendment
405.110	Amendment
405.120	Amendment
405.130	Amendment
405.140	Amendment
405.150	Amendment
APPENDIX A	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to: (1) delete provisions regarding Provisionally Certified Industrial Radiographers since this class no longer exists; (2) accept certification exams deemed to be equivalent to existing examinations; (3) recognize the American Society for Non-Destructive Testing (ASNT) as an independent certifying organization for x-ray and combined x-ray and radioactive material; and (4) amend the suspension and revocation of certification and civil penalty Sections of the rule.
- 6) Will these proposed amendments replace an emergency amendment currently in effect? Yes
- 7) Do these rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments 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.

- 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.

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NOTICE OF PROPOSED AMENDMENTS

- 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:

Louise Michels
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 affected: This change will have a positive impact and will allow more options for industrial radiographers and their employers to obtain training and certification.
- B) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping, or other procedures would be required for compliance.
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER b: RADIATION PROTECTION

PART 405

CERTIFICATION OF INDIVIDUALS TO PERFORM INDUSTRIAL RADIOGRAPHY

Section

- 405.10 Purpose and Scope
- 405.20 Definitions
- 405.30 Application for Certification
- 405.40 Categories of Certification
- 405.50 Examination Requirements
- 405.60 Examinations
- 405.70 Approved Training Program
- 405.80 Experience Requirements for Certification
- 405.90 Requirements for Issuance of Certification
- 405.100 Duration of Certification
- 405.110 Fees
- 405.120 Reciprocity
- 405.130 Requirements for Renewal of Certification
- 405.140 Suspension and Revocation of Certification
- 405.150 Civil Penalties

APPENDIX A Minimum Training Requirements for Industrial Radiography
Applicable to Radioactive Materials and Radiation Machines

AUTHORITY: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

SOURCE: Adopted at 18 Ill. Reg. 10721, effective June 23, 1994; amended at 20 Ill. Reg. 12602, effective September 6, 1996; emergency amendment at 25 Ill. Reg. _____, effective October 30, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. _____, effective _____.

Section 405.20 Definitions

As used in this Part, the following definitions shall apply:

"Act" means the Radiation Protection Act of 1990 (~~1991-CH-11-2, par-216-1-et-seq~~) [420 ILCS 40].

"Approved Training Program" means a program that the Department has determined is adequate to prepare individuals to meet the training requirements prescribed in Section-405-Appendix A of this Part.

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure which, independent of existing architectural structures except the floor on which it may be placed, is intended to

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contain at least that portion of a material being irradiated, provide radiation attenuation and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, bus terminals and similar facilities. An x-ray tube used within a shielded part of a building or x-ray equipment that may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

"Certification" means the authorization by the Illinois Department of Nuclear Safety of an individual to perform industrial radiography in Illinois.

"Certified Industrial Radiographer" means an individual who has met prescribed training and experience requirements and has passed an approved examination and is authorized by the Department, pursuant to Section 405.90(a) of this Part, to perform industrial radiography.

"Certified Industrial Radiographer Trainee" means an individual who is authorized by the Department, pursuant to Section 405.90(b) of this Part, to be instructed in industrial radiography and who may perform industrial radiography while under the personal supervision of a Certified Industrial Radiographer ~~or an approved Provisionally Certified Industrial Radiographer~~.

AGENCY NOTE: Instruction in industrial radiography for trainees certified by the Department includes on-the-job and field experience.

"Department" means the Illinois Department of Nuclear Safety.

"Director" means the Director of the Illinois Department of Nuclear Safety.

"Industrial Radiography" means the process used to perform the examination of the macroscopic structure of materials by non-destructive methods using radioactive materials or radiation machines. For purposes of this Part, industrial radiography does not include radiography performed with Lixiscopes or cabinet x-ray systems, nor does it include computed tomography or computer-based digital radiography in which the useful beam of radiation is collimated to detectors.

"Industrial Radiography - Radiation Machines" means the process of performing industrial radiography using radiation producing machines.

"Industrial Radiography - Radioactive Materials" means the process of performing industrial radiography using radioactive materials.

"Lixiscope" means a portable light-intensified imaging device using a

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

sealed source.

"Personal supervision" means supervision provided by a Certified Industrial Radiographer ~~or an approved Provisionally Certified Industrial Radiographer~~ who is physically present at the immediate site where sources of radiation and associated equipment are being used, visually evaluating the performance of the Certified Industrial Radiographer Trainee and in such proximity that immediate assistance can be given if required.

~~"Provisionally Certified Industrial Radiographer" means an individual who was employed as an industrial radiographer prior to September 17, 1994, and who is authorized by the Department, pursuant to Section 405.90(c), to perform industrial radiography.~~

"Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.30 Application for Certification

- a) Any individual applying to the Department for certification to perform industrial radiography shall:
 - 1) Submit a complete and legible application on a form prescribed by the Department;
 - 2) Pay the appropriate non-refundable application fee in accordance with Section 405.110 of this Part;
 - 3) Meet the examination requirements set forth in Section 405.50 of this Part or satisfy the requirements for certification based on reciprocity as set forth in Section 405.120 of this Part; and
 - 4) Provide evidence that the requirements for the given category and class for which certification is sought have been met.
- b) ~~Any individual who seeks Provisional Certification as an industrial radiographer shall submit an application to the Department no later than September 17, 1994.~~
- bc) The appropriate fee shall accompany the application when filing with the Department. An application shall be deemed filed on the date that it is received by the Department or on the date that it is postmarked by the United States Postal Service or equivalent.
- cd) The Department shall refuse to issue or renew certification to any individual if the Department has evidence that the applicant is delinquent in the repayment of an educational loan guaranteed by the Illinois Student Assistance Commission, as set forth in 20 ILCS

"Lixiscope" means a portable light-intensified imaging device using a

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- de) The Department shall refuse to issue or renew certification to any individual, after an opportunity for a hearing, if the Department has evidence that the applicant is delinquent in the payment of child support orders, pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65. Further process, hearing, or redetermination of the delinquency or violation by the Department shall not be required if the refusal is based solely upon the certification of delinquency made by the Department of Public Aid or the certification of violation made by the court. The Department may issue or renew a license if the applicant has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Public Aid. In the case of frequent child support arrearages, the Department may also impose conditions, restrictions or disciplinary action upon the certification.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.40 Categories of Certification

- a) The Department shall certify individuals to perform industrial radiography in one or more of the following categories: or
- 1) Certified Industrial Radiographer; or
 - 2) ~~Provisionally-Certified-Industrial-Radiographer; or~~ 3) Certified Industrial Radiographer Trainee.
- b) Each certification issued shall include a class endorsement for the type of industrial radiography authorized. Such class endorsements are limited to:
- 1) Radioactive Materials;
 - 2) Radiation Machines; or
 - 3) Radioactive Materials and Radiation Machines.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.50 Examination Requirements

- a) An individual who seeks certification as a Certified Industrial Radiographer shall must have passed, within 12 months prior to application for certification, a written examination appropriate to the category and class of certification sought in accordance with Section 405.60 of this Part. ~~An individual seeking certification as a Certified-Industrial-Radiographer after September-17-1995, must pass, within 12 months prior to application for certification, a written examination appropriate to the category and class of certification sought in accordance with Section 405.80. In the event that this examination is not passed, the individual seeking certification as a~~

individual if the Department has evidence that the applicant is delinquent in the repayment of an educational loan guaranteed by the Illinois Student Assistance Commission, as set forth in 20 ILCS

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- ~~Certified-Industrial-Radiographer may apply, during this 12-month period, for re-examination in accordance with subsection (d) below.~~
- b) An individual who holds certification as a Certified Industrial Radiographer Trainee shall take the examination for Certified Industrial Radiographer as prescribed by Section 405.60 of this Part within 12 months after certification. ~~In the event that this examination is not passed, the Certified-Industrial-Radiographer Trainee may apply for re-examination in accordance with subsection (d) below.~~
- c) ~~An individual who is a Provisionally-Certified-Industrial-Radiographer shall take the examination for Certified-Industrial-Radiographer as prescribed by Section 405.60 on or before September-17-1995. In the event that this examination is not passed, the Provisionally-Certified Industrial-Radiographer may apply for re-examination in accordance with subsection (d) below.~~
- ~~AGENCY NOTE: In the event the provisionally-certified industrial radiographer does not comply with application or testing requirements of subsection (c) above, certification as Provisionally-Certified Industrial-Radiographer shall expire on September-17-1995.~~
- gd) Application for examination or re-examination shall be on forms prescribed by the Department and shall include the appropriate fee specified by Section 405.110 of this Part. Examination fees are shall be non-refundable.
- AGENCY NOTE: In the event that an examination is not passed under subsection (a) or (b) of this Section, the applicant may apply for re-examination in accordance with subsection (c) of this Section.
- de) Examinees shall present photographic identification (e.g., drivers license) at the time of examination.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.60 Examinations

- a) The Department shall administer examinations in each class of industrial radiography as specified in Section 405.40(b) of this Part at such times and places as the Department determines necessary.
- 1) The examination shall be available through the Conference of Radiation Control Program Directors, Inc.
 - 2) The scaled passing score shall be 70 percent.
 - 3) A candidate who fails an examination may apply for re-examination in accordance with Section 405.50 of this Part.
- b) The Department shall accept alternative examinations provided that the such examinations are found acceptable by the U.S. Nuclear Regulatory Commission or the Conference of Radiation Control Program Directors, Inc.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

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Section 405.70 Approved Training Program

Industrial radiographer training programs shall be approved by the Department. The Department shall recognize other programs approved by another state or jurisdiction provided that such programs consist of standards and procedures that are the same or comparable to the standards and procedures established by the Radiation Protection Act of 1990 and this Part. The Department shall base its approval on information provided by the training program that shall include:

- a) Curriculum information sufficient to assure inclusion of subjects referenced in Section 405, Appendix A of this Part;
- b) Copies of test questions and answers and other evaluation tools and criteria used to demonstrate a participant's comprehension of subject matter in Section 405, Appendix A of this Part; and
- c) Resumes of instructors.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.80 Experience Requirements for Certification

Applicants for certification to perform industrial radiography shall have a minimum of experience appropriate to each category and class of industrial radiography as follows:

- a) Certified Industrial Radiographer
 - 1) Radioactive Materials 200 hrs
 - 2) Radiation Machines 120 hrs
 - 3) Both Radioactive Materials and Radiation 320 hrs

Machines of which not less than 200 hours shall be with radioactive materials and not less than 120 hours shall be with radiation machines.
- b) Provisionally-Certified-Industrial-Radiographer
 - 1) Employment as an industrial radiographer prior to September 17, 1994, and
 - 2) Compliance with the requirements of 32 Ill. Adm. Code 350.2010(a) c) Certified Industrial Radiographer Trainee. No prior experience required.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.90 Requirements for Issuance of Certification

The Department shall certify in a category and class of industrial radiography any individual who has satisfied the following requirements:

- a) Certified Industrial Radiographer

DEPARTMENT OF NUCLEAR SAFETY

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- 1) Submitted an application for certification on a form prescribed by the Department;
 - 2) Submitted the application fee specified in Section 405.110(a) of this Part;
 - 3) Passed an examination as required by Section 405.50(a) of this Part or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120 of this Part; and
 - 4) Completed the required hours of experience in industrial radiography as specified in Section 405.80 of this Part or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120 of this Part.
- b) Certified Industrial Radiographer Trainee
- 1) Submitted an application for certification on a form prescribed by the Department;
 - 2) Submitted the application fee specified in Section 405.110(a) of this Part; and
 - 3) Submitted documentation of successful completion of an approved training program as specified in Section 405.70 of this Part or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120 of this Part.
- AGENCY NOTE: Training includes didactic study incorporating those topics included in Section 405, Appendix A of this Part. Training does not include on-the-job experience.
- c) Provisionally-Certified-Industrial-Radiographer
- 1) No later than September 17, 1994, submitted an application for certification on a form prescribed by the Department;
 - 2) Submitted the application fee specified in Section 405.110(a); and
 - 3) Submitted documentation that prior to September 17, 1994, the individual was employed as an industrial radiographer and has complied with the requirements of 32 Ill. Adm. Code 350.2010(a);
- AGENCY NOTE: Examples of acceptable documentation are a written statement from an employer that the applicant is or has been employed as an industrial radiographer or a copy of a radioactive materials license issued by the Department or by the regulatory agency having jurisdiction in another state, identifying the applicant as an authorized user of industrial radiography sources.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.100 Duration of Certification

- a) The duration of certification issued by the Department shall be:
 - 1) Certified Industrial Radiographer 5 years
 - 2) Certified Industrial Radiographer Trainee 2 years
 - 3) Provisionally-Certified-Industrial-Radiographer

The Department shall certify in a category and class of industrial radiography any individual who has satisfied the following requirements:

- a) Certified Industrial Radiographer

- 2) Certified Industrial Radiographer Trainee 2 years
- 3) Provisionally-Certified-Industrial-Radiographer

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~~Certification---as---a---Provisionally---Certified---Industrial Radiographer,---issued---pursuant---to---Section---405.90(c)---shall---expire on---September---17---1996,---provided---that---the---application---and---testing requirements---of---Section---405.50(c)---have---been---met,---in---the---event---the provisionally---certified---industrial---radiographer---does---not---comply with---application---or---testing---requirements---of---Section---405.50(c), certification---as---a---Provisionally---Certified---Industrial Radiographer---shall---expire---on---September---17---1995.~~

- b) Certification for Provisionally-Certified-Industrial-Radiographer--and Certified Industrial Radiographer Trainee is are non-renewable nonrenewable.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.110 Fees

- a) The application fees for examination or certification are shall be non-refundable and are shall be as follows:
 - 1) Each application for examination by the Department.....\$75.00
 - 2) Each application for certification:
 - A) Certified Industrial Radiographer.....\$50.00
 - B) Certified Industrial Radiographer Trainee.....\$50.00
 - C) Provisionally-Certified-Industrial-Radiographer.....\$50.00
- b) The appropriate fees shall accompany the application when filing with the Department.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section. 405.120 Reciprocity

- a) The Department shall issue certification to an applicant who has been certified in another state or jurisdiction, or by the American Society of Nondestructive Testing (ASNT), provided that:
 - 1) The applicant holds a valid certification in the appropriate category and class issued by another state or jurisdiction or by the ASNT;
 - 2) The standards and procedures for the certification issued by in the state, or jurisdiction, or ASNT that issued the certification are the same or comparable to the certification standards established by or pursuant to the Radiation Protection Act of 1990 and this Part;
 - 3) The applicant presents a copy of the certification document issued by the other state or jurisdiction, or by the ASNT, to the Department; and
 - 4) The applicant submits the application fee in accordance with Section 405.110(a) of this Part.

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- b) Individuals who are certified by reciprocity shall either:
 - 1) Maintain the certification upon which the reciprocal certification was issued; or
 - 2) Satisfy the requirements of Section 405.90 of this Part prior to the expiration of the certification upon which reciprocal certification was issued.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.130 Requirements for Renewal of Certification

- a) Prerequisites
 - 1) An individual shall submit an application for re-examination and renewal of certification at least six months prior to the expiration date of certification. The Department shall waive this requirement if the applicant satisfies the requirements of Section 405.30(a) of this Part. An individual may not legally perform industrial radiography without valid certification.
 - 2) Each applicant shall submit a complete and legible application with the fee for re-examination and renewal of certification in accordance with Section 405.30(a) of this Part.
- b) Re-examination. Applicants for renewal of certification shall meet the requirements of Section 405.90(a) of this Part including re-examination as described in subsection (a) of this Section above.
- c) ~~Certification-as-a-Provisionally-Certified-Industrial-Radiographer--is nonrenewable---d) Certification as a Certified Industrial Radiography Trainee is non-renewable nonrenewable.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.140 Suspension and Revocation of Certification

- a) The Department may act to suspend or revoke an individual's certification for any one or a combination of the following causes:
 - 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial certification or renewal of certification if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
 - 2) Knowingly falsifying records of employees when such falsification would impair the Department's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
 - 3) Willfully evading the statute or regulations pertaining to certification, or willfully aiding another person in evading such

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- statute or regulations pertaining to certification;
- 4) Performing procedures under, or representing as valid to any person, a certification issued by the Department containing on its face unauthorized alterations or changes that are inconsistent with Department records regarding the issuance of that certification;
 - 5) Performing procedures under, or representing as valid to any person, a credential not issued by the Department to prove certification in Illinois;
 - 64) Having been convicted of a crime which is a felony under the laws of this State or conviction of a felony in a federal court, unless the such individual demonstrates to the Department that he/she has been sufficiently rehabilitated, by restoration of all civil rights, to warrant the public trust;
 - 75) Exhibiting significant or repeated incompetence in the performance of industrial radiography duties;
 - 86) Having a physical or mental illness or disability that results in the individual's inability to perform industrial radiography duties with reasonable judgment, skill and safety;
 - 97) Performing industrial radiography in such a manner that requirements of 32 Ill. Adm. Code 350 are violated resulting in a threat to health and safety of the individual, other workers or the public;
 - 108) Repeatedly using alcohol, narcotics or stimulants to such an extent as to impair the performance of duties;
 - 119) Having had a similar certification suspended or revoked if the grounds for that suspension or revocation are the same or equivalent to one or more grounds for suspension or revocation as set forth in this subsection (a) herein;
 - 1210) Failure to maintain the out-of-state certification upon which certification by reciprocity was issued;
 - 1311) Failure to repay educational loans guaranteed by the Illinois Student Assistance Commission, as provided in 20 ILCS 2005/2005-8571;
 - 1412) Failure to meet child support orders, as provided in 5 ILCS 100/10-65; and
 - 1513) Failure to pay a fee or civil penalty properly assessed by the Department.
- b) If, based upon any of the grounds in subsection (a) of this Section, the Department determines that action to suspend or revoke certification is warranted, the Department shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the Department takes action to suspend or revoke an individual's certification unless the Department finds that an immediate suspension of certification is required to protect against immediate danger to the public health or safety [420 ILCS 40/38], in which case the Department shall suspend an individual's certification

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- pending a hearing. The Department shall revoke or suspend certification under subsection (a)(14) of this Section based solely upon the certification of delinquency made by the Department of Public Aid or the certification of violation made by the court. Further process, hearing, or redetermination of the delinquency or violation by the Department shall not be required. [5 ILCS 100/10-65(c)]
- c) If the Department finds that removal of certification is warranted, the usual action shall be a suspension of certification for up to one year. The term of suspension may be reduced by the Director, upon the recommendation of the hearing officer, if the hearing officer finds, based upon evidence presented, if to him/her during a hearing, that the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. In the case of frequent child support arrearages, the Department may also impose conditions, restrictions or disciplinary action upon the certification. However, if the Department finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to occupational or public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Department shall revoke the individual's certification.
 - d) When an individual's certification is suspended or revoked, the individual shall surrender his/her certification document to the Department until the termination of the suspension period or until reissuance of the certification.
 - e) An individual whose certification has been revoked may seek reinstatement of certification by filing with the Department a petition for reinstatement. The Such petition may be filed one year or more after the beginning of the revocation period. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the certification should be reinstated due to rehabilitation or other just cause.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.150 Civil Penalties

- a) The Department shall assess civil penalties, in accordance with subsection (c) of this Section below, against any individual who performs industrial radiography without valid certification.
AGENCY NOTE: Licensees and registrants that allow individuals who are not certified to perform industrial radiography are also subject to civil penalties. These penalties are assessed pursuant to 32 Ill. Adm. Code 310.
- b) Prior to assessing civil penalties, the Department shall confirm the violation of the certification requirements by:
 - 1) Observation of the violation by a Department inspector;

individual's certification unless the Department finds that an immediate suspension of certification is required to protect against immediate danger to the public health or safety [420 ILCS 40/38], in which case the Department shall suspend an individual's certification

Adm. Code 310.

b) Prior to assessing civil penalties, the Department shall confirm the violation of the certification requirements by:

1) Observation of the violation by a Department inspector;

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- 2) Obtaining records, documents or other physical evidence;
 - 3) Obtaining statements from either the employer or the employee which confirm the existence of the violation; or
 - 4) Obtaining statements from third parties (e.g., Nondepartment inspectors--or co-workers) that corroborate the allegation that a violation has occurred.
- c) Civil penalties shall be assessed against individuals who perform industrial radiography without certification (i.e., uncertified radiographer) as follows:
- 1) First violation by an uncertified individual - \$250.
 - 2) Second violation by an uncertified individual - \$500.
 - 3) Third and subsequent violation by an uncertified individual - \$1,000 for each violation.
- d) The Department shall impose civil penalties by issuing a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.60. Each day the violation continues shall constitute a separate offense.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 405.APPENDIX A Minimum Training Requirements for Industrial Radiography Applicable to Radioactive Materials and Radiation Machines

- a) Fundamentals of Radiation Safety
 - 1) Characteristics of radiation
 - 2) Units of radiation dose and quantity of radioactivity
 - 3) Significance of radiation dose
 - A) Radiation protection standards
 - B) Biological effects of radiation
 - 4) Levels of radiation from sources of radiation
 - 5) Methods of controlling radiation dose
 - A) Working time
 - B) Working distances
 - C) Shielding
- b) Radiation Detection Instrumentation to be Used
 - 1) Use of radiation survey instruments
 - A) Operation
 - B) Calibration
 - C) Limitations
 - 2) Survey techniques
 - 3) Use of personnel monitoring equipment
 - A) Film badges
 - B) Thermoluminescent dosimeters (TLDs) or optically stimulated luminescence dosimeters (OSLs)
 - C) Pocket dosimeters
 - D) Alarm ratemeter
- c) The Requirements of Pertinent Federal and State Regulations
- d) Written Operating and Emergency Procedures
- e) Case Histories of Radiation Accidents
- f) Radiography Equipment to be Used
 - 1) For Industrial Radiography Using Radioactive Material
 - A) Remote handling equipment
 - B) Radiographic exposure devices and sealed sources
 - C) Storage containers
 - D) Inspection, maintenance, operation Operation and control of radiography equipment
 - E) Demonstration of competency to safely perform radiographic procedures using a simulated source of radioactive material
 - 2) For Industrial Radiography Using Radiation Machines
 - A) Remote exposure equipment
 - B) Radiation machine exposure equipment
 - C) Inspection, maintenance, operation Operation and control of radiography equipment
 - D) Demonstration of competency to safely perform radiographic procedures using a simulated source of radiation

(Source: Amended at 26 Ill. Reg. _____, effective _____)