

April 24, 2008

MEMORANDUM TO: Martin J. Virgilio  
Deputy Executive Director for Materials, Waste,  
Research, State, Tribal, and Compliance Programs  
Office of the Executive Director for Operations

George Pangburn, Deputy Director  
Office of Federal and State Materials  
and Environmental Management Programs

Karen D. Cyr  
General Counsel

Leonard J. Wert, Jr., Director  
Division of Nuclear Materials Safety  
Region IV

FROM: Aaron T. McCraw, IMPEP Project Manager */RA/*  
State Agreements and Industrial Safety Branch  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials  
and Environmental Management Programs

SUBJECT: MINUTES: MARCH 24, 2008, SPECIAL MANAGEMENT  
REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on March 24, 2008, to discuss periodic meetings held with the Illinois and the New York Agreement State Programs. If you have comments or questions, please contact me at (301) 415-1277.

Enclosure: Minutes of the Management  
Review Board Meeting

cc: George Johns, Minnesota  
Organization of Agreement States  
Liaison to the MRB

Joseph Klinger, Illinois  
Steven Gavitt, New York  
Barbara Youngberg, New York  
Gene Miskin, New York

Distribution: DCD (SP01)

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<b>DATE</b>	4/24/08		

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF MARCH 24, 2008

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

Martin Virgilio, MRB Chair, DEDMRT  
Karen Cyr, MRB Member, OGC  
Robert Lewis, FSME  
Stephen Campbell, OEDO  
Tison Campbell, OGC

George Pangburn, MRB Member, FSME  
Kim Lukes, FSME  
Aaron McCraw, FSME  
Monica Orendi, FSME

By Teleconference:

Leonard Wert, MRB Member, Region IV  
James Lynch, Region III  
Darren Perrero, IL  
Ted Henry, IL  
Steven Gavitt, NY  
Barbara Youngberg, NY  
Gene Miskin, NY

George Johns, OAS Liaison, MN  
James Kottan, Region I  
Gibb Vinson, IL  
Paul Eastvold, IL  
Robert Dansereau, NY  
Sandra Hinkel, NY  
Tobias Lickerman, NY

1. **Convention.** Ms. Kim Lukes convened the meeting at 3:02 p.m. She noted that this MRB meeting was open to the public; however, no members of the public participated in this meeting. She then transferred the lead to Mr. Martin Virgilio, Chair of the MRB. Introductions of the attendees were conducted.
2. **Periodic Meetings Discussions.**

**Periodic Meeting with Illinois.** Mr. James Lynch led the discussion of the results of the periodic meeting with the Illinois Emergency Management Agency (ADAMS Accession Number: ML080390072). The meeting was held in Springfield, Illinois, on January 15, 2008. Mr. Lynch provided some background on the recent review history of the Illinois Agreement State Program. He noted that this was the first meeting with Illinois since their period of Heightened Oversight was discontinued. Mr. Lynch stated that the program's staffing is stable. He encouraged that State to send additional staff to the irradiator training to provide depth in the program. He noted that there was no inspection backlog and that all Increased Controls inspections were up to date. He mentioned that licensing, response to incidents and allegations, regulations, and the sealed source and device program were adequate. Mr. George Pangburn inquired about the State's use of pre-licensing visits. Mr. Gibb Vinson replied that the State performs pre-licensing visits for all applicants that meet the criteria for the Increased Controls and some applicants with unresolved deficiencies. Ms. Karen Cyr congratulated the State on their ability to keep up with the recent additional requirements. Mr. Virgilio informed the State of additional security requirements currently in development and asked the State about their strategies for dealing with the increased workload. Mr. Paul Eastvold responded by stating that the program is seeking permission to fill two existing vacancies. The State was under a hiring freeze and must seek approval to fill vacancies. Mr. Eastvold commented that the State appreciates the NRC's assistance and enjoys the good working relationship between the State and the NRC. The MRB concluded that the next

Integrated Materials Performance Evaluation Program (IMPEP) review of the Illinois Agreement State Program should take place, as currently scheduled, in Fiscal Year 2009.

**Periodic Meetings with New York.** Mr. James Kottan led the discussion of the results of the periodic meeting with the New York Department of Environmental Conservation (NYDEC) (ADAMS Accession Number: ML080360083). The meeting was held in Albany, New York, on November 27, 2007. Mr. Kottan discussed the overall status of NYDEC. He noted that the open recommendation from the 2006 IMPEP review regarding timeliness of inspection findings should be closed at the next IMPEP review. He mentioned that NYDEC should have all overdue regulations required for compatibility implemented by the end of 2009. Mr. Kottan stated that all other aspects of NYDEC were adequate. Mr. Kottan also led the discussion of the results of the periodic meeting with the New York State Department of Health (NYDOH) (ADAMS Accession Number: ML080430196). The meeting was held in Troy, New York, on November 28, 2007. Mr. Kottan discussed the overall status of NYDOH. He noted that NYDOH should have all overdue regulations required for compatibility implemented by 2009. Mr. Kottan stated that all other aspects of NYDOH were adequate. Mr. Kottan also led the discussion of the results of the periodic meeting with the New York City Department of Health and Mental Hygiene (NYC) (ADAMS Accession Number: ML080360054). The meeting was held in New York, New York, on November 29, 2007. Mr. Kottan discussed the overall status of NYC. He noted that NYC should have all overdue regulations required for compatibility implemented by 2009. Mr. Kottan stated that all other aspects of NYC were adequate. Overall, Mr. Kottan recommended that the New York Agreement State Program remain on Heightened Oversight; however, he recommended quarterly calls instead of the bimonthly calls. The MRB agreed with the proposal of quarterly calls. Mr. Kottan also recommended that another periodic meeting be held halfway between these periodic meetings and the next IMPEP review. Mr. Virgilio noted that one of the periodic meeting summaries indicated there were user-friendliness issues with the NRC's public web site. He encouraged the State to convey all comments to staff for appropriate resolution. The MRB concluded that the next IMPEP review of the New York Agreement State Program should take place in Fiscal Year 2011, as currently scheduled, with periodic meetings in May 2009.

**Comments.** Ms. Lukes reiterated the MRB's decisions to maintain the next IMPEP reviews for Illinois and New York as currently scheduled. She also reiterated the MRB's decision to keep the New York Agreement State Program on Heightened Oversight with quarterly calls to monitor the State's progress in adopting compatible regulations.

3. **Precedents/Lessons Learned.** The MRB established no new precedents to be applied to the IMPEP process during this meeting.
4. **Good Practices.** No good practices were identified during this review.
5. **Adjournment.** The meeting was adjourned at approximately 3:30 p.m.