



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

December 31, 2002

Mr. Thomas W. Ortziger, Director  
Illinois Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704

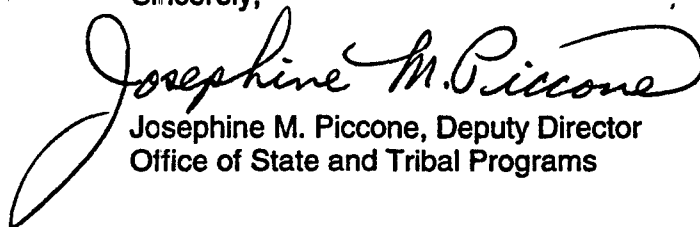
Dear Mr. Ortziger:

Thank you for your submission of the amendment to the State of Illinois regulations, 32 Ill. Adm. Code 340, "Standards for Protection Against Radiation." This addition incorporates a new section, 340:1205 "Notification of Credible Threats" to the State rules and is not in response to any Nuclear Regulatory Commission (NRC) amendments. The amendment does not correspond to any NRC regulations.

We agree that this addition to the Illinois Administrative Code does not have any compatibility or health safety implications as specified in the Office of State and Tribal Programs Procedure SA-200.

If you have any questions regarding this correspondence, please contact me or John Zabko of my staff at (301) 415-2308 or [JGZ@NRC.GOV](mailto:JGZ@NRC.GOV).

Sincerely,

  
Josephine M. Piccone, Deputy Director  
Office of State and Tribal Programs

Mr. Thomas W. Ortziger, Director  
Illinois Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704

Dear Mr. Ortziger:

Thank you for your submission of the amendment to the State of Illinois regulations, 32 Ill. Adm. Code 340, "Standards for Protection Against Radiation." This addition incorporates a new section, 340:1205 "Notification of Credible Threats" to the State rules and is not in response to any Nuclear Regulatory Commission (NRC) amendments. The amendment does not correspond to any NRC regulations.

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Sincerely,

Josephine M. Piccone, Deputy Director  
Office of State and Tribal Programs

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**Response to Incoming: ML023360070**

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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. Ortziger  
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 are 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](mailto:k_allen@idns.state.il.us).

Sincerely,



Kathy Allen  
Senior Projects Manager

Cc: Jim Lynch, Region III  
Enclosure

02 NOV 29 PM 3:51

STP

STP-006 Template  
RIDS DIST. SPD7



ML023360070

**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:

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