



Sen. Deanna Demuzio

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LRB095 04088 CMK 34359 a

1 AMENDMENT TO SENATE BILL 1479

2 AMENDMENT NO. _____. Amend Senate Bill 1479 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Radiation Protection Act of 1990 is amended
5 by changing Sections 4 and 31 as follows:

6 (420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)

7 (Section scheduled to be repealed on January 1, 2011)

8 Sec. 4. Definitions. As used in this Act:

9 (a) "Accreditation" means the process by which the Agency
10 grants permission to persons meeting the requirements of this
11 Act and the Department's rules and regulations to engage in the
12 practice of administering radiation to human beings.

13 (a-2) "Agency" means the Illinois Emergency Management
14 Agency.

15 (a-3) "Assistant Director" means the Assistant Director of
16 the Agency.

1 (a-5) "By-product material" means: (1) any radioactive
2 material (except special nuclear material) yielded in or made
3 radioactive by exposure to radiation incident to the process of
4 producing or utilizing special nuclear material; and (2) the
5 tailings or wastes produced by the extraction or concentration
6 of uranium or thorium from any ore processed primarily for its
7 source material content, including discrete surface wastes
8 resulting from underground solution extraction processes but
9 not including underground ore bodies depleted by such solution
10 extraction processes.

11 (b) (Blank).

12 (c) (Blank).

13 (d) "General license" means a license, pursuant to
14 regulations promulgated by the Agency, effective without the
15 filing of an application to transfer, acquire, own, possess or
16 use quantities of, or devices or equipment utilizing,
17 radioactive material, including but not limited to by-product,
18 source or special nuclear materials.

19 (d-1) "Identical in substance" means the regulations
20 promulgated by the Agency would require the same actions with
21 respect to ionizing radiation, for the same group of affected
22 persons, as would federal laws, regulations, or orders if any
23 federal agency, including but not limited to the Nuclear
24 Regulatory Commission, Food and Drug Administration, or
25 Environmental Protection Agency, administered the subject
26 program in Illinois.

1 (d-3) "Mammography" means radiography of the breast
2 primarily for the purpose of enabling a physician to determine
3 the presence, size, location and extent of cancerous or
4 potentially cancerous tissue in the breast.

5 (d-7) "Operator" is an individual, group of individuals,
6 partnership, firm, corporation, association, or other entity
7 conducting the business or activities carried on within a
8 radiation installation.

9 (e) "Person" means any individual, corporation,
10 partnership, firm, association, trust, estate, public or
11 private institution, group, agency, political subdivision of
12 this State, any other State or political subdivision or agency
13 thereof, and any legal successor, representative, agent, or
14 agency of the foregoing, other than the United States Nuclear
15 Regulatory Commission, or any successor thereto, and other than
16 federal government agencies licensed by the United States
17 Nuclear Regulatory Commission, or any successor thereto.
18 "Person" also includes a federal entity (and its contractors)
19 if the federal entity agrees to be regulated by the State or as
20 otherwise allowed under federal law.

21 (f) "Radiation" or "ionizing radiation" means gamma rays
22 and x-rays, alpha and beta particles, high speed electrons,
23 neutrons, protons, and other nuclear particles or
24 electromagnetic radiations capable of producing ions directly
25 or indirectly in their passage through matter; but does not
26 include sound or radio waves or visible, infrared, or

1 ultraviolet light.

2 (f-5) "Radiation emergency" means the uncontrolled release
3 of radioactive material from a radiation installation which
4 poses a potential threat to the public health, welfare, and
5 safety.

6 (g) "Radiation installation" is any location or facility
7 where radiation machines are used or where radioactive material
8 is produced, transported, stored, disposed of, or used for any
9 purpose.

10 (h) "Radiation machine" is any device that produces
11 radiation when in use.

12 (i) "Radioactive material" means any solid, liquid, or
13 gaseous substance which emits radiation spontaneously.

14 (j) "Radiation source" or "source of ionizing radiation"
15 means a radiation machine or radioactive material as defined
16 herein.

17 (k) "Source material" means (1) uranium, thorium, or any
18 other material which the Agency declares by order to be source
19 material after the United States Nuclear Regulatory
20 Commission, or any successor thereto, has determined the
21 material to be such; or (2) ores containing one or more of the
22 foregoing materials, in such concentration as the Agency
23 declares by order to be source material after the United States
24 Nuclear Regulatory Commission, or any successor thereto, has
25 determined the material in such concentration to be source
26 material.

1 (1) "Special nuclear material" means (1) plutonium,
2 uranium 233, uranium enriched in the isotope 233 or in the
3 isotope 235, and any other material which the Agency declares
4 by order to be special nuclear material after the United States
5 Nuclear Regulatory Commission, or any successor thereto, has
6 determined the material to be such, but does not include source
7 material; or (2) any material artificially enriched by any of
8 the foregoing, but does not include source material.

9 (m) "Specific license" means a license, issued after
10 application, to use, manufacture, produce, transfer, receive,
11 acquire, own, or possess quantities of, or devices or equipment
12 utilizing radioactive materials.

13 (Source: P.A. 94-104, eff. 7-1-05.)

14 (420 ILCS 40/31) (from Ch. 111 1/2, par. 210-31)

15 (Section scheduled to be repealed on January 1, 2011)

16 Sec. 31. Rulemaking; exemptions.

17 (a) The provisions of the Illinois Administrative
18 Procedure Act are hereby expressly adopted and shall apply to
19 all administrative rules and procedures of the Agency under
20 this Act, except that in case of conflict between the Illinois
21 Administrative Procedure Act and this Act the provisions of
22 this Act shall control, and except that Section 5-35 of the
23 Illinois Administrative Procedure Act relating to procedures
24 for rule-making does not apply to the adoption of any rule
25 required by federal law in connection with which the Agency is

1 precluded by law from exercising any discretion.

2 (b) The Agency is exempt from rulemaking procedures in the
3 Illinois Administrative Procedure Act when regulations that
4 are identical in substance are necessary to implement, secure,
5 or maintain federal authorization for a program. After
6 consideration of comments from the appropriate federal agency,
7 the Agency may adopt the verbatim text of the laws,
8 regulations, or orders as necessary and appropriate for
9 authorization or maintenance of the program. For purposes of
10 this Section only, the term "order" is defined as a legal
11 directive by a federal agency regarding an issue, situation, or
12 a specific action. In adopting identical in substance
13 regulations, the only changes that may be made by the Agency to
14 the federal laws, regulations, or orders are those changes that
15 are necessary for compliance with the Illinois Administrative
16 Code and technical changes that in no way change the scope or
17 meaning of any portion of the regulations, except as follows:

18 (1) The Agency shall not adopt the equivalent of
19 federal laws, regulations, or orders that:

20 (a) are not applicable to persons or facilities in
21 Illinois;

22 (b) are appropriate only in federal
23 agency-administered programs; or

24 (c) govern actions to be taken by other federal
25 agencies or states.

26 (2) The Agency shall not adopt regulations prescribing

1 things that are outside the Agency's normal functions.

2 (3) If a federal agency regulation prescribes the
3 contents of a state regulation without setting forth the
4 regulation itself, which would be an integral part of any
5 regulation required to be adopted as an identical in
6 substance regulation as prescribed, the Agency shall adopt
7 a regulation as prescribed by the federal agency to the
8 extent possible and consistent with other relevant federal
9 agency regulations and existing State law.

10 (4) The Agency may incorporate federal agency laws,
11 regulations, or orders by reference if it is possible to do
12 so.

13 (5) The Agency may correct typographical and
14 grammatical errors.

15 (6) For regulations required by the Nuclear Regulatory
16 Commission, the Agency may substitute the word
17 "radioactive" for the word "by-product" when referring to
18 radioactive material.

19 (c) For exempt identical in substance rulemakings, the
20 Agency shall: (i) publish first notice of the rulemaking in the
21 Illinois Register in accordance with the Illinois
22 Administrative Procedure Act to provide public notice and
23 opportunity for public comment; (ii) specifically refer to the
24 appropriate federal laws, regulations, or orders; and (iii)
25 follow the format reasonably prescribed by the Secretary of
26 State by rule. The rulemakings adopted under this Section

1 become effective following the first notice period immediately
2 upon filing for adoption with the Secretary of State or at a
3 date required or authorized by the relevant federal laws,
4 regulations, or orders as stated in the notice of the
5 rulemaking, and shall be published in the Illinois Register.

6 (Source: P.A. 94-104, eff. 7-1-05.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".