

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER c: NUCLEAR FACILITY SAFETY

PART 501
COMPENSATION OF LOCAL GOVERNMENTS FOR EMERGENCY PLANNING AND
PARTICIPATION IN NUCLEAR EMERGENCY RESPONSE EXERCISES

Section

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AUTHORITY: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4].

SOURCE: Emergency rule adopted at 5 Ill. Reg. 14862, effective November 22, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 5877, effective April 23, 1983; codified at 8 Ill. Reg. 1599; amended at 9 Ill. Reg. 2283, effective January 30, 1985; amended at 14 Ill. Reg. 16923, effective October 2, 1990; emergency rule adopted at 20 Ill. Reg. 8341, effective June 4, 1996, for a maximum of 150 days; Part repealed, new Part adopted at 20 Ill. Reg. 14805, effective October 29, 1996; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 9110, effective June 11, 2009; amended at 40 Ill. Reg. 4901, effective March 2, 2016.

Section 501.10 Purpose and Scope

The purpose is to establish the policies and procedures necessary to compensate grantees for costs associated with implementation of Section 4 of the Illinois Nuclear Safety Preparedness Act (the Act) [420 ILCS 5]. The policies and procedures contained in this Part are intended to further the following objectives:

- a) to encourage grantees to prepare to deal with the effects of nuclear accidents;
- b) to reduce the encumbrance of public funds obligated by grantees in

implementation of the Act by establishment of a system of compensation, whereby grant monies are paid to the grantee in advance of actual expenditures, when possible; and

- c) to provide guidance to grantees and Agency staff in determining necessary activities and expenses payable pursuant to the Act.

(Source: Amended at 33 Ill. Reg. 9110, effective June 11, 2009)

Section 501.20 Definitions

"Agency" means the Illinois Emergency Management Agency.

"Authorized Expenses" means the actual expenditures of public funds by a grantee attributable to implementation of the Act as determined necessary by the Illinois Emergency Management Agency .

"Claim" means the forms used by grantee to document expenditures.

"Drill" means the test or trial of a particular emergency preparedness system, function or operation, such as communications.

"Employee" means an individual actually paid wages or allowances by a grantee for work performed on a full-time, part-time or intermittent basis.

"Exercise" means the testing of emergency response plans for nuclear facilities, including, but not limited to, the biennial testing and evaluation of off-site radiological emergency response plans and preparedness in support of nuclear generating stations, as required by the U.S. Nuclear Regulatory Commission, 10 CFR 50, appendix E, current as of January 1, 1996.

"Grantee" means a local governmental entity receiving a grant.

"Local Government" means a political subdivision below the State Government level, such as a county, municipality, township, village or district, with authority to expend public funds.

"Volunteer" means an individual paid an allowance, set forth by grantee resolution, for work performed on an intermittent basis.

(Source: Amended at 33 Ill. Reg. 9110, effective June 11, 2009)

Section 501.30 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Illinois Emergency Management Agency, 1035 Outer Park Drive, Springfield, Illinois.

(Source: Amended at 33 Ill. Reg. 9110, effective June 11, 2009)

Section 501.40 Policies and Procedures

- a) The Agency shall provide compensation to grantees from fees collected pursuant to Section 4 of the Act.
- b) The Agency shall provide grants to grantees for expenses relating to implementation of emergency preparedness activities conducted to deal with the possibility of nuclear accidents at nuclear power stations.
- c) All grants made under this Part providing for payment of funds in advance of anticipated expenditures shall be made in accordance with a grant agreement to be executed by both the Agency and the head of the local governmental entity to whom the grant is awarded.
- d) The Illinois Emergency Management Agency, Bureau of Nuclear Facility Safety, shall be responsible for implementation and shall be the point of contact for grantees relative to the provisions contained in this Part.

(Source: Amended at 40 Ill. Reg. 4901, effective March 2, 2016)

Section 501.50 Determination of Grant Awards

- a) The base amount of each grant, excluding special requirement and request amounts, shall be based on the grantee's recurring costs plus the grantee's expected participation in activities during the grant period (e.g., training and biennial exercises).
- b) Special requirement amounts shall be based on a grantee's preparation for or participation in an exercise or drill required outside of the biennial exercise cycle. Such requests shall be made to the Agency in writing and will be subject to approval based upon available funds. Amounts disbursed and approved by the Agency as special requirements will not be considered in calculating future base grant awards.

- c) Special request amounts shall be based on requirements identified by a grantee for specialty items to enhance the capability to implement nuclear emergency response plans. Examples of specialty items, include, but are not limited to, radios, computers, furniture or conference and training course fees. The requests shall be made to the Agency in writing and will be subject to approval based upon available funds. Amounts disbursed and approved by the Agency as special requests will not be considered in calculating future base grant awards.
- d) Special requirements and special requests approved by the Agency after the initial disbursement of the grant funds shall be incorporated into an amendment to the grant agreement, if necessary, before disbursement of the additional grant funds.

(Source: Amended at 33 Ill. Reg. 9110, effective June 11, 2009)

Section 501.60 Procedures for Awarding Future Grants

- a) Participating applicants shall submit to the Agency by March 15 of each year a grant application for the purpose of determining the amount of the grant award. The grant application shall be submitted on forms provided by the Agency. The application shall be signed by the head of the local government organization. Failure to meet the grant application submittal deadline may result in denial of the application if funds are no longer available due to allocation to other grants.
- b) Special request and special requirement applications may be submitted any time throughout the year.
- c) Local governmental applicants who have not participated in the local compensation program may be eligible to receive grant funds pursuant to Section 501.90 and subject to Agency approval based upon available funds. Applicants shall contact the Agency for the necessary application forms.

(Source: Amended at 33 Ill. Reg. 9110, effective June 11, 2009)

Section 501.70 Contents of Grant Agreement and Disbursement of Grant Funds

- a) The Agency shall execute a grant agreement with each grantee to whom a grant is awarded. The grant agreement shall specify the parties to the grant, the term of the grant, the amount of the grant, method of payment of the grant funds, permissible uses of the grant funds, that documentation of expenditures be maintained by the grantee, that unspent grant funds shall be returned to the State as required by the Illinois Grant Funds Recovery Act [30 ILCS 705], that the Agency may audit records required to be maintained to verify that grant monies

were used for permissible uses under the grant, and that the grant agreement shall cease if funds for the grant are not appropriated by the General Assembly, and any other standard provisions required by the Comptroller to be included in grant agreements entered into by the State.

- b) On July 1 of each year, or as soon thereafter as is practicable, the Agency shall disburse to the grantee the grant amount determined by the Agency for that fiscal year.

AGENCY NOTE: It is the Agency's intent that grant funds will be disbursed on July 1 of each year. However, such disbursement might be delayed for reasons beyond the Agency's control (e.g., failure of the General Assembly to make appropriations before July 1).

(Source: Amended at 33 Ill. Reg. 9110, effective June 11, 2009)

Section 501.80 Claims, Audit, Expenditure Record Requirements and Grant Fund Recovery Procedures

- a) Grantees shall submit signed claim forms and a copy of the related receipts that verify expenditures of grant funds to the Agency for review by mail or fax to the following address or fax number:

IEMA
Attention: REP Grants
1035 Outer Park Drive
Springfield, IL 62704
Fax: (217)524-5671

- 1) Claims are due as follows:
 - A) County grantee claim forms are due on a quarterly basis in accordance with the following schedule:

1st Quarter (July-September): due October 31
2nd Quarter (October-December): due January 31
3rd Quarter (January-March): due April 30
4th Quarter (April-June): due July 31
 - B) Claims from grantees from political subdivisions other than counties are due on a biannual basis in accordance with the following schedule:

1st and 2nd Quarter (July-December): due January 31
3rd and 4th Quarter (January-June): due July 31

- C) Grantees who receive a grant for a special request or special requirement only shall submit the claim based on the quarter when the expenditure was made.
- 2) After claims are received and reviewed by the Agency to ensure that expenditures are in accordance with approved spending plans, receipt of the claim and results of the review will be confirmed by return correspondence to the grantee.
 - 3) Failure to meet the claim submittal deadlines outlined in this Section may result in denial of the claim and may jeopardize future grant awards.
- b) Participating grantees shall maintain, in separate files, documentation of expenditures under the grant that is readily accessible during an Agency audit for a minimum of 5 years. The documentation shall be on forms provided by the Agency.
 - c) The Agency shall have the right to audit and obtain copies of the books, records, and any other recorded information of the grantee related to grantee expenses for which grantee received compensation under this Part.
 - d) If, through an Agency audit, the Agency finds that the grantee has misspent or improperly held any grant funds, the Agency shall have the right of recovery of the grant funds in accordance with the provisions and procedures of the Illinois Grant Funds Recovery Act.
 - e) The Agency shall inform the grantee on whether future disbursements of the grant award are subject to adjustment in accordance with the provisions and procedures of the Illinois Grant Funds Recovery Act.

(Source: Amended at 40 Ill. Reg. 4901, effective March 2, 2016)

Section 501.90 Determination of Permissible Uses of Grant Funds

- a) The following categories are used by the Agency staff as a guide in determining necessary activities and authorized expenses payable under this Part. These categories are designed to achieve equality among known prospective grantees while taking into account the limitations imposed by the availability of appropriated funds.

- b) Necessary Activities:
 - 1) Plan development and maintenance.
 - 2) Preparation for and participation in training.
 - 3) Preparation for and participation in exercises and drills.
 - 4) Maintenance of a specific capability to implement nuclear emergency response plans.

- c) Authorized Expenses:
 - 1) Personnel Services
 - A) Wages, plus fringe benefits, actually paid to employees of the grantee for participation in necessary activities as described in subsection (b) of this Section.
 - B) Compensation shall be based on hourly rates for the number of hours of actual participation in necessary activities as described in subsection (b) of this Section. For personnel not normally paid at an hourly rate, an hourly rate shall be determined by dividing the periodic salary or contract amount by the number of hours required to be worked (or if there is no such requirement, the hours typically worked) within the period.
 - C) Compensation for volunteers of the grantee shall be a set hourly rate documented by local government resolution. The rate per hour shall not exceed the usual and customary amount paid to volunteers assisting the grantee in local government emergency preparedness functions.
 - 2) Travel
 - A) Travel allowances actually paid to grantee employees or volunteers for travel performed in connection with their participation in necessary activities as described in subsection (b) of this Section.
 - B) Compensation for transportation, lodging, and per diem or meal expenses shall not exceed the rate in the State of Illinois Travel Regulations, 80 Ill. Adm. Code 3000, in effect at the time the expenditure was incurred, unless a grantee ordinance, rule or

regulation applicable to all employees of the grantee specifies a higher rate.

- 3) Equipment Use
 - A) Costs actually paid, incurred or obligated for grantee owned or leased equipment used during or in connection with a necessary activity as specified in subsection (b) of this Section.
 - B) Compensation for equipment use shall not exceed the current State of Illinois rate. Current rates can be found in the FEMA Schedule of Equipment Rates. Expenses for use of motorized equipment shall be fully documented. Documentation shall include the date of use, type of equipment, entity that used the equipment, miles or hours that the equipment was in use, and cost per mile for equipment use.
- 4) Telecommunications
 - A) Emergency Operations Center (EOC) telecommunications costs include installation, service and maintenance charges for those telecommunication lines, circuits and equipment used to maintain the capability to implement nuclear emergency response plans.
 - B) Monthly usage charges for EOC to include telecommunication lines and the circuit usage charges relating exclusively to maintaining the capability to implement nuclear emergency response plans.
- 5) Miscellaneous expenses include maintenance agreements, office supplies, postage or similar expenses related to maintaining the capability to implement nuclear emergency response plans.

(Source: Amended at 33 Ill. Reg. 9110, effective June 11, 2009)

Section 501.APPENDIX A Wording of the Block Grant Agreement (Repealed)

(Source: Repealed at 33 Ill. Reg. 9110, effective June 11, 2009)