
ILLINOIS

REGISTER



TABLE OF CONTENTS

January 20, 2017 Volume 41, Issue 3

PROPOSED RULES

NATURAL RESOURCES, DEPARTMENT OF
Commercial Fishing and Musseling in Certain Waters of the State
17 Ill. Adm. Code 830.....631

ADOPTED RULES

EMERGENCY MANAGEMENT AGENCY, ILLINOIS
Safe Operation of Nuclear Facility Boilers and Pressure Vessels
32 Ill. Adm. Code 505.....645

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received.....688

REGULATORY AGENDA

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
State of Illinois Medical Care Assistance Plan
80 Ill. Adm. Code 2120.....689

BOARD OF HIGHER EDUCATION, ILLINOIS
Postsecondary and Workforce Readiness Act
23 Ill. Adm. Code 1034.....696

AGING, DEPARTMENT ON
Community Care Program
89 Ill. Adm. Code 240.....701

OFFICE OF THE STATE FIRE MARSHAL
Fire Drills in Schools
41 Ill. Adm. Code 110.....703

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2017

Issue#	Rules Due Date	Date of Issue
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017

20	May 8, 2017	May 19, 2017
21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
830.14	Amendment
830.60	Amendment
830.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update site regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Renee Snow, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
830.11	Special Regulations for the Commercial Harvest of VHS-Susceptible Fish Species
830.12	Special Regulations for the Commercial Harvest of Bighead Carp, Silver Carp, Grass Carp and Black Carp
830.13	Special Regulations for the Commercial Harvest of Roe-Bearing Species
830.14	License Requirements
830.15	Waters Open to Commercial Harvest of Crayfish
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.25	Daily Fee Fishing Area
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size and Creel Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective March 13, 2000; amended at 29 Ill. Reg. 6277, effective April 25, 2005; amended at 31 Ill. Reg. 13187, effective August 30, 2007; amended at 34 Ill. Reg. 2938, effective February 19, 2010; emergency amendment at 34 Ill. Reg. 15884, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4187, effective February 22, 2011; amended at 36 Ill. Reg. 11161, effective July 3, 2012; amended at 36 Ill. Reg. 12120, effective July 16, 2012; emergency amendment at 37 Ill. Reg. 19912, effective December 2, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 9043, effective April 14, 2014; amended at 39 Ill. Reg. 11034, effective July 22, 2015; amended at 39 Ill. Reg. 14581, effective October 20, 2015; amended at 41 Ill. Reg. _____, effective _____.

Section 830.14 License Requirements

- a) All commercial fishermen shall have a commercial fishing license. All individuals assisting a licensed commercial fisherman shall have a commercial fishing license unless these individuals are under the direct supervision of and aboard the same watercraft as the licensed commercial fisherman.
- b) All commercial fishermen shall obtain a sport fishing license in addition to their commercial fishing license, unless they are exempted from being required to obtain a sport fishing license. All individuals assisting a licensed commercial fisherman shall first obtain a sport fishing license, unless they are exempted from being required to obtain a sport fishing license.
- c) All commercial fishermen shall procure a commercial roe harvest permit in addition to their commercial fishing and sport fishing license before taking roe-bearing species with commercial fishing devices from the waters of the State legally open to commercial fishing.
- d) Commercial fishermen who wish to use their watercraft as a primary collection device for the harvest of commercial fish shall first obtain a commercial watercraft device tag.
- e) Reciprocity with Neighboring States – All Illinois-licensed commercial fishermen shall conform to the regulations of the state in which they are fishing, unless the Illinois regulations are more restrictive than the other state. When the Illinois

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

regulation is more restrictive, the fisherman must conform to the Illinois regulation.

- 1) The States of Illinois and Iowa will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Mississippi River proper. This includes any backwater lakes and bayous contiguous with the flow of waters in the main channel, subject to the following conditions:
 - A) No device or equipment is attached to the main bank of the Mississippi River under the jurisdiction of the State of Iowa; and
 - B) No fishing is conducted in any Iowa tributaries.
- 2) Pursuant to the reciprocal agreement for the Mississippi River between the States of Iowa and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Iowa.
- 3) The States of Illinois and Missouri will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Mississippi River proper, subject to the following conditions:
 - A) No device or equipment is attached to the main bank of the Mississippi River under the jurisdiction of the State of Missouri; and
 - B) No fishing is conducted in any Missouri tributaries.
- 4) Pursuant to the reciprocal agreement for the Mississippi River between the States of Missouri and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Missouri, except in situations where it is clearly shown to be elsewhere.
- 5) The States of Illinois and Kentucky will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Ohio River, excluding embayments and tributaries, defined as a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

straight line between opposite points where the tributary of embayment connects with the main body of the Ohio River.

- 6) Illinois commercial fishing anglers shall abide by Kentucky's restricted areas below the locks and dams in this shared section of the Ohio River.
- 7) The States of Illinois and Indiana will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Wabash River proper, subject to the following conditions:
 - A) No fishing is conducted beyond the natural and ordinary river banks of the state in which the commercial fisherman is not licensed to fish;
 - B) No fishing is conducted from land attached to or taxed now by the state in which he or she is not licensed to fish;
 - C) No fishing is conducted in any tributaries, bayous or backwaters of the state in which he or she is not licensed to fish;
 - D) No device or equipment is attached to land under the jurisdiction of the state in which he or she is not licensed to fish; and
 - E) Fishermen fishing beyond the center of the main channel in waters they are not licensed to fish must comply with all the laws, rules and regulations of the adjoining state.
- 8) Pursuant to the reciprocal agreement for the Wabash River between the States of Indiana and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Indiana.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 830.60 Species

- a) The following species of fish may be taken by licensed commercial fishermen:
 - 1) Common Carp and Black Carp

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 2) Buffalo
 - 3) Freshwater drum
 - 4) Catfishes (includes bullheads)
 - 5) Paddlefish (only in waters specified in Section 830.13) (roe harvester permit required)
 - 6) Carpsuckers
 - 7) Suckers (except Longnose Sucker)
 - 8) Redhorses (except River Redhorse and Greater Redhorse)
 - 9) Goldeye and Mooneye
 - 10) Gar (except alligator gar)
 - 11) Bowfin (roe harvester permit required from October 1 through May 31)
 - 12) Shovelnose sturgeon (only in waters specified in Section 830.13)(roe harvester permit required)
 - 13) Gizzard shad
 - 14) White amur (grass carp)
 - 15) Minnows
 - 16) Goldfish
 - 17) Bighead Carp and Silver Carp
- b) With the exception of the crayfish species listed in 17 Ill. Adm. Code 1010 (Illinois List of Endangered and Threatened Fauna) and the rusty crayfish, all crayfish species are legal to possess and may be taken by licensed commercial

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

fishermen with legal commercial devices (seines only) and used, consumed or sold for bait.

- c) The following species of mussels may be taken by licensed commercial musselers:
- 1) Washboard (*Megaloniaias nervosa*) (Ohio River Only)
 - 2) Threeridge (*Amblema plicata*)
 - 3) Mapleleaf (*Quadrula quadrula*)
 - 4) [Asian Clam \(*Corbicula fluminea*\)](#)

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 830.80 Commercial Fishing and Musseling in Additional Waters

- a) Additional public waters may be open to targeted commercial fishing or musseling by a Special Use Permit. Any licensed commercial fisherman or musseler who wishes to fish in any water not listed under Section 830.10, 830.20 or 830.80(i) must request permission from the Division of Fisheries. The Division will determine whether the fish, crayfish or mussel resource can support such activity and whether the activity is in the best interests of the general public. If so, the Department shall issue a Special Use Permit for targeted removal specifying the type of gear, season, species of fish, crayfish or mussel that shall be removed, and any other regulations as shall be necessary to protect the resource.
- b) The standards for determining whether or not an additional fishery will be open to targeted commercial fishing or musseling shall include: a biological sampling of the commercial fish, crayfish or mussel population to determine the relative abundance of the species present; an assessment of the impact of commercial fishing or musseling gear on sport fish, crayfish or mussel populations; a determination of the potential impact of commercial fishing or musseling activities on other water-based recreation; a determination of whether the fish are safe for public consumption (U.S. Food and Drug Administration standards are followed ([USFDA-21 CFR 109.30 \(2014\)](#))); and a fair and equitable allocation of commercial fishing or musseling opportunities.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- c) For commercial musseling, in addition to the criteria listed in subsection (b), both of the specific criteria listed below must be met for areas to be open or remain open to commercial harvest of selected mussel species:
- 1) sub-legal to legal mussel (same species) ratio equal to or exceeding 2:1; and
 - 2) catch rate (CPUE) of individual specimens of a given species, as measured by a timed diver sample equal to or exceeding 60 per hour.
- d) For commercial fishing, in addition to the criteria listed in subsection (b), the specific criteria that must be met for areas to be open or remain open to commercial harvest of selected fish includes: the results of a biological survey of the fish population present that indicates the total biomass of fish species listed in Section 830.60(a), with the exception of catfish, paddlefish and shovelnose sturgeon, is more than the combined biomass of the sport fishes listed in subsection (e).
- e) The following fishes shall be considered "sport fishes" for the purposes of determining whether a body of water meets the criteria established under subsection (d):
- 1) The following members of the sunfish family (Centrarchidae) (~~Centrarchidae~~):
 - black crappie – Pomoxis nigromaculatus~~Pomoxis nigromaculatus~~
 - bluegill – Lepomis macrochirus~~Lepomis macrochirus~~
 - largemouth bass – Micropterus salmoides~~Micropterus salmoides~~
 - rock bass – Ambloplites rupestris~~Ambloplites rupestris~~
 - redeer sunfish – Lepomis microlophus~~Lepomis microlophus~~
 - smallmouth bass – Micropterus dolomieu~~Micropterus dolomieu~~
 - spotted bass – Micropterus punctulatus~~Micropterus punctulatus~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

white crappie – [Pomoxis annularis](#)~~*Pomoxis annularis*~~

- 2) The following members of the catfish family ([Ictaluridae](#))~~(*Ictaluridae*)~~:

blue catfish – [Ictalurus furcatus](#)~~*Ictalurus furcatus*~~

brown bullhead – [Ameiurus nebulosus](#)~~*Ameiurus nebulosus*~~

black bullhead – [Ameiurus melas](#)~~*Ameiurus melas*~~

channel catfish – [Ictalurus punctatus](#)~~*Ictalurus punctatus*~~

flathead catfish – [Pylodictis olivaris](#)~~*Pylodictis olivaris*~~

yellow bullhead – [Ameiurus natalis](#)~~*Ameiurus natalis*~~

- 3) The following members of the pike family ([Esocidae](#))~~(*Esocidae*)~~:

muskellunge – [Esox masquinongy](#)~~*Esox masquinongy*~~

northern pike – [Esox lucius](#)~~*Esox lucius*~~

- 4) The following members of the perch family ([Percidae](#))~~(*Percidae*)~~:

sauger – [Sander canadensis](#)~~*Sander canadensis*~~

walleye – [Sander vitreus](#)~~*Sander vitreus*~~

yellow perch – [Perca flavescens](#)~~*Perca flavescens*~~

- 5) The following members of the temperate bass family ([Moronidae](#))~~(*Moronidae*)~~:

Striped bass – [Morone saxatilis](#)~~*Morone saxatilis*~~

Striped bass X white bass hybrid – [M. Saxatilis X M. chrysops](#)~~*M. Saxatilis X M. chrysops*~~

White bass – [Morone chrysops](#)~~*Morone chrysops*~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- f) Commercial fishing or musseling Special Use Permits will not be issued:
- 1) for non-commercial purposes; or
 - 2) if an individual has been found guilty of a violation of a State Fish and Aquatic Life Code law or this Part during the past 12 months.
- g) Commercial fishing Special Use Permits may be issued for private bodies of water at the request of the owner or his or her authorized agent, if all of the following conditions have been satisfied:
- 1) The body of water is completely encompassed by land that is owned by an individual, leased by a tenant residing upon it, or controlled by ownership or lease by a private club or association.
 - 2) The commercial fisherman has obtained permission in writing from the owner, tenant or private club who controls the property; and either:
 - A) None of the commercially-harvested fish are offered for barter or sale; or
 - B) If commercially-harvested fish are offered for barter or sale, it has been determined that either:
 - i) the fish are tested and found safe for public consumption (~~U.S. Food and Drug Administration~~ (FDA) standards are followed (21 CFR 109.30 (2004))); or
 - ii) the fish are sold to a market utilizing them for a product other than human consumption.
- h) Application procedures for targeted commercial fish removal Special Use Permits for the waters identified under subsections (i) and (j):
- 1) Illinois resident and non-resident commercial fishermen can submit an application for a Special Use Permit from June 1 through 15 of each year for any of the waters designated in subsection (i) or (j). Legally licensed Illinois resident commercial fishermen and non-resident commercial

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

fishermen from states who share reciprocal waters (with commercial fishing reciprocal agreements, including the states of Iowa, Indiana, Missouri and Kentucky) who were issued a commercial fish removal Special Use Permit in the previous year [for the water body to which they are submitting an application](#) and successfully harvested a minimum of 1,000 pounds of fish and abided by all provisions of the permit are eligible to obtain a Special Use Permit in the first computerized random drawing. In addition to the previously stated qualifications, to be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, choice of water body (see subsections (i) and (j)). If there are more applications than permits available, a computerized random drawing will be conducted on July 1 to allocate available permits.

- 2) Non-resident or resident commercial fishermen who did not obtain a permit in the first drawing or who desire an additional Special Use Permit can submit an application on July 1 through 15 of each year for any of the waters designated in subsection (i) or (j) for any remaining permits. If there are more applications than permits available, a drawing will be conducted on July 31 to allocate available permits.
 - 3) Any permits remaining after the first two allocations will be issued on a first come-first served basis.
- i) The following water bodies will be open to commercial removal of selected fish species under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):
- 1) Rock River – divided into 6 sections with one Special Use Permit allocated per section
 - 2) Rend Lake – maximum of 25 Special Use Permits
 - 3) Carlyle Lake – maximum of 25 Special Use Permits
 - 4) Mississippi River State Fish and Wildlife Area – maximum of 15 Special Use Permits

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 5) Anderson Lake State Fish and Wildlife Area – maximum of 15 Special Use Permits
 - 6) Otter Creek in Green County (from the Route 100 crossing downstream to the Illinois River) – maximum of ~~2~~ Special Use ~~Permits~~Permit
 - 7) Macoupin Creek in Jersey and Green Counties (from the Reddish Ford Bridge downstream to the Illinois River) – maximum of ~~2~~ Special Use ~~Permits~~Permit
 - 8) Quincy Bay – maximum of ~~3~~ Special Use ~~Permits~~Permit
 - 9) Horseshoe Lake in Alexander County – Maximum of 5 Special Use Permits
 - 10) Horseshoe Lake in Madison County – Maximum of 5 Special Use Permits
 - 11) Taylorville City Lake – Maximum of 1 Special Use Permit
 - 12) Clinton Lake – Maximum of 1 Special Use Permit
 - 13) Rice Lake – Maximum of 15 Special Use Permits
 - 14) Frank Holten State Park Lakes – Maximum of 1 Special Use Permit
 - 15) LaMoine River – Maximum of 10 Special Use Permits
 - 16) Spoon River – Maximum of 10 Special Use Permits
 - 17) Washington County Lake – Maximum of 1 Special Use Permit
 - 18) Mermet Lake – Maximum of 1 Special Use Permit
 - 19) Powerton Lake – Maximum of 1 Special Use Permit
 - 20) Lake Decatur – Maximum of 1 Special Use Permit
- j) The following water bodies, all currently open to commercial fishing under Section 830.10, will be open to commercial removal of selected fish species with

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

the use of trammel and gill nets under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):

- 1) Kaskaskia River – maximum of 20 Special Use Permits
 - 2) Sangamon River – maximum of 15 Special Use Permits
 - 3) Big Muddy River – maximum of 10 Special Use Permits
 - 4) Saline River – maximum of 6 Special Use Permits
- k) For any U.S. Fish and Wildlife Service (USFWS) special use permit issued to commercial fisherman for commercial harvest of selected fish species within USFWS National Wildlife Refuge areas, a Special Use Permit pursuant to subsection (a) must be obtained from the Department. All Illinois laws and regulations apply.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Safe Operation of Nuclear Facility Boilers and Pressure Vessels
- 2) Code Citation: 32 Ill. Adm. Code 505
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
505.30	Amendment
505.40	Amendment
505.80	Amendment
505.82	Amendment
505.84	Amendment
505.86	Amendment
505.90	Amendment
505.110	Amendment
505.180	Amendment
505.190	Amendment
505.1200	Amendment
505.1800	Amendment
505.2000	Amendment
505.2200	Amendment
505.2500	Amendment
505.2800	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 25 of the Nuclear Safety Law of 2004 [20 ILCS 3310/25], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b] and Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)]
- 5) Effective Date of Rules: January 4, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 12497; September 2, 2016

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:
- a. In Section 505.30, change "an organization that meets one of the following" to "one of the following organizations"
 - b. In Sections 505.30, 505.110 (this Section was not initially included in our proposed rulemaking changes) and 505.2500 change "ASME Code Symbol Stamp" to "Certification Mark with appropriate designator"
 - c. In Section 505.40(a)(1), add "and" after "addenda" and delete "ASME Boiler and Pressure Vessel Code".
 - d. In Section 505.40(a)(2)(d) change "2010" to "2016"
 - e. In Section 505.110 (c), delete "then" after "designator"
 - f. In Section 505.1200 (f)(1)(B), add "or equivalent form" after "Section XI"
 - g. In Section 505.1200 (f)(1)(C), delete "or equivalent form" after "NIS-2" and add "or equivalent form" after "Section XI"
 - h. In Section 505.2000(c)(2)(A), add "s" to "follow"
 - i. In Section 505.2200(b) and 505.2500(a) and (a)(1), delete "after February 7, 1994"
 - j. In Section 505.2500 (a) and (b) change "and" to "or" after "Code" and
 - k. In Section 505.2500(a)(6), add "or R-2" after "R-1" and add "an" after "or".
 - l. In Section 505.2500(b) delete "All ASME Code Section I "V" stamped, Section III "NV" stamped, and Section", delete VIII "UV" stamped pressure" and add "Pressure"
 - m. In Section 505.2500(b)(1)(A)(i), change "(2008)" to "(2007)",

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Does this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Agency is adopting amendments to Part 505 to revise definitions and terms and to update references to various codes and standards to align with industry; update Code of Federal Regulation citations; update procedures to the current practice; update contact information; clarify authorized inspectors for boilers and pressure vessels at nuclear facilities; clarify and update commission and endorsement requirements for authorized inspectors; add the use of the R-2 form to document alterations to boilers and pressure vessels; add language to address nameplates and stamping for repair and alteration of boilers and pressure vessels; and add reference to the National Board Inspection Code to the subsection on repair of pressure relief valves to be consistent with industry practice.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/785-9860

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER c: NUCLEAR FACILITY SAFETY

PART 505

SAFE OPERATION OF NUCLEAR FACILITY BOILERS AND PRESSURE VESSELS

SUBPART A: GENERAL

Section	
505.10	Scope
505.20	Policy
505.30	Definitions
505.40	Standards Incorporated by Reference
505.50	Exemptions
505.60	Access to Facilities and Documents
505.70	Notification of Failures
505.80	Administrative Review and Hearings – Inspection Certificates
505.82	Administrative Review and Hearings – Authorized Inspection Agency
505.84	Administrative Review and Hearings – Special Permits
505.86	Actions Pending Before the United States Nuclear Regulatory Commission
505.90	Address and Telephone Number for Notifications and Inquiries
505.100	Standards for Design, Construction, Operation and Inspection (general)
505.110	Registration Requirements (general)
505.120	Inspection Certificates (general)
505.130	Operation Requirements (general)
505.140	Inspection Requirements (general)
505.150	Repairs and Alterations (general)
505.160	Code Case Applications (general)
505.170	Use of Alternative Standards for Construction, Inspection and Repair (general)
505.180	Authorized Inspectors (general)
505.190	Authorized Inspection Agencies (general)

SUBPART B: ISI BOILERS AND PRESSURE VESSELS

Section	
505.1000	Standards for Design, Construction, Operation and Inspection
505.1100	Registration Requirements
505.1200	Inspection Certificates

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

505.1300	Operation Requirements
505.1400	Inspection Requirements
505.1500	Repairs
505.1600	Code Case Applications
505.1700	Use of Alternative Standards for Construction, Inspection and Repair
505.1800	Authorized Inspectors
505.1900	Authorized Inspection Agencies

SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

Section	
505.2000	Standards for Design, Construction, Operation and Inspection
505.2100	Registration Requirements
505.2200	Inspection Certificates
505.2300	Operation Requirements
505.2400	Inspection Requirements
505.2500	Repairs and Alterations
505.2600	Code Case Applications
505.2700	Use of Alternative Standards for Construction, Inspection and Repair
505.2800	Authorized Inspectors
505.2900	Authorized Inspection Agencies

AUTHORITY: Implementing and authorized by the Nuclear Safety Law of 2004 [20 ILCS 3310/25], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b] and Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)].

SOURCE: Emergency Rule adopted at 17 Ill. Reg. 15667, effective September 10, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. 2317, effective February 7, 1994; amended at 20 Ill. Reg. 6455, effective April 26, 1996; amended at 23 Ill. Reg. 13089, effective October 6, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 27 Ill. Reg. 15339, effective September 16, 2003; amended at 33 Ill. Reg. 4345, effective March 9, 2009; amended at 41 Ill. Reg. 645, effective January 4, 2017.

SUBPART A: GENERAL

Section 505.30 Definitions

The following definitions shall apply to this Part:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

"Act" means the Boiler and Pressure Vessel Safety Act [430 ILCS 75].

"Agency" means the Illinois Emergency Management Agency.

"Alteration" means a change to a boiler or pressure vessel made necessary by, or resulting in, a change in design requirements. Non-physical changes such as rerating of a boiler or pressure vessel shall be considered an alteration. The addition of nozzles smaller than a reinforced opening size shall not be considered an alteration.

"ANSI" means the American National Standards Institute, 1430 Broadway, New York NY 10018.

"Appurtenance" means an item attached to a stamped component that has work performed on it requiring verification by an Authorized Inspector.

"ASME" means the American Society of Mechanical Engineers, 345 E. 47th Street, New York NY 10017.

"ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code with addenda thereof made, approved and adopted by the Council of the Society and adopted and incorporated by the Agency in Section 505.40. Copies of the ASME Code may be obtained from the American Society of Mechanical Engineers.

"ASME Code Case" or "Code Case" means a document published by ASME to clarify the intent of the ASME Code or to provide alternative requirements to those specifically indicated in the ASME Code due to special circumstances or for the use of new technology.

"Authorized Inspection Agency" means one of the following [organizations](#):

A department or division established by a jurisdiction that has adopted one or more Sections of the ASME Code and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors. In Illinois, the Division of Boiler and Pressure Vessel Safety of the Office of the State Fire Marshal (OSFM) is the jurisdiction, except for the City of Chicago; or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

An insurance company that has been licensed or registered by the appropriate authority in the State of Illinois to write boiler and pressure vessel insurance in the State of Illinois~~An inspection agency of an insurance company that is authorized (licensed) to insure and is insuring boilers and pressure vessels at nuclear facilities in this State and employs inspectors who meet the requirements of Section 505.180 and Section 505.1800 or 505.2800, as applicable; or~~

A company in the business of providing third party inspection services that has recognition from the State of Illinois to perform inspection and design reviews for boilers and pressure vessels; or

An owner of boilers or pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements established by OSFM.

"Authorized Inspector" means an individual who is employed by an authorized inspection agency,~~holds a current Illinois Certificate of Competency issued by OSFM pursuant to 41 Ill. Adm. Code 120.20~~ and meets the requirements of Section 505.180 ~~and Section 505.1800 or 505.2800, as applicable.~~

"Boiler" means a closed vessel used to heat water or other liquids or to generate steam or other vapors under pressure or vacuum by the application of heat resulting from the combustion of fuels, electricity, atomic energy or waste gases.

"Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes water boilers operating at pressures exceeding 160 psig or temperatures exceeding 250° F at or near the boiler outlet.

"High pressure, high-temperature water boiler" means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250° F at or near the boiler outlet.

"Heating boiler" means a steam heating boiler operated at pressures not exceeding 15 psig, or a hot water heating boiler operated at pressures not exceeding 160 psig or temperatures not exceeding 250° F at or near the boiler outlet.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

"Hot water supply boiler" means a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at pressures not exceeding 160 psig or temperatures not exceeding 250° F at or near the boiler outlet.

"Certificate inspection" means an inspection, the report of which is used by the Agency as justification for issuing, withholding or revoking the Inspection Certificate.

"Condemned boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that has been inspected and declared unsafe, or disqualified by legal requirements, by the Agency.

"Design pressure" means the pressure used in the design of a boiler or pressure vessel for the purpose of determining the minimum permissible thickness or physical characteristics (e.g., material properties) of different parts of the vessel, in accordance with design standards of the ASME Code.

"Director" means the Director of the Illinois Emergency Management Agency.

"External inspection" means as complete an examination as can reasonably be made of the external surfaces of a boiler or pressure vessel. This examination shall be made while it is in operation, if possible.

"Inoperative" means a boiler, pressure vessel or attached appurtenance that is no longer capable of functioning within its design requirements. The inability of support equipment to operate does not cause a boiler or pressure vessel to be considered inoperative.

"Inservice inspection interval" means the period of time during which inservice examinations and system pressure tests are performed, as defined by the owner in accordance with ASME Code Section XI.

"Inservice inspection period" means a subdivision of the inservice inspection interval, as defined by the owner in accordance with ASME Code Section XI.

"Inservice Inspection Plan" means the documents prepared by the owner in accordance with paragraph IWA-2420 of the edition and addenda of Section XI

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

approved by the NRC for use by the plant (10 year plan).

"Inspection" means examination and evaluation of documents and hardware by an Authorized Inspector to determine conformance of an item or an activity to the requirements of this Part.

"Inspection Certificate" means a certification issued by the Agency for the operation of a non-ISI boiler or pressure vessel or nuclear power system.

"Internal inspection" means as complete an examination as can reasonably be made of the internal surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the Authorized Inspector.

"ISI boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that is in the owner's Inservice Inspection Plan.

"Maintenance" means routine activities conducted on an item that are performed and controlled in accordance with the owner's procedures, including minor restorative actions, that are not otherwise classified as a repair, replacement or alteration.

"Maximum Allowable Working Pressure" or "MAWP" means the maximum gauge pressure permissible (in accordance with the design requirements) at the top of a vessel in its operating position at the design temperature. This pressure is the least of those calculated for every element of the vessel using nominal thickness exclusive of allowances for corrosion and thickness required for loadings other than pressure. It is the basis for the pressure setting of the pressure relieving devices (e.g., pressure relief valves) protecting the vessel. The design pressure may be used in place of the maximum allowable working pressure in all cases for which calculations are not made to determine the value of the maximum allowable working pressure.

"National Board" means the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus OH 43229.

"National Board Inspection Code" means the National Board Inspection Code published by the National Board and adopted and incorporated by the Agency in Section 505.40. Copies may be obtained from the National Board.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

"NFPA" means the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269.

"Non-ISI boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that is not in the owner's Inservice Inspection Plan.

"Non-standard boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that does not bear the [Certification Mark with appropriate designator](#)~~ASME Code Symbol Stamp~~.

"NRC" means the United States Nuclear Regulatory Commission or any agency that succeeds to its function in the licensing of nuclear power reactors or facilities, or facilities for spent nuclear fuel.

"Nuclear facility" means a nuclear power station. There may be one or more nuclear power systems at a nuclear power station.

"Nuclear power system" means all ISI boilers and pressure vessels in a unit, including their appurtenances, at a nuclear facility that are inspected in accordance with an Inservice Inspection Plan. Such components are generally associated with systems that serve the purpose of producing and controlling the output of thermal energy from nuclear fuel and associated systems essential to the function and overall safety of the nuclear power system.

["OSFM" means the Illinois Office of the State Fire Marshal.](#)

"Outage" means temporary suspension of operation of a component or system to conduct actions such as maintenance, forced repairs or testing of equipment.

"Owner" means any organization, person, firm or corporation legally responsible for the safe operation of any boiler or pressure vessel at a nuclear facility within the State.

"PSIG" means pounds per square inch gauge and is a measure of pressure.

"Pressure relief valve" means a safety valve, relief valve or safety relief valve.

"Pressure vessel" means an enclosed vessel in which pressure is obtained from an

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

external source, or by applying heat from an indirect source or from a direct source other than boilers as defined in this Section. Reactor containments are not considered pressure vessels.

"Quality Assurance Program" means a controlled system of planned and systematic actions required to provide adequate confidence that the items designed and constructed are in accordance with the rules of the ASME Code Section III; or all the planned and systematic actions necessary to provide adequate confidence that a structure, system or component will perform satisfactorily in service in accordance with Appendix B of 10 CFR 50 (~~20072008~~), as applicable.

"Refueling outage" means temporary suspension of power production of the nuclear power system to conduct actions, including refueling the reactor. Refueling outages normally occur approximately every 2 years.

"Reinstalled boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, removed from its original setting and reinstalled at the same location or at a new location within the State of Illinois without change of ownership.

"Relief valve" means an automatic pressure relieving device, actuated by the static pressure upstream of the valve, that opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

"Repair" means the process of restoring a nonconforming item by welding or brazing so that existing design requirements are met.

"Report of Inspection" means a report prepared by an Authorized Inspector that documents that a non-ISI boiler or pressure vessel meets the requirements of this Part for installation and periodic inspection.

"Reportable event" means any accident that either causes a boiler or pressure vessel to become inoperative due to damage from an explosion, catastrophic event or failure due to material condition, of either itself or an attached appurtenance, or results in death or bodily injury to a person.

"~~Rerated~~" or "~~Rerating~~" means ~~any change in the MAWP or temperature of a boiler or pressure vessel, regardless of whether physical work is performed on the~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~boiler or pressure vessel. Rerating shall be considered an~~ alteration.

"Safety relief valve" means an automatic pressure actuated relieving device suitable for use as a safety or relief valve, depending on application.

"Safety valve" means an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is primarily used for gas or vapor service.

"State Special" means a boiler or pressure vessel, including related appurtenances, of special construction that may not be constructed in accordance with the ASME Code. See Sections 505.170, 505.1700 and 505.2700 for the procedures for granting a State Special.

~~"Special Inspector" means an Inspector holding an Illinois Certificate of Competency and a commission issued by OSFM and who is regularly employed by an insurance company that is authorized (licensed) to insure and is insuring boilers and pressure vessels at nuclear facilities in this State.~~

"Technical specifications" means part of the Updated or Final Safety Analysis Report and Operating License issued by the NRC that designates safety limits, limiting safety system settings, limiting conditions for operation and surveillance requirements for the safe operation of the nuclear facility.

"Underwriters Laboratories" or "U.L." means the non-profit independent organization testing for public safety. It maintains and operates laboratories for the examination and testing of devices, systems and materials to determine their relationship to life, fire and casualty hazards.

"Updated or Final Safety Analysis Report" means a report required by the NRC in accordance with 10 CFR 50.34 ([20152008](#)).

"Welding" means a group of processes in which coalescence is produced by heating with an arc or arcs, with or without the application of pressure and with or without the use of filler metal.

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.40 Standards Incorporated by Reference

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

The Agency hereby adopts and incorporates by reference the following codes and standards.

- a) In accordance with the authority granted under Section 2a of the Act, the Agency adopts the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with addenda thereto made. Those ~~sections~~Sections of the ASME Code listed in this Section are incorporated into and constitute a part of the whole rules and regulations of the Agency.

- 1) ASME Boiler and Pressure Vessel Code, 1952 Edition including all addenda and editions through the ~~ASME Boiler and Pressure Vessel Code, 2015~~2007 Edition, for the following:

AGENCY NOTE: The edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component can be traced using the date of construction of the component in light of Sections 505.170, 505.1000 and 505.2000. For more information see Sections 505.170, 505.1000 and 505.2000.

- A) Section I, Rules for Construction of Power Boilers;
- B) Section II, ~~Materials~~Material Specifications
- Part A – Ferrous Material Specifications
- Part B – Nonferrous Material Specifications
- Part C – Specifications for Welding Rods, Electrodes and Filler Metals
- Part D – Properties (Customary and Metric);
- C) Section III, Rules for Construction of Nuclear ~~Facility~~Power Plant Components,
- Subsection NCA – General Requirements for Division 1 and Division 2
- Appendices

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Division 2 – Code for Concrete Containments~~Concrete Reactor Vessels and Containments;~~

Division 3 – Containments for Transportation and Storage of Spent Nuclear Fuel and High Level Radioactive Material and Waste

Division 5 – High Temperature Reactors;

- D) Section IV, Rules for Construction of Heating Boilers;
- E) Section V, Nondestructive Examination;
- F) Section VI, Recommended Rules for the Care and Operation of Heating Boilers;
- G) Section VII, Recommended Guidelines for the Care of Power Boilers;
- H) Section VIII, Rules for Construction of Pressure Vessels

Division 1;

Division 2 – Alternative Rules;

Division 3 – Alternative Rules for Construction of High Pressure Vessels;

- I) Section IX, Welding, and Brazing, and Fusing Qualifications; ~~and~~
- J) Section X, Fiber-Reinforced Plastic Pressure Vessels;
- K) Section XII, Rules for Construction and Continued Service of Transport Tanks.

- 2) ASME Boiler and Pressure Vessel Code, editions and addenda referenced in ~~Title 10 of the Code of Federal Regulations (CFR) Part 50, Section 50.55a~~ (10 CFR 50.55a), revised as of August 3, 2015~~January 31, 2008~~, including all limitations and modifications contained therein, for the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

following:

- A) Section III, Rules for Construction of Nuclear ~~Facility~~Power Plant Components, Division 1—~~Nuclear Power Plant Components~~; and
- B) Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components, Division 1 – Rules for Inspection and Testing of Components of Light-Water-Cooled Plants.

AGENCY NOTE: The Agency will review programs at specific plants on the basis of the edition and addenda of Sections III and XI approved by the NRC for the specific plant.

- b) The Agency adopts the National Board Inspection Code, ~~2015~~2007 edition, published by the National Board, except that "jurisdiction" shall be read as "Agency".
- c) The Agency adopts the following nationally recognized standards and their addenda:
 - 1) ASME CSD, ~~2012~~2002 edition, Controls and Safety Devices for Automatically Fired Boilers; and
 - 2) NFPA 85, ~~2015~~2001 edition, Boiler and Combustion Systems Hazards Code.
- d) The Agency adopts ANSI/ASME N626, Qualification and Duties of Authorized Nuclear Inspection Agencies and Personnel, 1974 Edition including all addenda and editions through the N626b-1992 addendum. The Agency also adopts the successor standard to this standard, ASME QAI-1, Qualification for Authorized Inspection, 1995 edition, including all addenda and editions through the 2016 edition.

AGENCY NOTE: The edition and addenda of ANSI/ASME N626 or QAI-1 applicable to the qualifications of the authorized nuclear inspection agency and its personnel can be traced using the edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component.

- e) For documents included in subsections (a) through (d), the Agency is

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

incorporating only those editions and addenda indicated. The Agency is not incorporating any subsequent edition or addendum to these documents. All documents are available for public review at the Agency offices, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY NOTE: This Section is applicable to the following nuclear power plants: Braidwood Station, Units 1 & 2; Byron Station, Units 1 & 2; Clinton Station, Unit 1; Dresden Station, Units 1, 2 & 3; LaSalle County Station, Units 1 & 2; Quad Cities Station, Units 1 & 2; and Zion Station, Units 1 & 2.

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.80 Administrative Review and Hearings – Inspection Certificates

This Section shall apply to all actions by the Agency for noncompliance with this Part that potentially could impact upon the issuance, suspension or revocation of an Inspection Certificate required by this Part.

- a) When in any instance ~~an Agency~~departmental review reveals that an owner may not be in compliance with one or more requirements of this Part, the Agency will notify the owner in writing of those facts and circumstances known to the Agency that give rise to the inference that the owner is not in compliance. If the facts and circumstances giving rise to the inference involve only boilers and pressure vessels that the NRC has determined are not within NRC's jurisdictional authority, subsection (c) shall apply and subsection (b) shall not apply. If the facts and circumstances giving rise to the inference involve any other boiler, pressure vessel or nuclear power system, subsection (b) shall apply and subsection (c) shall not apply.
- b) Simultaneously with the notification provided for in subsection (a), the Agency will notify the NRC in writing of those facts and circumstances known to the Agency that give rise to the inference that the owner is not in compliance. If the owner fails to demonstrate to the Agency that the owner is in compliance within 10 days after the notification, the Agency shall provide to the NRC a written request, pursuant to 10 CFR 2.200-~~et seq.~~ (1997~~2008~~), that the NRC take appropriate action, e.g., pursuant to 10 CFR 2.206 (2015~~2008~~). The request will specify the NRC action or actions that the Agency is requesting.
- c) If the owner fails to demonstrate to the Agency that the owner is in compliance

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

within 10 days after the notification provided for in subsection (a), the Agency shall issue a Preliminary Order and Notice of Opportunity for Hearing in accordance with 32 Ill. Adm. Code 200. ~~The owner aggrieved by such order may within 15 days submit a written request for a hearing to the Agency, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.~~

- 1) If, after the hearing, the Director finds that the owner or organization was in compliance with the requirements of this Part, the Director shall issue to the owner an Order of Compliance or issue such other order as appropriate.
 - 2) If, after the hearing or default, the Director finds that the owner is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying an application for, or suspending or revoking, an affected Inspection Certificate.
- d) All final administrative decisions of the Director under this Part shall be subject to ~~the Administrative Review Law [735 ILCS 5/Art. III]~~ judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.82 Administrative Review and Hearings – Authorized Inspection Agency

This Section shall apply to any action by the Agency to deny an application for, or to suspend or revoke, ~~Agency departmental~~ recognition of an Authorized Inspection Agency.

- a) An owner or organization aggrieved by the Agency's action pursuant to Section 505.190(b) or (d) may within 15 days submit a written request for a hearing to the Agency, which shall thereafter hold an adjudicatory hearing in accordance with ~~Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and~~ 32 Ill. Adm. Code 200.
 - 1) If, after the hearing, the Director finds that the owner or organization was in compliance with the requirements of this Part, the Director shall issue an order directing that recognition be extended to the organization.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 2) If, after the hearing or default, the Director finds that the owner or organization is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying the application for recognition.
- b) All final administrative decisions of the Director under this Part shall be subject to [the Administrative Review Law](#) ~~judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.~~

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.84 Administrative Review and Hearings – Special Permits

This Section shall apply to any action by the Agency to deny an application for, or to suspend or revoke, a special permit for construction of a non-ASME Code boiler or pressure vessel pursuant to Section 505.2700.

- a) An owner aggrieved by an Agency denial pursuant to Section 505.2700(c)(5), (d)(5) and (e)(5) or Agency action pursuant to Section 505.2700(c)(4), (d)(5) and (e)(5) may within 15 days submit a written request for a hearing to the Agency, which shall thereafter hold an adjudicatory hearing in accordance with [Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and](#) 32 Ill. Adm. Code 200.
 - 1) If, after the hearing, the Director finds that the owner was in compliance with the requirements of this Part or that the affected non-ASME boiler or pressure vessel meets the criteria of Section 505.2700(c), the Director shall issue an order directing that the Special Permit be issued to the owner or organization.
 - 2) If, after the hearing or default, the Director finds that the owner is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying the application for, or suspending or revoking, a Special Permit.
- b) All final administrative decisions of the Director under this Part shall be subject to [the Administrative Review Law](#) ~~judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.86 Actions Pending Before the United States Nuclear Regulatory Commission

Whenever any person brings an action before the NRC pursuant to 10 CFR 2.200 ~~et seq.~~ (19972008) alleging that a departmental application of a requirement of this Part could affect the safety or the operation of a nuclear facility, the Agency shall not apply or enforce the requirement until such time as the NRC concurs in the application or enforcement or until the NRC otherwise finds and notifies the Agency that the application of the requirement could not affect the safety or the operation of the nuclear facility.

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.90 Address and Telephone Number for Notifications and Inquiries

Written reports or communications concerning or required by this Part shall be addressed to: Nuclear Facility Inspection Section, Bureau of Nuclear Facility Safety, Illinois Emergency Management Agency, 1035 Outer Park Drive, Springfield, Illinois 62704. The Agency may be reached by telephone at ~~(217)782-2700 or for 24-hour response at (800)782-7860(217)782-7860.~~

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.110 Registration Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c).
- b) The owner of a nuclear facility shall register with the Agency all boilers and pressure vessels contained within or upon or in connection with the nuclear facility unless exempt under Section 505.50(a). For each boiler and pressure vessel installed after February 7, 1994 that has not been registered with the Agency, the owner shall register the boiler or pressure vessel prior to its operation in accordance with this Section and either Section 505.1100 or 505.2100, as applicable.
- c) Manufacturer's Data Reports shall be filed by the owner with the Agency for new installation and reinstallation of boilers and pressure vessels at nuclear facilities, unless otherwise exempted by Section 505.50(a). If a boiler or pressure vessel is

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

of special design or will not bear the ASME [Certification Mark with appropriate designator stamp](#), ~~then~~ the owner shall additionally comply with the requirements of Sections 505.170 and 505.1700 or Section 505.2700 for non-ASME Code ISI or non-ISI boilers and pressure vessels, respectively.

AGENCY NOTE: Data Reports as used in this subsection (c) refers to those documents completed as required by the construction code applicable to the boiler or pressure vessel.

- d) Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. If a State serial number has not already been assigned, a number will be assigned and applied by the Authorized Inspector. Additionally, the ASME Code [Certification Mark with appropriate designator required stamping](#) shall be kept free of paint and lagging so that it will be plainly visible and easily read by the Authorized Inspector.
- e) The State serial number on boilers shall not be less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "B", which also shall be not less than 5/16" in height. The State serial number on unfired pressure vessels shall be not less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "U", which also shall be not less than 5/16" in height. The Authorized Inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel.
- f) The requirements of subsections (d) and (e) for the physical application of the State serial number may be waived if a system to identify the boiler or pressure vessel with the assigned State serial number has been established and the system of identification is acceptable to the Agency. An alternative system for the identification of boilers and pressure vessels with assigned State serial numbers shall be acceptable to the Agency if the alternative system readily and unambiguously allows the Agency and Authorized Inspector to track the inspection status of the boilers and pressure vessels using the State serial numbers. Acceptable alternative systems of identification may include, but are not limited to, the use of cross-reference lists between assigned State serial numbers and any of the following: National Board serial numbers; manufacturers' names and serial numbers; or plant equipment identification numbers as shown on controlled plant system identification drawings provided to the Agency.
- g) A Certificate Inspection shall be made of all used or second-hand boilers or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

pressure vessels prior to operation at a nuclear facility in this State. In a case where a boiler or pressure vessel is moved and reinstalled the fittings and appliances shall be upgraded to comply with the rules for new installations.

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.180 Authorized Inspectors (general)

- a) ~~ISI and non-ISI boilers and pressure vessels at nuclear facilities within the State shall be inspected by Authorized Inspectors. To inspect ISI or non-ISI boilers or pressure vessels at nuclear facilities within the State an individual shall hold a Commission as a Special Inspector and an identifying commission card issued by the Office of the State Fire Marshal as provided in Section 8 of the Act.~~
- b) If an Authorized Inspector finds that the boiler or pressure vessel or any of its appurtenances are in an unsafe condition, the Authorized Inspector shall immediately notify the Agency and submit a report of the defects.
- c) The requirements of this Section are subject to the limitations of Section 505.20(c).
- d) Authorized Inspectors shall perform all duties required of them under the ASME Code or the National Board Inspection Code, as applicable. Authorized Inspectors shall notify the Agency within 7 days if they have knowledge of a nuclear power system or an ISI or non-ISI boiler or pressure vessel that:
 - 1) is being operated without a valid Inspection Certificate;
 - 2) is being operated at a pressure that exceeds indicated pressure on the Inspection Certificate; or
 - 3) otherwise deviates from the requirements of this Part.
- e) Authorized Inspectors inspecting ISI boilers or pressure vessels or nuclear power systems shall meet the requirements of Section 505.1800.
- f) Authorized Inspectors inspecting non-ISI boilers and pressure vessels shall meet the requirements of Section 505.2800.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.190 Authorized Inspection Agencies (general)

- a) An organization that wishes to provide ASME Code or National Board Inspection Code inspection services at a nuclear facility shall be recognized as an Authorized Inspection Agency by the Agency in accordance with subsection (b) prior to providing ASME Code or National Board Inspection Code inspection services at a nuclear facility. Such an organization shall submit the following to the Agency:
- 1) A written request for recognition as an Authorized Inspection Agency;
 - 2) A list of the names of Authorized Inspectors employed; and
 - 3) A written description of the types of inspections that the organization will perform and the ASME Code Sections/National Board Inspection Code for which it will conduct inspection activities.

AGENCY NOTE: An Authorized Inspection Agency already recognized by the Agency does not need to resubmit the documents specified in this subsection (a).

- b) The Agency shall, within 90 days after receipt of an organization's request submitted pursuant to this Section, recognize the organization as an Authorized Inspection Agency upon determining that it has demonstrated in the request that it meets all qualification, duty and other requirements in those ASME Code Sections/National Board Inspection Code for which it wishes to provide inspection services. If it is determined that an organization's request submitted pursuant to this Section does not meet the requirements of this Section, the Agency shall take action under Section 505.82.

AGENCY NOTE: Qualification, duty and other requirements for organizations in subsections (a) and (b) shall be in accordance with the latest edition and addenda of the ASME Code/National Board Inspection Code referenced in Section 505.40.

- c) OSFM is exempt from all the requirements of this Section.
- d) If the Agency determines that an Authorized Inspection Agency is not qualified, the Agency shall act to suspend or revoke its recognition of the Authorized Inspection Agency under Section 505.82.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE: Applicable ASME Code Sections/National Board Inspection Code as used in this Section means those under which the Authorized Inspection Agency is performing inspection activities. Agency reviews will determine whether the organization meets all requirements for Authorized Inspection Agencies as found in the most recent edition and addenda of the ASME Code or National Board Inspection Code, as applicable, referenced in Section 505.40.

- e) ~~Authorized Inspection Agencies shall notify the Agency within 30 days of all new boiler or pressure vessel risks written.~~
- e) Within 30 days following each inspection required by this Part, the Authorized Inspection Agency shall submit an accurate report of the results of the inspection to the Agency in accordance with this Part.

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

SUBPART B: ISI BOILERS AND PRESSURE VESSELS

Section 505.1200 Inspection Certificates

This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The Agency will take action in regard to an Inspection Certificate only in accordance with Section 505.80. The Agency shall issue Inspection Certificates for nuclear power systems in accordance with this Section if the reports, programs and plans required to be submitted by this Section, Sections 505.110 and 505.1100 are submitted in accordance with the frequencies and standards specified in those Sections and are in compliance with this Part.

- a) Owners of nuclear power systems shall not operate those nuclear power systems without a valid Inspection Certificate issued by the Agency. The Agency shall issue one Inspection Certificate for each nuclear power system at a nuclear facility. Unless suspended by the Agency, the Inspection Certificate shall remain valid through the 6-month period following the end of the inservice inspection period for which the certificate was issued, or as otherwise permitted by this Part.
- b) Owners of nuclear power systems not yet in operation shall, prior to operation of

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

the nuclear power systems, have a valid Inspection Certificate issued by the Agency for the nuclear power systems. The Agency shall issue the initial Inspection Certificates for the first inservice inspection period based on an Agency determination that the submittal requirements of Section 505.1100 are met.

- c) An Inspection Certificate shall be issued for each nuclear power system at the nuclear facility for the succeeding inservice inspection period when the Agency determines that:
- 1) The examinations and tests required by the Inservice Inspection Plan during the preceding inservice inspection period were completed; and
 - 2) All related submittal requirements of this Part are met.

AGENCY NOTE: In order to determine whether the examinations and tests required by the Inservice Inspection Plan during the preceding inspection period were performed and completed, the Agency will review the submittals required by this Section against the Inservice Inspection Plan and the applicable edition and addenda of the ASME Code Section XI. The review and determination will be made separately for each nuclear power system. During this review the Agency shall accept requests for relief from ASME Code Section XI requirements that have been approved by the NRC.

- d) The inservice inspection interval for the nuclear power system may be extended or reduced as permitted by the applicable Code edition and addenda or that has been approved by the NRC. The owner shall notify the Agency in writing of any such change in the inservice inspection interval. The Agency may issue a new Inspection Certificate, or may adjust the term of the Inspection Certificate in effect for the applicable inservice inspection period.
- e) When the owner discovers that an ISI boiler or pressure vessel is not in compliance with this Part, the owner shall take measures to bring the ISI boiler or pressure vessel into compliance. Those measures may include, but are not limited to, repair or replacement of the ISI boiler or pressure vessel in accordance with Section 505.1500. In such cases, the owner shall notify the Agency in accordance with Section 505.140. The owner shall submit information concerning the details of the noncompliance and the measures taken to bring the noncomplying ISI boiler or pressure vessel into compliance to the Agency within 90 days following

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

the completion of the corrective measures. Any replacement ISI boiler or pressure vessel shall meet the requirements of this Part for new boilers and pressure vessels and shall be registered by the owner with the Agency in accordance with Section 505.1100. The Agency shall review the information submitted regarding the noncompliance and the corrective measures taken and may issue a revised Inspection Certificate to reflect any change in nuclear power system composition.

- f) The owner shall submit the following:
- 1) In addition to the information submitted under Section 505.1100, the owner shall submit to the Agency within 90 days after completing [a refueling outage](#)~~an inservice inspection~~:
 - A) The inservice inspection summary report required by ASME Code Section XI;
 - B) The Owner's Data Report, form NIS-1, required by ASME Code Section XI [or an equivalent form](#);
 - C) The Owner's Report for Repairs or Replacements, form NIS-2 of Section XI [or an equivalent form](#), if required by the applicable Code Edition and Addenda or Code Case used, for all repairs and replacements performed since the last inservice inspection; and
 - D) Deviations from the Inservice Inspection Plan implemented during inservice inspections that impact upon compliance with this Part.
 - 2) The owner shall submit the Inservice Inspection Plan for the next inservice inspection interval to the Agency prior to the end of each inservice inspection interval.
- g) The Agency shall take action under Section 505.80 if the Agency finds that:
- 1) The submittals in subsection (f) have not been made or are incomplete; or
 - 2) The examinations and tests required by the owner's Inservice Inspection Plan have not been performed or are incomplete; or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 3) The owner has not met the requirements of subsection (e); or
 - 4) The nuclear power system is not being inspected in accordance with this Part.
- h) In addition to the requirements of this Section, owners shall meet the requirements of Section 505.120.

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.1800 Authorized Inspectors

In order to perform the duties of an Authorized Inspector for ISI boilers and pressure vessels or nuclear power systems at nuclear facilities within the State, the individual shall, in addition to the requirements of Section 505.180 ~~of this Part, possess~~ a current Inservice Commission (IS) and one of the following specialized qualifications, referred to as endorsements ~~endorsement with either a nuclear ("N" or "S") or an inservice ("I" or "IS") designation, as appropriate~~, issued by the National Board: ~~Specific endorsement and corresponding titles are as follows:~~

- ~~a) Authorized Nuclear Inspector ("N" Endorsement);~~
- ~~b) Authorized Nuclear Inspector Supervisor ("S" Endorsement);~~
- ~~ae) Authorized Nuclear Inservice Inspector ("I" Endorsement); or~~
- ~~bd) Authorized Nuclear Inservice Inspector Supervisor ("NSiIS" Endorsement).~~

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

Section 505.2000 Standards for Design, Construction, Operation and Inspection

Non-ISI boilers and pressure vessels, including related appurtenances, except those exempt under Section 505.50(a), operated within or upon or in connection with a nuclear facility in Illinois, shall be designed, constructed, installed, examined, tested, repaired, altered and inspected as required by this Section, except in those cases in which NRC has jurisdiction, as determined by NRC. When NRC has jurisdiction, the codes and standards reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

licensing documents as required or approved by the NRC shall apply. For non-ISI boilers and pressure vessels over which NRC has no jurisdiction, as determined by NRC, the standards required by this Part apply. If the NRC determines that NRC has jurisdiction, but has not established standards, the Agency may propose to NRC that these or other standards be applied to such boilers and pressure vessels in nuclear power plants in Illinois.

- a) All new, existing and reinstalled non-ISI boilers, including related appurtenances, shall be designed, constructed, installed, examined, tested, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI boiler is moved and reinstalled, the fittings and appliances of that boiler shall comply with this Part.
- b) All non-ISI pressure vessels installed and placed in operation after December 31, 1976 and all reinstalled non-ISI pressure vessels, including related appurtenances, shall be designed, constructed, installed, tested, examined, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI pressure vessel is moved and reinstalled, the fittings and appliances of that pressure vessel shall comply with this Part.
- c) Non-ISI pressure vessels and related appurtenances installed and placed in operation at nuclear facilities on or before December 31, 1976 shall be inspected in accordance with this Part and designed, constructed, installed, tested, repaired and altered, in accordance with the following requirements.
 - 1) The MAWP for standard pressure vessels shall be determined in accordance with the applicable provisions of the ASME Code under which they were constructed and stamped.
 - 2) MAWP for Non-standard Pressure Vessels
 - A) The MAWP of a non-standard pressure vessel subject to internal pressure shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course and the factor of safety set by this Part, as [follows:permitted below.](#)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TS x t x E / R x FS = MAWP, in psig

where:

- TS = ultimate tensile strength of shell plate, in psi. When the tensile strength of steel plate is not known, it shall be taken as 55,000 psi for temperature not exceeding 650° F.
t = minimum thickness of shell plate of weakest course, in inches.
E = efficiency of longitudinal joint, depending upon construction. Use the following values (in percents):

For Fusion-Welded and Brazed Joints:

Table with 2 columns: Joint Type and Efficiency Value. Rows include Single lap welded (40), Double lap welded (60), Single butt welded (60), Double butt welded (75), Forge welded (70), and Braze steel (80).

For riveted joints – calculate riveted joint efficiency in accordance with rules given in Section I, Part PR, of the 1971 ASME Code.

R = inside radius for weakest shell course, in inches, provided the thickness does not exceed 10 percent of the radius. If the thickness is over 10 percent of the radius, the outer radius shall be used.

FS = factor of safety permitted shall be a minimum of 5.0.

- B) The MAWP for cylindrical non-standard pressure vessels subject to external or collapsing pressure shall be determined by the rules in Par. UG-27 and UG-28 of the ASME Code Section VIII.
C) The minimum factor of safety may be increased when deemed

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

necessary by the [Authorized](#) Inspector to assure the operation of the vessel within safe limits. The condition of the vessel and the particular service to which it is subject will be determining factors.

- D) The MAWP permitted for formed heads under pressure shall be determined by using the appropriate formulas from UG-32 or UG-33 of the ASME Code Section VIII and the tensile strength and efficiencies given in this Section.
- d) All non-ISI boilers and pressure vessels, [including related appurtenances](#), shall be inspected in accordance with ~~Part RB of~~ the National Board Inspection Code and this subsection (d). The following general requirements shall apply to all non-ISI boilers and pressure vessels.
- 1) The owner shall prepare each boiler and pressure vessel for internal inspection in accordance with ~~Part RB of~~ the National Board Inspection Code. The Authorized Inspector should not enter any boiler or pressure vessel before he or she is satisfied that all necessary safety precautions ~~from Part RB of~~ the National Board Inspection Code have been taken, including testing the boiler or pressure vessel atmosphere for oxygen and toxic, flammable and inert gases.
 - 2) The owner shall prepare for and apply the hydrostatic test, whenever necessary, on a date agreeable to the owner and the Authorized Inspector.
- e) All cases not specifically covered by this Part shall be treated as new installations. Existing non-ISI boilers and pressure vessels shall be governed by current ASME Code and National Board Inspection Code requirements or the requirements of the ASME Code in effect at the time of construction.

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.2200 Inspection Certificates

This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The Agency will take action in regard to an Inspection Certificate only in accordance with Section 505.80. The Agency shall issue Inspection

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Certificates for non-ISI boilers and pressure vessels in accordance with this Section if the reports, inspection criteria and plans required to be submitted by and identified in Sections 505.110 and 505.2100 and this Section are submitted in accordance with the frequencies specified in those Sections and are in compliance with this Part.

- a) The Agency shall issue one Inspection Certificate to each non-ISI boiler and pressure vessel for a term equal to the frequency of inspection of the non-ISI boiler or pressure vessel. The frequency and type of inspection for each non-ISI boiler and pressure vessel shall be as follows:
 - 1) Power boilers, high pressure water boilers and high temperature water boilers shall be inspected annually, which shall be an internal inspection where conditions permit. The boilers shall also be inspected externally annually while under representative operating conditions, if possible.
 - 2) Low pressure steam boilers, hot water heating boilers and hot water supply boilers shall be inspected every 2 years. The inspection shall be internal and external, where conditions permit. An external inspection shall be conducted under representative operating conditions at the request of the Authorized Inspector.
 - 3) Pressure vessels subject to internal corrosion shall be inspected in accordance with subsection (a)(3)(A), unless the Agency approves an alternative under subsection (a)(3)(B).
 - A) Pressure vessels shall be inspected every 3 years. The inspection shall be internal and external where conditions permit.
 - B) Alternatively, for each pressure vessel that can be inspected only during refueling outages, the owner may develop an inspection plan for the remaining life of the pressure vessel. The plan shall provide that an inspection of each pressure vessel will occur prior to the completion of every 2 consecutive refueling outages, but in no case more than 5 years after the last inspection of the pressure vessel. The owner may include in the plan contingency options for conducting inspections during unplanned or extended refueling outages, provided the required frequency of inspection is met. The bases for the inspection plan may include, but is not necessarily limited to, alternative examinations and tests planned and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

performed, past performance of this and similar pressure vessels, status of the pressure vessel in the plant's maintenance program, the environment and contents of the pressure vessel, vessel use, service condition (operating or not) of the pressure vessel relative to operation of the plant, corrosive environment where the pressure vessel is installed, risks, methods of inspection, ALARA (as defined in 32 Ill. Adm. Code 310) considerations, trade-offs and relevant engineering data. This plan shall be submitted to the Agency for approval.

- 4) Pressure vessels not subject to internal corrosion shall be inspected in accordance with subsection (a)(4)(A) or (B) as applicable, unless the Agency approves an alternative under subsection (a)(4)(C):
 - A) Vessels containing incompressible fluids (e.g., water) shall be inspected externally every 5 years.
 - B) Vessels containing compressible fluids (e.g., air steam), or a combination of compressible and incompressible fluids, shall be inspected externally every 3 years.
 - C) Alternatively, the owner may develop an inspection plan for the vessel for its remaining life based upon refueling outages. This plan shall be submitted to the Agency for approval. The basis for such an inspection plan may include alternative examinations and tests planned and performed, past performance of the pressure vessel and similar pressure vessels, status of the pressure vessel in the plant's maintenance program, the environment and contents of the pressure vessel and relevant engineering data.
- AGENCY NOTE: External inspection may be waived by the Agency due to ~~inaccessibility~~inaccessability of the equipment, based on the owner's detailed assessment of documentation and performance data verifying vessel integrity.
- 5) Inspection of flame safeguard equipment shall be to the standards of Section 505.40(c) and will be in conjunction with the regular inspection of boilers.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 6) A grace period of 2 months beyond the period specified in subsection (a)(1) or (2), may elapse between internal inspections of the boiler while it is not under pressure and the external inspection of the boiler while it is under pressure.
- b) The Agency shall issue an initial Inspection Certificate for a non-ISI boiler or pressure vessel in accordance with this subsection (b). Owners of a non-ISI boiler or pressure vessel not yet in operation ~~after February 7, 1994~~ shall, prior to operation of the boiler or pressure vessel, have a valid Inspection Certificate issued by the Agency. Application for an Inspection Certificate shall be in accordance with subsection (f) except that the owner shall submit the documents listed in subsection (f)(2) at least 90 days prior to operating the boiler or pressure vessel.
- c) For other than initial issuance of an Inspection Certificate in accordance with subsection (b), the Agency shall issue an Inspection Certificate for each non-ISI boiler or pressure vessel at the nuclear facility in accordance with this Section when the Agency determines that:
 - 1) The inspections required under subsection (a) were applied to the non-ISI boiler or pressure vessel, were completed and the condition of the non-ISI boiler or pressure vessel is such that an Inspection Certificate may be issued in accordance with subsection (d);
 - 2) The Report of Inspection or similar report form was completed for the non-ISI boiler or pressure vessel and was submitted to the Agency in accordance with subsection (f)(2); and
 - 3) If applicable, all submittals in subsections (e) and (f)(2)(B) are met.
- d) The Agency shall issue the Inspection Certificate within 90 days following receipt of the Report of Inspection on the non-ISI boiler or pressure vessel, or shall observe the procedures of subsection (g). The latter shall occur either within 90 days following receipt of the Report of Inspection or within 10 days following the expiration date of the Inspection Certificate.
- e) The Inspection Certificate issued for the non-ISI boiler or pressure vessel as established by this Section may be extended for a maximum of 1 year.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) For all pressure vessels and for boilers, other than power boilers, high pressure water boilers and high temperature water boilers, the owner shall request permission from the Agency to extend the term of the Inspection Certificate prior to implementing the extension. The Agency shall review a request for extension and permit the extension when the extension does not increase the risk to the health and safety of the public and personnel.
- 2) For power boilers, high pressure water boilers and high temperature water boilers, the Agency may extend, for a time not exceeding 1 year, the time within which the power boiler is required to be internally inspected, subject to the following conditions and qualifications:
 - A) The analysis and treatment of feedwater for the power boilers shall be under the supervision of a person qualified in the field of water chemistry.
 - B) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, crusting and sludge that affect the safety of the boiler.
 - C) The owner of the boilers shall maintain, for examination by the [Authorized](#) Inspector, accurate records of chemical and physical laboratory analyses of samples of the boiler water taken at regular intervals of not more than 24 hours operation and of the treatment applied. These records shall specify dates and times of analyses, by whom analyzed, and the treatment applied at that time, and shall be certified by the responsible authority. These records will adequately show the conditions of the water and any constituents or characteristics that are capable of producing corrosion or other deterioration of the boiler or its parts.
 - D) Application for extension shall be in writing setting forth facts establishing compliance with the foregoing conditions and qualifications and shall be accompanied by the report of external inspection.
- f) For each non-ISI boiler or pressure vessel, the owner shall submit the following:
 - 1) The information required by Section 505.2100;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 2) On or before the expiration date of the Inspection Certificate issued to the non-ISI boiler or pressure vessel:
 - A) The completed Report of Inspection or similar report form documenting that the inspections were performed in accordance with the inspection criteria and frequency requirements of subsection (a) and Section 505.2000.
 - B) All Code Data Reports and all other information related to the repair, replacement or alteration of the non-ISI boiler or pressure vessel or its appurtenances performed since the last Certificate Inspection.
- g) The Agency shall take action under Section 505.80 if the Agency finds that:
 - 1) The submittals and notifications required by subsections (e) and (f) have not been made or are incomplete; or
 - 2) The inspections required by this Section have not been performed or are incomplete; or
 - 3) A change to the inspection frequency applied to the non-ISI boiler or pressure vessel is not in accordance with subsection (e); or
 - 4) The non-ISI boiler or pressure vessel was insured and the insurance has been canceled or has otherwise become ineffective.
- h) In addition to the requirements of this Section, owners shall meet the requirements of Section 505.120.
- i) Notwithstanding any other provision of this Section, an Inspection Certificate shall remain valid beyond the expiration date noted on the certificate until the boiler or pressure vessel is reinspected by the Authorized Inspector or until the certificate is suspended by the Agency, provided that the owner of the boiler or pressure vessel makes it available for inspection at reasonable times.

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 505.2500 Repairs and Alterations

Repairs and alterations of non-ISI boilers and pressure vessels, and repairs of pressure relief valves associated with non-ISI boilers and pressure vessels, except boilers and pressure vessels and those pressure relief valves associated with boilers and pressure vessels that are exempt under Section 505.50(a), shall be made in accordance with this Section. ~~Non-ISI boilers and pressure vessels, and pressure relief valves associated with non-ISI boilers and pressure vessels, that are repaired or altered after February 7, 1994 shall be repaired or altered in accordance with this Section or other codes and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC.~~ The requirements of this Section are subject to the limitations of Section 505.20(c).

- a) Non-ISI boilers and pressure vessels that are repaired or altered shall be repaired or altered in accordance with the National Board Inspection Code or this subsection (a). The requirements of this subsection (a) are limited to welded repairs and welded and non-welded alterations of non-ISI boilers and pressure vessels. When requirements for a repair or alteration are not given, it is intended that, subject to approval of the Authorized Inspector, details of design and construction, insofar as practical, will be consistent with the ASME Code for boilers and pressure vessels constructed to the ASME Code, or the code to which the item was originally constructed for boilers and pressure vessels not constructed to the ASME Code or the repair or alteration rules of the National Board Inspection Code.
 - 1) All non-ISI boilers and pressure vessels covered by the Act that are repaired ~~after February 7, 1994~~ shall be repaired by one of the following organizations:
 - A) An owner and those organizations under contract to the owner, provided that:
 - i) the repairs are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B (~~2007~~2008) and has been approved by the NRC;
 - ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, referenced in subsection (a)(1)(A)(i),

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

that are applicable to a repair activity are applied to the repair; and

- iii) the owner notifies the Agency of its intention to apply 10 CFR 50 Appendix B Quality Assurance Program, referenced in subsection (a)(1)(A)(i), to the repair of boilers and pressure vessels. This notification only needs to be given once for all repairs of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, referenced in subsections (a)(1)(A)(i), (ii) and (iii), is subject to review by the Authorized Inspector.

- B) An organization in possession of a valid "R" Certificate of Authorization issued by the National Board.
 - C) An organization authorized by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, to repair boilers and pressure vessels.
- 2) Repairs shall be initiated only after they have been authorized by the Authorized Inspector who has reviewed and accepted the weld procedures, welders and welding operators' qualifications and repair methods. The Authorized Inspector may give prior approval for repairs of a routine nature. In every case the Authorized Inspector shall be advised of each repair under prior agreement.
- 3) All non-ISI boilers and pressure vessels covered by the Act that are altered ~~after February 7, 1994~~ shall be altered by one of the following organizations:
- A) An owner and those organizations under contract to the owner, provided that:
 - i) the alterations are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

50 Appendix B (~~2007~~2008) and has been approved by the NRC;

- ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, referenced in subsection (a)(3)(A)(i), that are applicable to an alteration activity are applied to the alteration; and
- iii) the owner notifies the Agency of its intention to apply 10 CFR 50 Appendix B Quality Assurance Program, referenced in subsection (a)(3)(A)(i), to the alteration of boilers and pressure vessels. This notification only needs to be given once for all alterations of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, referenced in subsections (a)(3)(A)(i), (ii) and (iii), is subject to review by the Authorized Inspector.

- B) An organization in possession of a valid "R" Certificate of Authorization issued by the National Board, provided the alterations are within the scope of that authorization.
- 4) Alterations shall be initiated only after they have been authorized by the Authorized Inspector who has reviewed and accepted the alteration methods and calculations. If considered necessary, the Authorized Inspector shall make an inspection of the object before granting authorization.
 - 5) Reports documenting repairs and alterations shall be sent to the Agency in addition to the distribution required by the National Board Inspection Code.
 - 6) Documentation of repairs and alterations shall be in accordance with the National Board Inspection Code, except that, in lieu of a form R-1 or R-2, an alternative form containing equivalent information may be used. All alternative forms shall be signed by the Authorized Inspector. All

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

alternative forms shall be approved by the Agency prior to use. The Authorized Inspector shall determine whether the completion of the form R-1, [R-2](#), or [an](#) alternative form is required for routine repairs.

- 7) Repairs and alterations shall be accepted by either an Authorized Inspector employed by the Authorized Inspection Agency responsible for the boiler or pressure vessel or by an Authorized Inspector employed by the Authorized Inspection Agency of record for the organization making the repair or alteration. It shall be the responsibility of the organization making the repair or alteration to coordinate the acceptance inspection of the repair or alteration.
- 8) For pressure parts, the rules of Part 3, Section 3 of the National Board Inspection Code shall apply.
- 9) Pressure Testing
 - A) The Authorized Inspector may require a pressure test after completing a repair to a boiler or pressure vessel when in the Authorized Inspector's judgment one should be conducted.
 - B) A pressure test in accordance with the National Board Inspection Code shall be applied to the boiler or pressure vessel on the completion of an alteration.
- 10) For repair methods, the rules of Part 3 of the National Board Inspection Code shall apply.
- 11) Alteration methods shall comply with the general requirements of this subsection (a), and with the appropriate ASME Code Section or Part 3 of the National Board Inspection Code, as applicable, including any service restrictions.
- 12) Major replacement of pressure parts, including drums and shells, that are fabricated by welding and for which a Manufacturers Data Report is required by the applicable ASME Code Section shall be fabricated by a manufacturer having an ASME Certificate of Authorization and the appropriate [Certification Mark with appropriate designator](#)~~ASME Code Symbol Stamp~~. The item shall be inspected, stamped with the applicable

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Certification Mark with appropriate designator~~ASME Code Symbol~~ and the word "PART", and reported on the appropriate Manufacturers Partial Data Report.

- 13) When a repair or alteration requires removal of that part of a non-ISI boiler or pressure vessel containing the Code stamping, the Authorized Inspector shall, subject to the approval of the Agency, witness the making of a facsimile of the stamping, the obliteration of the old stamping and the transfer of the stamping to the new part. When the stamping is on a nameplate, the Authorized Inspector is to witness the transfer of the nameplate to the new part. The Certification Mark with appropriate designator~~ASME Code Symbol~~ is not to be restamped.
- 14) For rerating, the rules of this subsection (a) and Part 3 of the National Board Inspection Code shall apply. Additionally, the following shall apply:
 - A) All requirements in Part 3 of the National Board Inspection Code and this subsection (a) shall be met to the satisfaction of the Authorized Inspection Agency at the location of the installation.
 - B) Revised calculations verifying the new service conditions shall be required from the original manufacturer or, when the calculations cannot be obtained from this source, they may be prepared by an engineer in accordance with Part 3 of the National Board Inspection Code.
 - C) The boiler or pressure vessel shall be pressure tested for the rerated condition as required by subsection (a)(9)(B).
- 15) Nameplates and Stamping for Repair and Alteration
 - A) The rules of Part 3, Section 5 of the National Board Inspection Code shall apply. The exceptions and clarifications of this subsection (a)(15) shall also apply.
 - B) For owners that act as the repair organization under the provisions of subsection (a)(1)(A) for repairs or under subsection (a)(3)(A) for alterations who are not in possession of a valid "R" Certificate

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

of Authorization issued by the National Board, the requirements for nameplates and stamping in Part 3, Section 5 of the National Board Inspection Code shall not apply. All other requirements shall be met.

- b) ~~Pressure~~All ASME Code Section I "V" stamped, Section III "NV" stamped, and Section VIII "UV" stamped pressure relief valves associated with non-ISI boilers and pressure vessels shall be repaired in accordance with the National Board Inspection Code or with this subsection (b).

- 1) All pressure relief valves covered by this subsection (b) that are repaired ~~after February 7, 1994~~ shall be repaired by one of the following organizations:
- A) An owner and those organizations under contract to the owner, provided that:
- i) the repairs are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B (~~20072008~~) and has been approved by the NRC;
- ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, referenced in subsection (b)(1)(A)(i), that are applicable to a repair activity are applied to the repair; and
- iii) the owner notifies the Agency of its intention to apply 10 CFR 50 Appendix B Quality Assurance Program, referenced in subsection (b)(1)(A)(i), to the repair of these pressure relief valves. This notification only needs to be given once for all repairs of pressure relief valves performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, referenced in subsections (b)(1)(A)(i), (ii) and (iii), is subject to review by the Authorized Inspector.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- B) The manufacturer of the valve who is in possession of a valid ASME "V", "NV" or "UV" Certificate of Authorization, provided repairs are within the scope of the organization's Certificate of Authorization and are performed under the organization's Quality Control System or Quality Assurance System, as applicable.
 - C) An organization in possession of a valid "VR" Certificate of Authorization issued by the National Board, provided repairs are within the scope of the organization's Certificate of Authorization and are performed under the organization's Quality Control System.
 - D) An organization in possession of a valid Certificate of Authorization issued by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, to repair pressure relief valves provided repairs are within the scope of the organization's Certificate of Authorization and performed under the organization's accepted Quality Control System.
- 2) Repair of a pressure relief valve is considered to be the replacement or machining of any critical part, lapping of seat and disc or any other operation that may affect the flow passage, capacity, function or pressure retaining integrity. Disassembly and reassembly or adjustments that affect the pressure relief valve function are not considered a repair, but a test confirming the valve's set pressure shall be performed. The initial installation, testing and adjustments of a new pressure relief valve on a non-ISI boiler or pressure vessel are not considered a repair.
- 3) Nameplates [and Stamping](#)
- A) The rules of Part 3, Section 5 of the National Board Inspection Code shall apply. The exceptions and clarifications of this subsection (b)(3) shall also apply.
 - B) Individuals authorized by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, who are properly trained and qualified employees of the owner may make adjustments to the set pressure provided the adjusted settings and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

the date of the adjustment are recorded on a metal tag secured to the seal wire. All external adjustments shall be resealed showing the identification of the organization making the adjustments.

- C) For owners that act as the valve repair organization under the provisions of subsection (b)(1)(A) who are not in possession of a valid "VR" Certificate of Authorization issued by the National Board, the requirements for stamping ~~and nameplates~~~~the ASME Code "V", "UV", "NV" or National Board "VR" mark~~ in Part 3, Section 5 of the National Board Inspection Code shall not apply. All other requirements shall be met.
- 4) Performance Testing
- A) The rules of Part ~~3, Section 4~~~~RA-2280~~ of the National Board Inspection Code shall apply, regardless of whether the "VR" stamp will be or has been applied. The exceptions and clarifications of this subsection (b)(4) shall also apply.
- B) For owners that act as the valve repair organization under the provisions of subsection (b)(1)(A) who are not in possession of a valid "VR" Certificate of Authorization issued by the National Board, ~~the requirements for stamping the "VR" mark in Part 3, Section 4 of the National Board Inspection Code are not required.~~ ~~Also,~~ performance testing equipment qualified by the owner under Part 3, Section 4 of the National Board Inspection Code shall be done by the owner. The Authorized Inspector shall witness the qualification of test equipment and review the documentation of the qualification. ~~as required in Part 3, Section 4 of the National Board Inspection Code.~~
- 5) Organizations that repair pressure relief valves under subsections (b)(1)(B) through (b)(1)(D) may perform field repairs in accordance with the following requirements.
- A) Qualified technicians in the employ of the repair organization perform the repairs.
- B) Procedures that address field repairs are contained in the Quality

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Control System or Quality Assurance System, as applicable, and are maintained.

- C) All functions affecting the quality of the repaired pressure relief valves are controlled from the location for which the appropriate authorization was issued.
- D) Periodic audits of work carried out in the field are made by quality control personnel of the repair organization to ensure that the requirements of the Quality Control System or Quality Assurance System, as applicable, are met. This audit may include witnessing the test of the field repaired pressure relief valve.

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

Section 505.2800 Authorized Inspectors

In order to perform the duties of an Authorized Inspector for non-ISI boilers ~~and~~ pressure vessels at nuclear facilities within the State, an individual shall, in addition to the requirements of Section 505.180, possess either a current Inservice Commission (IS) issued by the National Board or a commission as an inspector of boilers and pressure vessels issued by OSFM. ~~meet the requirements of Section 505.180 of this Part.~~

(Source: Amended at 41 Ill. Reg. 645, effective January 4, 2017)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of January 3, 2017 through January 9, 2017. The rulemakings are scheduled for review at the Committee's February 15, 2017 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
2/16/17	<u>Department of Human Services, Developmental Disabilities Services (89 Ill. Adm. Code 144)</u>	11/4/16 40 Ill. Reg. 15040	2/15/17
2/17/17	<u>Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)</u>	11/18/16 40 Ill. Reg. 15444	2/15/17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2017 REGULATORY AGENDA

a) Part (Heading and Code Citations): State of Illinois Medical Care Assistance Plan, 80 Ill. Adm. Code 2120

1) Rulemaking: Proposed Amendments

A) Description: The Department anticipates rulemaking affecting the following:

The Department intends to amend and update various sections to reflect current laws and practices relative to the Medical Care Assistance Plan, and other minor technical changes.

B) Statutory Authority: Implementing Sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 USC 105(h), 125, and 213(d)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the proposed amendments.

D) Date Agency anticipates First Notice: Not yet scheduled

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Tyson J. Rothermich
Deputy General Counsel – Benefits
Illinois Department of Central Management Services
801 South Seventh Street, Floor 6-M
Springfield IL 62703

217/557-0600

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2017 REGULATORY AGENDA

fax: 217/557-8331

email: tyson.rothermich@illinois.gov

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.
- b) Part (Heading and Code Citations): Local Government Health Plan, 80 Ill. Adm. Code 2160
- 1) Rulemaking: Proposed Amendments
- A) Description: The Department anticipates rulemaking affecting the following:
- The Department intends to amend and update various sections to reflect current laws and practices relative to the Local Government Health Plan, and other minor technical changes.
- B) Statutory Authority: 5 ILCS 375
- C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the proposed amendments.
- D) Date Agency anticipates First Notice: Not yet scheduled
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Tyson J. Rothermich
Deputy General Counsel – Benefits
Illinois Department of Central Management Services
801 South Seventh Street, Floor 6-M
Springfield IL 62703

217/557-0600

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2017 REGULATORY AGENDA

fax: 217/557-8331

email: tyson.rothermich@illinois.gov

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.
- c) Part (Heading and Code Citations): Teachers' Retirement Insurance Program, 80 Ill. Adm. Code 2170
- 1) Rulemaking: Proposed Amendments
- A) Description: The Department anticipates rulemaking affecting the following:
- The Department intends to amend and update various sections to reflect current laws and practices relative to the Teachers' Retirement Insurance Program, and other minor technical changes.
- B) Statutory Authority: 5 ILCS 375
- C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the proposed amendments.
- D) Date Agency anticipates First Notice: Not yet scheduled
- F) Effect on small businesses, small municipalities or not-for-profit corporations: None
- G) Agency contact person for information:

Tyson J. Rothermich
Deputy General Counsel – Benefits
Illinois Department of Central Management Services
801 South Seventh Street, Floor 6-M
Springfield IL 62703

217/557-0600

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2017 REGULATORY AGENDA

fax: 217/557-8331

email: tyson.rothermich@illinois.gov

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.
- d) Part (Heading and Code Citations): College Insurance Program, 80 Ill. Adm. Code 2180
- 1) Rulemaking: Proposed Amendments
- A) Description: The Department anticipates rulemaking affecting the following:
- The Department intends to amend and update various sections to reflect current laws and practices relative to the College Insurance Program, and other minor technical changes.
- B) Statutory Authority: 5 ILCS 375
- C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the proposed amendments.
- D) Date Agency anticipates First Notice: Not yet scheduled
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None.
- F) Agency contact person for information:

Tyson J. Rothermich
Deputy General Counsel – Benefits
Illinois Department of Central Management Services
801 South Seventh Street, Floor 6-M
Springfield IL 62703

217/557-0600

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2017 REGULATORY AGENDA

fax: 217/557-8331

email: tyson.rothermich@illinois.gov

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.
- e) Part (Heading and Code Citations): State Employees Group Insurance Program, 80 Ill. Adm. Code 2210
- 1) Rulemaking: New rulemaking
- A) Description: The Department anticipates rulemaking affecting the following:
- Create rules outlining the functions and requirements of the State Employees Group Insurance Program.
- B) Statutory Authority: 5 ILCS 375
- C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the proposed amendments.
- D) Date Agency anticipates First Notice: Not yet scheduled
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Tyson J. Rothermich
Deputy General Counsel – Benefits
Illinois Department of Central Management Services
801 South Seventh Street, Floor 6-M
Springfield IL 62703

217/557-0600

fax: 217/557-8331

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2017 REGULATORY AGENDA

email: tyson.rothermich@illinois.gov

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.
- f) Part (Heading and Code Citations): Pay Plan 80 Ill. Adm. Code 310
- 1) Rulemaking: Proposed Amendments
- A) Description: Projected amendments to the Department of Central Management Services' Pay Plan include the following revisions to the following sections:
- In Section 310.130 Effective Date, changes advances the effective date to the new fiscal year 2018.
- In various sections, changes to classifications either being established, revised or abolished with the approval of the Civil Service Commission.
- In various sections, changes to which positions are represented by a bargaining unit, or other changes, based on a decision issued by the Illinois Labor Relations Board.
- In various sections, changes to the format of the Pay Plan that reduce duplicate information and provide easier access to information contained within the Pay Plan, and to remove outdated provisions or rates.
- B) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a, 20 ILCS 415/8c, 20 ILCS 415/8e, 20 ILCS 415/9(7) and 20 ILCS 415/9(14)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]
- C) Scheduled meeting/hearing dates: No meeting or hearing is scheduled. An interested person may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2017 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: Proposed amendments based on new, revised, or abolished classifications not represented by the bargaining units, will be filed as the classification actions are approved by the Civil Service Commission.

Proposed amendments to remove positions, or other changes, based on decisions issued by the Illinois Labor Relations Board will be filed after the date the decisions are issued.

Amendments to sections to add clarity or remove outdated information will be filed as the Governor approves changes.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: The amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.

- F) Agency contact person for information:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services
Bureau of Personnel
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706

217/524-1055
email: CMS.PayPlan@Illinois.gov
fax: 217/558-4497

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

ILLINOIS BOARD OF HIGHER EDUCATION

JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Postsecondary and Workforce Readiness Act, 23 Ill. Adm. Code 1034
- 1) Rulemaking:
- A) Description: The Board may adopt rules as may be necessary for the implementation of transitional mathematics and in reading and communication transitional competencies pursuant to PA 99-674.
- B) Statutory Authority: Section 8 of the Board of Higher Education Act (110 ILCS 205/8) and Section 1 of the Postsecondary and Workforce Readiness Act (110 ILCS 148/1)
- C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377
- 217/557-7358
email: helland@ibhe.org
fax: 217/782-8548
- G) Related rulemakings and other pertinent information: None.
- b) Part (Heading and Code Citations): Private Business and Vocational Schools, 23 Ill. Adm. Code 1095
- 1) Rulemaking:

ILLINOIS BOARD OF HIGHER EDUCATION

JANUARY 2017 REGULATORY AGENDA

- A) Description: The exemption for yoga schools pursuant to PA 99-705, may require an amendment to existing rules. In addition, the Board will review this part in 2017 to consider if rules need to be updated for oversight of the schools. Findings of this review may result in proposed amendments to the rules.
- B) Statutory Authority: Private Business and Vocational School Act of 2012 [105 ILCS 426]
- C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: Undetermined
- F) Effect on small businesses, small municipalities or not-for-profit corporations: Undetermined

Agency contact person for information:
Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377

217/557-7358
email: helland@ibhe.org
fax: 217/782-8548

- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Performance Metrics for Budget Recommendations, 23 Ill. Adm. Code 900
- 1) Rulemaking:
- A) Description: The Board proposes the adoption of new IBHE rules to provide the performance metrics for the higher education budget recommendations pursuant to PA 97-320.

ILLINOIS BOARD OF HIGHER EDUCATION

JANUARY 2017 REGULATORY AGENDA

- B) Statutory Authority: Section 8 of the Board of Higher Education Act (110 ILCS 205/8)
- C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377
- 217/557-7358
email: helland@ibhe.org
fax: 217/782-8548
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citations): Grow Your Own Teacher Grants, 23 Ill. Adm. Code 1085
- 1) Rulemaking:
- A) Description: The Board proposes the adoption of amendments to the existing rules pursuant to Public Act 98-1036, pending state funding. Statutory Authority: Section 90 of the Grow Your Own Teacher Education Act [110 ILCS 48/90]
- B) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled.
- C) Date Agency anticipates First Notice: Undetermined

ILLINOIS BOARD OF HIGHER EDUCATION

JANUARY 2017 REGULATORY AGENDA

D) Effect on small businesses, small municipalities or not-for-profit corporations: Undetermined

F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377

217/557-7358
email: helland@ibhe.org
fax: 217/782-8548

G) Related rulemakings and other pertinent information: None.

e) Part (Heading and Code Citations): Nursing School Grant Program, 23 Ill. Adm. Code 1100

1) Rulemaking:

A) Description: The Board may review this grant program in 2017. Findings of the review may result in proposed amendments to the rules.

B) Statutory Authority: Board of Higher Education Act [110 ILCS 205/9.31]

C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: Undetermined

F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333

ILLINOIS BOARD OF HIGHER EDUCATION

JANUARY 2017 REGULATORY AGENDA

Springfield IL 62701-1377

217/557-7358

email: helland@ibhe.org

fax: 217/782-8548

G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citations): Nurse Educator Fellowship Program, 23 Ill. Adm. Code 11051) Rulemaking:A) Description: The Board may review this grant program in 2017. Findings of the review may result in proposed amendments to the rules.B) Statutory Authority: Board of Higher Education Act [110 ILCS 205/9.32]C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled.D) Date Agency anticipates First Notice: UndeterminedE) Effect on small businesses, small municipalities or not-for-profit corporations: UndeterminedF) Agency contact person for information:Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377

217/557-7358

email: helland@ibhe.org

fax: 217/782-8548

G) Related rulemakings and other pertinent information: None

DEPARTMENT ON AGING

JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Community Care Program, 89 Ill. Adm. Code 240
- 1) Rulemaking:
- A) Description: Part 240 will be amended as necessary in order to update provisions to reflect policy changes regarding prescreenings conducted by Care Coordination Units for nursing facility placements based on PA 99-857.
- B) Statutory Authority: 20 ILCS 105/4.01(11) and 4.02
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date Agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: All Care Coordination Units under the Comprehensive Care Coordination Program will be affected by this rulemaking.
- F) Agency contact person for information:
- Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271
- 217/785-3346
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Adult Protection and Advocacy Services, 89 Ill. Adm. Code 270
- 1) Rulemaking:

DEPARTMENT ON AGING

JANUARY 2017 REGULATORY AGENDA

- A) Description: Part 270 will be amended as necessary to: (1) update confidentiality provisions relating to individuals who are authorized to access confidential records under the Adult Protective Services Program based on PA 99-287 and PA 99-547; and (2) establish various operating procedures for fatality review teams under this program based on PA 99-530.
- B) Statutory Authority: 20 ILCS 105/4.01(11) and 320 ILCS 20/10
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date Agency anticipates First Notice: The Department on Aging anticipates filing these proposed rulemaking projects during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Entities serving as provider agencies for the Department on Aging under the Adult Protective Services Program and Fatality Review Teams will be affected by these rulemaking projects.
- F) Agency contact person for information:
- Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271
- 217/785-3346
- G) Related rulemakings and other pertinent information: None

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Fire Drills in Schools (41 Ill. Adm. Code 110)
- 1) Rulemaking:
- A) Description: This rulemaking will repeal outdated regulations on fire drills in schools. These rules were adopted under the authority of "An Act relating to school fire drills" [Ill. Rev. Stat. 1979, ch. 122, par. 842] which has been repealed and superseded by the School Safety Drill Act [105 ILCS 128]. Rules to implement the School Safety Drill Act were adopted in 2006 as joint rules of the Office of the State Fire Marshal and the Illinois State Board of Education at 29 Ill. Adm. Code Part 1500.
- B) Statutory Authority: Authorized by Section 2 of "An act relating to school fire drills" [Ill. Rev. Stat. 1979, ch. 122, par. 842] and the School Safety Drill Act [105 ILCS 128]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Winter or Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not impact any small businesses. There should be no impact on small schools districts as they will continue to be subject to the requirements of the School Safety Drill Act [105 ILCS 128] and its implementing regulations.
- F) Agency contact person for information:
- Dale Simpson
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703
- 217/558-0639
- G) Related rulemakings and other pertinent information: None

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

- b) Part (Heading and Code Citations): Policy and Procedures Manual for Fire Protection Personnel (41 Ill. Adm. Code 141)
- 1) Rulemaking:
- A) Description: A third phase of amendments to this Part will focus on updates to Subpart B (Training Facilities) and Subpart C (Examination). This proposal will also include any updates to certifications approved by the certification subcommittees established by the Fire Advisory Commission.
- B) Statutory Authority: Implementing and authorized by Sections 8 and 11 of the Fire Protection Training Act [50 ILCS 740/8] and the Peace Officer Fire Investigation Act [20 ILCS 2910]
- C) Scheduled meeting/hearing dates: None Scheduled
- D) Date Agency anticipates First Notice: Spring 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may impact small municipalities or fire protection districts that elect to participate in the Office of the State Fire Marshal's voluntary certification program and seek reimbursement for training expenditures from funds appropriated to the Office for these reimbursements. Streamlined procedural rules are expected to speed the curriculum approval time and decrease administrative burdens on participants.
- F) Agency contact person for information:

Mitzi Woodson
Manager
Division of Personnel Standards and Education
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/785-1003

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: The first phase of amendments to this Part was published for First Notice on April 1, 2016 (40 Ill. Reg. 5366), received a Certificate of No Objection from JCAR and are awaiting final adoption. The second phase was published for First Notice on November 18, 2016 (40 Ill. Reg. 15482).
- c) Part (Heading and Code Citations): Storage, Transportation, Sale and Use of Gasoline and Volatile Oils: Rules and Regulations\ Relating to General Storage (41 Ill. Adm. Code 160)
- 1) Rulemaking:
- A) Description: This rulemaking will update the agency's rules applicable to aboveground storage tanks (ASTs). This includes two primary rule Parts: 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 180 that are applicable to ASTs used for both dispensing and non-dispensing purposes. Part 160 rules primarily address the use of ASTs for bulk storage of flammable or combustible liquids (storage for other than dispensing purposes). The primary focus of the rules will be to replace the currently outdated rules with references to nationally recognized standards for ASTs.
- B) Statutory Authority: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules will impact any small business, municipality or not-for-profit corporations that install or relocate an AST containing flammable or combustible liquids. The proposed rules are not anticipated to impose further restrictions upon ASTs that are already in-place.
- F) Agency contact person for information:

Cathy Stashak

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

Division of Fire Prevention--Technical Services
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601

312/814-2425

- G) Related rulemakings and other pertinent information: The proposed changes to 41 Ill. Adm. Code 160 are related to the proposed changes to 41 Ill. Adm. Code 180.
- d) Part (Heading and Code Citations): Petroleum Equipment Contractor Licensing (41 Ill. Adm. Code 172)
- 1) Rulemaking:
- A) Description: This rulemaking will update certification and licensure rules for petroleum equipment contractors doing work on underground storage tanks as a result of changes to the program made by PA 97-428. The rulemaking will address inconsistencies between the rules and the statute raised in internal audit findings. It will also update cross-references to OSFM rules for which the numbering has changed from Part 170 to Parts 175 and 176.
- B) Statutory Authority: Petroleum Equipment Contractor Licensing Act [225 ILCS 729/25, 35(a)(4), and 35(b)(7)]
- C) Scheduled meeting/hearing dates: None scheduled yet
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will have a minimal impact on small businesses that conduct permitted work on underground storage tanks.
- F) Agency contact person for information:

Fred Schneller
Manager

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62603

217/557-3131

G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citations): General Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 174); Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 175); Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 176)

1) Rulemaking:

- A) Description: This rulemaking will revise the Illinois technical requirements for underground storage tank systems ("USTs") to conform to new federal regulatory requirements that became effective on October 13, 2015. These changes would include requiring federally acceptable proofs of compatibility for underground storage tanks, piping and all related system components whenever such systems store or dispense ethanol blends above 10% ethanol (E10) for gasoline or above 20% biodiesel (B20) for diesel. Federally required changes will also include monthly walkthrough inspections by Certified Operators, tightness testing of spill buckets and piping containments every three years, inspection of overfill prevention equipment every three years, prohibition of ball float vent valves at time of installation or replacement, full regulation of airport hydrant fueling systems, and full regulation of field constructed tanks. This rulemaking will also update these rules to incorporate and streamline current practices, including the electronic submission of reporting forms and permit applications. This rulemaking will also address an unsafe product piping set-up caused when formerly separate regular, midgrade and premium gasoline product piping lines are installed so that two products are mixed at the dispenser to create the midgrade product. When done incorrectly, this piping set-up may lead to an open pipe end and the

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

release of product if the dispenser is struck by a vehicle and the piping is broken.

- B) Statutory Authority: Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Some of the federal requirements will increase costs of UST operation. Other federal requirements will have no fiscal impact on owners and operators of USTs. Other federal requirements have been previously implemented. (Examples: Operator Training, double-wall design requirements, leak detection for emergency power generator USTs, replacement of tanks failing their internal lining inspection, annual leak detection testing, and requirements for under-dispenser containment sumps.) Other changes will decrease costs and increase the flexibility and convenience of compliance, for example, streamlining forms and implementing electronic submission of reporting forms and permit applications. Allowing new third-party (UL) listed tank replacement technologies is likely to reduce costs when a tank fails. These last two items will likely help those small businesses, small municipalities and not-for-profit entities that own and operate underground storage tanks.
- F) Agency contact person for information:
- Fred Schneller
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703
- 217/557-3131
- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citations): Storage, Transportation, Sale and Use of Gasoline and Volatile Oils (41 Ill. Adm. Code 180)

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

1) Rulemaking:

- A) Description: This rulemaking will update the agency's rules applicable to aboveground storage tanks (ASTs). This includes two primary rule Parts: 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 180 that are applicable to ASTs used for both dispensing and non-dispensing purposes. Part 180 rules primarily address the use of ASTs for flammable or combustible liquids used to dispense fuel into vehicles or portable containers. The primary focus of the rules will be to replace the currently outdated rules with references to nationally recognized standards for ASTs.
- B) Statutory Authority: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules will impact any small business, municipality or not-for-profit corporations that install or relocate an AST that contains flammable or combustible liquids used to dispense fuel into vehicles or portable containers. The proposed rules are not anticipated to impose further restrictions upon ASTs that are already in-place.
- F) Agency contact person for information:

Cathy Stashak
Division of Fire Prevention--Technical Services
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601

312/814-2425

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: The proposed changes to 41 Ill. Adm. Code 180 are related to the proposed changes to 41 Ill. Adm. Code 160.
- g) Part (Heading and Code Citations): Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200)
- 1) Rulemaking:
- A) Description: This rulemaking will update the agency's rules applicable to liquefied petroleum gas (LPG) tanks. The primary focus of the rules will be to update the reference to a national standard: NFPA 58 Liquefied Petroleum Gas Code. The rule currently references to the 2011 edition of NFPA 58 and the OSFM intends to update that reference to the latest published edition of NFPA 58 (2014 edition) in order to remain current with industry practices. The statute requires that OSFM rules on this topic be in substantial conformity with the national codes published by the National Fire Protection Association (NFPA).
- B) Statutory Authority: Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3]
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules will impact any small business, municipality or not-for-profit corporation that installs or relocates a LPG (including propane) storage tank. The proposed rules are not anticipated to impose further restrictions upon existing LPG tanks.
- F) Agency contact person for information:

Cathy Stashak
Division of Fire Prevention--Technical Services
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

312/814-2425

G) Related rulemakings and other pertinent information: Noneh) Part (Heading and Code Citations): Appeals and Enforcement Proceedings (41 Ill. Adm. Code 210)1) Rulemaking:

- A) Description: This Part will be amended to delineate and clarify the appeal process utilized during certain OSFM administrative enforcement proceedings. Amendments will include, among other things, clarification concerning the duties of the respective parties, the initiation of contested hearings, pleadings, motions, discovery, the burden and standard of proof, the applicable rules of evidence, the consequences of failing to appear, and default procedures.
- B) Statutory Authority: Implemented and authorized by Section 10-5 of the Illinois Administrative Procedures Act [5 ILCS 100/10-5]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None Anticipated
- F) Agency contact person for information:

Matt Taksin
General Counsel--Legal Division
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

312/814-6322

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citations): Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230)
- 1) Rulemaking:
- A) Description: This rulemaking will update referenced industry technical standards and incorporate recent federal requirements relating to OSFM Pyrotechnic Distributor and Operator Licensing Rules. It will also update or delete references to the Music Entertainment Task Force because its work has concluded. It will also develop an expedited licensing protocol for out-of-state production companies with an appropriate fee schedule and require cover license operators to identify out-of-state touring pyrotechnic participants on the display report that summarizes the pyrotechnic event. This will also require that distributors identify certain business information on the regulatory application, for example, any assumed name being used as well as the full legal name for the legal entity submitting the application. Finally, this will add a fee of \$30 for per pyrotechnic assistant at time of registration renewal (every three years).
- B) Statutory Authority: Implemented and authorized by Section 30 of Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30]
- C) Scheduled meeting/hearing dates: None scheduled yet
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: A new fee (\$30) would be required for an assistant's registration renewal.
- F) Agency contact person for information:

Dale Simpson
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

Springfield IL 62703

217/558-0639

G) Related rulemakings and other pertinent information: Nonej) Part (Heading and Code Citations): Pyrotechnic and Consumer Display Permitting Rules
(41 Ill. Adm. Code 235)1) Rulemaking:A) Description: This rulemaking will update referenced industry technical standards and incorporate recent federal requirements relating to OSFM Pyrotechnic Distributor and Operator Licensing Rules. It will also require local permitting authorities to maintain certain minimum records.B) Statutory Authority: Implementing and authorized by Section 4.1 of the Fireworks Use Act [425 ILCS 35/5]C) Scheduled meeting/hearing dates: None scheduled yetD) Date Agency anticipates First Notice: UnknownE) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipatedF) Agency contact person for information:Dale Simpson
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0639

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: Proposed revisions to 41 Ill. Adm. Code 230's requirements for Flame Effect Licensure and Permit requirements.
- k) Part(s) (Heading and Code Citations): Fire Equipment Distributor and Employee Standards (41 Ill. Adm. Code 251); and Fire Equipment Administrative Procedures (41 Ill. Adm. Code 280)
- 1) Rulemaking:
- A) Description: This proposed rulemaking will update the OSFM's rules applicable to fire equipment distributor and employee licensing, and will consider combining the Part 251 and Part 280 rules into one document to address procedures for administering the fire equipment contractor and employee licensing programs. This proposed rulemaking will require a photo or electronic copy of a driver's license or State identification for each employee being licensed. This proposed rulemaking will update rule references to cite the updated statutory authority which is now known as the Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217]. This proposed rulemaking will also define the procedures for the citation authority provided in Section 83 of this Act [225 ILCS 217/83]. Finally, this rulemaking will implement statutory changes that eliminated the Fire Equipment Distributor and Employee Advisory Board and divided Class II employees into separate classes for pre-engineered industrial fire suppression systems versus kitchen hood fire suppression systems.
- B) Statutory Authority: Implementing and authorized by the Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217]
- C) Scheduled meeting/hearing dates: The agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Any small business, small municipality or not for profit corporation that may be licensed by the OSFM as a fire equipment distributor or may be involved in the servicing of portable fire

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

extinguishers and/or fixed fire suppression systems other than water-based systems. By clarifying standards and procedures and providing an enforcement mechanism authorized by statute, this will make compliance simpler and more efficient and reliable for the regulated community, including small businesses, small municipalities, and not-for-profit entities. Fire equipment companies will need to ensure their employees have the correct National Association of Fire Equipment Distributors (NAFED) certification to work on and service these systems, and the correct National Institute for Certification in Engineering Technologies (NICET) certification to design the appropriate systems.

F) Agency contact person for information:

Dale Simpson
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0639

G) Related rulemakings and other pertinent information: None1) Part (Heading and Code Citations): Small Equipment Grant Program (41 Ill. Adm. Code 291)1) Rulemaking:

A) Description: The Office of the Illinois State Fire Marshal (OSFM) administers a program to provide grant funds for the purchase of small firefighting equipment to units of local government (fire department, fire protection district or township fire department) in Illinois that provide fire suppression within a geographical area. This rulemaking will make fire protection districts and volunteer, non-profit, stand-alone ambulance services to fire departments eligible for grants to purchase small fire-fighting and ambulance equipment. It will make other minor edits to achieve consistency with changes made by PA 96-386 and PA 97-901. This rulemaking will also eliminate the requirement to be compliant with

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

National Fire Incident Reporting System (NFIRS) for two years for fire protection districts formed less than two years ago.

- B) Statutory Authority: Authorized by Section 2.7 of the State Fire Marshal Act [20 ILCS 2905/2.7]
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Winter 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small municipalities or not-for-profit corporations may benefit from these rules by being able to receive financial assistance to purchase ambulance or small firefighting equipment.
- F) Agency contact person for information:

Ronny J. Wickenhauser
Chief Fiscal Officer and Chief Administrative Officer
Office of the Illinois State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0577

- G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citations): Furniture Fire Safety Regulations (41 Ill. Adm. Code 300)

1) Rulemaking:

- A) Description: As required by statute [425 ILCS 45], this rulemaking will update referenced standards to the current "bulletins" (standards) used by the State of California's Department of Consumer Affairs: Bureau of Home Furnishings and Thermal Insulation for descriptions of the tests that are required to be performed on upholstered furniture components.

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2017 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Section 15 of the Furniture Fire Safety Act [425 ILCS 45/15]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Any small business or not-for-profit corporation that manufactures upholstered seating furniture used in public occupancies or public assembly areas, or any small business, small municipality or not-for-profit that owns or maintains a public occupancy or public assembly area that contains stuffed or upholstered furniture for specified occupancies. These include assembly occupancies; day care centers; health care occupancies; detention and correctional facilities; and public assembly areas of hotel and motels that contain seating for more than 10 (individual guest rooms are not included). These proposed rules are not anticipated to impose further restriction upon regulated furniture.
- F) Agency contact person for information:
- Cathy Stashak
Division of Fire Prevention--Technical Services
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601
- 312/814-2425
- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 41, Issue 3 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

17 - 830 631

ADOPTED RULES

32 - 505 1/4/2017 645

REGULATORY AGENDA

80 - 2120 689

23 - 1034 696

89 - 240 701

41 - 110 703

ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register (1977 – 2004) Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Yearly Index Cumulative/Sections Affected Indices (Current Year)	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

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

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

Send Payment To: Secretary of State E-mail: eAdministrativeCode@ilsos.net
 Department of Index Phone: (217) 782-7017
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

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

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