

November 26, 1999

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

Dear Mr. Ortciger:

A periodic meeting with Illinois was held on November 17, 1999. The purpose of this meeting was to review and discuss the status of Illinois' Agreement State program. The NRC was represented by me. Specific topics and issues of importance discussed at the meeting included IDNS staff training, regulation compatibility, and comments from the 1997 Integrated Materials Performance Evaluation Program (IMPEP) review.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (630) 829-9661, or e-mail to JLL2@NRC.GOV to discuss your concerns.

Sincerely,

/s/ J. L. Lynch

James L. Lynch
State Agreements Officer

Enclosure: As stated

cc w/encl.: P. Eastvold, IDNS
J. Klinger, IDNS
P. Lohaus, OSP
D. Sollenberger, OSP

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR ILLINOIS

DATE OF MEETING: November 17, 1999

ATTENDEES:

NRC

James Lynch

STATE

Thomas Ortziger
Gordon Appel
Paul Eastvold
Steven Collins
Kathy Allen
Joseph Klinger
C. Gibb Vinson
Bruce Sanza
Gary McCandless

DISCUSSION:

The proposed status for each of the recommendations and suggestions in Section 5.0 of the 1997 Illinois final IMPEP report is summarized below (comment number corresponding to those in the final IMPEP report).

The recommendations and suggestions made in the final report are listed below followed by a summary of the State's actions in response to the findings.

1. **Suggestion:** The team suggests that the State examine their procedures for preparing inspection reports and correspondence, and make modifications needed to assure timely issuance of inspection findings.

Current Status: During the last periodic meeting, this comment was recommended for closure at the next IMPEP review.

2. **Suggestion:** Now that the inspection backlog has been overcome, the team suggests that the State should reconsider the IMC 1220 guidance for conducting reciprocity inspections, and increase the reciprocity inspections to meet the guidance.

Current Status: During the last periodic meeting, this comment was recommended for closure at the next IMPEP review.

3. **Suggestion:** The review team suggests that license reviewers check SS&D registry sheets prior to authorizing license modifications which result in a change in the handling of an SS&D.

Current Status: During the last periodic meeting, this comment was recommended for closure at the next IMPEP review.

4. **Suggestion:** The review team suggests that the State evaluate whether the practice of deferring inspections due to licensee scheduling conflicts is being abused.

Current Status: During the last periodic meeting, this comment was recommended for closure at the next IMPEP review.

5. **Suggestion:** The review team suggests that the procedures for notifying NRC of incidents be revised to reflect the current guidance to Agreement States to notify the NRC Headquarters Operations Center of events requiring immediate or 24-hour reporting by the licensee.

Current Status: In 1999, IDNS began reporting significant incidents to the NRC Headquarters Operations Center. Other incidents are reported to the Regional State Agreements Officer. It is recommended that this comment be closed at the next IMPEP review.

6. **Suggestion:** The review team suggests that the State reconsider the benefits of participating in the NMED system.

Current Status: IDNS consistently provides electronic incident information to NRC contractors for inclusion into the NMED database. Full implementation of the NMED database by IDNS is expected upon NRC's release of a compatible version of Microsoft Access, due in early 2000. It is recommended that this comment be closed at the next IMPEP review.

7. **Recommendation:** The review team recommends that IDNS expedite promulgation of Part 330 at the first opportunity.

Current Status: The promulgation of Part 330 (10 CFR 30 equivalent) and the new Part 326 (financial surety) has been delayed due to significant public interest and the Department's efforts at outreach (public meetings) on the changes. No impediments to rule adoption are foreseen. Expected adoption of the rules should occur by Summer 2000. It is recommended that this comment remain open.

8. **Suggestion:** The review team suggests that the State evaluate the review information supporting the registry sheets issued during this period to ensure there is no weakness in the review process.

Current Status: During the last periodic meeting, this comment was recommended for closure at the next IMPEP review.

9. **Suggestion:** The review team suggests that the documentation issues identified in Appendix G be addressed as appropriate.

Current Status: During the last periodic meeting, this comment was recommended for closure at the next IMPEP review.

10. **Suggestion:** The review team suggests in future evaluations that the State ensure all major issues are documented by either correspondence from the manufacturer or a note to the file by the reviewer.

Current Status: During the last periodic meeting, this comment was recommended for closure at the next IMPEP review.

Radiation Control Program Staffing

A constant, experienced staff remains a strength of this radiation control program.

Training

The radiation control program staff is experienced and well trained. It was noted that, although staff has significant experience in licensing and inspecting pool irradiators, none had attended the Irradiator Technology (H-315) training course. IDNS management indicated that they had considered the possibility of importing the irradiator course to Illinois, but had not pursued this approach. They will likely send representative staff to the course.

Regulations

As noted above, in the discussion of issues from the previous review, the promulgation of Part 330 (10 CFR 30 equivalent) and the new Part 326 (financial surety) have been delayed due to significant public interest and the Department's efforts at outreach (public meetings) on the changes. Two additional public meetings are scheduled in December 1999. The proposed rules are scheduled to be issued for comment in early 2000 and adopted by Summer 2000.

Irradiator regulations in Part 336 (comparable to 10 CFR 36) are delayed, probably until late 2000. All irradiator licenses issued implement the rule through license conditions.

Earlier NRC comments addressed the lack of a definition, "Generally applicable environmental radiation standards" in Part 310. IDNS indicated that they would address this issue in upcoming rulemakings.

It was noted to IDNS that Management Directive 5.9, Handbook, Part V, paragraph (1)(c)(iii), provides that certain regulations should be adopted by the Illinois as expeditiously as possible, but not later than three years after the effective date of the new Commission Policy Statement on Adequacy and Compatibility, i.e., September 3, 2000.

Statute changes have occurred since the last periodic meeting. The Radiation Installation Act (mostly radiation machine issues) has been repealed, with applicable sections of that Act incorporated into the Radiation Protection Act. The Radiation Protection Act was also amended to allow State regulation of Federal entities, if that Federal entity agrees to be regulated by the State.

Allegations

One allegation was transferred to Illinois from the NRC since the last periodic meeting. In 1998, NRC received a telephone call from an anonymous individual expressing concern over the credentials and practices of an IDNS-licensed consultant. The allegation was forwarded to Illinois. IDNS investigated the allegation and took prompt, appropriate actions.

Kerr-McGee - West Chicago

The decommissioning project at the Kerr-McGee factory site and surrounding areas continues on schedule. In 1999, approximately 2,200 rail cars carrying roughly 220,000 tons of contaminated earth were shipped to Envirocare of Utah. The project is expected to take approximately three more years and involve the removal of an additional 440,000 tons of contaminated material. Offsite projects at residences (90% remediated) and Reed Kepler Park (6 of 7 areas completed) continue under Superfund authority.

CONCLUSIONS:

The Illinois Radiation Control Program appears to be a strong, stable Agreement State program. Staff has remained consistent for several years and the training level for staff members is good. IDNS was encouraged to support the IMPEP program by volunteering staff to serve on program review teams. Involvement in outside reviews will strengthen staff skills and perspectives.

IDNS has pursued several excellent initiatives outside the routine materials program including a General Licensed device registration program, resolution of contamination issues involving formerly-licensed NRC sites, and significant involvement in Organization of Agreement States and Conference of Radiation Control Program Directors (CRCPD) efforts.

During the 1997 MRB meeting, It was recommended that the next IMPEP review be scheduled in four years. Those present at this meeting agreed to schedule the review as planned, in FY 2001.