STATE OF ILLINOIS
DEPARTMENT OF NUCLEAR SAFETY
1035 OUTER PARK DRIVE • SPRINGFIELD, ILLINOIS 62704
217-785-9900 • 217-782-6133 (TDD)

George H. Ryan
Governor

Thomas W. Ortciger
Director

November 21, 2002

Ms Josie Piccone
Deputy Director, Office of State Programs
U.S. Nuclear Regulatory Commission
Mail Stop 3D23
Washington, DC 20555-0001

Dear Ms. Piccone:

In accordance with OSP Procedure SA-201, the Illinois Department of Nuclear Safety (Department) is hereby transmitting proposed changes to its regulations for NRC review and comment. Enclosed with this letter please find a proposed new section to 32 Ill. Adm. Code 340, (Standards for Protection Against Radiation).

The proposed new section requires licensees to notify the Department in the event a licensee receives a credible threat. This new section was filed as an emergency rule, which became effective the day it was filed, November 18, 2002. This emergency rule is effective for 150 days. A duplicate of the emergency rule was filed for adoption before the emergency rule expires. The comment period is open until January 10, 2003.

There no changes to this Part of the regulations that relate to any of NRC's regulations. This change does not correspond to any RATS ID, and therefore no formal response is necessary. As you review the enclosed language, if you have any questions, please feel free to contact me at 217-785-9931 or via e-mail at k_allen@idns.state.il.us.

Sincerely,

Kathy Allen

Kathy Allen
Senior Projects Manager

Cc: Jim Lynch, Region III
Enclosure

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Illinois Department of Nuclear Safety – Emergency and Proposed Rule
32 Illinois Administrative Code, Part 340, Standards for Protection Against Radiation

Section 340.1205 Notification of Credible Threats

Upon notification to or by any law enforcement agency that radioactive material licensed by the Department is the subject of a credible threat, the licensee shall:

a) follow the instructions from the law enforcement agency; and

b) notify the Department within 1 hour by calling the Department's 24-hour emergency number at (217) 785-0600. This notification is required unless otherwise instructed by the law enforcement agency.

AGENCY NOTE: "Credible threat" means any threat to radioactive material that a licensee believes warrants notice to law enforcement or any threat that law enforcement believes warrants notice to a licensee.

EMERGENCY RULE – Effective November 18, 2002 for a period of 150 days
The Proposed rule (that replaces the emergency rule) is to be published December 2, 2002 with a 45 day comment period. Interested parties should submit comments by January 10, 2003.

Contact person:

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