

September 12, 2006

MEMORANDUM TO: Management Review Board Members:

Martin J. Virgilio, EDO
Janet R. Schlueter, STP
Karen D. Cyr, OGC
Jack R. Strosnider, NMSS

FROM: Jennifer C. Tobin, Health Physicist */RA A. McCraw for/*
Office of State and Tribal Programs

SUBJECT: MINUTES: AUGUST 15, 2006 ILLINOIS FOLLOW-UP IMPEP
REVIEW MRB MEETING

Enclosed are the minutes of the Management Review Board meeting held on
August 15, 2006. If you have comments or questions, please contact me at 301-415-2328.

Enclosure:
As stated

cc: Edgar Bailey, Texas
Organization of Agreement States
Liaison to the MRB

Gary Wright, Assistant Director
Illinois Emergency Management Agency

Management Review Board Members

Distribution: DCD (SP01)

DIR RF

JLynch, RIII

KSchneider, STP

RBlanton, STP/ASPO

AMauer, EDO

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*See previous concurrence

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF AUGUST 15, 2006

These minutes are presented in the same general order as the items were discussed in the meeting. The attendees were as follows:

Martin J. Virgilio, MRB Chair, DEDMRS
Karen D. Cyr, MRB Member, OGC
Dennis Rathbun, STP
Aaron McCraw, STP
Andrew Mauer, OEDO/STP

Janet R. Schlueter, MRB Member, STP
Jack Strosnider, MRB Member, NMSS
Kathleen Schneider, Team Leader, STP
Jennifer Tobin, STP
Richard Struckmeyer, NMSS

By teleconference:

Edgar Bailey, OAS Liaison, TX
Paul Eastvold, IL
Gibb Vinson, IL
Sandra Kessinger, IL
Ted Henry, IL

Gary Wright, IL
Joe Klinger, IL
Mary Burkhart, IL
Daren Perrero, IL

By videoconference:

James Lynch, Team Member, RIII
Gary Shear, RIII

1. **Convention.** Mr. Aaron McCraw convened the meeting at 3:02 pm. He noted that this MRB meeting was open to the public, however, no members of the public attended this meeting. Mr. McCraw then transferred the lead to Mr. Martin Virgilio, Chair of the Management Review Board (MRB). Introductions of the attendees were conducted.
2. **Illinois Follow-up IMPEP Review.** Ms. Kathleen Schneider, team leader, provided an overview of the follow-up IMPEP review findings in the proposed final follow-up report. A follow-up review of the Illinois Program was conducted June 6-7, 2006. The MRB placed the State on heightened oversight based on the findings of the April 4-8, 2005, IMPEP review. In response to this action, the State was required to prepare and implement a Program Improvement Plan (the Plan). The State noted that the creation and use of this plan aided staff in setting and completing rule promulgation goals. Ms. Schneider noted that the Illinois program was exemplary. Since the State successfully implemented their Plan, the review team recommended and the MRB agreed that the heightened oversight process shall be discontinued.

Non-Common Performance indicators. Ms. Schneider presented the findings for the common performance indicator Compatibility Requirements. Her presentation corresponded to Section 2.1 of the proposed final follow-up IMPEP report. The 2006 review team recommended that Illinois' performance with respect to this indicator continue to be found "satisfactory." Additionally, the review team recommended that portion of the report for future regulation adoptions should have the amendment, "Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments," deleted from the final follow-up report. Since the time of the review, the State has submitted regulations for that amendment and NRC has determined that submission to be compatible with 10 CFR 71. The MRB agreed to the review team's recommendation to make the change to the report. The MRB recognized

the staff effort required to work through the regulatory backlog and commended the program on the adoption of the transportation amendment before the due date. At the time of the 2005 IMPEP review, there were 10 amendments overdue. The State noted that seven of those 10 were under legal review at that time. The MRB expressed concern for the State's compatibility by putting the program on heightened oversight. Since the 2005 review, the Plan helped to make regulations a priority and experienced a philosophical shift regarding timely rule amendments. Before the follow-up visit, the Bureau completed all work on the previously identified regulations. The 2006 review team found that the program had adopted, and sent in for NRC's review, all of the regulations that were overdue for Agreement State adoption.

3. **Discussion on the Periodic Meeting with the State.** Ms. Schneider led the discussion of the results of the periodic meeting with the State of Illinois. The meeting was held as part of the follow-up IMPEP review. The review team found that a strength of the program continues to be a well-trained, experienced staff. The Illinois staff was able to complete inspections as least as frequently as those of the NRC and there were no overdue inspections at the time of the review. The review team also found that Increased Controls (IC) inspections began in May and that the IC process was well coordinated with STP and Region III. The program also had no significant licensing backlog at the time of the review. A review of the Nuclear Material Events Database identified timely and quality input of reportable incidents into the system. Additionally, the review team also found that the one allegation received by the program since the last IMPEP review was investigated and that staff took prompt, appropriate action.

In summary, Ms. Schneider concluded that based on the IMPEP criteria, the review team was recommending that Illinois' performance met the criteria for a "satisfactory" indicator rating for Compatibility Requirements. Accordingly, the review team recommended that the Illinois Agreement State Program continue to be found adequate and now compatible with NRC's program. The review team recommended that the period of heightened oversight be discontinued. The review team also recommended that the next full IMPEP review take place on schedule in Fiscal Year 2009. The MRB agreed with the team's findings and recommendations.

4. **Comments.** Mr. Virgilio provided an opportunity for comments from the State, IMPEP review team members and other MRB meeting participants. Mr. Wright noted the variation of justifications for other States being placed on heightened oversight. He also thanked the review team for their work and the MRB for their cooperation and expressed his commitment in maintaining the State's strong performance record. Mr. Bailey indicated that other States have always looked to Illinois as a leader and thus is pleased that the program is coming off heightened oversight. Mr. Virgilio commended the high-quality, comprehensive summary of Illinois/NRC interactions included in the appendices of the report and thanked the team and the State for a well done job. He also complimented the State on their efforts in adopting compatibility requirements and continued strong performance.
5. **Adjournment.** The meeting was adjourned at approximately 3:16 p.m.